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OF THE

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VOLUME XLI, PART III.

CONGRESSIONAL RECORD,

FIFTY-NINTH CONGRESS, SECOND SESSION.

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lieve against the hardship I have been discussing. This is it, in a circular issued five days ago:

To prevent the fraud now practiced in the acquisition of public lands of the United States, I have to direct that hereafter no final certificate, patent, or other evidence of title shall be issued under the public-land laws until an actual examination has been made on the ground by an authorized officer of the Government; but the following shall be excepted from the force of this order:

(1) All claims which have heretofore been examined on the ground by an authorized officer of the Government whose report is found satisfactory.

That provision does not mean anything. That class of cases was not covered by it. It was not necessary to recite it as an exception; it was excepted.

Second—and this is the one to which I direct attention:

(2) All claims where heretofore an officer of the Government other than officers authorized to take final proof shall have been present at the taking of final proof to cross-examine claimant and witnesses, if such proof is found satisfactory.

See the effect of that. The effect of that is to declare that the act of the register and receiver of the United States land offices in taking proof is to count for nothing whatever unless some special agent of the Government has been present other than those men whom we designated as the officers upon whose judgment the patent should issue. The men whom Congress designated as the medium through which the Government's bounty should pass are set aside, and this order provides that their action shall count for nothing unless it was performed in the presence of another officer appointed by the Interior Department by a rule and regulation.

Further than that, this is one that was supposed to exempt

mining claims from the effect of the order.

(3) All claims where claimant's compliance with law has been established by contest or other regular adverse proceedings.

When an application for a patent for a mining claim is made and any other person desires to claim it or contest it a suit is commenced in the courts and it is determined by a final judg-They concede by this modification of the ment and decree. order that they would be bound by that decree. They probably would be bound by it, whether they said so by this order or not. The party's rights probably would be established by the decree of the court whether this executive branch of the Government thought so or not, and the party would probably be protected in those rights whether the executive branch of the Government approved it or not. So that provision was unnecessary.

(5) Selections and entries in which no residence

Now, this is the one that it was said, no residence being required upon a mining claim, this cured that; but they unfortunately added these words-

or improvements

The act of Congress provides that upon every mining claim there shall be expended in labor and in improvements during each year not less than the value of \$100. The word "value" is used. They must expend not less than \$100 in labor and improvements upon the claim during each year. That does not improvements upon the claim during each year. That does not exempt mining claims, because the title to mining claims depends upon the continuous expenditure for improvements until they are patented or entered for patent. So you see that mining claims are not relieved of the burden of the message of December 17, nor of the burden of the first clause of the message of January 25.

EVIL OF OUR METHOD OF LEGISLATION.

What I said yesterday applies as well to mining claims as to the homesteads. I suggested the evil of our method of legislation in which not at the end but before we reach the end of an enactment we say "subject to such rules and regulations as may be made" by this or that Department. We are authorized, we are empowered, and we are capable of making every necessary provision not only for the enactment of a law fixing rights, but for the enforcement of the law. More evil, more injustice, more fraud, have grown out of the provision which we attach to our half-expressed laws "subject to the rules and regulations of the Department" than have ever grown out of any law enacted by Congress.

We enacted a little section of a statute of about twelve lines with reference to rights of way across the public domain, the act of March 1, 1905, and we added to it "under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which such reserves are respectively situated." Only a little more

than a year has elapsed.

The rules and regulations for the enforcement of that statute all the merit of which they squeezed out of it that there was in it, which have made the rights that were intended to be con-ferred under it so insignificant and difficult to take advantage of that it is absolutely useless, cover the balance of this pamphlet. [Exhibiting.]

We passed a statute with reference to the right of way for canals, ditches, and reservoirs, which can be written upon one page of a pamphlet, and the rules and regulations made under that liberal provision, which take the place of what Congress should have done itself, cover 38 pages of a pamphlet of rules and regulations. So while we profess to be legislating upon these important questions, the fact is we are delegating our power to legislate to a branch of the Government that has no power to legislate.

Not only have we delegated the power to legislate to that Department of the Government, through this phrase that we use so readily and which should never be used, for which there is no real occasion, but we have delegated, or at least we have acquiesced in the assumption of the judicial power of the Gov-

ernment by this Department.

In ten years they have sat in final judgment in the Interior Department upon 3,032 contests involving the title to public lands of the United States. They are decided by the clerks of the Department. The decisions are written up by the clerks of They are submitted to the heads of the Dethe Department. partments, and I undertake to say that in practically all instances, except perhaps where attention of the head of the Department is called in a special case to some obvious error, those opinions written up by the clerks are adopted and filed as the final determination of the rights of property, and they are final, because there is no appeal from the decision of the Secretary of the Interior to any judicial tribunal under existing law.

Mr. FLINT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I should like to ask the Senator from Idaho if he knows the amount involved in litigation pending before the Interior Department?

Mr. HEYBURN. I know the amount involved in many cases. I know the amount involved in one case which occurs to my mind that is conservatively stated to be not less than \$5,000,000. I know of another case the decision of which is reviewed in a newspaper clipping which I took from the paper this morning, in which they reverse the local land office, that involves, according to a conservative estimate, not less than \$18,000,000. I do not know who wrote the decision in that case. I have a very strong suspicion as to who wrote it. I think I know; and I know that this Senate would besitate a long while before it would confirm that gentleman if his nomination were sent to this body for confirmation as a judge of any class. This message complains in the following language:

I am gravely concerned at the extremely unsatisfactory condition of the public land laws.

I said yesterday that I was more gravely concerned at the unsatisfactory condition of the execution of the laws; and if I have failed to point out the grounds upon which that concern rests, then I have spoken to little purpose.

The law complained of is the one that gave to the homesteaders of Indiana, Illinois, Iowa, Missouri, Kansas, Nebraska, the Dakotas, Montana, Colorado, Utah, Wyoming, Idaho, Washington, and California the land titles upon which their great wealth rests, which gave the settlement, the homes, that constitute the civilization of that great section of the country; and it remains for this day and this hour to demonstrate that those laws are evil in their effect and dangerous in this execution, and to bring to us a recommendation in the annual report of the Secretary of the Interior recommending that these land laws be repealed or modified. If five generations of American statesmen and executive officers have found it possible to guard the public interests under these laws, if five generations have found it possible to so execute them as to preserve the rights of the individual and the integrity of the Government, does it not raise an inquiry in the mind as to whether this statement that the laws are so defective as to result in fraud against the Government and the destruction of the rights of the people is justified? Does it not put us upon inquiry as to whether we have been perhaps slowly drifting away from the true spirit that should govern the enforcement of the law and make it adequate to the necessities of the Government and of its citizens?

Mr. President, it is impossible to discuss a question of this kind effectively unless we forget or waive for the moment any consideration of the effect of the procedure upon the minds of those whose acts we are discussing. That is as mild as I can put I have not the slightest doubt that the President of the United States is perfectly honest and sincere, and intends to do no man a wrong in making the Executive order set forth in this message. I am equally certain that the sources of information from which he draws his conclusion are subject to the severest

criticism and open to the censure of the controlling body in this

Government, which is the legislative body.

As was said this morning, the very first prime principle laid down by those who made the Constitution was that the Government should be composed of three coordinate branches, and that the legislative branch represents the people. It is through that branch that the people speak their wish as to the law, its form and character, that they would live under and be governed by.

The executive branch is the hand of Congress that applies

the law, that executes it, that executes the will of the people, not according to his will, but as expressed through Congress. Congress is the will of the people, and it rests nowhere else. think, perhaps, some mistaken sentiment arises from the fact that the people are apt to give credit to that function which comes closest to them in granting the things they like, even though the provision for the grant, the spirit from which it arose, the real controlling factor, may be in the background.

Mr. President, I would not abate one line or tittle of the President's power or prerogative. There is no man in this body who has a higher regard for that office than I, who has given it more serious and respectful consideration than I; and as it is true of the office in my case, it is true of the man who occupies it.

I do not believe that he ever issued an order that was not as it should be, voluntarily or knowingly. As he would be sub-ject in his final executive act, which consists of placing his name upon the muniment of title which passes the public landand he would be dependent upon the report of the special agent sent into the mountains to determine the fact-so would be be misguided should that agent err. The President would not be to blame were he to refuse to act or were he to act upon the information of this special agent whom he had sent to inquire.

I trust and I believe that Congress will not put it within the power of the President or of any branch of the Government, except Congress itself, to send an agent out to determine the rights of individuals in contravention of the rules that we have established or that we may establish; and when we say that certain things shall constitute proof sufficient upon which to base a grant from the Government, let it stand that way, and give no executive officer of the Government the right to question that proof. If parties violate the law or impose upon it, we have provided, and shall continue to provide, penal statutes that will hold them liable and punish them. That is sufficient. It is sufficient as to other property, and why is it not sufficient as to the public lands of the United States?

What we want is not to keep these public lands. The spirit of this message is that we want to hold on to them and keep them. It is the policy and it is to the interest of the Government to get rid of those public lands as fast as possible, because it is simply exchanging lands for men, families, citizenship, and

I want to see this Congress take away from this executive branch of the Government the power to sit in judgment upon the performance of our duty; to sit in judgment upon the rights of parties who have complied with the provisions of the statute of Congress.

LAND COURTS THE REMEDY.

I have introduced into this Congress, and there is now on the table, a measure that I desire to call the attention of the Senate to at this time. I have delayed calling it up until this occasion. It is perfectly germane to the consideration of this question, and after the discussion of this resolution is finished I shall then ask that it go to the proper committee. Senate bill 6647 is a bill which I introduced at the beginning of this session, which provides for the establishment of a land court that shall consider and determine all controversies as to rights to the public lands of the United States, whether those controversies are between individuals or between the individual and the Government of the United States. This measure proposes to establish in each public-land State having more than 2,000,000 acres of public land a land court, over which there shall preside a single judge, to be appointed as other United States judges are appointed, with the qualifications of a United States district judge. It would mean the appointment of fifteen judges over these land courts. They would sit twice a year in each land district and hear all controverted cases. They would, under the provisions of this bill, each receive a salary of \$5,000 a year. Each court would be provided with a clerk to perform the usual Each court would be provided with a cierk to perform the usual functions of a cierk. I am going to ask this Congress, and succeeding Congresses, if it be necessary, to enact this legislation as a substitute for these quasi-judicial tribunals that are presided over by cierks of the Department. I am going to do it on the ground of securing justice to the contestants and on the ground of economy in the administration of the law.

There would be fifteen judges with a salary of \$5,000 a year each, which would require an expenditure of \$75,000 a year.

There would be fifteen clerks with a salary of \$2,500 each, which would require the expenditure of \$37,500.

Then I would provide for a supreme land court, to sit either at Washington or at some centrally located place like the city of Denver, which should consist of three supreme judges. give them a salary of \$7,500 a year each, because their duties are of the highest order, and it would be important to secure men of first-class ability for those positions. That makes an aggregate of \$135,000 a year as the cost of maintaining these courts, because the other costs would be paid by the fees as in Such courts would sit right at the land office, or other courts. convenient to it, and instead of having hearings, as they have them now, up two flights of stairs, perhaps, or in some back room where half of the people interested can never get into the stuffy little room, arguing questions of law and legal rights before a layman who has never studied law, as they do now, we would have these courts presided over by lawyers of ability, approved by this body after their appointment, at a cost not exceeding \$135,000 a year for all of them.

We are asked here for \$700,000 for special agents. you who have charge of the appropriation bills will find that the aggregate of items that are passed in these bills at your hands are for doing what? Not for deciding these cases, but for hunting up testimony and visiting the claims, to determine whether or not the land officers of the United States are performing their duty or have been guilty of a neglect of it or of a criminal violation of it. The cost of these special agents alone would pay the cost of the courts three times over, and you would cut down the force now engaged in the inadequate performance of this duty in the Department; you would cut down the force of laymen exercising judicial functions, whose salaries alone would amount to more than the cost of maintaining these courts.

ADEQUATE SERVICE IN LIEU OF AN INADEQUATE ONE.

You would get results from the bill which I have introduced and which I shall ask go to the Committee on the Judiciary when I have discussed it and when other Senators have discussed it, if they shall see fit to do so, substituting these courts of law and equity for these quasi-judicial tribunals. You will relieve the Government of hundreds of thousands of dollars of expense and give an adequate service in lieu of an inadequate one. The executive department has stated in this message, and the Secretary of the Interior says in his report to Congress, that they can not enforce existing law; that they can not purge it of impositions and violations. They confess it. Well, we will accept the confession, and we will try the other coordinate branch of the Government that has never failed us in administering justice between man and man and between the citizen and all the citizens.

That is where the matter ought to have been placed originally. Forty thousand cases have been decided through this imperfect medium which I have been considering-right sometimes. I would not undertake the duty of sifting the right from the wrong, but to those who are capable of sitting in this body as members of it no argument is needed to show that these questions should be determined by judicial tribunals and not by executive officers.

There has been a decision rendered involving the act of Congress, published yesterday, which I clipped from the morning paper to which I have referred, involving land which both parties confess is worth more than \$20,000,000-a decision of that kind never submitted to the judicial scrutiny of a judicial tribunal, though it affects the rights of a vast number of peo--a contest with the Northern Pacific Railway Company as pleto whether it or the settlers and the miners are entitled to that land.

Mr. President, the reason of this bill providing for the courts under the division of the States is that upon investigation it will appear that no State has so many land offices, nor are the land offices in any State so situated that this law would not be readily and conveniently applicable and so that the judge might hold the necessary terms in each land district, nor would the delay at any time exceed six months, because the judge would be there twice a year.

I know to-day, and so does every other person within hearing know, that in the Interior Department there are cases that have been tied up four or five years; that they carry over from year to year hundreds and hundreds of cases that are waiting the report of the special agent. I will not take time to read the details, which I have here in the Commissioner's report, but a number of cases have been tied up there for long periods of time, some of them awaiting the report of the special examiner and some of them awaiting the examination of the report of the special examiner, and then all are tied up by this Executive Talk about speedy relief in the determination of men's rights to property! I can imagine no more cumbersome, unsatisfac-

tory, or tardy administration of our laws.

I have provided in this bill that, whenever a controversy arises, whether it be at the instigation of an officer of the United States or between individuals, the court shall take jurisdiction upon the filing of a certified copy of the record in the court. When that record is filed, the clerk dockets it, and the case is at issue upon the condition of facts that were stated in the Land Office, because the court is simply substituted to determine the condition that arose in the Land Office. If no controversy arises, then our statutes are sufficient to prevent the miscarriage of justice.

The bill provides further that an appeal shall lie from these judges, one in each land State, to the supreme land court, the appellate land court, and that their judgment can only be reviewed on questions of law by the Supreme Court of the United States. The facts may be further determined at the trial in the land court, because of the inconvenience of presenting facts fully in the Land Office, preliminary to the jurisdiction changing from the Land Office to the court, and that the record of the land court shall be the record in the appellate court, and the appellate court may consider the case upon the whole record, and the United States Supreme Court will only review the law.

There is a complete system, a complete tribunal, as a substitute on the appeal of these departments that they can not enforce the law. They can not. They have not the material to do it with. They ought never to have been charged with the duty, and it is high time they were relieved of it.

EXPENSE OF NECESSARY NUMBER OF INSPECTORS.

If we were to start with a force of inspectors to-day to investigate the 52,000 entries that are tied up by this Executive order, allowing one man to investigate ten cases in a month—which, of course, he could not do—it would take more years than any Senator has to serve in this body to dispose of the cases that would be before the Land Office on the 1st day of next January, because they come in there at the rate on an average of 104,000 a year, and if Congress does not—and it will not—provide for these inspectors at this session, where will they be in twelve months? They will have no inspectors; there will have been no patent issued; the wheels of justice will have stood still; and, instead of having pending 52,000 cases as we have now, there will be 152,000. If we were to make the appropriation on the first day of the next Congress, we might start out about 3,000 inspectors—and 3,000 inspectors would mean an expense of \$3,600,000 a year at the pay that inspectors are now receiving—and we would have that force in the field regularly and permanently, because with 154,000 cases to begin with and 100,000 coming in every year, it would mean a permanent force of inspectors. The figures are too large for consideration.

The remedy is obvious. Transfer it to a department of the Government that has never confessed that it could not perform its duty; and that is to the judiciary department of the Government. Let us try it, and let us reply to this message by saying we will relieve this department of the Government that has sent to us its cry for mercy from the consideration of these questions wherein it is necessary to determine the right of the individual to the public domain. That is the answer to be sent to that message by the enactment of the bill that I introduced or some similar measure that will transfer this difficult question.

Mr. President, I do not intend to make my remarks more extended than would seem necessary. There are some general features of this message other than those that I have discussed that need a brief consideration. In the first place, the President complains of the fraud that results from the desert-land act. I think the desert-land act ought to be amended. I have never been in entire sympathy with the desert-land law. I think Congress did wisely when it reduced the area that might be taken up under that act by one-half. Now, I think if Congress will amend that act by excusing the party from residence at all for the first year, or even for the first two years, and after that require residence upon the land for two years, they will probably take it out of the way of temptation in the avenues of fraud.

As was explained by the Senator from Montana [Mr. Carter] yesterday, the law now requires quite a large expenditure upon this class of lands before title can be obtained. As evidence that it is not such a tempting avenue of fraud as you might be led to believe by the newspapers, the very small number of claims that have been taken under it during the existence of the law is conclusive proof. But I think that law can be amended.

It is not claimed seriously by anyone that there has been any very great amount of fraud perpetrated under it. I do not know any single conviction of fraud under the desert-land law.

The Senator from Montana indicates that I am correct in that conclusion. If there has not been a single conviction or a single charge of fraud sustained under a law that has been in existence as long as the desert-land law, what grounds are there

for this plea that it be repealed?

Let us in this body and in the other branch of Congress give these questions such attention as they deserve. They are worthy of consideration. Let us give them consideration in committee and in the body in Committee of the Whole, because we can never succeed unless Senators will take a general interest in the consideration of these questions. We can not succeed solely through the action of committees. Able and conscientious and industrious as is the Committee on Public Lands and as is the Committee on the Judiciary, capable as they are of performing their duty, yet we must not forget that every Senator is a member of the greatest committee of this body, and that is the Committee of the Whole.

If that committee does not consider these questions, but relies solely upon the work of the standing committees, then it must follow, because of the pressure of business and the large number of great questions before them, that important legislation will be passed by. So I commend the study of the desert-land law to every member of the Senate, in committee and out. It is not a sufficient foundation upon which to base the complaint that comes to us in this message.

LAND LAWS SHOULD BE MODIFIED.

The commutation clause of the homestead law has never met with my approval when I was in private life nor since I have been in public life. I think the time is too short during which a man is required to live upon his homestead. I would not require him to live upon the homestead continuously during the first year at all. It is impracticable, because the land is unbroken; it is wild land; and the man is not to be presumed to have an accumulation of wealth that will enable him to pay out for the necessities that he can not raise on the soil. allowance should be and should have been made for that. soil of Kansas and Iowa is different from the soil in the States farther west. In 1869 I saw a man planting corn in Kansas with an ax, and he raised a sufficient crop there on which to feed his stock that fall. He was driving an ax into the soil, dropping the corn, stamping his foot on it, and going along, and I wondered at it; but a little later I saw that he knew what he was doing. He had a crop of corn; not a very good crop, but sufficient. But farther west there is no condition like that at all applicable or possible.

So I think that the homesteader should not be required to live on his homestead continuously during the first year. During the second year, after he has raised one crop, if the land is fit for homestead at all, I think he should be compelled to reside on it. He should be compelled to reside on it the third year; and at the end of the fourth year he should be prosperous if the land is at all adapted to home making. Then at the end of the fourth year, if he has been faithful and has resided there and wants to commute, I would allow him to do it—to pay off—

that is, to buy his last year of service.

It is not necessary because some one has violated the law to repeal it. It is not necessary that the merchant, because some person steals a hat from his counter, should close up his store, Let the homestead law be taken up for serious and conserva-

tive consideration and action; but do not let us repeal it. Let

us extend it rather than repeal it.

Then, Mr. President, the next suggestion is as to the stone and timber acts. I am going to allow that question to rest where the Senator from Montana [Mr. Carter] left it. He dealt with it so thoroughly that it does not seem to me necessary to do more than make a suggestion about it.

STONE AND TIMBER LAW.

I think the stone and timber act in its original purpose and intent was all right. I think the area which could be taken up under its provisions was too large. I think the lands to which it is applicable should be an adjunct to those lands that have no timber on them, and they are considered so to be in the section of country where I live. The law is generally applied in that way. The men who have those rolling wheat fields in what we call the "Palouse country" will have a timber claim of 40 or 60 acres, or up to the limit of the law, in the forests that lie on the mountain sides within sight of their doors. They draw their fuel, their building material, their fencing material from that little tract of forest land; and it is sufficient, with the natural growth and accumulation, for all their purposes, present and future. I would favor an amendment of the stone and timber law. I would not allow a fraud to be perpetrated under it; and there is not a court that can not protect the Government against a fraud when it is charged. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must inform the occupants of the galleries that applause is not allowed by the rules of the Senate

Mr. HEYBURN. Now, Mr. President, I come to a question that is wider in its scope than this message—
Mr. NEWLANDS, Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Nevada?

Mr. HEYBURN. Yes. Mr. NEWLANDS. Do I understand that the Senator from Idaho approves of the stone and timber act as it now stands?

Mr. HEYBURN. I would amend it. I would reduce the area that may be taken up under it. I would make that area an adjunct to the homestead, or where I allowed land to be located under it for commercial purposes, as it must be, I would pass the title of the land to the locator and retain a stumpage to the Government.

That suggests an idea. Under existing laws, the assumption is that every man—the Senator from Nevada as well as myself-will go into the forest and cut his own wood. quate provision is made for commercial dealing in wood. Take our city of Wallace. The forest reserve comes down to our back doors. The mountains are covered with a splendid growth of wood, some ripe and some growing, in every condition in which forests are found. There is never to be a condition of the country of the co which forests are found. There is enough ripe and overripe wood to afford an ample supply without deterioration of the forest, but if we want fuel we go to a wood yard and buy it. A few months afterwards we have a call from a Government agent asking us to pay again for the wood that we bought and paid the dealer for. I know a large number of cases in my own city in which that was done; and rather than have a contest rather than be brought into court charged with a crime—the purchaser settled again; and instead of paying the price the wood was worth that he had paid to the dealer, he would pay it over again to the Government. I know innumerable instances of that kind. They are matters of record.

How are you going to provide for the commercial product of wood to be dealt out by the dealers or through the wood yards to the city? How is the man engaged in business, the lawyer, the physician, the merchant, to get his wood? Under the present laws he must make an application to the forester; it must be approved; then he goes into the woods, where trees are se-lected and marked, and then he is allowed to cut it and get it home. It needs no argument to demonstrate the absurdity of such a law. Those are rules and regulations. Congress never passed any law that contemplated any such interpretation. The conditions that surround a permit to cut wood for commercial purposes to be sold in the public markets of a city or elsewhere are so onerous that nobody, comparatively speaking, will apply

for the privilege of cutting wood at all.

Wood yards that existed for years in our city and that were a reliable source of supply have closed up. Their owners say they will not put themselves in the position of walking so close to a line that an agent stands there to see whether or not in felling the tree that was marked for them they skin another tree. They say that they can find occupations that are more comfortable and equally profitable. The result is that the price of wood, since the forest reserve was created which bounds the

city in which I live, has advanced 75 per cent.

The result is that since the Government has anticipated the legislation of Congress and taken possession of the timber lands of the country, the price of lumber in our country has, with every proclamation creating a timber reserve, advanced from two to five dollars a thousand. Why? Because there is a limited supply of timber, and those who already have large holdings are in the mastery. If all the timber land that is not already held in private ownership is withdrawn from the market, it gives those who have the holdings a monopoly. They have not only the inclination but the power to create a trust, a monopoly, because of which the people pay so much per thousand and so much per cord.

The proposal to lease these lands by the Government, that the Government shall be the proprietor of a great business enterprise, that the Government shall stand behind the counter and compete with individuals in the business field, the field of trade,

PROPOSAL TO LOAN THE FORESTRY SERVICE \$5,000,000 PREPOSTEROUS.

Under our system of government the Government was to be the agency of the people and not the master, and yet it is now proposed and Congress is asked to loan the Forestry Service \$5,000,000. The President asks it in this message. President recommends that we loan the Forestry Service \$5,-000,000, sufficient to provide a reasonable working capital for the national forests. That is the way men go into business. They have or they borrow a capital as a business reserve to

enable them to conduct the business. These officials will be asking us next, perhaps, to loan them out of the Treasury of asking us lext, perhaps, to loan them out of the Treasury of the United States another \$5,000,000 in order that they can take control of the fisheries on the coast, and another \$5,000,000 in order that they may take control of the coal lands of the country or lease them. If they need to borrow of us \$5,000,000 in order to start up the lumber business, how much will we be called upon to lend them to start up the mining of coal? I do called upon to lend them to start up the mining of coal? I do not know what it costs to start up a great coal enterprise in the State of Pennsylvania, or Wyoming, or Montana, or Washington, but I imagine if we take this request in the President's message as the criterion they will be calling upon Congress to loan the coal department \$20,000,000, in order that it may put in breakers, develop mines, build a counter, and get behind and sell to the people the products that belong to the people.

Mr. PILES. Mr. President—

Mr. President-The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington? Mr. HEYBURN. Certainly.

HARDSHIP IMPOSED ON THE SETTLERS.

Mr. PILES. I wish to call the attention of the Senator from Idaho to another hardship imposed on the settlers in the western country by reason of the policy he is discussing. I know of my own personal knowledge of a case which I had occasion to defend some years ago in the Federal court, where one of the special agents, traveling around through the country, had gone to the place of a farmer who had taken up a homestead in the forest. There was a little mill located in the vicinity, and the farmer had sold some of the magnificent fir trees which are produced in that country in order to get them off his place so that he could clear up his land. This man had taken his wife and his children out into the forest and had lived there for many years, engaged in cultivating and improving the property. Yet for purchasing the timber that was taken from that land, which it was necessary to remove from the land in order that the farmer might make a living, the person who thus aided the settler to carry on his business was brought into the Federal court and prosecuted for buying timber off the public land. is not necessary for me to say that when that case was properly presented to the court the court found that the timber was properly taken from the land, and there was no verdict in behalf of the Government in that regard.

I merely cite this instance for the purpose of showing the great disadvantages to which the settlers on the western lands are put. Cases of this character prevent the farmers from dis-posing of their timber at anything like a fair price, because the mill companies, understanding that they are liable to be prosecuted by the Federal Government in cases of the character I have mentioned, purchase the timber from the settler at their own price. I think along the line the Senator is discussing we ought to do something to protect the people in the western country.

DECISION OF COURT DISREGARDED.

Mr. HEYBURN. Yes, Mr. President, and this is the way the Department looks upon the courts for protecting the people. have here an official communication, a copy of which I called signed by the Acting Forester, animadverting upon the decision of a court. I will read into the RECORD so much of it as applies. He says:

Your attention is specially called to the fact that although several United States district courts followed the decision of Judge Weilborn in the case of the United States v. Lee Blasingame (116 Fed., 654), holding the act of June 4, 1897 (30 Stat., 34-36), unconstitutional—

It did not do anything of the kind

higher courts have subsequently decided to the contrary. The attorney-general, believing the decision of Judge Wellborn to be erroneous, suggested to the Secretary of the Interior that it be not regarded as a final determination of the question, and that prosecutions be proceeded with in other districts, so that, if possible, a case could be taken to an appellate court for determination. This hope was finally realized in the case of Dent v. The United States (76 Pac. Rep., 455) on appeal before the supreme court of Arizona.

Consider that for a moment, lawyers of this body. Because the United States court held that under the law of Congress a party was not liable for the act that was displeasing to the executive department of the Government, they instructed the officer to disregard the opinion of the court, which was final, and seek for some tribunal in which they could obtain a decision according to their will and not according to the law. method which deserves serious consideration in this body. found it in a little lone decision in the supreme court of Arizona, and they have been rejoicing and boasting in the press and elsewhere that they had a decision which would sustain them in their unlawful act, notwithstanding the fact that not only Judge Wellborn but Judge Whitson, in the State of Washington, and other Federal judges have held that the conclusion arrived

at by the supreme court of Arizona is not the law. That is the way they treated it.

There is another feature of the case, suggested by the Senator from Washington [Mr. Piles], speaking of the homesteader. I wish to call attention here to the instructions issued under date of November 17, 1904, by the Commissioner of the General Land Office to forest officers, as to the manner in which they should treat the homesteaders. I read a portion of it:

Locators of unperfected homestead claims, proposing to leave the reserve and reside elsewhere, may desire to remove the improvements therefrom.

This is interesting.

There is no objection to the removal of improvements from any class of lands above mentioned, provided they can be removed without detriment to the forest reserve; and provided that they can serve no useful purpose to the Government for the accommodation of its forest officers in the administration of forest-reserve affairs.

In other words, the Commissioner of the General Land Office instructs his subordinates that they may take possession of the homestead buildings of the settler upon the public downing the homestead buildings of the settler upon the public downing the homestead provided the found to be within a forest

main if the homesteader should be found to be within a forest reserve, provided they may be useful to the officer as a residence.

have in mind a case within the Pend d'Oreille section where a man had been living for eighteen months and had constructed a building as substantial as any farm building in the country surrounding here, not knowing that he was within a reserve or liable to be, anticipating long residence along the Pend Oreille River, laying the foundation for a home. He woke up one morning to see in the paper that he was within a forest reserve and that the thirty days had expired in which he might take certain steps. The officers took possession of his building, and they have possession, and he had to leave and That is along the lines of this order. large number of them here. I do not intend to make a forestreserve speech in discussing this question except so far as it is referred to in the message of the President of the United States. The question has come in here through this message, and it must be met.

The system of forest reserves as established is so vicious, is so unfair, as to encounter the antagonism of every American citizen who ever dreams of taking advantage of his rights to share in the public domain and its benefits. What do Senators think of it when the State of Idaho-I use this merely as an example; some other States are as bad-can be seized by an irresponsible subordinate of the Government as a plaything, treated as though it were his own private estate to the extent as shown upon this map [exhibiting]. The black portion on this map of the State of Idaho represents forest reserves 18,000,000 acres and more in forest reserves withdrawn from the jurisdiction of the State, withdrawn from the civil jurisdiction of the state; the laws that you passed before we were admitted as a State and when we were admitted as a State, the rights you gave us when we were admitted as a State, taken away from us at the will and pleasure of this bureau of the Government; noncontributive to the Government either through the means of taxation or through the accretion of wealth which comes from settlement and civilization. have taken more than forty of our public schools within the forest reserves. They have taken many churches. They have taken more than forty post-offices within the forest reserves, and the law of the State of Idaho stops at the border of those reserves. I know that it will be contended otherwise, but I know the effect of it.

The judge of the court of the second judicial district of Idaho told me recently that it cost more than \$8,000 at one term of his court to try men for crimes committed upon the Bitter Root Forest Reserve in Idaho. We have to stand the responsibility and the expense of administering the law where murders are committed and offenses of that kind are committed, but the rights of the citizen under the law stop at the line. He may not drive his stock across the reserve without a permit that must come to Washington for approval. must come to Washington for approval. They have surrounded tracts of land with forest reserves and then they pass a rule and regulation, by the grace of Congress, which says, "If you want to drive stock from your farm," which they have surrounded with a reserve, "you must apply to the Forester for a That application is sent to Washington to be conpermit." That application is sent to Washington to be considered, and if it is found satisfactory, they will grant you a permit. But you must give a bond. You must tell what stock you are going to take. You must tell how long you are going to keep them on your farm. You must tell when you want to take them out from there; and those are not half of the restrictions about it. They will come and deliberately surround you with one of these beautiful estates—this waste of idleness and silence and unprofitableness—this game reserve.

Forest-reserve agents actually met or approunced a meeting to

Forest-reserve agents actually met or announced a meeting to

be held for the purpose of considering the propriety of recommending to Congress the creation of a great game preserve, that was to be larger than the State of Connecticut. I happened to get some word of it, and to heap some ridicule upon it, and if they met, they did it surreptitiously, and I could not find that they did. These officials want us to appropriate money enough they did. These officials want us to appropriate money chough to employ this class of inspectors, they call them, and experts— experts on trees, experts on mines, experts on grazing, experts on land, experts on the judgment of the American citizen who desires to select a home. They want us to give them money to employ these experts in order that they may check the judgment of the man who is willing to cast his lot and take his family with him and attempt to live upon the public domain of the nited States.

THEY HAVE TAKEN POSSESSION OF THE PUBLIC PASTURES OF THE STATE. Not only that, but they have taken possession of the public pastures of the State, and when a man wants to pasture sheep or cattle or horses upon the public domain in Idaho he must make an application in form, and after a great deal of routine get a permit from the Forester. He must give the number and the character and a description of the stock he wants to graze, and then on a certain day the Forester apportions it, and if, after the day when the lands of Idaho are apportioned, any other man wants to go into the stock business, he is barred, because there is a limit to the land and there is no longer any

land to be apportioned. So there is no margin for the growth of the stock industry.

We formerly pastured upon the land in Idaho that is now confined to a certain number twice the number that the Government allows. What do they save it for? It endured the experience of herdsmen for a century. It kept the buffalo and the wild animals since "the morning stars sang together," and we came along there and had just as high regard for the preservation of those pasture lands as the people of the East, from whose midst we came. We are as patriotic, we care as much for the rights of the Government as any men from any other section of the country. We have as small a percentage of men who would be guilty of a dishonorable act as any other section of the country. We yield to no part of the people in the sufficiency or character of our patriotism, and yet we are being made the plaything of caprice, of theories—for what? Is it to make place for men, or is it the greed for power and domination?

Mr. CARTER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Montana?

Mr. HEYBURN. I will yield in a moment. I wish to finish my expression. Is it on the theory of the man who came to this country from fields of labor on the other side of the ocean, and who wrote home to his brother, "I have been in the country only three weeks, and I am boss of five men?" Probably that is the spirit. I do not know. I can not account for it. It never occurred before in the history of this country that such wholesale devastation should be wrought merely at the whim and fancy of any man or pursuant to any man's theories.

I now yield to the Senator from Montana.

Mr. CARTER. I do not know what the motive may be, but referring again to a subject to which I made brief reference yesterday, I know what the effect is. I wish to read briefly from the report of the board of trade of the city of Calgary, under the beading "The American in Canada."

The present "trek" of American in Canada.

The present "trek" of Americans from every State of the Union into the Canadian West is a history-making movement. The Britisher, who is undecided whether to emigrate to the States or to Canada, stands aghast when he is shown the following statistics of American immigration into Alberta and other portions of western Canada:

1896	-10

1897	712
1898	9, 119
1899	11.945
1899	11, 030
1900	15, 570

1901	17.958
1902	91 679
1902	-1,014
1903	47 780
AUVO	74, 100
1904	43 173
AVV T	2 479 2 2 4 4 5
1905	105, 000
	2001.000

I am told that during the year 1906 more than 150,000 men left our western country to go into the Dominion of Canada to settle upon land there. I think this is one of the legitimate results of the policy to which the Senator is referring.

The report continues:

He is now wisely deciding to go with the crowd. At the National Irrigation Congress, at Portland, Oreg., in 1905, it was stated:

"The bone and sinew of the Mississippi Valley have been moving into western Canada for the past four years to find farms and fortunes."

The remarkable thing about this movement, however, is not the grand total, but the steadily increasing volume of immigration. The annual movement from the United States has increased practically a thousandfold in the past nine years.

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. May I make an inquiry of the Senator from Montana, and that is whether the settlers who go to Canada settle upon arid lands or in a humid country?

Mr. CARTER. The lands are generally arid lands. the eastern slope of the Rocky Mountains into the Saskatchewan country is recognized and known to be an arid country. great irrigation works have been recently constructed north of the Montana line. Into that region train after train loaded with people from Montana, Utah, Idaho, Wyoming, North and South Dakota, Iowa, and Minnesota has gone to make their permanent homes. The movement has attracted wide attention and is a very curious movement, in view of the fact that we have as good or better lands in the public domain of the United

Mr. NEWLANDS. May I ask the Senator whether those lands are irrigated under Government projects or by private enterprise?

Mr. CARTER. I understand by private enterprise.

Mr. NEWLANDS. Then I will ask the Senator the further question whether we have any such large areas opened up for settlers in the arid region by private enterprise?

Mr. CARTER. I will reply to the Senator in that respect by

saying that in the country immediately south of the Canadian line, where broad valleys of unmatched fertility exist, we have been badgered and beaten about with litigation by the United States Government in the interest of the Indians to such an extent that all progress has been stayed; and now, in a valley with which the Senator is familiar, the great Milk River Valley, in the northern part of Montana, where there is naught to be found save here and there an indication of a body of lignite coal of no commercial value, we find the entire country with-drawn and pronounced to be coal land, and subject to entry and purchase only at \$20 an acre.

Mr. NEWLANDS. The question I wish to ask the Senator is

one for information simply, and that is whether we have in our western region similar areas to those which the Senator has described in Canada, which are prepared by irrigation works and irrigation ditches under private enterprise for immediate

settlement?

Mr. CARTER. The people go to Canada and themselves prepare the irrigation canals-

Mr. HEYBURN. They do in this country, too.
Mr. CARTER. Precisely as they would prepare them in the United States if an enlightened administration of the law obtained.

Mr. NEWLANDS. Let me say here that I quite differ with the Senator upon that proposition. When the irrigation movement in this country was inaugurated, it was practically admitted by all the men of the West that the era of private development of irrigated land had practically closed; that it was necessary for the Government to take up this great work; and it was upon that theory that the work was inaugurated.

There are no projects of any great extent being undertaken or capable of being undertaken by private enterprise, but the Government itself is opening up great irrigation enterprises, and

settlement is rapidly taking place there.

So it seems to me Canada is now passing through the era through which we passed some time ago, of exhausting those areas which were within the reach of private enterprise. Canada has not yet exhausted those areas as we have, and the question now is what we shall do with the remaining areas which, so far as irrigation is concerned, it is admitted that private enterprise can not reach.

Mr. CARTER. Upon an examination of the facts the Senator from Nevada will ascertain, I think, that, in so far as the State of Montana is concerned, with its superb area of 146,000 square of Montana is concerned, with its superburiety for a million set-miles, there exists to-day ample opportunity for a million settlers to locate, develop homes, and maintain themselves. settlers who are undertaking to comply with the law in that country have become so utterly disgusted that many, many of them are moving over the line to where the government encourages rather than discourages the settler struggling to establish

Mr. HEYBURN. Mr. President, what is true of Montana is true of the other Western States. It is a theory on the part of those living distant from a State that no other State except their own affords any satisfactory opportunity for settlement. I can say to the Senator from Nevada that there is room, when the door is opened again in Idaho, for a million people to make their homes; that they are making them as fast as they are permitted to make them, but that, as in Montana, they are hampered and driven back by onerous conditions, by prohibitions,

and closed areas, so that the growth of the State is being impeded.

I had a letter from our Commissioner of Immigration a few days since in which he says, "I do not think it wise to send out for publication that the public lands of Idaho available to settlers are exhausted, but," he said, "it is becoming painfully apparent that unless Congress can relieve us in the near future there will be no room for more settlers except such as may come from the dividing up of existing holdings." That is a painful story to tell for a State as large as Idaho, with such a variety of natural resources as that State. It is true of the State of Utah; it is true of the State of Colorado.

We have not been able to secure the survey of the lands in the State of Idaho. We have the smallest per cent of surveyed lands of any State in the Union. I am asking this Congress, as I asked a former one, to give us \$200,000 to survey the public lands, to mark them out upon the earth, so that we may know where rights may begin and end. I do not know what the result of this request will be. I hope to be able to secure that appropriation, coupled with a provision that shall prevent the application of the rule that no land shall be surveyed until a settler applies for it. Men will not settle on unsurveyed lands except under rare circumstances. Consequently, if you enforce the rule that the lands will not be surveyed until the settler applies for a survey, and if the settler will not settle until the lands are surveyed, there is a deadlock. That is where you are. That is the existing rule, and Congress ought to relieve us

The lands of Wyoming, I believe, are surveyed up to within 9 per cent of the total area; of Colorado, I believe, up to 5 per cent of the total area; and Idaho has about 42 per cent of her area surveyed. A large portion of that area is included within the forest reserves and is withdrawn from settlement, notwithstanding the fact that the act of Congress authorizing the creation of forest reserves did not contemplate including within those forest reserves mineral land or anything except forest land.

CREATING FOREST RESERVES OUT OF GRAZING LANDS.

Another thing, instead of confining themselves in creating forest reserves to forest lands, they are now openly and professedly and admittedly creating forest reserves out of grazing lands. They admit that there are no trees on them, but they say that in the absence of legislation governing the grazing lands of the United States the Forestry Service, as the great conservator of the peace and welfare of the people of the United States, feels justified in assuming a guardianship over these grazing lands, the product of which dies with every fall, in order that they may preserve what they created—a law—by applying the forestry law to the grazing land. Last year the profit from the grazing in the forest reserves was many times the total income from the forest reserves. So there is something of the system.

Land that will sustain cattle and horses and other stock when rented for that purpose by the Government is fit for homesteads, because a man may maintain a homestead by raising cattle and stock upon it and not work an acre of it. Yet there are to-day in Idaho more than 10,000,000 acres of land that is susceptible of home making, that will support human life and human families, that are rented for grazing purposes, which is proof that it will support the needs of man. Yet there are within forest reserves school districts, over thirty of them. The school districts only exist where there are school children and population, and the fact that they are there of their own selection is evidence that in the judgment of those settlers the lands are fit for settlement. That they should include within a forest reserve school districts is an anomalous condition, to say the least of it. Of post-offices that the Government establishes and maintains there are more than forty within these forest reserves. The Government only makes postoffices and maintains the carrying of mail to and from them when the neighborhood is sufficiently prosperous to bring a settlement there that will sustain and justify the post-office. it not seem strange? I hope you will inquire of the map that the Service has sent out showing how they have surrounded us with these deterrent elements that have stifled growth and that are sending emigration across the line to Canada at the that are sending emigration across the line to Canada at the rate of a hundred thousand a year. I have seen train after train of white covered wagons going to Canada. "Where are you going?" "We are going to Canada. We are going to British Columbia." "What for?" "We are going to settle up there. We are going to take up that wheat land." "Why not take up this land down in Idaho?" "Oh, well, you do not know where you will be to-morrow if you settle in Idaho. Probably a forest reserve will tie up your land."

A day or two ago I had a letter from one poor fellow out there who had been tied up for two years after he has com-

there who had been tied up for two years after he has com-

plied with every requirement. I suppose they are investigating him. I suppose some sleuth is on his way out there to see whether or not that fellow's house is a palace or whether it is a hovel. Homesteaders do not start with palaces.

Mr. SMOOT. Mr. President-

Mr. HEYBURN. If the Senator will excuse me just a moment, I do not like to have an idea broken into. I will yield in a moment. In one instance they sent a photographer there to follow me, and published at the expense of the Government a large pamphlet here, to which I called the attention of the Senate on another occasion, that might be termed "the indict-ment of Senator Heyburn by the Government of the United They undertook to defend the establishment of these reserves, and among other things they sent a photographer out there to photograph the improvements which homesteaders had placed on the public lands, for the purpose not of immediate residence, but for the purpose of indicating their choice and selection of a homestead, to be taken advantage of as soon as it was surveyed and opened. Not being surveyed, they could not take even the initiative step of filing on it, but they built houses equal in standard to those that marked the settlements in Illinois and Iowa and Indiana or in Massachusetts. When the pioneers arrived on the shores of Massachusetts they did not bring brick blocks and barns with them. They made their brush huts and crept under a ledge of rocks as a protection from the weather and the storm.

I saw some of the houses that they photographed, and that they condemned as being unworthy of the settler. You can see them. They have them at the Forestry Department. They were better than the house in which Abraham Lincoln was born, or in which Garfield grew, or which many of the Presidents of the United States knew in their youth. They were fit homes for the settlement under the conditions existing at the time. those men can raise a crop or realize from the homestead they will build houses fast enough. I remember when I went to what is now a great wheat field that now produces one-tenth of the wheat of the United States. It lies right at our door. I remember the hovels the settlers built. They built them of sod; they built them of the cottonwood poles that grew along the little streams; they built them of reeds or anything that would shelter them. And they lived in them, too, and laid the foundation of their homes and laid the foundation of that country today that is the best-built country in the United States, that has best barns and the best houses and the best fences in the United States, and that raises the best wheat, and the most of it, in the United States. But they started there.

APPARENT OPPOSITION TO THE PIONEER.

In that critical spirit which has marked their attitude toward the pioneer from beginning to end they tell us, forsooth, that because the settler does not immediately build himself a house in which this expert would be willing to live, the expert will condemn it, and that his breath of condemnation shall reach us and influence us to repeal the law under which the settler is

willing to live and obtain his home.

There is plenty of land in Idaho, and it is not arid land. the north of Idaho, where I live, God sends the sunshine and the rain, and we raise 40, 50, and 60 bushels of wheat to the acre without any irrigation. From one little depot where I was speaking during the last campaign, the agent told me forty-eight cars of apples had gone out up to to-day, in this season, and the season was in its midst. I saw at the Immigration Congress held at Boise City a few years ago a display of fruit raised on the Pend d'Oreille Forest Reserve that you can not equal in any State east of the Mississippi River. I know wheat fields above the station at Stites, in Idaho County, that are cut off in the middle by forest reserves, on which they raise 40 and 45 bushels of wheat. I know an orchard that lies right up to the border of that reserve in that same county that raised the finest apples I ever saw grow, the trees full of them; and that is bounded by the forest reserve line. Think you that God made the earth with such lines as that, that the fertility stops so short as that? Then you may go all through the irrigated country, down in the valleys where the lands of the Senator from Nevada lie. I remember when he turned the water on them, I think. them as barren as the Desert of Sahara on one side of the fence and the alfalfa blooming in its glory on the other side. I know the lands in those States pretty well. Fertility is not at all a question of geography there. It is not bounded by such sharp lines that a fence justifies the establishment of a forest reserve. Mr. NEWLANDS. Mr. President

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Mr. Pres Mr. President, I am in full sympathy with the Senator from Idaho in any effort that he may make to do

away with unfair and improper restrictions upon the development of the West. But I wish to call his attention to one fact. For six years or more the executive department of the Government has been calling our attention to the necessity of amending the land laws so as to meet not only the economic requirements of the West, but also to prevent the absorption of large areas of land by monopolies and trusts and for the promotion of the interests of the home seekers.

Now, let me go just one step farther. I asked the Senator yesterday whether he thought the laws were adapted to the economic requirements of the West, whether they were so framed as to prevent timber lands and coal lands from getting into the control of great combinations and trusts, whether the grazing lands are so administered as to tend to the full development of the West, and to-day, with reference to three or four of these laws, he has admitted that they are defective and

that they require amendment.

I wish to call the Senator's attention to one thing, that Congress has intrusted, and, I believe, is willing to intrust, the legislation regarding these public lands to the judgment of the men of the West; that the men of the West constitute a preponderating influence in the committees of the Senate and House upon public lands; that admitted defects exist in the law, and yet, as a result either of our difference of views or of our inertia upon this matter, we have never yet undertaken the reform legislation absolutely necessary to properly develop the West and to bring the land laws in harmony with its proper and just development.

Now, that is what I complain of. I complain of Congress just as the Senator complains of the executive department in the administration of these laws. I think we are at fault, and more at fault than the executive department, which has sought through administration to correct evils that we ought to correct

by law.

Mr. HEYBURN. Mr. President, I am thoroughly in accord
the Separar, that primarily questions with the suggestion of the Senator, that primarily questions affecting the public lands which lie wholly in the West should be considered by those who are most nearly and closely con-nected with the subject. That is simply reasonable. But the Senator will realize that questions affecting those interests, which, while immense in their area and extent and application, are with great difficulty brought to the close and diligent attention of those from the more distant States in the East. We realize that difficulty. However, I am gratified to the extreme by the interest which is being and has been taken in the discussion of this question by able Senators from the Atlantic States and the intervening States, and I hope for much good. But we can not yet lay this question aside. It must be considered. We must have an expression of opinion from other Senators representing public land States; and I hope that the question will remain before the Senate until it can be thoroughly considered.

Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. HALE. I wish to suggest to the Senator that as important as this matter is, and I admit its full importance, the Senate is so thin that, of course, no action can be taken now. There are a good many matters of urgent business that ought to be attended to before we adjourn, and I ask the Senator if he will yield, holding the floor, in order that I may make a motion as to the order of business

Mr. HEYBURN. I yield for that purpose.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that the message from the House of Representatives relative to the diplomatic and consular appropria-

tion bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the

conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

SARAH R. HARRINGTON.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its

amendment and agree to the conference asked for by the House,

and that the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate.

MISSISSIPPI RIVER BRIDGE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7760) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River; which were, on page 2, line 12, to strike out "two years" and insert "one year;" and on page 2, line 12, to strike out "five years" and insert "three years."

Mr. HOPKINS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

A. J. STINSON.

Mr. PETTUS. I ask for the present consideration of the bill (H. R. 4300) for the relief of A. J. Stinson, reported to-day from the Committee on Claims.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$468 to A. J. Stinson, being the amount of permanent improvements, including fee and com-mission for entry, made on a homestead, entered in Alabama under the laws of the United States, of which he was afterwards dispossessed and his entry canceled on account of a

prior claim of entry granted by the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN STINSON.

Mr. PETTUS. I ask for the present consideration of the bill (H. R. 4299) for the relief of John Stinson, reported to-day from the Committee on Claims.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$318 to John Stinson, being the amount of permanent improvements, including fee and commission for entry, made on a homestead entered in Alabama under the laws of the United States, of which he was afterwards dispossessed and his entry canceled on account of a prior claim of entry granted by the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the considera-

tion of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 1, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1907. PROMOTIONS IN THE ARMY.

Under the provisions of an act of Congress approved January 25, 1907, I nominate the officers herein named for promotion in the Army of the United States.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Medorem Crawford, Artillery Corps, from January 25, 1907, to fill an original vacancy.

Lieut. Col. Garland N. Whistler, Artillery Corps, from Janu-

ary 25, 1907, to fill an original vacancy.

Lieut. Col. Albert S. Cummins, Artillery Corps, from January

Lieut. Col. Albert S. Cummins, Artillery Corps, from January 25, 1907, to fill an original vacancy.

Lieut. Col. Alexander B. Dyer, detailed military secretary, from January 25, 1907, to fill an original vacancy.

Lieut. Col. Leverett H. Walker, Artillery Corps, from January 25, 1907, to fill an original vacancy.

25, 1907, to fill an original vacancy.

Lieut. Col. Henry M. Andrews, Artillery Corps, from January

25, 1907, to fill an original vacancy. Lieut. Col. Charles D. Parkhurst, Artillery Corps, from January 25, 1907, to fill an original vacancy.

To be lieutenant-colonels.

Maj. Albert Todd, detailed military secretary, from January 25, 1907, vice Crawford, promoted.

Maj. Edward T. Brown, Artillery Corps, from January 25, 1907, vice Whistler, promoted.

Maj. Adam Slaker, Artillery Corps, from January 25, 1907, vice Cummins, promoted.

Maj. Henry H. Ludlow, Artillery Corps, from January 25, 1907, vice Walker, promoted.

Maj. William R. Hamilton, Artillery Corps, from January 25,

1907, vice Andrews, promoted. Maj. Charles W. Foster, Artillery Corps, from January 25,

1907, vice Parkhurst, promoted. Maj. Clarence Deems, Artillery Corps, from January 25, 1907,

to fill an original vacancy.

Maj. John V. White, detailed military secretary, from Janu-

ary 25, 1907, to fill an original vacancy.

Maj. Erasmus M. Weaver, Artillery Corps, from January 25, 1907, to fill an original vacancy.

Maj. Eli D. Hoyle, Artillery Corps, from January 25, 1907, to fill an original vacancy.

Maj. Granger Adams, Artillery Corps, from January 25, 1907, to fill an original vacancy.

Maj. Frederick Marsh, Artillery Corps, from January 25, 1907, to fill an original vacancy.

Maj. Charles G. Woodward, Artillery Corps, from January 25, 1907, to fill an original vacancy.

To be majors.

Capt. Isaac N. Lewis, Artillery Corps, from January 25, 1907, vice Brown, promoted.

Capt. Samuel D. Sturgis, Artillery Corps, from January 25, 1907, vice Slaker, promoted.

Capt. Elisha S. Benton, Artillery Corps, from January 25,

1907, vice Ludlow, promoted. Capt. Harry L. Hawthorne, Artillery Corps, from January 25, Capt. Cornelis DeW. Willcox, Artillery Corps, from January

25, 1907, vice Foster, promoted.
Capt. John D. Barrette, Artillery Corps, from January 25,

1907, vice Deems, promoted. Capt. Elmer W. Hubbard, Artillery Corps, from January 25, 1907, vice Weaver, promoted.

To be captains.

First Lieut. Daniel W. Hand, Artillery Corps, from January 25, 1907, vice Lewis, promoted.

First Lieut. Robert F. Woods, Artillery Corps, from January

25, 1907, vice Sturgis, promoted. First Lieut. Albert C. Thompson, jr., Artillery Corps, from January 25, 1907, vice Benton, promoted.

First Lieut Theophilus B. Steele, Artillery Corps, from January 25, 1907, vice Hawthorne, promoted.

First Lieut. Ellison L. Gilmer, Artillery Corps, from January 25, 1907, vice Willcox, promoted.

First Lieut. John McBride, jr., Artillery Corps, from January 25, 1907, vice Barrette, promoted.

First Lieut. Richard K. Cravens, Artillery Corps, from January 25, 1907, vice Hubbard, promoted.

POSTMASTERS.

COLORADO.

Moses E. Lewis to be postmaster at Florence, in the county of Fremont and State of Colorado, in place of William H. Davie,

ILLINOIS.

William M. Checkley to be postmaster at Mattoon, in the county of Coles and State of Illinois, in place of John S. Goodyear. Incumbent's commission expired January 29, 1907.

Albert W. Errett to be postmaster at Kewanee, in the county of Henry and State of Illinois, in place of Albert W. Errett. Incumbent's commission expires February 9, 1907.

Oliver P. Stoddard to be postmaster at Galva, in the county of Henry and State of Illinois, in place of William McMeekin. Incumbent's commission expires February 9, 1907.

Peter Thomsen to be postmaster at Fulton, in the county of Whiteside and State of Illinois, in place of Alfred M. Hansen. Incumbent's commission expired December 10, 1906.

IOWA.

Russell G. Clark to be postmaster at Webster City, in the county of Hamilton and State of Iowa, in place of Russell G. Clark. Incumbent's commission expired January 22, 1907. KANSAS.

Austin Brown to be postmaster at Cedar Vale, in the county of Chautauqua and State of Kansas, in place of Austin Brown.

Incumbent's commission expired January 22, 1907. MINNESOTA. Murry J. Taylor to be postmaster at Deer River, in the

county of Itasca and State of Minnesota. Office became Presidential January 1, 1907.

MONTANA.

William E. Baggs to be postmaster at Stevensville, in the county of Ravalli and State of Montana, in place of William E. Baggs. Incumbent's commission expired December 20, 1906. NEW YORK.

John B. Alexander to be postmaster at Oswego, in the county

of Oswego and State of New York, in place of John B. Alexan-Incumbent's commission expires February 16, 1907.

Fred E. Allen to be postmaster at Whitney Point, in the county of Broome and State of New York, in place of Eli B. Black. Incumbent's commission expires February 26, 1907.

Willoughby W. Babcock to be postmaster at Prattsburg, in the county of Steuben and State of New York, in place of Henry J. Pinneo. Incumbent's commission expired January 22, 1907.

Alfred S. Emmons to be postmaster at Spencer, in the county of Tioga and State of New York, in place of Alfred S. Emmons. Incumbent's commission expires March 13, 1907.

Judson Field to be postmaster at Canastota, in the county of Madison and State of New York, in place of Judson Field. In-

cumbent's commission expired January 7, 1907.

Genevieve French to be postmaster at Sag Harbor, in the county of Suffolk and State of New York, in place of Genevieve French. Incumbent's commission expires February 26, 1907.

James E. Peck to be postmaster at Jordan, in the county of Onondaga and State of New York, in place of James E. Peck. Incumbent's commission expires February 4, 1907.

John A. Raser to be postmaster at Harrison, in the county of

Westchester and State of New York, in place of John A. Raser. Incumbent's commission expires March 2, 1907.

Jetur R. Rogers to be postmaster at Southampton, in the county of Suffolk and State of New York, in place of Jetur R. Rogers. Incumbent's commission expires February 4, 1907.

NORTH DAKOTA.

Charles E. Best, to be postmaster at Enderlin, in the county of Ransom and State of North Dakota, in place of Charles H. Potter, removed.

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Wesley J. Grant to be postmaster at Middlefield, in the county of Geauga and State of Ohio, in place of Wesley J. Grant. In-cumbent's commission expires February 2, 1907.

OREGON

Henry A. Snyder to be postmaster at Aurora, in the county of Marion and State of Oregon. Office became Presidential October 1, 1906.

PENNSYLVANIA.

William P. Bach to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania, in place of William P. Bach. Incumbent's commission expires February 19, 1907.

Howard E. Butz to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania, in place of Howard E. Butz. Incumbent's commission expires February 11, 1907.

Abel H. Byers to be postmaster at Hamburg, in the county of

Berks and State of Pennsylvania, in place of Abel H. Byers. Incumbent's commission expired January 26, 1907.

William H. Emmert to be postmaster at New Oxford, in the county of Adams and State of Pennsylvania. Office became Presidential January 1, 1907.

John B. Hess to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania, in place of George A. Lukhart. Incumbent's commission expires January 31, 1907.

William F. McDowell to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania, in place of James

Agnew. Incumbent's commission expired January 26, 1907.

W. V. Marshall to be postmaster at Berlin, in the county of Somerset and State of Pennsylvania, in place of Benjamin J. Incumbent's commission expired May 14, 1906

John T. Palmer to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania, in place of John T. Palmer. Incumbent's commission expires February 26, 1907.

Jesse Ransberry to be postmaster at East Stroudsburg, in the

county of Monroe and State of Pennsylvania, in place of Jesse Ransberry. Incumbent's commission expires February 26, 1907.

Orrin Serfass to be postmaster at Easton, in the county of Northampton and State of Pennsylvania, in place of Orrin Ser-Incumbent's commission expires March 2, 1907

David M. Turner to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania, in place of David M. Turner. Incumbent's commission expires February 5, 1907.

TEXAS. Robert F. Lindsay to be postmaster at Mount Pleasant, in the county of Titus and State of Texas, in place of William T. Black. Incumbent's commission expired January 20, 1907.

UTAH.

Thomas Braby to be postmaster at Mount Pleasant, in the county of Sanpete and State of Utah, in place of Thomas Braby. Incumbent's commission expired January 22, 1907.

Charles H. Roberts to be postmaster at Bingham Canyon, in the county of Salt Lake and State of Utah, in place of Charles H. Roberts. Incumbent's commission expired February 7, 1906.

VERMONT. Ezra H. Allen to be postmaster at Fowler, in the county of Rutland and State of Vermont. Office became Presidential October 1, 1906.

WASHINGTON.

C. F. Legg to be postmaster at Chewelah, in the county of Stevens and State of Washington. Office became Presidential January 1, 1907.

Frank R. Wright to be postmaster at South Bend, in the county of Pacific and State of Washington, in place of Frank L. Turner, resigned.

WISCONSIN.

Fred M. Griswold to be postmaster at Lakemills, in the county of Jefferson and State of Wisconsin, in place of Fred M. Griswold. Incumbent's commission expires February 4, 1907.

James McGinty to be postmaster at Darlington, in the county of Lafayette and State of Wisconsin, in place of Spencer G. Incumbent's commission expired January 23, 1907.

William White to be postmaster at Algoma, in the county of Kewaunee and State of Wisconsin, in place of William White. Incumbent's commission expired January 23, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1907. SURVEYOR OF CUSTOMS.

William Barnes, jr., of New York, to be surveyor of customs for the port of Albany, in the State of New York.

POSTMASTERS.

ARIZONA.

J. Oscar Mullen to be postmaster at Tempe, in the county of Maricopa and Territory of Arizona.

ARKANSAS.

William E. Edmiston to be postmaster at Portland, in the county of Ashley and State of Arkansas.

H. L. Throgmorton to be postmaster at Pocahontas, in the county of Randolph and State of Arkansas.

CALIFORNIA.

Charles Harris to be postmaster at Merced, in the county of Merced and State of California.

C. E. Lovelace to be postmaster at Oceanpark, in the county of Los Angeles and State of California.

Alva L. Merrill to be postmaster at Kennett, in the county of Shasta and State of California.

CONNECTICUT.

William J. McKendrick to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut.

Edward J. Stuart to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut.

ILLINOIS

Samuel Baird to be postmaster at Carlyle, in the county of Clinton and State of Illinois.

Frederick P. Burgett to be postmaster at Keithsburg, in the county of Mercer and State of Illinois.

William T. Kay to be postmaster at Camp Point, in the county of Adams and State of Illinois. Charles C. Marsh to be postmaster at Bowen, in the county of

Hancock and State of Illinois. David C. Swanson to be postmaster at Paxton, in the county . of Ford and State of Illinois.

INDIANA.

Rolla V. Claxton to be postmaster at French Lick, in the county of Orange and State of Indiana.

Eugene J. Birchard to be postmaster at Kellogg, in the county of Jasper and State of Iowa.

Andrew H. Bjorgo to be postmaster at Kensett, in the county of Worth and State of Iowa.

Edward C. Brown to be postmaster at Dewitt, in the county of Clinton and State of Iowa.

Charles C. Burgess to be postmaster at Cresco, in the county

of Howard and State of Iowa.

James M. Carl to be postmaster at Lone Tree, in the county of Johnson and State of Iowa.

Charles E. Carmody to be postmaster at Mapleton, in the county of Monona and State of Iowa.

Gilbert Cooley to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa.

James H. Dunlap to be postmaster at Clarinda, in the county of Page and State of Iowa.

Vellas L. Gilje to be postmaster at Elkader, in the county of Clayton and State of Iowa.

John J. Heverly to be postmaster at Center Point, in the county of Linn and State of Iowa.

Isaac Hossler to be postmaster at Battle Creek, in the county of Ida and State of Iowa.

Nettie Lewis to be postmaster at Marcus, in the county of Cherokee and State of Iowa.

William H. McClure to be postmaster at Fontanelle, in the county of Adair and State of Iowa.

J. Ken Mathews to be postmaster at Mediapolis, in the county of Des Moines and State of Iowa.

Charles J. Mills to be postmaster at Ossian, in the county of Winneshiek and State of Iowa.

Samuel J. Robertson to be postmaster at Fort Dodge, in the county of Webster and State of Iowa.

George A. Sedgwick to be postmaster at Hawarden, in the county of Sioux and State of Iowa.

Emory Westcott to be postmaster at Iowa City, in the county of Johnson and State of Iowa.

James E. Wheelock to be postmaster at Hartley, in the county of O'Brien and State of Iowa.

KENTUCKY.

William M. Catron to be postmaster at Somerset, in the county of Pulaski and State of Kentucky.

MAINE

George H. Dunham to be postmaster at Island Falls, in the county of Aroostook and State of Maine.

MICHIGAN.

Martin N. Brady to be postmaster at Saginaw West Side, in the county of Saginaw and State of Michigan.

Will H. Brunson to be postmaster at St. Johns, in the county of Clinton and State of Michigan.

John Hanna to be postmaster at Birmingham, in the county of Oakland and State of Michigan.

Grant M. Morse to be postmaster at Portland, in the county of Ionia and State of Michigan.

MINNESOTA.

John Y. Breckenridge to be postmaster at Pine City, in the county of Pine and State of Minnesota.

Clement H. Bronson to be postmaster at Osakis, in the county of Douglas and State of Minnesota.

David E. Cross to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota.

Sarah Dahl to be postmaster at Cottonwood, in the county of Lyon and State of Minnesota.

Alfred J. Gebhard to be postmaster at Lamberton, in the county of Redwood and State of Minnesota.

Ole H. Grasmoen to be postmaster at Fairfax, in the county of Renville and State of Minnesota.

Thomas T. Gronlund to be postmaster at Tyler, in the county of Lincoln and State of Minnesota.

Eugene M. Harkins to be postmaster at Sherburn, in the county of Martin and State of Minnesota.

Julius E. Haycraft to be postmaster at Madelia, in the county of Watonwan and State of Minnesota.

Dwight C. Pierce to be postmaster at Goodhue, in the county of Goodhue and State of Minnesota,

MISSOURI

Jesse B. Ross to be postmaster at Springfield, in the county of Greene and State of Missouri.

NEBRASKA.

John W. Boden to be postmaster at Edgar, in the county of Clay and State of Nebraska.

James C. Elliott to be postmaster at Westpoint, in the county of Cuming and State of Nebraska.

Frank Israel to be postmaster at Benkelman, in the county of Dundy and State of Nebraska.

Henry E. Langevin to be postmaster at Curtis, in the county of Frontier and State of Nebraska.

John H. McGuire to be postmaster at Benson, in the county of

Douglas and State of Nebraska. Will A. Needham to be postmaster at Bloomfield, in the county of Knox and State of Nebraska.

William R. Pedley to be postmaster at Bertrand, in the county of Phelps and State of Nebraska.

Daniel Swanson to be postmaster at Freemont, in the county of Dodge and State of Nebraska.

Ira E. Tash to be postmaster at Alliance, in the county of Box Butte and State of Nebraska.

Lee Van Voorhis to be postmaster at Crawford, in the county of Dawes and State of Nebraska.

Frank R. Wild to be postmaster at De Witt, in the county of Saline and State of Nebraska.

NEW JERSEY.

Herbert H. Biddulph to be postmaster at Montclair, in the county of Essex and State of New Jersey.

Frank A. Brown to be postmaster at Cranbury, in the county of Middlesex and State of New Jersey.

NEW YORK.

Fred E. Allen to be postmaster at Whitney Point, in the county of Broome and State of New York.

Louis Lafferrander to be postmaster at Sayville, in the county of Suffolk and State of New York.

Albert S. Potts to be postmaster at Cooperstown, in the county of Otsego and State of New York.

NORTH DAKOTA.

Otis Beardsley to be postmaster at Underwood, in the county of McLean and State of North Dakota.

George C. Chambers to be postmaster at Churchs Ferry, in the county of Ramsey and State of North Dakota.

Willis H. Rogers to be postmaster at Hunter, in the county of Cass and State of North Dakota.

John B. Spangler to be postmaster at Steele, in the county of Kidder and State of North Dakota.

Lucius A. Austin to be postmaster at Granville, in the county of Licking and State of Ohio.

J. Warren Prine to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio.

OKLAHOMA.

William H. Campbell to be postmaster at Anadarko, in the county of Caddo and Territory of Oklahoma.

Joseph V. Martin to be postmaster at Lone Wolf, in the county of Kiowa and Territory of Oklahoma.

T. J. Molinari to be postmaster at Granite, in the county of Greer and Territory of Oklahoma.

John P. Richert to be postmaster at Gotebo, in the county of Kiowa and Territory of Oklahoma.

OREGON.

Elmer F. Russell to be postmaster at North Bend, in the county of Coos and State of Oregon. VIRGINIA.

Oscar L. James to be postmaster at Abingdon, in the county of Washington and State of Virginia.

Jacob H. Lindsey to be postmaster at Bridgewater, in the county of Rockingham and State of Virginia.

James H. Sumpter to be postmaster at Floyd, in the county of Floyd and State of Virginia.

WISCONSIN.

Alex Archie to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin.

Edward A. Bass to be postmaster at Montello, in the county of Marquette and State of Wisconsin.

Ole Erickson to be postmaster at Grantsburg, in the county of Burnett and State of Wisconsin.

John G. Gorth to be postmaster at Oconomowoc, in the county Waukesha and State of Wisconsin.

Fred R. Helmer to be postmaster at Clinton, in the county of Rock and State of Wisconsin.

Calvin A. Lewis to be postmaster at Sun Prairie, in the county of Dane and State of Wisconsin.

Charles E. Raught to be postmaster at South Kaukauna, ir the county of Outagamie and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 31, 1907.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7776. An act to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes;

S. 6539. An act to control the direction and management of the Panama Railroad; and

S. 6147. An act authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes. The message also announced that the Senate had passed with-

out amendment bills and joint resolution of the following titles:

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.;

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 21 miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 19568. An act vacating Alexander place and Poplar street in the subdivision of a part of a tract called "Lincoln," District of Columbia, and vesting title in the present owner; H. R. 16868. An act for the prevention of scarlet fever, diph-

theria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Co-

H. R. 10595. An act for the relief of Nye & Schneider Com-

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit;

H. R. 9131. An act for the relief of the legal representatives

of Charles D. Southerlin; H. R. 7014. An act to provide American registers for the

steamers Marie and Success; H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy

collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;

H. R. 6417. An act for the relief of T. J. H. Harris; H. R. 1808. An act for the relief of J. J. L. Peel; H. R. 1738. An act for the relief of Sarah A. Clapp;

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered; and

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill of the following title:

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington."

BILLS REFERRED.

Under clause 2 of Rule XXIV, House bill No. 24541 making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes, with Senate amendments, was referred to the Committee on Appropriations.

S. 6539. An act to control the direction and management of the Panama Railroad was referred to the Committee on Interstate and Foreign Commerce.

REPRINT OF REPORT.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for a reprint of report No. 6901, to accompany Senate bill 976. The SPEAKER. Is there objection? [After a pause.] Chair hears no objection.

CIRCUIT AND DISTRICT COURTS AT BELLINGHAM, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21383) providing that terms of the circuit court of the United States for the western district and for the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That in addition to the times and places now fixed by law for the setting of the circuit court of the United States for the western district of Washington there shall be sessions of the said circuit court in the city of Bellingham, beginning on the first Tuesday of April and October of each year hereafter.

Sec. 2. That there shall be regular terms of the district court of the United States for the northern division of the western district of Washington in the city of Bellingham, beginning on the first Tuesday of April and October of each year hereafter.

Sec. 3. That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere, but the court intervening may be adjourned until the business of the court in session is concluded.

Sec. 4. That the city of Bellingham shall furnish a satisfy.

SEC. 4. That the city of Bellingham shall furnish a suitable room in which to hold said court, and light and heat the same without any expense to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time: was read the third time, and passed.

WITHDRAWAL FROM BOND, TAX FREE, OF DENATURED ALCOHOL, ETC.

Mr. HILL of Connecticut. Mr. Speaker, by instruction of the Committee on Ways and Means I present for printing and reference a privileged report on the bill H. R. 24816.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

The bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing meterials," approved June 7, 1906.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union.

SALMON FISHERIES IN ALASKA.

Mr. GROSVENOR. Mr. Speaker, I ask for a rereference of the bill H. R. 24755.

The SPEAKER. The Clerk will report the title of the bill. Mr. GROSVENOR. And I ask that it be referred from the Committee on the Merchant Marine and Fisheries to the Committee on the Public Lands.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

The bill (H. R. 24755) entitled "A bill to encourage private salmon hatcheries in Alaska."

The SPEAKER. The gentleman from Ohio asks for its reference from the Committee on the Merchant Marine and Fisheries to the Committee on the Public Lands. [After a pause.] The Chair hears no objection.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, on Tuesday of this week I had asked for unanimous consent for consideration of the Senate amendments to the urgent deficiency bill, and that they might be considered in the House as in the Committee of the Whole House. At that time objection was made to such consideration. I believe that it was made then under a misap-prehension, and therefore I would now renew my request for unanimous consent that the urgent deficiency bill (H. R. 24541) be taken from the Speaker's table and that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. As the Chair understands the gentleman's request, he asks unanimous consent to take from the Speaker's table the urgent deficiency bill with Senate amendments and to consider the same in the House as in Committee of the Whole House under the hour rule. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to say inquiry was made yesterday as to whether the Committee on Appropriations had yet considered that bill, and it was answered in the negative, and I know some gentlemen desired to be present when it was considered whom I do not see here this morning. In fact, I see there are quite a number of people absent who do not seem to have had the information they desired to have, and for that reason I shall object to this being taken up at this time.

The SPEAKER. Objection is heard.

RIVER AND HARBOR BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill, and pending that motion I ask unanimous consent that the chairman of the committee may have authority to apportion less time than an hour to Members who desire to be heard upon the bill.

The SPEAKER. The Chair did not understand the gentleman's statement.

Mr. BURTON of Ohio. The request is that the Chairman of the Whole House on the state of the Union may have authority to apportion time less than an hour to speakers who desire to be heard on the bill. As I understand the rule, when a Member obtains the floor he is entitled to an hour unless authority exists to apportion a less time.

The SPEAKER. The gentleman from Ohio [Mr. Burton]

asks unanimous consent that the Chairman of the Committee of the Whole House on the state of the Union, in the consideration of the river and harbor appropriation bill, shall have the right to recognize Members, fixing the time that they shall speak for

less than one hour, in his discretion. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, as I understand the proposition I do not think I have any objection to it; that is, that the Chairman of the Committee of the Whole House on the state of the Union may recognize any Member for less than an hour, but that otherwise it would come

under the hour rule; and he can not extend the time, except by unanimous consent of the committee, beyond the hour. I want to say in that connection that I shall object hereafter at this stage of the session to allowing anyone, Member of the House, Chairman of the Committee of the Whole House on the state of the Union, or otherwise, to grant unlimited time to any other Member or any time beyond the hour, except by the unanimous consent of the Committee of the Whole House on the state of the Union at the time. As I understand, this is a request to recognize for a shorter time than an hour or for an hour.

Mr. BURTON of Ohio. Yes.

Mr. CLARK of Missouri. I want to say this about this bill—and if I have to reserve any right to object, I will—that I would be perfectly willing, as far as I am individually concerned, to see the gentleman who is going to preside in this matter parcel the time, because he has demonstrated over and over again that he is a fair presiding officer. I refer to the gentleman from New Hampshire [Mr. Currier], and I am glad to say this. I have raised the point of no quorum two or three times and then called for tellers, and it always panned out as he counted in the beginning. [Laughter.]

What I wanted to say was this, that while I would be perfeetly willing for the gentleman from New Hampshire [Mr. Curcerned. I do not like that way of doing business generally, because somebody might act as Chairman sometime on an important bill who would chouse us out of an equal show, and if this happens now I want it distinctly understood it is not to be taken So far as I am concerned, I would rather that as a precedent. the gentleman from Ohio [Mr. Burton], representing the Republicans, and the gentleman from Alabama [Mr. BANKHEAD], representing the Democrats, should parcel this time out.

Mr. PAYNE. I want to say to the gentleman from Missouri [Mr. Clark] I want to say the general was not not be several years ago, and the Chairman of the Committee of the Whole House recognition nized different Members for 20 minutes or half an hour, and that thing was universally conceded, so that at the end of the half hour time was called upon the gentleman who was addressing the committee and he took his seat. This thing has been done before, and it has been done very successfully, even with-

Mr. CLARK of Missouri. I want to interpolate, Mr. Speaker, that I do not have any trouble getting time in the House pretty nearly when I want it, but away back when I first came here I was extremely anxious to make a speech in the daytime on a bill here, and the Chairman presiding just simply shut me out and would not let me do it, and I have had a very lively recollection of that performance ever since.

Mr. PAYNE. Nothing of that kind could be done to the gentleman from Missouri [Mr. Clark] in his early days here

unless by unanimous consent of the House.

Mr. CLARK of Missouri. I know it can not be done now. Nobody is disposed to do it. I am not afraid of the gentleman from New Hampshire [Mr. Currier] being unfair about it.

Mr. BANKHEAD. Mr. Speaker, I am inclined to the opin-

ion, sir, that if the chairman of the Committee on Rivers and Harbors will renew this morning his motion of yesterday evening, or rather his suggestion, that we can get an agreement upon that that would be satisfactory to all parties at interest, if he feels inclined to do that.

Mr. MANN. I hope the chairman will make that request.

because I shall object to the present request.

Mr. BURTON of Ohio. Mr. Speaker, it seems to me we have had a deal of unnecessary tangle about this apportionment of time. It seemed to be decided last night that the time should be under the control of the Chairman of the Committee of the Whole. I will say preliminary to the request I shall make, that the circumstances under which this bill is to be discussed There is no organized opposition to the bill as a measure; but there are certain persons who desire to be heard on behalf of specific projects not included. I do not care and do not desire to take the responsibility of apportioning this time or have it; but I am inclined to think it would be best, and therefore I renew the request that the apportionment of the time be under my control jointly with the gentleman from Alabama. Mr. PAYNE. I shall object to any motion to give more than an hour to any Member.

Mr. BURTON of Ohio. I will state to the gentleman from

New York that there is no such intention on my part.

Mr. PAYNE. I have no objection to anybody portioning out the time if it is done in such way that no gentleman can be rec-ognized beyond the hour without unanimous consent of the com-

Mr. DALZELL. I shall object to the time being under the control of gentlemen who are in favor of the bill.

The SPEAKER. The Chair will ask the indulgence of the House for a moment. It has been the observation of the Chair that there may have been various times toward the end of the session when gentlemen desire to talk and time could not be given, but the Chair has observed that the chairman of the committee, in the absence of any unanimous consent, could arrange the time fairly well within the limits that the House concluded the bill ought to be considered.

The question was taken on the motion to go into Committee of

the Whole

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair. The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill

H. R. 24991, the river and harbor bill.

Mr. BURTON of Ohio. Mr. Chairman, the aggregate of appropriations and of authorizations in this bill is larger than in any previous river and harbor bill ever presented to Congress. total amount is \$83,816,138, of which approximately \$35,-000,000 is made up of appropriations for expenditures during the ensuing fiscal year and \$48,000,000 in authorizations for expenditures in succeeding years. I may say that of the amount actually appropriated—\$35,000,000—probably not more than \$25,-000,000 at the outside will be expended during the ensuing fiscal year, because in a number of cases provision is made for maintenance for two years instead of one. This arises from the custom of passing a river and harbor bill only biennially. This arises from In a preceding bill—that of 1896—the authorizations amounted to \$59,000,000-more than in this bill-but the totals in this measure exceed the bill of 1896 by \$11,000,000.

I wish to say to the House that, in my judgment, this it not only the largest river and harbor bill ever presented, but it is the best. It has certain distinctive features. In the first place, an unusual number of improvements are to be pressed to completion, and full provision is made for the total amount required to finish the work undertaken. In the next place, not one new project is provided for unless a sufficient amount is appropriated or authorized to complete it. This policy is one toward which we have been aiming for some eight or ten years, but satisfactory results along this line have not been attained until now. Of the total amount of more than \$83,000,000 carried in the bill, \$68,717,000 is for projects of considerable magnitude now under way or in connection with which additional facilities are required. I will mention the most prominent of

The largest appropriation and authorization for a harbor is that for the 35-foot channel leading from the city of Boston to the sea, the total amount required to complete which is \$4,-The next largest amount for a harbor is that for the completion of the improvement of the Southwest Pass of the Mississippi River, amounting to \$2,500,000. Provision is made for the completion of the so-called "Ambrose channel," leading from New York City to the sea; for the improvement of the Delaware, leading from Philadelphia to the sea, and its completion, and for the completion of the channel leading from Baltimore to the sea.

In addition to these large amounts for harbors, generous provision is made for the Mississippi River and for the connecting channels of the Great Lakes. In addition to the amount appropriated for the Southwest Pass, which furnishes the inlet and outlet from the Gulf to the Mississippi River, an aggregate of \$12,145,000 is provided for the Mississippi River, which it is expected will meet all requirements for four years, and appropriations and authorizations of between twelve and thirteen millions for the connecting channels of the Great Lakes, where two great improvements are provided for-an additional lock for the St. Marys River, connecting Lakes Superior and Huron, and an alternative channel in the Detroit River, where the traffic has become so large as to imperatively require more room.

Each of these two improvements is to cost somewhat in excess of \$6,000,000. For harbors of what may be called secondary rank provision is made as well. The sum of \$1,000,000 is appropriated and authorized for the city of Savannah and \$1,132,000 for the city of Norfolk, where the tonnage has reached a very great magnitude. The sum of \$1,000,000 is appropriated for the channel from Galveston to the sea and \$150,000 for the improvement of the interior harbor. This harbor has shown a growth which is phenomenal, so that it is now stated that in the value of the exports it is second only to New York City. In the report which has been filed these different improvements have been divided into two classes; first, those in which the appropriation and authorization aggregate more than \$1,000,000, and, second, those where the amount is more than \$200,000, but less than \$1,000,000.

In the projects of secondary or minor rank provision is made for a very considerable number of places. These are set forth in the report filed with the bill. So much for the pending projects.

The committee also recommend new projects, for which, as I said, provision is made for completion at a cost of \$5,038,000. most important of these are for the city of New Bedford, in Massachusetts, where increased anchorage room and depth are required, to provide which \$300,000 is appropriated and authorized; for Coney Island channel, which affords a relief outlet from New York Harbor to the sea; for Cold Springs inlet, at Cape May, where provision is made for the expenditure of \$1,211,000 under certain conditions, one of which is that the sum of \$100,000 is to be supplied in that locality to be expended upon the improvement by the Secretary of War.

Also provision is made for the Passaic River and Newark Bay, where there is an appropriation and authorization of \$850,000. The traffic here has increased with very rapid strides, and the provision already made for this very important commercial and industrial center, Newark, is not large in comparison with that made for other places.

Among other new projects new appropriations have been made for inland or intercoastal waterways, one in the State of Louisiana, at a total expense of \$289,000, and one in Texas at an expense of \$433,000.

There are also two other items, one for St. Michaels Canal, in Alaska, providing for a safe means of transit from the mouth of the Yukon River to the nearest harbor, this improvement being made desirable by the fact that at present life and property are very much jeopardized in taking the dangerous trip between

For the Hawaiian Islands, at Hilo Harbor, \$400,000 is appropriated and authorized. Here a breakwater to aid and give safe entrance to the only harbor on the most important, or at least the most fertile and productive, of the Hawaiian Islands was examined and reported, at a cost of \$1,700,000. The committee did not think best to recommend all of this amount, but recommended a portion of it, which it is thought will give substantial relief to traffic, affixing a condition that none of the amount is to be expended unless, on further examination, it meets the approval of the Chief of Engineers.

An appropriation and authorization of \$757,500 is made for the port of San Juan, in the island of Porto Rico. A majority of the members of the committee visited this island two years ago the coming March. Three or four ports were examined. It was thought that in two of them, Mayaguez and Ponce, no improvements should be made at national expense, but that the other harbor was worthy of improvement. A report of the Chief of Engineers recommends an expenditure of about \$1,000,-000; but on consultation it seems that the amount named, \$757,500, will be sufficient to afford additional room and proper The aim of the appropriation is to provide a depth of 30 feet at the entrance and in suitable anchorage ground inside

Smaller projects are not neglected. The bill carries some larger appropriations for these than was included in preceding Among them I may name the three rivers of South Carolina, the Santee, the Congaree, and Wateree rivers; the Chattahoochee River, on the line between Georgia and Alabama; the Alabama River, in Alabama, and the Pawtucket River, in Rhode Island.

Some years ago there was an earnest discussion in the House with reference to the Missouri River, and it did not seem best to continue the very expensive improvement which had been undertaken upon that stream. In the last year, however, there has been a revival of the movement for navigation. Both at Kansas City and at Omaha it is contemplated that boats will be built for river traffic. The committee thought best to recommend an expenditure of \$300,000 for the Missouri, \$150,000 to be expended below Kansas City, \$100,000 between Kansas City and Sioux City, and \$50,000 above Sioux City. This amount is primarily to be used for clearing the river of snags. Unfortunately it is a stream which does not yield favorable results to treatment by dredging, although here and there a little dredging may be done. It is the opinion of the committee that there is no middle ground between improvements of this nature and a very extensive improvement, costing as much as \$100,000 a mile below Sioux City and \$38,500 a mile above that place. That is the estimate of the engineering board which has passed upon it.

It is desired, however, that a fair trial be given, and if traffic is developed further appropriations may be made. I can not see why upon this great river, with the large towns upon it, some navigation should not develop and be maintained.

largely caused by railway competition, the sufficiency of the railways for the carriage of freight, and the extreme difficulty of securing satisfactory results in its improvement. I would state that the committee in prior years thought best to abandon the large appropriations, and I think they would still be of that opinion largely because of the enormous expense required, and further because it appeared that although \$10,000,000 had been expended this amount had been disbursed very largely over only a limited area of the river.

The smaller streams which may be called distinctly local are not omitted in the bill. Some question may be raised as to the propriety of improving a mere local stream at national expense. Great care no doubt should be used to exclude creeks and rivers so insignificant as to give no promise of favorable results. But I desire to say to the committee that the appropriations made for many of these little streams have been quite as beneficial as any river and harbor appropriations that have been made.

our years and a half ago I called attention to the prevalent misapprehension entertained by many in the country that a very large share of our bill is made up of provisions for creeks and rivers of trivial importance. In my remarks then I pointed out that in the pending bill, that of 1902, the total amount appropriated for streams having a traffic of a tonnage of less than 100,000, of a value of less than \$1,000,000, was \$417,000, and this amount was for two years.

In the present bill appropriation is made for some streams of this class where no traffic has already developed. In some cases a considerable amount is appropriated, with the hope that a considerable commerce will follow, but that which is recommended for these local streams where there is an existing traffic is not materially in excess of the amount in the bill in 1902. It will aggregate less than \$500,000.

For the information of the committee I desire to allude to some figures which will display the importance of this traffic on small streams.

The Thames River, Connecticut, has a tonnage of 446,004 tons, The appropriation in this bill is \$30,000. The Bronx River and East Chester Creek, in New York, both emptying into Long Island Sound, have a tonnage of 387,368 tons, and we appropriate \$29,000. Mantua Creek, New Jersey, has a tonnage of 136,105 tons, and we appropriate \$34,450, a part of which is for improvements which will render the expense hereafter less year by year.

Raccoon Creek, New Jersey, has a tonnage of 263,317 tons, and the committee recommends an appropriation of \$15,000. Smyrna River (Duck Creek), Delaware, has a tonnage of 204,731 tons, and for this we recommend an appropriation of \$2,000.

Nanticoke River, in Delaware and Maryland, has a tonnage of 121,769, for which the same sum, \$2,000, is recommended. The Neuse and Trent rivers, North Carolina, have a tonnage of 731,534, for which an appropriation is recommended of \$30,000. The Waccamaw River, North Carolina and South Carolina, has a tonnage of 207,630, for which we recommend an appropriation of \$20,000. The St. Johns River, Florida, above Jacksonville. has a tonnage of 269,610, for which we recommend an appropriation of \$25,000. The White River, Arkansas, has a tonnage of 100,083, for which we recommend an appropriation of \$30,000. The French Broad and Little Pigeon rivers, Tennessee, have a tonnage of 188,700, for which we recommend an appropriation of \$2,000. The Petaluma Creek and Napa River, California, have a tonnage of 404,983, for which an appropriation is recommended of \$23,239, part of which is for additional improvements. The Okanogan and Pend Oreille rivers, Washington, have a tonnage of 55,917, for which we recommend an appropriation of \$20,000. The tonnage on these little streams compares very favorably with some of the larger streams of the country. fact, there are three or four in the list that I have read having a greater tonnage or traffic than that portion of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio.

Mr. KEIFER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman yield?

Mr. BURTON of Ohio. Yes.

Mr. KEIFER. I desire an explanation. When the gentleman speaks of tonnage at these several places, I wish he would explain what he means by it.

Mr. BURTON of Ohio. The number of tons of freight car-

Mr. KEIFER. How often?
Mr. BURTON of Ohio. A year. I have spoken of these things so frequently that I forget sometimes to state that, else

I would have called attention to it.

The general provisions in the bill are not numerous. There is the usual section in regard to surveys and examinations. fact that it has been in such a state of decadence has been. There is a section directing the printing of 3,000 copies of a compilation of the laws of the United States. This same section practically was included in a prior bill, but the book was not ready for printing until after the prescribed time, so it is necessary to reinclude it here. The committee recommends the repeal of a section contained in the act of 1904, forbidding the building of dredges for the prosecution of Government work north of Cape Henry, or on the Great Lakes, without express legislative authority. While I think no member of the committee desires to commit himself to the idea that this work of dredging shall be done entirely or even prevailingly by Government dredges, it seems in the first place illogical to make a geographical division of this kind. The provisions should be uniform throughout the country. If it is a good rule north of Cape Henry, it is a good rule south of Cape Henry as well. If it is desirable to forbid the building of dredges on the Great Lakes without express legislative authority, it is also desirable to forbid it on the Gulf of Mexico, and it seemed best to give general authority to the Engineering Department to apportion such part of the appropriations to any harbor or river which they might think desirable to the construction of dredges. largely a question of conditions. We may make an appropriation for a river and harbor and it will be desired to improve it, but no dredging outfit is available. Perhaps no dredging outfit can be obtained at all; and if one can be obtained, it is not suitable for the work. So the appropriation is held up and nothing done Again, in numerous harbors of the country dredging is required the year round, because the channels are constantly filling. If this work is done by contract the dredger will go and perform his work in one or two months and then go away and leave it for the remaining ten months. During those ten months there will be divers fills, and the depth of the channel may very materially diminish. In such cases as this it is extremely desirable that a dredge be at hand, owned by the Government, under the control of the engineer who may go out and remedy the situation. We have added to this section, however, a provision that a contract may be made with the owners of private dredges under which they shall have a reasonable allowance for deterioration and such percentage added to the cost of the work as may be equitable. Thus the private dredger can do the work as the agent of the Government. This will tend to provide against any injustice or hardship which may

The committee has recommended the extension of the jurisdiction of the International Waterways Commission created by the act of 1902. In the act of 1902 it was provided that a commission should be created to act jointly with one created by Great Britain to consider questions relating to boundary by Great Britain to Consider questions waters between the United States and Canada. A great many imitating questions were constantly arising. The control of the waters between the two countries is necessarily international. In the Detroit River or in those channels that are on the boundary line, the master of a vessel does not for a moment hesitate to know whether he is in the waters of the United States or the waters of Canada. It is exceedingly desirable that the joint waterway may be improved and that it be under the jurisdiction of, or at least that it be supervised by, a commission which can make recommendations. The section as originally drawn seemed to point to jurisdiction over all connecting waters between the United States and Canada, but its operation was limited by our officials to the Great Lakes and connecting The Canadian government earnestly desired that this jurisdiction be extended to include all waters, and this section is largely inserted in response to that desire. I would say, however, to the committee that as a general policy it seems to me also desirable that we should include all boundary waters between the United States and Canada.

In this bill we have included only projects reported by a board of reviewing engineers created by the act of 1902.

It has seemed necessary to draw the line somewhere. previous occasions I have called attention to the fact that we have on our books \$400,000,000 of projects incomplete or recommended for adoption. We have been laboring under this burden in every bill which we have presented. This makes the river and harbor appropriation bill a more difficult measure than any presented in this House, or, at least, than any appropriation bill, because in most appropriation bills the amounts follow very closely the recommendations of the Executive Departments-perhaps a few millions more or less-but we have been compelled in each measure we have brought in to select less than a hundred million dollars from \$400,000,000 which might be expended, and it has seemed desirable to draw the line with those improvements which had the recommendation of this board of review. In some instances there has been some slight variation from that rule when on revision by the Chief

of Engineers some project was recalled, but that has been the general rule we have followed.

Mr. GRAFF. Does the gentleman mean to indicate there have been no appropriations provided for in this bill which have not received a favorable report of the board of engineers as to their advisability?

Mr. BURTON of Onio. I do so state that is substantially the case, except, of course, in the case of pending projects, not finished, which have never gone to the board of review.

Mr. GRAFF. Are there not projects provided for in this bill which have not received a favorable report of the board of engineers as to their advisability?

Mr. BURTON of Ohio. I do not know of any.
Mr. GRAFF. Is that true of the project at Cape May?

Mr. BURTON of Ohio. I so understand it.
Mr. GRAFF. Of course the gentleman would know whether that is true or not.

Mr. BURTON of Ohio. I would state in regard to that project it is one of six which did not come to my immediate atten-

Mr. GRAFF. Was that recommendation on the ground of its commercial necessity?

Mr. BURTON of Ohio. Yes, sir; as a harbor of refuge, for the construction of which there was a large amount contributed by the locality-some \$3,000,000 used to dig out an inner harbor. It was thought the Government might very naturally secure this harbor of refuge and harbor by providing for the entrance to it.

Mr. GRAFF. I do not understand the gentleman knows positively whether there was a favorable report by the board of engineers.

Mr. BURTON of Ohio. I so understood; but I will state this is one of six which I did not examine with quite as much detail as others, and this leads me to state in regard to the very large project of an inner waterway from Chicago to St. Louis the committee decided not to include that in this bill. In the first place, it is the largest indivisible project ever recommended, or certainly for river and harbor improvements in the United It is true more money has been spent on the Mississippi River below Cairo. There is a pending project for improving the Ohio River which would cost more, but it is divisible in a sense and this is not. It seemed to us, in view of the fact that scores, even hundreds, of projects have been waiting five or ten years, we ought not to take this up when in fact there had been no agitation for it until about six weeks before this bill was reported. It was too great a project to undertake on so short notice. We are trying to get away from the old dribbling policy of appropriating a little here and a little there, and not obtaining complete results anywhere; thus we are pursuing the policy in this bill of undertaking nothing unless it is finished. We were asked in this case to appropriate \$3,000,000 on a \$31,000,000 project. It did not seem to the committee desirable to do that. If it is to be taken up at all, let it be taken up in its entirety. Let Congress face the question and not say we will spend \$3,000,000 to make a feeble beginning, but we will spend \$31,000,000 to finish it. Again, it is but a part of the great waterway which is advocated from the Lakes to the Gulf.

There is no survey of any 14-foot waterway from St. Louis to the Gulf, and it does not seem to us desirable to take up this part until we know what the cost will be and what the desirability will be of improving the rest of it from St. Louis to I do not wish to be understood as throwing this over our shoulders. It is possible that under an enlarged and more liberal policy of improving the waterways of the country the people may take this up, but it would be out of proportion to anything we are doing now, and if we do undertake it let us have our eyes open and know just how much it will cost to carry it through.

Again, this project was taken up and considered by this board of review, and they made an adverse report upon it. I do not think it would be quite fair to have refused to make appropriations costing one hundred thousand or two hundred thousand dollars, because it lacked that favorable report, and bring one in here for \$31,000,000.

Mr. HEPBURN and Mr. MADDEN rose.

To whom does the gentleman from Ohio The CHAIRMAN. [Mr. Burton] yield?

Mr. BURTON of Ohio. I will yield first to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. I simply want to ask the gentleman, not to interrupt the current of his speech, to describe this particular waterway

Mr. BURTON of Ohio. It is a proposition for a waterway

continuing the drainage canal, extending some 30 miles from Lake Michigan—I believe that is about the distance.

Mr. MADDEN. Forty.

Mr. BURTON of Ohio. Through the Des Plaines and Illinois rivers to the Mississippi, securing a depth of 14 feet for through communication from Chicago to St. Louis.

Mr. MADDEN. I wanted to know whether the board of engineers who made the survey reported as to the feasibility of

Mr. BURTON of Ohio. I would state that the board of engineers who made the survey reported that it was feasible. I want to say something in that connection. The assertion has been repeatedly made that this board favored it, and I want to ask the gentleman from Illinois [Mr. MADDEN] if he is willing to leave this question to that board that made the survey and let them come together again and report whether it is desirable

Mr. MADDEN. I feel that the board of engineers who have

no practical knowledge on great commercial—

Mr. BURTON of Ohio. The gentleman will note that I asked him a question.

Mr. MADDEN. Is not qualified-

Mr. BURTON of Ohio. I asked the gentleman a question.

Mr. MADDEN. I am answering the question. I say such a board is not qualified to settle a great commercial question, and therefore I would not be willing to leave for them the decision of a proposition that ought to be settled by business men who have developed the country. And I would like to ask the gentleman one more question if he will yield.

Mr. BURTON of Ohio. Certainly.

Mr. MADDEN. And that is, what recommendation the board of engineers made on the Cold Springs Harbor proposition?

Mr. BURTON of Ohio. I have already talked with the gentleman's colleague about that. I will say, when that item is reached under the five-minute rule, or any other time, I desire to have it fully debated. Another thing: The gentleman says he would rather leave it to good business men and not to engi-I remember that about sixteen years ago there was an agitation here for the Hennepin Canal—a canal across Illinois. There was just the same airy nonchalance and contempt for expert knowledge. It was said that we ought to leave it to business men-a very vague, indefinite statement. What is a business man? There are different qualities of business men. Is he a boomer, who wants money spent in his locality? There was the same questioning of motives and abuse of whoever stood in its way. The Government undertook the project, and I want to say to the gentlemen of the committee that after six millions and a half of dollars had been spent on that Hennepin Canal the Committee on Rivers and Harbors debated a long while whether it was better to spend \$500,000 more to finish it or whether it was not best to abandon it entirely.

Will the gentleman yield for a question? Mr. GRAFF.

Mr. BURTON of Ohio. Certainly.

I desire to state that the controlling factor in Mr. GRAFF. the initiative of that enterprise and the appropriations by the Committee on Rivers and Harbors was the fact that the gentleman, my good friend Gen. T. J. Henderson, who lived in that district and represented it here in Congress was chairman of the Committee on Rivers and Harbors. He at that time domi-nated the committee, a thing which I do not know whether or not is true in the same degree at the present time. [Laughter.] It was not on account of the fact that there was a great area of territory popularly asking for the initiating of this enterprise. It was because of the great interest of the gentleman who happened to be chairman of the committee.

Mr. BURTON of Ohio. I am glad to hear some explanation of that, because I have found so many Members of Congress that were ashamed of it. The gentleman says that that was adopted because of the dominating influence of the chairman of the River and Harbor Committee. Would it not be a good idea to have some reform? If dominating influence was exerted to foist such a scheme as that on the country, would it not be better now that the chairman exercise his so-called "dominating influence" in repressing a few similar schemes that appear in the

[Applause.]

Mr. RAINEY. Mr. Chairman, I want to inquire of the gentleman whether the Committee on Rivers and Harbors requested this board of review for rivers and harbors to report the scheme instead of this waterway? Mr. BURTON of Ohio. They did.

Mr. RAINEY. Under what authority did the committee make that request?

Mr. BURTON of Ohio. Under a statute, and why-

Mr. RAINEY. Will the gentleman permit me to read the statute now?

Mr. BURTON of Ohio. I am unwilling to have my time taken in that way. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has twenty minutes.

Mr. RAINEY. I think that the authority conferred by the statute extends to nothing else except projects approved by Congress and projects entered upon by Congress. This has neither been approved nor has any appropriation been made for it, and the statute provides for the reference by the committee of only these two.

Mr. BURTON of Ohio. The gentleman is in error. I trust

he will make his statement in his own time.

Why was it left to this board of review? The original statute for it in 1902 did not provide for any report upon its de-sirability. I think that was unfair. If I have anything to do in this committee, or if I can be heard in this House outside of the committee, then there shall be no more surveys of any river and harbor unless we are to have some report upon their desirability. The committee did not think it was fair to make this exception as compared with other projects in the country, because the plans for improvements were submitted to a review by that board wherever they might be; and if it required a straining of the statute to refer this proposed waterway to them, then we were justified in so doing, just as we have done in all other cases, and the gentleman from Illinois [Mr. Loriner], a member of the committee, absolutely acquiesced in the action of the committee; he himself said it was fair.

Done without authority of law.

Mr. BARTHOLDT. Will the gentleman allow me to inter-

Mr. BURTON of Ohio. Certainly.

Mr. BARTHOLDT. Mr. Chairman, there is very strong impression in my country that this reviewing board which the gentleman mentions is merely an appendix to the Committee on Rivers and Harbors by which that committee not only shapes its own actions, but its engineer reports.

Mr. BURTON of Ohio. I can not account for all the impres-

sions which prevail in the gentleman's locality. Some one takes a great deal of interest in sending me practically every other day a lot of clippings of impressions, impressions like those the gentleman speaks of, that are so laden with misstatements and misrepresentations that I can not account for them.

Mr. MOORE of Pennsylvania. Will the gentleman permit me?

Mr. BURTON of Ohio. Certainly.

Mr. MOORE of Pennsylvania. Assuming that the chairman is perfectly correct in the proposition that no additional survey should be granted except where work previously authorized has been completed, may I ask whether he will not accord the same privilege to the city of Philadelphia, where a survey for 35 feet has been asked and refused, when the same character of surveys, for 35 feet, have been granted to the ports of New York, Baltimore, and Boston?

Mr. BURTON of Ohio. I would like to say to the gentleman that the radical misapprehension under which he and those who favor a 35-foot survey labor is this: They do not realize the difference between an inland port, 60 miles or more up a river, and one which is upon a bay opening out to the sea. I once asked a commercial body at Philadelphia to state a single case of a port similarly located which would have a greater depth at high and low tide than Philadelphia will have when the 30foot channel is completed. I showed them the list to select from, which includes a great many of the greatest ports in the world, Rotterdam, Hamburg, London, Antwerp, and some of the larger ports in the world, and the answer to that is never made, simply because they can not find an illustration where there is a similar port in the world that will have a greater depth than Philadelphia will have—that is, where expensive and elaborate treatment is required for the channel.

Mr. MOORE of Pennsylvania. May I ask the gentleman to explain whether Baltimore is not very much in the same posi-

tion as Philadelphia?

Mr. Burton of Ohio. Not at all. It is true it is some distance from the sea, but the Patapsco River below yields readily to treatment, and length of the channel to the open sea which requires deepening is perhaps a third or two-fifths as great. A table was prepared, which the gentleman might read with interest, that tells the whole story. It shows that New York, Baltimore, and Boston have always retained increased depth, while at Philadelphia, such is the action of the river below, the depth can only be maintained, when once acquired, with very great difficulty.

Mr. MORRELL. I should like to ask the gentleman a ques-

tion.

Mr. MOORE of Pennsylvania. If the gentleman will allow

Mr. BURTON of Ohio. If I can have an extension of time,

I shall be glad to answer questions.

Mr. MOORE of Pennsylvania. I desire to ask these questions merely for the information of the House. Is it not a fact that Philadelphia has asked for a 35-foot survey, in anticipation, which has been denied by the committee, whereas similar surveys have been granted to these three competitive ports along the Atlantic seaboard?

Mr. BURTON of Ohio. It is not a fact in the sense in which you ask the question at all. It is true this rule was not made until 1902. It was the result of growth and consideration, but of late the rule has been enforced. Of course there are one or two apparent exceptions in Senate amendments, one with reference to Savannah and one with reference to Galveston; but the general rule has been as I state. Then there have possibly been trivial exceptions. I will state to the gentleman that there is an additional reason with reference to the survey for a 35-foot channel at Philadelphia. The report states that whether 30 feet can be maintained without prohibitive cost can only be determined by trial. It did not seem to the committee desirable to order a 35-foot survey in the face of such a warning as that.

I want to say to the gentleman that I believe he and all his constituents are going to be satisfied with the provision made in this bill. We are seeking to get this 30-foot channel as soon as practicable. We piled on \$500,000 in addition to the estimates. Why? I take the responsibility for that. I do not believe the engineer's estimate is large enough, or authorized it to be expended, and when you have a 30-foot channel I trust you will

all be satisfied.

Mr. MOORE of Pennsylvania. We have no fault at all to find with the appropriation for the 30-foot channel, and I have asked the gentleman these questions in order that we might later on have it understood that we desire to be placed in the same position with our competitive ports.

Mr. BURTON of Ohio. You never can be placed in the same position with these three other Atlantic ports. Nature determined that, not the Committee on Rivers and Harbors.

Mr. MOORE of Pennsylvania. Is it not true that the engineers have reported that this matter of the deepening of the channel is feasible?

Mr. BURTON of Ohio. They have reported that deepening it to 30 feet is feasible.

Mr. MOORE of Pennsylvania. And the deepening to 35 feet

is a matter to be determined by trial?

Mr. BURTON of Ohio. There is no survey on that and no report; but I want to say to the gentleman that if that 30-foot channel is found to be capable, after trial, of being maintained without prohibitive cost, it must be maintained even if it cost \$200,000 a year to do it; and the gentleman will find me the last one to object to a 35-foot survey, if on trial the 30-foot channel is found to be practicable; but it would be a vicious business policy to go ahead now and provide for a 35-foot survey before you know whether you can maintain even 30 feet.

Mr. MOORE of Pennsylvania. Then the gentleman is not op-

posed to a 35-foot channel if it is proved to be feasible.

Mr. BURTON of Ohio. Of course, under proper circum-

stances. The proof of whether it is feasible or not is first to try the 30-foot channel.

Mr. MOORE of Pennsylvania. Then the gentleman does not object to our asking, most courteously of course, to have a survey authorized in order that we may ascertain the cost of reaching a 35-foot channel.

Mr. BURTON of Ohio. I do not know exactly what road the gentleman is traveling just now. [Laughter.] I would rather not answer that question.

Mr. MOORE of Pennsylvania. We want to get equality with other ports on the Atlantic coast, a proposition which I think

will some day appeal to the Members of the House.

Mr. BURTON of Ohio. It appeals to us now, but the gentleman must remember that in all the past years, since the Government began to improve harbors, the difference between the depth at Philadelphia and these other ports has been as great or greater than it is now.

Mr. MOORE of Pennsylvania. But our commerce I think would warrant our asking that Philadelphia be placed in a similiar position with other ports that do a competitive business.

Mr. BURTON of Ohio. The commerce of Philadelphia is very

large, there is no doubt about that.

Mr. MORRELL. Is it not true, from the statement of the engineer in charge, that only one dredge would be required to keep the river open at a depth of 30 feet?

Mr. BURTON of Ohio. Only one dredge?

Mr. MORRELL. Yes; that is, as I remember it.

Mr. BURTON of Ohio. I do not believe that one dredge would do it, and I am not aware that he has made any such statement

Mr. MORRELL. And that from \$150,000 to \$250,000 would maintain the channel open. I would like to ask the gentleman from Ohio if he considers even \$250,000 too large an amount to keep a channel of 35 feet open to the great city of Philadelphia?

Mr. BURTON of Ohio. That is a very large amount. New York channel does not cost more than \$25,000 a year.

Mr. MORRELL. I may be mistaken, but am of the opinion that the city of Philadelphia would be willing, if the channel were dredged to 35 feet, to take the maintenance of the channel off the hands of the Government.

Mr. BURTON of Ohio. I will remember that and I think the House will remember it, no doubt, and in some future bill avail themselves of it. [Laughter.] The gentleman from Pennsylvania may be sure that the Federal Government would have no objection to the city of Philadelphia maintaining the channel. [Laughter.]

Mr. MORRELL. I think that the Federal Government has already benefited by-what shall we say?-the charity of the city of Philadelphia and the State of Pennsylvania toward Gov-

Mr. BURTON of Ohio. This question of charity is a matter of terms. Charity begins at home, and there is reason for the exercise of a lot of it on that Philadelphia channel. [Laughter.]

Mr. MORRELL. I would like to ask the gentleman if the Government will agree to dredge a 35-foot channel if the city

of Philadelphia will agree to maintain it?

Mr. BURTON of Ohio. I do not think so. I do not like to try any experiments of that kind. We had better follow some

general rule.

Mr. FITZGERALD. Mr. Chairman, I would like to ask the gentleman from Ohio, chairman of the committee, a question. There is an unusual provision in the bill which authorizes the Secretary of War to lessen the depth of the Bay Ridge and Red Hook channel in New York Harbor. Will the gentleman explain that item?

Mr. BURTON of Ohio. Yes; there is a good deal of history in regard to that, and if I can have the time I should be glad to go into it. The bill of 1899 made provision for a 40-foot channel from New York Harbor to the sea. The Senate added an amendment against the strenuous opposition of the House conferees authorizing \$3,000,000 for a 40-foot channel by Bay Ridge and Red Hook channel in New York Harbor. It is not a through channel; you can use it as a through channel, but you do not need it. The House conferees opposed it because they said it was to benefit private enterprise. The House conferees also called attention to the fact that it was illogical to dig to 40 feet, an inner channel by the wharves, long before you got the 40-foot channel to the sea. But it was insisted on, and the House conferees were told that unless it was allowed bill would fail.

What has developed? They have been working on the 40-foot channel to the sea, and it will not be finished until 1911. The contractors have failed, and they find the dredging of the channel by Red Hook and Bay Ridge very expensive, although excellent wharves have been constructed there. It will cost \$1,250,000 in addition to the \$3,000,000 already appropriated. The contractors have failed, or if they have not failed they have quit the work, and it seemed desirable to give this discretion to the Secretary of War to limit the depth at least for the present. There is no use for a 40-foot depth of channel by the wharves until the channel is finished to the sea, which will be four or five years.

Again, I want to say that I never favored that class of improvements. It is too much for the private benefit and too little for the general good; and yet I have been loyal to it since it has been in the bill. But independent of that it is not needed until they get the 40-foot channel to the sea.

Mr. FITZGERALD. We have it now, and the gentleman will

realize that it will be impossible to ever get it again.

Mr. BURTON of Ohio. I do not know about that. I think the gentleman from New York, with his persuasive eloquence, could obtain it easily.

Mr. FITZGERALD. I prefer to leave the credit for obtaining where it now rests.

Mr. BURTON of Ohio. I do not ask the credit for it, for I

have always been against it. [Laughter.]

Mr. FITZGERALD. I was not here when it was obtained. But under the provision the gentleman has inserted in the bill the Secretary of War can fix the depth at any depth he pleases.

Mr. BURTON of Ohio. There is no danger of his fixing it at such depth that it will not provide for the traffic there.

Mr. FITZGERALD. The fact is that these channels now run along the only available space for piers for large vessels in the harbor of New York, and it is the place that must be developed of all others.

Mr. BURTON of Ohio. Yes.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BURTON of Ohio. Yes.
Mr. MANN. As to the last section of the bill, what is the

purpose and what will be the effect of it?

Mr. BURTON of Ohio. To enable this commission to make recommendations in regard to conditions on boundary waters between the United States and Canada. They have now jurisdiction on the Great Lakes and connecting waters.

Mr. MANN. As I understood the section from reading it, it

gives this Commission the authority to report as to the diversion of all waters which lead into or are in any way tributary to any of the waters which may make the boundary line.

Mr. BURTON of Ohio. That is the idea. I will say to the gentleman that when that paragraph is reached I shall probably move to strike it out and insert a much shorter section.

Mr. MANN. And I may say to the gentleman that when that paragraph is reached I shall probably reserve or make a point of order upon any provision in respect to the subject.

Mr. BURTON of Ohio. Forewarned is forearmed.
Mr. MANN. If it is subject to the point of order.
Mr. BURTON of Ohio. I do not think it is.

Mr. MANN. The present International Waterways Commission has undertaken to say, without ever consulting or giving a chance for people to be heard from Chicago, what shall be done with the water at Chicago. They have come into the district which I represent and have undertaken to say how we shall handle the water, and no one in that district has ever been given an opportunity to be heard by this Waterways Commission. I am not willing, if I can help it, to have any foreign body determine without a hearing what American citizens shall have.

Mr. BURTON of Ohio. I had understood that the board had given ample opportunity for hearing, both at Niagara Falls and

in Chicago.

Mr. MANN. On the contrary, the board did go to Chicago and had a hearing, but no person in the district to be affected was notified of the hearings or appeared at the hearings or had any hearing at all or knew anything about the hearings. That is the way they have acted—without a hearing.

Mr. FITZGERALD. One other question, if the gentleman will permit. Was this item regarding the Bay Ridge and Red Hook channels inserted upon the recommendation of anyone?

Mr. BURTON of Ohio. It is the recommendation of the en-

Mr. FITZGERALD. For this year? I wish to find out.
Mr. BURTON of Ohio. I would state it is a recommendation
made since the report. There is a great deal in this bill that
is based on recommendations and letters from local engineers transmitted through the chief. This is based on recommenda-tions made by the local engineer, indorsed by the chief. I presume I could furnish, though I do not think it is worth while, the gentleman with the correspondence upon it.

Mr. FITZGERALD. I would be glad to have it before we reach that part of the bill.

Mr. BURTON of Ohio. I think it is a good provision.

Mr. FITZGERALD. I am inclined to differ with the gentleman.

Mr. BURTON of Ohio. One other provision as to New York Harbor that I may mention in that connection, and that is this: The Secretary of War is given authority in the Ambrose chan-The Secretary of war is given authority in the Ambrose char-nel to limit its use to daylight navigation to boats not drawing more than 29 feet. That is with a view to preventing inter-ference with the dredgers while they are at work.

Mr. MANN. That is before it is completed.

Mr. BURTON of Ohio. Yes. How much more time have I,

Mr. Chairman

The CHAIRMAN. The gentleman's time has expired.

Mr. BURTON of Ohio. I do not care for any more time. will say that if at any time any gentleman desires to ask me any questions, I will be glad to answer them. One other thing I may say, Mr. Chairman. I shall probably desire ten or fifteen minutes after the arguments on this inland waterway in which to reply, and I ask unanimous consent now that when these arguments are concluded I may have fifteen minutes' time in which to reply.

Mr. MANN. Make it half an hour.

Mr. BURTON of Ohio. Oh, I do not want any more than

The CHAIRMAN. Is there objection to the request of the

gentleman from Ohio? [After a pause.] The Chair hears none, and it is so ordered.

The Chair will recognize the gentleman from Missouri [Mr. How much time does the gentleman want?

Mr. BARTHOLDT. Mr. Chairman, I would like to have an hour.

The CHAIRMAN. The gentleman from Missouri is recog-

nized for one hour.
Mr. BARTHOLDT. Mr. BARTHOLDT. Mr. Chairman, I know I am voicing the sentiments of the people not only of my own district, but of the entire Middle West, when I say that, as far as their interests are concerned, the bill which is now before us is a sad disappointment and a most painful miscarriage. As the largest river and harbor bill ever presented, it will justly be regarded by them as a monumental injustice to the Mississippi Valley, if not as an unparalleled attempt on the part of a committee to use their power for the purpose of discriminating against the people of that section and using the share of the appropriations justly belonging to them for the benefit of other sections whose interests are nearer

and dearer to their hearts.

A river and harbor bill carrying \$84,000,000 with the two largest rivers of the country practically left out is certainly outdoing the proverbial performance of Hamlet without the melancholy Dane. Not less that 18,000,000 of people live in the Valleys of the Mississippi and the Missouri from the head of navigation to Cairo, being nearly one-fourth of the population of the country. In all fairness they should have been allotted one-fourth of the total appropriations, because their interest in the navigation of these rivers demands it. But instead of \$20,000,000 they are scornfully given just \$1,050,000, namely, \$500,000 for the upper Mississippi; \$250,000 for that stretch which needs the attention of the Government more urgently than any other water course in the country, namely, between St. Louis and Cairo, and \$300,000 for the whole of the Missouri River. The other nineteen millions which fairly belong to these rivers, according to population statistics, are frittered away on numberless rivulets and creeks, with a keen eye to businessby any means river business, but to the business of mustering sufficient votes for the passage of this bill through the House. What the Army engineers are to do with the niggardly amounts allotted to the two great rivers above Cairo is, no doubt, a co-nundrum to them as well as to us. They surely must feel as we do, that the generosity which prompted the distinguished chairman of the Rivers and Harbors Committee when he made those allowances must have been painfully mixed with a feeling of profound regret that these great rivers are on the map at all.

And what consideration has the chairman given to the proposed deep waterway from the Lakes to the Gulf, which the people of the Middle West are vigorously demanding as an urgent measure of relief for present conditions? None what-ever. Not one dollar is provided for that great project, not a dollar even for that part of the waterway which has already been surveyed, which the engineers have pronounced feasible, and for which \$31,000,000 have been asked in all, namely, the part between Chicago and St. Louis. I shall later on discuss the reasons which have been alleged for this unparalleled slight. For the present let me say to our friends from Missouri, from Illinois, Iowa, Indiana, Kansas, Tennessee, Kentucky, and all the States along the Mississippi and the Missouri: If they are satisfied with this proposed deal, if they are willing to submit to it, then I believe they would also be content if the generous chairman of the committee had presented them with mere pictures of these rivers. And judging from the manner in which the honorable chairman has had his way, the members of the committee, with that reluctance, of course, which is born of self-respect, would have done his bidding perhaps even in the matter of giving pictures. I am bound to add, however, that no Member representing a district in the States I have mentioned will be true to the interests of his constituents who will not join hands with us in using all honorable means, parliamentary and other, to correct the errors of this bill and help substitute the judgment of the House for the judgment of the one Member of it.

I assert, Mr. Chairman, that the committee would not have dared to come here with so large a bill-the largest, as I said. ever presented in the history of the countrybut for the strong sentiment which has recently been aroused in all parts of the country in favor of internal improvements on a more comprehensive scale, and it is well known that this movement started in the Mississippi Valley and found its first organized expres sion at the great convention held in the city of St. Louis on the 16th, 17th, and 18th of last November, when 1,100 delegates, representing eight States of the Union and many millions of people, declared in favor of a systematic Mississippi River improvement and a 14-foot waterway from the Lakes to the Gulf.

The committee has not been slow in fructifying this movement by swelling the grand total of the appropriations to enormous proportions, but the people of the Mississippi Valley find that they have been made to shine other people's shoes instead of their own, and that the members of the committee have appropriated what should have been given to the two great rivers for their own pet projects. In other words, eighty-two millions are parceled out to "clean up," as they call it, old committee projects, of which the country at large knows little or nothing and which simply means that the agitation in favor of the real great national projects, projects which the people of all sections and the press alike strenuously advocate, has been cleverly utilized to complete all kinds of local schemes, while the larger improvements referred to have been entirely ignored. And when I say entirely ignored, I mean that for all practical purposes these larger projects might as well have been left out of the bill altogether.

Mr. HEPBURN. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. BARTHOLDT. I will.

Mr. HEPBURN. Mr. Chairman, if it meets the gentleman's purpose, I would be glad if he would describe the method to be resorted to in order to secure this 14-foot channel. Most everybody regards that as very desirable if it is possible. I suppose it can only be done by lowering the bottom of the river or raising its surface by dams. Now, what is the process and method by which this is to be accomplished?

Mr. BARTHOLDT. Mr. Chairman, as far I have conversed with engineers I have been told that in the stretch which lies between St. Louis and Cairo a sufficient depth can be secured by a contraction of the river by revetment work, riprapping, and all the methods with which the United States engineers are familiar. The Illinois River, I understand, is for the most part of its length of a sufficient depth now, and the drainage canal certainly is. The proposition has been made that a lateral canal should be constructed between St. Louis and Cairo, and I will explain in the course of my remarks what that proposition really means.

If the gentleman will permit me, he speaks Mr. HEPBURN. of the plan of narrowing the river and the use of revetment Is it intended to resume the old plan that was in vogue under the commission a few years ago, and after spending \$26,000,000 upon it was abandened by them? Do you propose

to revive that scheme?

Mr. BARTHOLDT. Mr. Chairman, the plan was not abandoned by them. The plan of the engineers, the plan of 1881, which the gentleman mentioned, has been carried on for quite a while and with very excellent results, but gradually the Committee on Rivers and Harbors in their judgment abandoned the plan, their reason being that the traffic or tonnage along that stretch of the river did not justify the expenditures of the large amounts which would be necessary for the permanent improvement of the river.

Mr. HEPBURN. Mr. Chairman, if the gentleman will permit me, I believe it was estimated that the cost of the revetment plan and the false bank which would give the river a uniform width of 40 feet would cost something like \$19 a foot, and which we suppose was applied, for \$26,000,000 were expended. Now, is there 1 foot of that revetment or 1 foot of that false

bank now in existence?

Yes; there is, Mr. Chairman. Mr. BARTHOLDT.

Mr. HEPBURN. Not a foot.

Mr. BARTHOLDT. Of course the fact is that the appropriations which have been made during the last four years, namely, \$650,000 a year, which should have been spent to forward and carry out that old plan, have not been spent for that purpose at They have merely been spent, or rather they have not been spent, in toto, a large part of that money having gone back either to the Treasury or remains as an unexpended balance. The only work that has been done was dredging, and as a result of that new policy inaugurated by the Committee on Rivers and Harbors, a great part of the work for which large expenditures have been made has gone to waste, as the gentleman from Iowa says. But we do not care how much it will cost. That project is important enough that it should be inaugurated by this Government and this nation.

Mr. HEPBURN. If the gentleman will permit me, I think he will find a message from President Cleveland among the documents printed by the House in which he congratulates the country upon securing an additional depth of 1 inch at the Plum Point reach and 11 inches at the New Madrid reach after the

expenditure of \$26,000,000.

Mr. BARTHOLDT. The sarcasm of a Democratic President with respect to a most important business question is probably

responsible for the present condition of the Democratic party. Hence, Mr. Chairman, on finding that our thunder has been stolen and that our people have been treated with sovereign contempt in the committee, we appeal from the committee to the House, asking not for favors, but for simple justice on this

We are no supplicants nor are we soreheads. We do not begrudge a single dollar contained in this bill for any section or any purpose, but we are here to assert our rights by proving that we have been discriminated against and unjustly dealt with, and it is the purpose of my remarks to adduce this proof and to give good and substantial reasons why the House should support the

amendments we are going to offer.

I yield to no man in high esteem of and personal regard for the distinguished chairman of the Committee on Rivers and Harbors, and am certain he needs no assurances from me on that We are not only colaborers in a public cause in which we both are vitally interested, but also personal friends. Though I admit, Mr. Chairman, if anywhere I have learned here that friendship usually ceases where material or sectional interests are at stake, I shall not question the gentleman's motives, nor shall I say anything which could be twisted into a personal reflection or in the least affect our personal relations. But I do find fault with the gentleman's judgment, and I do propose to criticise his official action, and because we plainly see in this action a discrimination against our section, it is quite natural that we should endeavor to ascertain the reasons for such discrimination, and then candidly inform the House of the result of our research.

There can be no other upright explanation of the treatment accorded to my people than that the gentleman from Ohio honestly believes in maintaining the present course of our commerce, namely, west to east via the Great Lakes. It is evident to him and to all that to divert part of this commerce in another direction, namely, from north to south, would involve a corresponding loss not only to the lake transportation interests, but also to the eastern railroad corporations. We know that the improvement of the Mississippi River and its large tributaries is deeply feared by the interests connected with the eastern outlet from the Lakes, and we unsophisticated Westerners must be pardoned when in the simplicity of our minds we regard the slight we are to suffer at the hands of the committee as positive proof of the fact that the committee has been largely controlled by that fear. It is a committee combination of the East and South against the Middle West that confronts us in this bill. True, one Mississippi Valley man is on the committee—I refer to the distinguished gentleman from Louisiana—and sure enough he gets three or four million dollars for the lower river, but you must remember that this liberal allowance is not spent so much for navigation as it is for levee and bank protection, and hence will not hurt the interests to which I have called atten-And there appears to be another reason for this liberality toward the lower river, as we shall see instantly.

I said there is no other explanation for leaving us out in the

cold than that the committee, or rather its chairman, honestly believes in encouraging the whole traffic to continue to go west to east instead of starting part of it from north to south. Let me correct this statement by saying that our people believe to have discovered another plausible reason for the treatment accorded them. This explanation, however, presupposes that the chairman was actuated by motives of sectional partiality, and I do not care to make such a charge against anyone. theless I feel it my duty to mention this matter, contenting myself with a statement of facts and leaving it to the judgment of the House to say whether these facts are entitled to serious consideration or not. I hold in my hand a copy of the St. Louis Globe-Democrat, a conservative and high-toned newspaper, and one of the largest in the country, which contains a map of a proposed canal from the city of Cleveland, on Lake Erie, to Pitts burg, and a description in which it is pointed out that this canal will be the connecting link of a new waterway to the Gulf, namely, from Pittsburg through the Ohio River to Cairo and thence down the Mississippi to the Gulf. "The map shows," runs the account, "the projected canal between Lake Erie and the Ohio River. This canal was surveyed by engineers of the War Department some years ago, and the franchise to build it has been granted by Congress to a private company—a most unusual thing.

Mr. DAVIDSON. Is the canal he refers to the one that is to

be built by private parties?
Mr. BARTHOLDT. I am coming to that.
Mr. DAVIDSON. From Ashtabula to Pittsburg?
Mr. BARTHOLDT. Yes, sir. What I have just quoted, Mr. Chairman, is followed by a statement jointly made by William K. Kavanaugh, president of the Lakes-to-the-Gulf Deep Water-

way Association, and James E. Smith, president of the St. Louis Business Men's League, part of which I ask the Clerk to read and for which I crave the attention of the House. It is in part as follows

Mr. DALZELL. May I interrupt the gentleman a moment? Mr. BARTHOLDT. Certainly.

Mr. DALZELL. I want to correct the gentleman. The canal I see marked on the map there, and for which a franchise was given to private individuals, is not to be built pursuant to any Government survey. It is being built pursuant to a survey by a commission appointed by the State of Pennsylvania in the first instance, and subsequently by the Chamber of Commerce of the city of Pittsburg.

Mr. BARTHOLDT. For the purpose of my argument it is im-

material who made the survey. The canal is there.

Mr. DALZELL. I do not know why the gentleman should have connected the Government with it.

Mr. BARTHOLDT. I did not do it. I quoted from a newspaper which stated that the Government had made the survey.

The Clerk read as follows:

The Clerk read as follows:

The plan in the mind of Chairman Burron seems to be to make the Ohio River the trade highway from the Lakes to the Gulf, and by refusing to make the Mississippl River above Cairo navigable and refusing sufficient help for the Missouri River he will entirely destroy the usefulness of those two waterways above the junction with the Ohio. Then, building the projected canal between Lake Erie and the Ohio River, the trade of the Lakes will go to Cleveland, the home of Chairman Burron, by the canal down the Ohio and the lower Mississippi to the Gulf. Thus Cleveland and Pittsburg will be built up at the expense of Chicago, and the present trade adjustments will be radically changed.

We submit to the Members of Congress and to the people of the Mississippi Valley that the chairman of the Rivers and Harbors Committee has no right to nourish the trade of his own section at the expense of another, and this map, we think, plainly shows the effect of what he is trying to do, whether or not he has the motive. We are quite willing that the Lakes should have an outlet through the Ohio River to the Gulf, even though the traffic has to go through a canal owned by a company which will charge toll; but the other outlet from the Lakes by Lake Michigan and Chicago through the Lakes-to-the-Gulf deep waterway should also be opened.

We believe that Chairman Burton is using the power which has been placed in his hands unfairly and to the commercial injury of the people of Illinois, Missouri, Minnesota, Wisconsin, North and South Dakota, Iowa. Montana, Nebraska, and Kansas, which States would profit largely by having a water highway from Lake Michigan to the Gulf, from St. Paul to the Gulf, and from Sioux City to the Gulf. If Chairman Burton's appropriations can be taken as evidence of a carefully laid plan, it will mean that he intends to deprive the States which have been named entirely of the benefit of water transportation and to use his power to make Cleveland the eastern end of a Lakes-to-the-Gulf wate

Mr. BISHOP. Will the gentleman yield to me?
Mr. BARTHOLDT. If I can have my time extended.
Mr. BISHOP. I simply wanted to know if the gentleman adopted that article and indorsed its sentiments,

Mr. BARTHOLDT. I am coming to that.

Now, what are the facts, Mr. Chairman? Is there anything in the bill which could be construed as bearing out the assertion that the committee, upon the dictation of its chairman, is favoring another outlet to the Gulf at the expense of the Mississippi Valley? The answer to this question is an emphatic "Yes!" It is a fact that at the last session of Congress a bill was passed authorizing a private company to construct a canal from Lake Erie to Pittsburg, and we of the Mississippi Valley were generous enough to vote for it in spite of the serious objection that this work was to be undertaken by a private corporation instead of by the Government. We did it because it signified a great improvement for the carrying of freight and the regulation of Had we been selfish, had our feelings been sec railroad rates. tional, we should have opposed the measure. We certainly did not dream that this scheme would be seized upon by the committee as a club to smite us with. On the contrary, we expected the men interested in that waterway to stand by us in the enforcement of our legitimate demands as we stood by them, and we expect them to do so now. Of course the bill carries no appropriation for that canal, because it is a private enterprise. But let us go further. In order to provide for this new waterway to the Gulf it is necessary to improve the Ohio River from Pittsburg to Cairo. Does the bill make provision for that? Of course it does. The Ohio gets more than ever be-fore, namely, \$1,273,966 for locks and dams, some of the appro-priations for which having been made continuous for two or three years, and \$450,000 for general improvement. This brings us to Cairo, where we strike the lower Mississippi, and here is where the liberal appropriations for this river begin, namely, \$3,000,000 from Cairo to the head of the passes, and \$1,050,000 Thus we have a new water route from for the Southwest Pass. Cleveland and Lake Erie to the Gulf, leaving us high and dry. Quod erat demonstrandum!

I say again, Mr. Chairman, that we approve, aye, rejoice in, all

tempt to ignore the vital interests of a vast and important part of the United States and of its progressive population, and appeal to those who are interested in seeing this bill become a law to stand up with us for equal justice to all. Whatever may have been the reasons which prompted the committee to treat us as they did, the fact is that our just demands have been ignored to such an extent as to make this bill appear to our section in the light of a punitive measure.

At a recent meeting of the Business Men's League of St. Louis, the largest commercial organization of the West, the

following resolutions were unanimously adopted:

Resolved, That the Business Men's League respectfully requests that the Congressmen from St. Louis, when the rivers and harbors bill is reported, introduce two amendments to it.

First, an amendment making an appropriation for \$1,000,000 a year for four years for the permanent improvement of the Mississippi River between St. Louis and Cairo, to continue the plan of 1881.

Second, an appropriation of \$3,000,000 to begin work on the deep waterway from the Lakes to the Gulf.

Resolved, That the Business Men's League requests all representatives in Congress who desire the commercial prosperity of the Mississippi Valley to yote and work for these two amendments.

The two amendments referred to in these resolutions will be introduced at the proper time; and if I can have the attention of the House, I shall proceed to give my reasons why they should be adopted.

For the purposes of my argument it is immaterial why the distinguished chairman of the committee is opposed to the permanent improvement of the Mississippi River and to the deep waterway to the Gulf; hence I shall not inquire further into that question. For the Members of the House it will be suffi-cient to know that he is opposed to both propositions, and he was candid enough to say so on several occasions. To impair our standing with the committee the first thing that was done was the promulgation of a new rule, which in the report to this bill is called "a radical departure from former methods" and explained in the following language:

It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the projects involve large or small expense, is appropriated or authorized.

This barred at the outset the deep waterway from the Lakes to the Gulf, because, without a simultaneous bond issue, no river and harbor bill could be made large enough to carry the total amounts required for the completion of this gigantic project. Our plea that at least a start be made between Chicago and St. Louis, the stretch which has already been surveyed and estimated, was met by a reference to that new rule, which, by the way, if adhered to in the future will keep us out of court forever, unless, as I said, bonds are issued to carry out our great project. And when we argued that the stretch between St. Louis and Cairo would have to be improved, no matter whether the deep waterway would ever become a reality or not, and consequently a sufficient appropriation should be made at least for that part of the river, we were told that for the purposes of the deep waterway a canal might have to be constructed par-alleling the Mississippi along that stretch, so that any money spent for the river would be practically thrown away.

Thus the Lakes-to-the-Gulf project was used as a handy trump against the demands for river improvement. When we pressed for such improvement, aside from that project, we were answered that the present tonnage on the Mississippi did not justify an adherence to the engineers' plans of 1881 for permanent improvement, while, on the other hand, when we emphasized the importance of the deep waterway to the Gulf the reply was that no survey had yet been made from St. Louis to New Orleans. All the way through the chairman played fast and loose with us, until our patience was exhausted. I tell you this story merely to show that reasons are as cheap as berries when you want to turn a thing down, and how easy it is to make a new rule when the reasons do not hold out.

But let me examine the chairman's objections a little more closely. In 1881 the United States engineers reported in favor of a plan for the permanent improvement of the Mississippi River between St. Louis and Cairo, which contemplated a contraction of the river by revetment, riprapping, etc. That plan was adhered to for a while, but afterwards abandoned, and up to this day no valid reason has been advanced why it was abandoned. Good results had followed the work of systematic improvement, and no special engineering difficulties had been encountered; but in spite of all that, and in spite of my protests and those of others, the work to secure a permanent channel was practically stopped and the temporary expedient of dredging resorted to, so that for the last few years a large part of the money actually appropriated remained un-expended. And that was before the proposition of "14 feet through the valley" was advanced; consequently the new thethese appropriations and would not lend a hand in reducing through the valley" was advanced; consequently the new theorem even for our own benefit, but we protest against the atory of a lateral canal along our stretch of the river could not have affected the policy of the committee at the time of which I speak. Hence we can not explain this change of plan except on the theory of a studied neglect and deliberate disregard of our interests. If we are to understand that permanent improvement is impossible in the case of the largest river of the country, then we might as well quit the river improvement business altogether and admit that other governments can accomplish more and achieve better results in that line than we can.

But, says the gentleman from Ohio, your tonnage shows that you have not made use of the water you have. Our answer to that is that no capitalist can be induced to go into the river transportation business when he is told that the Government has practically abandoned its plans of permanent improvement. One word flashed across the wires to-day would revive our river traffic, but this bill will wipe out what was left of it. claim that commerce will follow the improvement of a river just as it follows the construction of a railroad. And right here let me remind the House of the fact that the committee "Some streams," says the report, itself believes in this theory. "in which no considerable traffic has yet developed are appropriated for, with the expectation that traffic may follow the improvement." If this is true in other parts of the country, why not in ours? Is there a man within the sound of my voice who would deny, if we had a permanent channel of 14 feet, or even 12 or 10 feet, that we would not have the freight or the bottoms to carry it in? It is true railroad rates to the Gulf are reasonable; they are even low; but if this is the effect of the mere existence of the river, what would be the result of actual competition between the waterway and railroads? I do not propose to quote figures, but surely millions and millions would be saved annually to both the producers and consumers of the products of the West and Northwest, aye, more than ten times the interest on any investment the Government would make in the improvement of these great natural highways traversing our continent from north to south. "River regulation is rate regulation!

The suspension of the work to secure a channel of sufficient depth between St. Louis and Cairo is being justified, as I stated before, on the plea that a canal might have to be built. Bearing on this point, let me read to you part of a letter I have received from the Business Men's League of St. Louis. It is as follows:

Chairman Burton has influenced a great many newspaper men and a great many others by stating that the reason why he did not favor an immediate appropriation for the deep waterway was that engineers believed that a canal from St. Louis down should be a lateral canal and not in the river. He has always intimated that this suggestion came to him from United States engineers. We have made it a point to investigate this, and we find that the United States engineers absolutely deny ever having had any such idea and disclaim having made any such suggestion to Mr. Burton. The engineers, indeed are very anxious to have Mr. Burton declare from whom he got the suggestion, and we think it is important to ask him the question directly on the floor, because he has used the statement with very great force on some people.

Upon the strength of this letter I ask the gentleman from Ohio who his official authority is for the suggestion that a canal paralleling the river will be necessary?

Mr. DAVIDSON. In the absence of the gentleman from Ohio [Mr. Burton] I would like to ask the gentleman from Missouri if the board of engineers of the Mississippi Canal Commission, reporting on the deep waterway projected from the mouth of the Ohio River to the city of St. Louis, did not recommend the proposition that a lateral canal would be the only feasible way in which a 14-foot channel could be maintained below the mouth of the Missouri?

Mr. BARTHOLDT. My friend from Wisconsin refers to the engineers' report, which was in favor of the deep water between Chicago and St. Louis, and in that report it is stated that a canal might be necessary between Alton and St. Louis, a distance of 14 miles. We here refer to the stretch between St. Louis and Cairo, and not to what the gentleman from Wisconsin called attention to. I am sorry the distinguished chairman of the committee is not present to answer this question, and I shall take occasion to ask it again when the bill is under consideration under the five-minute rule.

We in St. Louis have never heard of such a thing as a canal paralleling the river. On the contrary, all the Army engineers I have talked with on the subject seemed to agree that by proper contraction of the river a channel deep enough for the purposes of the waterway may be secured, and if it could not, surely we would have every reason to despair of what nobody ever doubted—the skill and ingenuity of our American engineers. Right here let me suggest, however, that Missouri River regulation should go hand in hand with the improvement of the Mississippi in order to stop the farm lands along the Missouri from being swept into the Mississippi and from choking up the chan-

nel. I might as well say it right out, that the people in our section of the country regard this canal business as a subterfuge to appease the conscience of the committee and a disingenuous excuse for the denial of their rights.

And now I should like to ask some other questions which the gentleman from Ohio may answer in his own time, namely, these: If he is opposed to our deep waterway project, why provide for a survey? If the project is infeasible-and this is the only possible ground of honest opposition—why spend even \$190,000 on it? But if there is doubt regarding its infeasibility, why oppose it outright? Or if he does not believe in its realization, why should the river interests be made to suffer and the work of permanent improvement be stopped where such work is more necessary than anywhere else in the country? The only logical answer to these questions I can read in this bill is that the chairman of the committee knows in his heart this project is going to be carried out, that the people will surely have their way, but just at this time he needed the available money for other purposes. No such advice was given us, for obvious reasons, but the new rules of the committee are eloquent enough on this point. First it was said that no new projects at all would be considered; but it seems that must have interfered with some other pet schemes; hence the rule was changed to read that only such new improvements should be undertaken which could be completed with the amounts appropriated or authorized in the There are more ways than one, you see, to turn people down. And "a poor rule that doesn't work both ways," for while it was enforced against us, it was not applied in other cases, for instance, in the case of the Ohio, for which \$450,000 allowed for general improvement, while in reality ten times that amount would be insufficient to complete the improvement.

But enough of these inconsistencies. I allude to them merely to show that the Members of the House will no more violate a rule by supporting our propositions than the members of the committee have done themselves. What does this new arbitrary committee rule mean? It means that the three greatest projects of river improvement now before the country-the deep waterway to the Gulf and the securing of channels in the Mississippi and Missouri—will never be carried out. The enforcement of that rule would bar them permanently, because there never will be a river and harbor bill carrying sufficient appropriations at one time to provide for their completion. Under this shrewd arrangement, which seems to be especially aimed at us, this generation and the next will go down into their graves before ground will ever be broken for these great undertakings. Hence there is but one alternative. Either this rule is changed or broken by providing for these improvements on the installment plan—and this is what we propose now—or bonds must be issued to secure enough money for their com-The millions of people whose vital interests are at pletion. stake in this matter can not be told to stand aside indefinitely, and are bound to insist on either the one course or the other being pursued. Since the proposition of a bond issue for genwaterway improvements, as embodied in the bill I have had the honor to introduce, was first made, thousands of letters have been received approving the scheme, and all the editorial expressions of newspapers which I have seen were in favor of it. The fact is, the people have already waited too long and too patiently for these improvements, and—mark the prediction—if this Congress should fail to inaugurate them, they will elect a Congress which will.

We do not antagonize this bill, Mr. Chairman. Our plea is for simple justice for ourselves and for these 20,000,000 people, the producers of the Middle West, and on their behalf we appeal to the Members of this House, irrespective of party and section, to support us as we will in turn support them. That the great waterway from the Lakes to the Gulf is a commercial necessity is admitted by all the people from Florida to Oregon and from Maine to California, and when you look at the map you actually wonder why an outlet south from the great West and Northwest was not the very first great project undertaken when the policy of internal improvements of this kind was entered upon many years ago. To-day there is a demand for this improvement which resembles a popular uprising, and a failure to respond to the people's wishes is bound to be resented by them. The Middle West is suffering more than any other section from the congestion now prevailing on our railroads, and this serious condition is causing untold losses to our merchants, manufacturers, and This condition will naturally grow worse as our consumers. commerce grows and our population increases. The improvement we ask for would remedy this evil and prevent its recurrence in the future. There are those who advocate the Government ownership of railroads as a means of bringing about a satisfactory solution of this problem. But why should our Government want to own the railroads when it already owns and controls the greatest free highways of transportation ever given by an all-wise Providence to any people on earth which it can develop and use by the expenditure of a pittance as compared to

the cost of acquiring the great railway systems of the country? We are building the Panama Canal, a great and magnificent undertaking which we are about to carry out for the benefit of the whole world; but great and important as this great undertaking is, its probable benefits, measured by the profit it will bring to the people of our country, are insignificant as compared with those that would follow the completion of the Lakesto-the-Gulf project and the permanent improvement of the Mississippi and Missouri rivers. Will the Members of this House as the servants of the people go on record as saying that the millions who to-day are vigorously demanding these internal improvements are wrong and the few men who have so far passed judgment on them are right? Remember what history teaches us, namely, that the instincts of the masses usually point to the wisest course; and remember also that the section mostly concerned in this question is the one which, in a political sense, decides the fate of parties and of men. Do not let us disappoint the people in their just expectations of a new era of internal improvements, and if an overflowing Treasury should not be sufficient to satisfy their demands, I say, again, let us issue bonds to carry out the great projects which will contribute more than any other factor to the continued prosperity of our common country. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Chairman, I do not pro-

pose to discuss the bill under consideration, but the general question of waterway improvements. I will try to show:

First. That our policy of water improvement in the past has been illiberal, insufficient, and unbusinesslike in the extreme.

Second. That it is the duty of the Government to improve its navigable waters, as it alone has authority and control over them, and that as a business proposition it would pay to improve them and make them great freight carriers and rate regu-

It is hardly necessary to discuss the first of these questions. During our entire history as a nation the total expenditures for our rivers and harbors-all our waterways of every sort, including those in far-away Hawaii-amount to about \$523,-Now, this may sound like a large sum to the unthinking, but let us make a comparison. During the five years ending June 30, 1907, our total expenditures for all purposes of government have averaged \$806,925,839.59 a year, of which sum rivers and harbors received \$23,425,121.30 a year, or less than

3 per cent of the whole. During this five-year period fortifications received \$6,761,489 a year, nearly 1 per cent of the whole; the Army received \$80,509,481 a year, about 10 per cent of the whole; the Navy received \$98,039,942 a year, about 12 per cent of the whole, and pensions received \$140,857,836 a year, about 17 per cent of the whole. War and its rewards have for the past five years received every year more than 40 per cent of our total appropriations. Rivers and harbors received for the benefit of commerce—and bear in mind that commerce contributes practically all of our revenues-less than 3 per cent, while our Army in these piping times of peace got over 10 per cent; our Navy over 12 per cent, and our old veterans over 17 per cent. have not one word to say against the Army or the Navy, and especially against the Navy. My heart swells with a just pride when I recall the great and glorious record of our Navy without one stain upon its fair escutcheon from the days of John Paul Jones and his Bonhomme Richard to those of Dewey, Sampson, and Schley. [Applause.] And God knows I have nothing but kind thoughts and kind words for the gallant veterans of our But can any fair-minded man say that 3 per cent of all our revenues is a square deal for our rivers and harbers? that this pitiful sum is all we would receive for them? the Navy has received within the last five years a total of \$490,-199,713; almost as much in five years as rivers and harbors

But it may be argued that this 3 per cent is sufficient. Not b, by any means. The river and harbor projects now pending so, by any means, before Congress with the approval of the Board of Engineers would cost fully \$500,000,000, and other projects are being discussed and urged which will increase that sum. Now, if we ignore future projects and consider only those requiring \$500,-000,000, and which are already approved and pressing, you see how impossible it is to provide promptly for same out of an appropriation of \$23,000,000 a year. It is an impossibility, and

have gotten during the one hundred and eighteen years of our

national existence.

mention two or three of them. We undertook to improve the Harlem River in New York City, within the shadow of Wall street, in 1878, twenty-eight years ago, on a plan estimated to cost \$2,700,000. During those twenty-eight years about \$1.350. 000 have been spent, and the work is only about one-half finished. The commerce on the Harlem River last year was 9,998,021 tons, valued at \$270,210,309. At the present rate of appropriation it will require another twenty-eight years to complete this project.

About twenty-two years ago we began a project for 6-foot slack-water navigation on the Warrior and Tombigbee rivers in Alabama to connect with as rich coal mines as there are on earth and supply cheap coal to the whole Gulf coast, to our Navy, and to the great ocean fleet of that section. At first the project was estimated to cost \$3,000,000, but subsequently the plan was changed and the estimated cost increased to \$6,000,000. After twenty-two years it still remains far from completion.

In 1875-76, some thirty-one years ago, a project providing for 6-foot slack-water navigation on the Ohio was work begun thereon. It has proceeded with a snail's pace. Out of fifty-two locks and dams provided for in this project only six have been completed and four others are in process of con-The project has been changed to a 9-foot depth struction. instead of 6, and the estimated cost of completion is \$63,000,000. If this gigantic and most meritorious work is continued at the same rate as for the past thirty years, it will not be finished by the close of this century. It is true that a little better progress has been made during the past seven years, and at the present rate we may hope to see the Ohio canalized in about fifty years

These are striking examples of the extreme slowness and unbusinesslike way in which river and harbor works have been It was not the fault of the Rivers and Harbors Committee. We have done as well as we could with the limited amounts at our disposal. Public sentiment did not seem to be with us in the past, and we could not provide the large sums necessary to push meritorious works to speedy completion. And yet the clamor from many communities was so great that we could not avoid making partial appropriations for prosecution of projects which could not be entirely finished, although we realized how much wiser it would have been to confine our efforts to fewer works and finish them as we went along. This policy of completing old projects before undertaking new ones has, to a great extent; been applied in the pending bill, and it is much wiser.

There are two entirely separate and distinct kinds of waterway improvements-one, the harbors on our Great Lakes and seacoasts, including those near the mouths of our great rivers and connecting channels on the Lakes; and the other, our interior rivers and canals and connecting channels along our seacoasts. Appropriations have been fairly liberal for most of our great harbors such as Duluth, Milwaukee, Chicago, Cleveland, and Buffalo, on the Lakes; Boston, New York, Philadelphia, Baltimore, Norfolk, and Savannah, on the Atlantic; Pensacola, New Orleans, Mobile, and Galveston, on the Gulf; San Francisco, Portland, and Seattle on the Pacific. These harbors are the terminals for ships of deep draft, which carry our commerce on the Lakes and seas, and they are also railroad terminals. At these harbors railroads and ships exchange loads, the ships taking on the railroad freight destined for home or for foreign consumption and giving in return their cargo for distribution in the interior. There is a very intimate connection and strong mutuality of interest between these harbors and railroads. The harbor is anxious to have a great number of railroads unloading at its wharves, and the railroads desire the deepest harbors in order that they may connect with the largest and best ships affoat, which can give and receive great quantities of freight and handle same at the minimum of cost. It follows, therefore, that the powerful railroad corporations throughout the country are strong supporters of appropriations made in the interest of harbors.

The case is quite different in regard to the improvement of rivers and internal waters, and for most of them appropriations have been entirely inadequate. For a long time it was thought that not only was there no mutuality of interest between river and rail, but an actual rivalry and antagonism between them. It was believed that as water rates are so much cheaper than rail the improvement of rivers would reduce rail rates below the point of profit, and that vast quantities of freight would move by water. Hence there was little or no support given by railroads to river improvements. But a change has come over the spirit of railroads, and in some striking instances they have actually assisted river and canal improvements.

Some of our most worthy projects have been under way for a great many years and are still far from completion. Let me of the column of the taxpayers of New York had submitted to them a bond issue of \$101,000,000 for the enlargement of the Eric Canal so as to carry boats of from 1,000 to 1,500

tons burden, and although the New York Central Railroad is the largest taxpayer in the State, it voted for and supported that bond issue, taking the ground that the improvement of the Eric Canal would cause such a great influx of people into the State along its banks and so many additional manufacturing enterprises that the business of the road in the carriage of passengers and high-class freights would be very much augmented, and the road would profit thereby, although the canal would carry the low-class freight at a much reduced rate.

During recent years the best friends of national aid to the Mississippi River between Cairo and the Gulf have been the Illinois Central and the Missouri Pacific railroads, and now we find Mr. James J. Hill, of the Great Northern, strongly urging that the Mississippi be deepened to 15 feet from St. Louis to the Gulf.

In my judgment rivers and railroads should not be rivals, but friends and mutual helpers, just as railroads and harbors have helped each other. Rivers should carry heavy freights, such as coal, structural iron and steel, lumber, grain, cotton, etc., thereby relieving the railroads and preventing congestion, while the railroads should carry lighter and higher class freights, which command higher rates, and also passengers. Well-improved rivers and cheap rates would cause a rapid increase of population and manufactures and, as a resultant, more business for both the river and the railroad.

Mr. GILBERT of Kentucky. Will the gentleman allow me to interrupt him?

Mr. RANSDELL of Louisiana. Certainly. Mr. GILBERT of Kentucky. If it does not interfere with the harmony of the gentleman's remarks, I wish he would dilate a little more on the proposition as to whether or not it is the policy of the railroads in this country to facilitate the development of the waterways, or whether their policy, as a general proposition, is antagonistic to that development.

Mr. RANSDELL of Louisiana. I am inclined to think that at the present time they would like to facilitate it. That has not been their policy in the past. When we had sparsely settled communities, when there was not sufficient freight for both waterways and railroads, I think they were opposed to the development of the waterway. But the tremendous growth of population and the very rapid growth of business of every kind has changed conditions, and I believe now, sir, they would be very glad to see these waterways improved.

This brings me to my second proposition—that it is the duty of the Government to improve its navigable waters, as it alone has authority and control over them, and that as a business proposition it would pay to improve them and make them great freight carriers and rate regulators, thereby adding greatly to the national prosperity.

Waterways are needed to carry freights and relieve the terrible congestion which now exists all over the Union, and they are needed to control and cheapen railroad rates.

According to Mr. James J. Hill, president of the Great Northern Railway, in his testimony before Interstate Commerce Commissioners Lane and Harlan December 17, 18, and 19, 1906, in Minneapolis, the business of the country increased 110 per cent from 1895 to 1905 and transportation facilities for handling same increased only 20 per cent during that time. He says we need at least 73,333 miles of new railroad to relieve the congestion, which would cost fully \$5,500,000,000, and that sum is more money than we can possibly raise. "That is the stone wall we are up against, and foresight does not look forward far enough to get a glance of it. We are up against it until it is

President Elliot, of the Northern Pacific, says that in attempting to handle the freight offered they (the railroads) were trying to "force a 3-inch stream through a 1-inch nozzle," and Mr. Hill declared that his road, as well as many others, "was endeavoring to bore a 1-inch hole with a 1-inch auger."

All the testimony before these commissioners showed great freight congestion in every part of the country investigated by

"Fifty million bushels of grain, as nearly as can be estimated, remain on the farms or in the country elevators of North Dakota—only 38 per cent of the crop has been shipped. Thousands of bushels of wheat are lying at this time (December 19, 1906) covered with snow in open bins built beside the railroad track. The farmer can not sell because the country dealer can not buy; the country dealer can not buy because the country elevator is already full. The country elevator remains full because the railroad has not moved the grain from the country elevator to the terminal elevator. The terminal ele-vators at Duluth, Superior, and Minneapolis, which act as great reservoirs for the line elevators, are almost empty, and at no

time during the season have they been filled to more than one-

third of their capacity."

Please bear in mind that Duluth, Superior, and Minneapolis, where the elevators are almost empty, are all on navigable waterways.

"This unfortunate chain of conditions has involved financial loss to not an inconsiderable percentage of the population of the It is a loss which begins with the farmer, but also includes the merchant, grain dealer, elevator man, the miller, and the railroad. And such loss is to be reckoned in figures computed on the basis of the reduced price upon millions of bushels of grain, for every bushel of which there is demand. The farmer has been compelled to ask the merchant to extend his credit. The merchant, the elevator man, and the country dealer have been forced to secure new and unusual loans at the The dealer who sold grain for November delivery has failed to keep his contract and has incurred a loss. and insurance have eaten away the profits of the dealers, and the price of grain has fallen from 2 to 6 cents per bushel at quite a number of country points."

The situation in the Northwest is indicative of the true situation in every part of the country. I was told on November 15 last by a prominent shipper of flaxseed from Chicago that he had tried to contract for the shipment of 500,000 bushels of that cereal to New York about the 1st of November, and the earliest delivery promised him was the 10th of January. Indeed, he was warned that it would be unsafe to contract for tide-water delivery before the latter part of January, by which date the Argentine flaxseed would be in the market and the price reduced 3 cents per bushel, and at the same time all other grain dealers had a similar warning not to make contracts for delivery before the last of January, 1907.

The president of the Oregon Lumbermen's Association told me on the 7th of last December that the congestion at the mills of Oregon and Washington was so great that his own firmof the largest in the West-had been unable to fill orders which had been on their books for a year. He also said that if the congestion for the next year remains as bad as during the past year he fears that a number of the thoroughly responsible lumbermilling firms of the Pacific coast will be compelled to go into bankruptcy simply and solely because of inability to ship their products, which are in active demand and would readily sell if delivery could be made.

A prominent official of the National Harvester Company, of Chicago, one of the largest and wealthiest corporations in the United States, which manufactures vast quantities of harvesting machinery of all kinds, told me about the middle of November last that his firm had contracted in January, 1906, for a large ware-house in North Dakota and had agreed to furnish to the contractor the heavy timbers for same, which could be obtained only from the Pacific coast. He said that, in spite of their utmost exertions to obtain that lumber, delivery was delayed for many months, and that his firm would be lucky if it escaped by the payment of \$5,000 damages to the contractors because of failure to furnish the lumber as agreed. Examples might be multiplied if necessary, but everyone admits that there is great freight congestion everywhere; hence I deem it unnecessary to pursue this discussion further.

Now, what can we do to relieve the situation? Mr. Hill tells us that it will take 73,333 miles of railroad, which will cost \$5,500,000,000, and says that the United States is unable to raise that sum. I presume that no one will seriously insist that it is the duty of the Government to go into the business of constructing railroads at this time, and all that we can do in that line, I take it, is to encourage the present railroad corporations to extend their lines as rapidly as possible. But there is one form of transportation in which we can help. In 1796 Congress passed an act declaring navigable rivers to be public highways. No State or community can interfere with the free use of navigable waters; and as the Government owns them and controls them, it is its duty to improve them as much and as rapidly as possible.

Even Mr. Hill, the able president of the Great Northern Railroad, is a strong advocate of water improvements. On the 6th of December last, during the session of the National Rivers and Harbors Congress, he wired me as follows:

Hon. Joseph E. Ransdell, 'National Rivers and Harbors Congress, Washington, D. C.:

I deeply regret my inability to attend the National Rivers and Harbors Congress. In view of the inability of the railways to move the heavier classes of tonnage in the entire country, there has been no subject before Congress in twenty years which interests so many people and will prove so great a benefit to the entire basin of the Mississippi and Missouri rivers as a 15-foot channel or canal from St. Louis to the Gulf of Mexico.

Now, I agree most heartily with Mr. Hill, and nothing would please me better than to see this great project adopted and pushed to rapid completion. But surely every argument Mr. Hill can advance that it is the duty of the Government to improve the Mississippi River to a depth of 15 feet from St. Louis to the Gulf can be used in the support of the improvement of a great many other rivers in the land. If the deepening of the Mississippi from St. Louis to its mouth would be as beneficial to the Mississippi and Missouri valleys, as suggested by Mr. Hill, why not extend this great waterway to Chicago through the Illinois River, thereby connecting with an endless chain of water the matchless system of our Great Lakes and their tributary rivers and canals with the 16,000 navigable miles of the "Father of Waters" and his tributaries—the finest rivers in the world; thereby connecting our great island seas and their many large and wealthy cities with the Gulf of Mexico, the Panama Canal, and the Orient by the best and shortest water route? This idea of connecting the Lakes with the Mississippi River and the Gulf is one of the greatest and wisest conceptions of the age, fully as important, in my judgment, to the American people as the Panama Canal itself, and I carnestly hope that the commission of engineers created by this bill to survey that part of the route south of St. Louis will encounter no insurmountable difficulties.

If Mr. Hill is right and deep rivers are needed to relieve freight congestion, why not improve the great Missouri River, which the engineers tell us is navigable up to Fort Benton, Mont., 2,285 miles from its mouth, thereby relieving the appalling congestion in North Dakota and Montana which now exists, and carrying invaluable benefits to all the citizens of its imperial valley? Why not give the upper Mississippi at least 6 feet of water up to Mr. Hill's home in St. Paul? If Mr. Hill is right about the lower Mississippi, would not the situation be relieved by improving the Ohio River to a depth of 9 feet from Pittsburg to Cairo-a distance of 1,000 miles through the greatest freight-producing section of the Union, and the most populous and prosperous river valley on our continent? Why would not the congestion in Tennessee and northern Alabama be relieved by improving the Cumberland and Tennessee rivers, which are splendid streams, susceptible of first-class navigation for many hundreds of miles? Why would it not relieve the congestion in the new State of Oklahoma, in Arkansas, in northern Texas, and Louisiana if we properly improve the Arkansas, the Red, and the Ouachita rivers? Why not sas, in northern Texas, and Louisiana it we properly many the Arkansas, the Red, and the Ouachita rivers? Why not help along the people of Mississippi by improving the Yazoo and the Big Sunflower; those of Alabama and Georgia by deepening the Black Warrior and the Chattahoochee; those of Texas by canalizing the Brazos and the Trinity; those in eastern Georgia and South Carolina by improvement on the Savannah and the Santee; those in North Carolina and Virginia by proper expenditures on the Cape Fear, the James, and the canal from Norfolk to Beaufort; those in Pennsylvania and New Jersey by improving the Allegheny, the Youghlogheny, the Delaware, and the Passaic; those in New York and in the Eastern States by cooperating with the Empire State to make its great Erie Canal of the greatest utility, and by canalizing the Connecticut River?

Why not improve the mighty Columbia River of the West and give to the people of that vast region relief from their great freight congestion? Why not canalize the beautiful and historic Willamette? Why not apply to the Sacramento and San Joaquin the same policy of improvement which Mr. Hill urges for the Mississippi? If it be the duty of Uncle Sam to improve the Mississippi—and I quite agree with Mr. Hill that it is not only his duty, but the part of wisdom to do so—surely it is his duty to improve all of these other streams as well, together with many others I have not mentioned. The people on their banks are his children and entitled to his aid and assistance just as much as those who live on the banks of the Mississippi, and they need relief from freight congestion just as much relatively as the people of the Mississippi Valley.

But would it pay to make these improvements? Yes, I say; it would pay beyond the shadow of a doubt; it would pay better than any investment this Government ever made. Why do I say this? I say it because it is a fact established beyond dispute that water transportation costs on an average in this country only one-sixth as much as transportation by rail, and whenever waterways are thoroughly improved not only does a large quantity of freight move thereon at rates only one-sixth as high as those by rail, but the rates on competing railroads are very materially reduced, and for every dollar of the people's money invested by Congress annually in the improvement of our waterways at least two dollars a year are saved to the people in reduced rates.

The most striking instance of water transportation in this country on which we have accurate statistics is that through

the Sault Ste. Marie Canal between Lake Superior and Lake Huron. According to Col. Charles E. L. B. Davis, United States engineer in charge of the work at that place, the total commerce passing through the locks in 1905 was 44,270,680 tons, which was carried an average distance of 833.3 miles at a cost per ton per mile of 0.85 of a mill, making a total of \$31,420,584. It is estimated that the freight passing through the "Soo" during the year 1906 was over 52,000,000 tons, but I have no accurate statistics thereon. The average freight charge per ton per mile on the railroads of the Union during 1905 was 7.6 miles, which is about nine times as great as the rate on Lakes. Now, if we assume that this great freight of 44,270,000 tons had been carried, not at the average rail rate of 7.6 mills per mile, but at 5.1 mills, which is six times the water rate, the freight charge thereon would have been more than \$187,000,000, instead of the price actually paid, which was \$31,000,000. Hence the saving on that amount of freight was about \$156,000,000. It should be borne in mind also that there is a vast commerce on the Lakes which does not pass through the "Soo," and it is all moved at rates relatively the same, or 0.85 of 1 mill per ton per mile. The total cost of improvements on the Lakes is about \$70,000,000, and the saving on the commerce through the "Soo" alone in one year (1905) was nearly two and a half times as much as this total cost of all our improvements on the entire lake system. Surely that was a wise expenditure of money,

Let me cite another instance of lake and rail rates. Between Pittsburg and the harbors of Conneaut and Ashtabula on Lake Erie there is a very large commerce, amounting annually to about 30,000,000 tons, composed of iron ore and coal. The ore is carried by boat from Duluth, at the head of Lake Superior, to Ashtabula or Conneaut, a distance of about 1,000 miles, at a charge of approximately 80 cents per ton. It is then loaded on cars and carried 135 miles to Pittsburg for 90 cents per ton, the rate being 10 cents higher to go 135 miles by rail than 1,000 miles by water, and the water rate being about one-seventh of the rail rate. Coal is carried from Pittsburg to these Erie ports at 90 cents per ton and there loaded on boats for shipment to Duluth and other points on the Lakes, where it is hauled at the rate of 35 cents per ton, the water rate in this instance being one-twentieth of the rail rate.

There is a very large commerce on the Ohio River, according to the report of the Ohio River board of United States engineers. The exact cost of carrying this commerce is not stated by the board, but one of its members, Maj. William L. Sibert, of Pittsburg, who is one of the ablest engineers in the Corps, estimates that the cost of conveying freight on the Ohio River between Pittsburg and Louisville in 1905, even in the present unsatisfactory condition of the river, when boats are able to operate only a few months of each year, was 0.76 of one mill per ton per mile, one-tenth of the average rail rate, and that the cost between Louisville and New Orleans was 0.67 of one mill per ton per mile, about one-eleventh of the average rail rate. Hence we have the rate on the Lakes 0.85 of one mill, or one-ninth of the rail rate; on the Ohio 0.76 of one mill, or one-tenth of that by rail, and on the lower Ohio and Mississippi, below Cairo, 0.67 of one mill, or one-eleventh of the average rail rate, which is 7.6 mills per ton per mile. This is certainly a strong showing for the waterways, and the reason why I state above that the rate by water is one-sixth of that by rail is because there are many waterways in the Union on which I have been unable to obtain the rates, and wishing to be as conservative as possible I have reduced the proportion very much from what it would be if the figures on the Lakes, the Ohio, and the Mississippi are correct indices of the average water rates.

This same Ohio River board, in their report on the project for 9-foot navigation between Pittsburg and Cairo, estimate that with the Ohio River improved to that depth the freight charge between Pittsburg and Louisville would be 0.5 of one mill per ton per mile, and between Pittsburg and New Orleans 0.37 of one mill per ton per mile. They quote from an interesting report of Major Mahan, of the Engineer Corps, showing that the Volga River, in Russia, has an annual commerce of about 14,000,000 tons; that the navigation is about six months each year; that the freight charge on cereals is 2.22 mills per ton per mile, on manufactured iron 1.8 mills, on steel 1.6 mills, and on naphtha 1.5 mills. They show, too, that the navigation is nearly all done against the strong current of the river, where it is much more difficult and expensive than in slack water.

As an argument for the adoption of the 9-foot project they say that the steamer *Sprague* tows to market, from Louisville to New Orleans, sometimes as much as 60,000 tons of freight in one trip. The *Kaiserin Augusta Victoria*, one of the largest ships affoat, has a freight tonnage of 25,000 tons. The horse-power of the *Sprague* is 2,175; that of the *Kaiserin Augusta*

Victoria 17,200, and that of sufficient locomotives to haul the Sprague's cargo on an average grade road 24,000.

A study of the waterway system of Germany, in a recent excellent work on Modern Germany, by O. Eltsbacher, discloses the fact that Germany has developed its waterways to the highest degree, and immense quantities of freight are carried thereon. On the Oder the cost is about 3½ mills per ton per mile, on the Elbe 2½ mills, and on the Rhine 1.8 mills; hence we may say that the water rate in Germany is about 21 mills per ton per mile. Now, this is much higher than the water rate in this country, but the rail rate is higher, for while our rail rate in 1905 was 7.6 mills per ton per mile the rate in Germany was 11.7 mills per ton per mile, hence it would appear that the rail rate in Germany is about five times as great as the water rate.

In passing, I wish to commend most earnestly to every stu-dent of this subject Mr. Eltsbacher's very interesting work, and desire to present a few quotations therefrom. Among other things he says:

Recognizing the importance of cheap transport and of an alternative transport system which would bring with it wholesome competition, Germany has steadily extended, enlarged, and improved her waterways, both natural and artificial, and keeps on extending and improving them year by year; and if a man would devote some years solely to the study of German waterways and make the necessary but very extensive and exceedingly laborious calculations, he would probably be able to prove that Germany's industrial success is due chiefly to cheap transport and the wise development of her waterways.

Everywhere in Germany water transport is being developed with the utmost energy and vigor. On all the rivers and canals industrial activity is marvelously developed, and the development of water transport is becoming almost a sport, if not a passion, with the German business community.

If it were not for the existence of the German waterways, German industries would certainly not be in the flourishing condition in which they are now. When ice closes the German rivers and canals, the export and import trades are at once very seriously affected, and if the German waterways should be blocked for one year the whole of Germany would probably be ruined, for Germany can not live without her

In many cases the profit is cut so fine that an increase of the freight charges by about one-fiftieth of a penny per ton per mile would inevitably kill important industries which are at present killing the industries competing with Germany. Thus Germany's industrial success is no doubt due to a very large extent to the immense assistance she receives from her waterways.

It is clear that transport by water is and must always remain, owing to its very nature, so much cheaper than land transport, be it by road or rail, that railways can not possibly compete with properly organized, properly managed, properly planned, and properly equipped waterways. Hence it is economically wasteful not to extend and develop the natural and artificial waterways which a country possess, and it is absolutely suicidal and criminal to let them fall into neglect and

France, Holland, and Belgium have improved their waterways quite as thoroughly as Germany. It is said that freight can be moved from practically any part of these four countries without breaking bulk to any other part. Let us emulate the wise example of the French and Germans in this respect.

Some of you may ask "Where is the money to come from to

improve these waterways, and how much is it going to cost?" I wish to be perfectly frank, and say in answer to the last question that no reliable estimate of cost has ever been made, but I can say positively that the sum required to properly improve the waterways of this great country is only a small percentage of the amount which Mr. Hill says is needed right now to build the necessary 73,333 miles of railroads. Of course I do not expect, and no advocate of waterways expects, all of these vast improvements to be made at once. Even if the money were all available, it would take a number of years to complete them; but we would like to see a great advance in the present system and much more rapid progress than in the past.

In answer to the question as to where the money is to come from, I would like to respond in the Yankee style and ask where did we get the one thousand million dollars which the Spanish war and the Philippine Islands have cost us? There is no doubt that this war and the retention of the islands have cost the Republic during the past nine years much more than it would cost to place all our waterways in first-class condition.

We found that money without any trouble, and not one of our citizens suffered because of overtaxation to raise it. Let us find funds for our rivers and harbors. Some persons advocate a bond issue of half a billion dollars for waterways, and if no other means can be found we may have to adopt it, but, in my judgment, there are other means, and I hope that we will not be obliged to resort to a bond issue for this purpose. In his annual message to Congress the President advocated an income tax and an inheritance tax. I strongly favor both of these measures and believe that the country would approve them.

Should they be adopted, there would be ample funds in the Treasury to give our waterways fifty to seventy-five millions a year. If they are not adopted, then other means can and will be found.

In the meantime-and whatever changes, if any, are made in our fiscal policy-I insist that our waterways have not received a square deal in the past, and in behalf of every citizen of the Union who is interested in prompt transportation and cheap freights, I demand a square deal for them in the future. I insist that they are entitled to a much larger percentage of our I insist that there is neither justice nor national expenditures. good business in the policy which gives to war and its rewards in time of peace great appropriation bills every year, carrying an average of more than 40 per cent of our total expense, while river and harbor bills-commerce bills-are passed every three years and carry less than 3 per cent. I insist that it is the duty of Congress to change this policy, to pass river and harbor bills every year, and to have them carry a fair percentage of our national budget—at least three times as much as in the past.

One thing is certain, and he who fails to see it is blind, the renaissance of waterways is at hand. The American people understand their importance and demand proper appropriations from Congress for their speedy and businesslike improvement. They understand that with properly improved waterways the great freight congestion which exists in every State of the Union would be relieved; and they also know that railroad rates would be regulated and reduced far better by legitimate competition on unmonopolized waterways than by any rate commission devised by man. They know that waterways were the principal and best means of transportation on earth during all the tides of time until the advent of railroads a hundred years ago. And while they know that the iron horse is one of the best servants to man, and perhaps the greatest civilizer in the world, he can never supplant the waterway. Hence they demand of us, their servants, prompt and wise provision for the care and improve-ment of these waterways. I beg of you to hearken to their voice. I beg of you to make up your minds here and now to insist upon a complete and radical change in our waterway Our methods have been stingy, slow, and unbusinesslike in the past. Let us make them prompt, liberal, and up-to-date. Let us go at this waterway improvement as though we meant business, and do it right regardless of cost. For the past ten years we have had an average of about twenty millions a year for rivers and harbors. It should not be less than fifty millions a year, and our votes would be applauded if we made it larger than that amount.

Mr. Chairman and fellow-Members, I earnestly implore you to study this great subject of waterway improvement, to my mind the most important one to-day before the American people, and use your great influence in and out of Congress in favor of a broad and liberal, a truly national policy toward our waterways, in favor of an annual rivers and harbors bill carrying fifty millions every year. [Loud applause.]

EXPLANATORY NOTE,

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An "annual rivers and harbors bill carrying fifty millions every year" is the slogan of the National Rivers and Harbors Congress, which is doing its utmost to arouse interest in the cause of waterway improvement. On the 6th and 7th of December, 1906, its third convention was held in Washington, D. C., and the delegates in attendance numbered over a thousand of the most prominent business men of the Union. This great association does not advocate any specific project whatsoever, and is forbidden by its rules to do so, but it stands for generous treatment of all our waterways and sufficient funds to improve every water course in the Union that is worthy. It is firmly convinced that the merits of its cause are so great that if properly understood they will carry conviction to all minds and be irresistible. It earnestly courts a study of and comparison between water and rail transportation, and its officers will gladly assist anyone desiring information. They are as follows: President, Joseph E. Ransdell, Washington, D. C., Lake Providence, La.; secretary and treasurer, J. F. Ellison, Cincinnati, Ohio; directors, William H. Lincoln, Boston, Mass.; Olin J. Stephens, New York, N. Y.; Frank D. La Lanne, Philadelphia, Pa.; Blanchard Randall, Baltimore, Md.; E. J. Hale, Fayetteville, N. C.; W. D. Stillwell, Savannah, Ga.; M. J. Sanders, New Orleans, La.; S. W. S. Duncan, Dallas, Tex.; William B. Rodgers, Pittsburg, Pa.; Albert Bettinger, Cincinnati, Ohio; John A. Fox, Blytheville, Ark.; Lawrence M. Jones, Kansas City, Mo.; Rufus P. Jennings, San Francisco, Cal.; A. H. Devers, Portland, Oreg.; John L. Vance, Columbus, Ohio; Thomas M. Wilkinson, Burlington, Iowa; William P. Kennett, St. Louis, Mo.; M. T. Bryan, Nashyille, Tenn.; James H. Davidson, Oshkosh, Wis.; Harvey D. Goulder, Cleveland, Ohio; E. S. Conway, Chicago, Ill.; W. K. Kavanaugh, St. Louis, Mo.; T. G. Bush, Birmingham, Aia.

Mr. GOULDEN. Mr. Chairman, we have all been very deeply interested in the admirable address of the chairman of the Committee on Rivers and Harbors made in the House to-day. His statements and figures are convincing. The position taken by the committee in the report now under consideration regarding certain improvements in the country may be sound, but they certainly are amazing. The only alternative now is to accept them with the best possible grace. I particularly have in mind an important navigable stream in the Borough of the Bronx, an arm of the sea known as "Westchester Creek." This improvement was recommended by W. H. H. Benyaurd, lieutenant-colonel, Corps of Engineers, United States Army, under date of November 28, 1890, seven years ago. The value of the commerce for 1906 is estimated at nearly \$1,000,000 and is rapidly increasing, due to the great increase of population in the section affected by this improvement. In 1900 the population of the Bronx Borough, one of the five subdivisions of the city of New York, was 200,507, and on January 1 of this year it was 350,000. The section to be benefited by this improvement has doubled its population in the same period and in the next five years will again double its numbers. The demand for building material. coal, and merchandise is very great, and if this improvement is completed it will tend to cheapen freight rates nearly one-half, proving of incalculable advantage and benefit to the people. have been waiting for this for seven years, while not a thing has Now tugs and barges are forced to lie in the East River for hours waiting for high tide, thus adding to the cost of freight. The people there demand that something be done for this important arm of the sea, and as their representative I am here to voice that sentiment.

The reasons assigned by Chairman Burron to-day were, first. that this was practically a new improvement, nothing having ever been appropriated for this waterway, and, secondly, that the rule of the committee is not to consider any improvement that was not recommended by the board of review of the United States Engineer Corps since 1902. Unfortunately Westchester Creek falls under the ban in both cases. I had prepared, and intended submitting for consideration and adoption, under the five-minute rule, the following amendment:

After the word "Creek," in line 23, on page 13, insert the following: "Improving Westchester Creek. New York, making the channel navigable from East River to Westchester, a distance of 2½ miles, including the dredging of the channel across the estuary 100 feet wide and 8 feet deep at mean low tide, at a cost of \$42,780, according to the plans, estimates, and surveys made and approved by the Chief of the Engineer Corps, United States Army, under the direction of the Secretary of War, dated September 23, 1899."

Now, Mr. Chairman, realizing the position in which this improvement is placed, I shall not press it, but serve notice on the Committee on Rivers and Harbors that I shall insist upon favorable consideration in the next Congress. In the meantime I will see that the board of review pass upon the feasibility and desirability of this necessary improvement. The East River has received two hundred and fifty thousand--a gain of fifty thousand over two years ago; the Harlem River Ship Canal, one hundred and fifty thousand-a gain of seventy-five thousand; the Bronx River, twenty-three thousand—a gain of three thousand; the Eastchester Creek, six thousand—a gain of twenty-five hundred, with a survey by the Government engi-neers for a 12-foot channel from the Sound to the Mount Vernon thousand; dock at low tide. A survey is also recommended by the committee for a survey of the channel between North and South Brothers islands, all in the Eighteenth district of New York, which I have the honor to represent. I have reason, therefore, to felicitate myself on the results achieved in this Congress.

Mr. Chairman, I desire to have read at the desk an amendment which will be offered at the proper time, and which will be the subject of my remarks.

The Clerk read as follows:

The Clerk read as follows:

Toward the construction of a navigable waterway 14 feet in depth, the locks, however, to be so constructed as to permit of a depth of water of 21 feet over the miter sills, from the south end of the channel of the Sanitary District of Chicago near Lockport, Ill., by way of the Des Plaines and Illinois rivers to the mouth of said Illinois River and from the mouth of the Illinois River by way of the Mississippi River to St. Louis, Mo., in accordance with the report submitted in House Document No. 263, Fifty-ninth Congress, first session, \$3,000,000: Provided, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said navigable waterway, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$26,000,000, exclusive of the amount herein appropriated.

Mr. SNAPP. The river and harbor act of 1902 appropriated

Mr. SNAPP. The river and harbor act of 1902 appropriated \$200,000, or so much thereof as might be necessary, for making such surveys, examinations, and investigations as might be required to determine the feasibility of and to prepare and report plans and estimates of cost of a navigable waterway 14 feet in depth from Lockport, Ill., by way of the Desplaines and Illinois rivers to the mouth of the Illinois River, and from the mouth of the Illinois by way of the Mississippi River to St. Louis, Mo.

Under this authority a board of engineers of the United States Army made the survey from the end of the Chicago Sanitary Ship Canal, at Lockport, to the mouth of the Illinois The survey of the Mississippi from the mouth of the Illinois to St. Louis was made by the Mississippi River Commission.

The report of these two boards was transmitted to this House by the Secretary of War, December 19, 1906. The cost of the channel from the Chicago Sanitary Ship Canal to the mouth of the Illinois River is estimated at \$23,543,582, and from the mouth of the Illinois to St. Louis at \$6,553,880, a total of An increase of 6 feet over the miter sills of the \$30,097,462. locks, if full advantage is to be taken of an increased discharge of water from Lake Michigan in the future, would increase the cost \$1.376,000. The feasibility of the project is admitted.

No provision is made in this bill for the performance of this work, and scant consideration was given to the arguments of those who urged it upon the chairman of the Committee on Rivers and Harbors, the reason being given, among others, that it is a new conception and not entitled to serious consideration at this time, there being so many older projects undisposed of. I shall endeavor to show that it is not a new conception and, by brief and hurried reference to historical facts and legislative enactments, demonstrate that the construction of an improved waterway from Lake Michigan to the Mississippi has for generations been the settled policy of the State of Illinois. idea of connecting the waters of Lake Michigan with those of the Illinois River by a canal passing through that invisible but no less actual dividing line upon which the accumulating waters pause to determine whether they will find their way to the Gulf of St. Lawrence or to that of Mexico, occurred to the earliest explorers of the Northwest, the first to suggest it having been Louis Joliet, in 1673.

The attention of Congress was first directed toward it as a connecting link between the East and West in an able report on roads and canals by Albert Gallatin, Secretary of the Treasury, April 4, 1808. It was subsequently referred to by A. B. Woodward in a report to the Michigan Territorial legislature on internal navigation in January, 1812, and was favorably men-tioned in Niles's Register in an editorial on "Resources and improvements," August 6, 1814.

It was the subject of frequent discussion up to 1816, at which time, with a view to the ultimate construction of such a work. Governors Edwards, of the Territory of Illinois, and Clark, of Missouri, and Col. A. Choteau, as United States Commissioners, made a treaty with the Indians by which the latter ceded a tract of land 10 miles wide along the proposed route, extending from Lake Michigan to the Illinois River. In a report to Congress January 19, 1819, Mr. Calhoun, the Secretary of War, made favorable mention of a canal from "the Illinois River to Lake Michigan which the growing population of the State renders very important" and which would be "valuable for military purposes." In December of the same year he transmitted to Congress the reports of Maj. Stephen H. Long, of the corps of topographical engineers, and one made by Richard Graham and Chief Justice Joseph Phillips, of Illinois, in both of which the practicability and importance of the improvement is strongly commended.

The very boundaries of the State were fixed with this in view. By the ordinance of 1787, there were to be not less than three nor more than five States in the territory northwest of the The boundaries of these States were defined by that Ohio River. The three States of Ohio, Indiana, and Illinois, were to include the whole territory, and were to be bounded by the British possessions in Canada on the north. But Congress reserved the power, if they thereafter should find it expedient, to form one or two States in that part of the territory which lies north of an east and west line drawn through the southerly bend of That line, it was generally supposed, was to be Lake Michigan. the north boundary of Illinois. Judge Pope, Delegate from Illinois Territory, seeing that the port of Chicago was north of that line, and would be excluded by it from the State; and that the Illinois and Michigan canal (which was then contemplated) would issue from Chicago, to connect the Great Northern Lakes with the Mississippi, and thus be partly within and partly without the State of Illinois, was thereby led to a critical examina-tion of the ordinance, which resulted in a clear and satisfactory conviction that it was competent for Congress to extend the boundaries of the new State as far north as they pleased; and he found no difficulty in convincing others of the correctness of his views

But there were other and much more weighty reasons for this change of boundary, which was ably and successfully urged by Judge Pope upon the attention of Congress. It was known that in all confederated republics there was danger of dissolu-tion. The great valley of the Mississippi was filling up with a numerous people; the original Confederacy had already advanced westward a thousand miles across the chain of mountains skirting the Atlantic; the adjoining States in the western country were watered by rivers running from every point of the compass, converging to a focus at the confluence of the Ohio and

Mississippi at Cairo; the waters of the Ohio, Cumberland, and Tennessee rivers carried much of the commerce of Alabama and Tennessee, all of Kentucky, considerable portions of that of Virginia, Pennsylvania, and New York, and the greater portion of the commerce of Ohio and Indiana, down by the point at Cairo (situated in the extreme south of Illinois), where it would be met by the commerce to and from the lower Mississippi, with all the States and Territories to be formed in the immense country on the Missouri, and extending to the headwaters of the Mississippi. Illinois had a coast of 150 miles on the Ohio River and nearly as much on the Wabash; the Mississippi was its western boundary for the whole length of the State; the commerce of all the western country was to pass by its shores and would necessarily come to a focus at the mouth of the Ohio, at a point within this State and within the control of Illinois if, the Union being dissolved, she should see proper to control it. It was foreseen that none of the great States in the West could venture to aid in dissolving the Union without cultivating a State situate in such a central and commanding position.

What, then, was the duty of the National Government? Illinois was certain to be a great State with any boundaries which that Government could give. Its great extent of territory, its unrivaled fertility of soil and capacity for sustaining a dense population, together with its commanding position, would in course of time give the new State a controlling influence with her sister States situate upon the western rivers, either in sustaining the Federal Union as it is or in dissolving it and establishing new governments. If left entirely upon the waters of these great rivers, it was plain that, in case of threatened disruption, the interest of the new State would be to join a southern and western confederacy. But if a large portion of it could be made dependent upon the commerce and navigation of the Great Northern Lakes, connected as they are with the Eastern States, a rival interest would be created to check the wish for a western and southern confederacy

It therefore became the duty of the National Government not only to make Illinois strong, but to raise an interest inclining and binding her to the eastern and northern portions of the This could be done only through an interest in the At that time the commerce on the Lakes was small, but its increase was confidently expected, and, indeed, it has exceeded all anticipations and is yet only in its infancy. To accomplish this object effectually it was not only necessary to give to Illinois the port of Chicago and a route for the canal, but a considerable coast on Lake Michigan, with a country back of it sufficiently extensive to contain a population capable of exercising a decided influence upon the councils of the State.

There would, therefore, be a large commerce of the north, western, and central portions of the State afloat on the Lakes, for it was then foreseen that the canal would be made, and this alone would be like turning one of the many mouths of the Mississippi into Lake Michigan at Chicago. A very large commerce of the center and south would be found both upon the Lakes and the rivers. Associations in business, in interest, and of friendship would be formed both with the North and the South. A State thus situated, having such a decided interest in the commerce and in the preservation of the whole confederacy, can never consent to disunion, for the Union can not be dissolved without a division and disruption of the State itself. These views, urged by Judge Pope, obtained the unqualified assent of the statesmen of 1818, and this feature of the bill, for the admission of Illinois into the Union, met the unanimous approbation of both Houses of Congress

In advance of any action by State authority, although both Governors Bond and Coles had recommended it, Congress passed an act March 30, 1822, authorizing

The State of Illinois to survey and mark through the public lands of the United States the route of a canal connecting the Illinois River with the southern bend of Lake Michigan, and 90 feet of land on each side of said canal shall be forever reserved from any sale to be made by the United States, and the use thereof forever shall be, and the same is hereby, vested in the said State for the canal.

The way being thus opened, even though only to a limited extent, so far as regards governmental aid, the Illinois legislature as early as 1823 took steps to provide for the internal naviga-tion of the State by the appointment of commissioners who were authorized to consider, devise, and adopt such measures as shall or may be requisite to effect communication by canal and locks between the navigable waters of the Illinois River and Lake Michigan, and to explore the most eligible route, to cause all necessary maps and surveys to be made and adopt proper plans for the construction of such canal, and made an appropriation to defray the expenses of the commission. Nothing was done by the State under this authorization,

except to survey the route of a canal from Chicago to the Illinois River at Lasalle.

March 2, 1827, Congress passed an act providing that-

There be, and hereby is, granted to the State of Illinois, for the purpose of aiding said State in opening a canal to unite the waters of the Illinois River with those of Lake Michigan, a quantity of land egtal to one-half of five sections in width, on each side of said canal, and reserving each alternate section to the United States.

By the act of January 22, 1829, the governor of the State was authorized to appoint three commissioners, whose duty it should be to consider, devise, and adopt such measures as may be required to facilitate the communication, by means of a canal and locks, between the navigable waters of the Illinois River and Lake Michigan and as soon thereafter as they may acquire sufficient funds and deem it expedient, shall commence the work by opening a canal and constructing locks, aqueducts, dams, and embankments to effect a navigable communication between Lake Michigan and the Illinois River.

Under these different acts the State of Illinois was given the right to construct a canal from Lake Michigan to the Illinois River over Government land and selected in pursuance of the last act of Congress every alternate section along the line of the canal, but on account of the State's lack of means nothing substantial was done toward the commencement of the work before 1836, when the legislature of the State passed an act providing that-

The said canal shall not be less than 45 feet wide at the surface, 30 feet at the base, and of sufficient depth to insure a navigation of at least 4 feet, to be suitable for ordinary canal-boat navigation, to be supplied with water from Lake Michigan, and to be constructed in the manner best calculated to promote the permanent interests of the country, reserving 90 feet on each side of said canal to enlarge its capacity whenever, in the opinion of the board of canal commissioners, the public good shall require it.

The said canal shall commence at or near the town of Chicago on canal lands and shall terminate near the mouth of the Little Vermilion in Lasalle County and on land owned by the State.

Under this act the State entered upon the active construction of the canal and continued work thereon till about 1840, when work was stopped for lack of funds. In 1843 the legislature passed an act authorizing the governor to convey the canal and canal lands to three trustees, two of whom represented the owners of the State bonds issued to raise money for canal construction and one of whom represented the State. These three, called the "canal trustees," proceeded to sell the canal lands received from the Federal Government and with the proceeds finished the canal from Chicago to Lasalle, on the Illinois River, 100 miles in length, in 1848. The canal was 60 feet wide at the surface, with a depth of 5 feet, and was the largest canal in existence in the United States. It has been in operation from that day to this, and, it has been asserted by those best informed on the question, contributed more, by giving cheap transportation from the Illinois Valley to Chicago, toward the early growth and prosperity of Chicago than anything else. But conditions changed, and a canal of sufficient size to meet the demands of commerce of that period was entirely insufficient to accommodate traffic twenty years later, and the State immediately took steps toward its enlargement and toward the improvement of the navigation of the Illinois River below Lasalle.

The original plan of the canal, adopted in 1836, was to cut through the divide, so as to draw a supply of water for navigation from Lake Michigan by gravity, which plan was abandoned for the time being, after a large part of the work had been executed, in consequence of the State's inability to procure funds to finish the work, and the level of this division was raised so as to require the principal supply of water to fill the canal to be obtained through the Calumet feeder.

In order to secure the completion of the canal on the deep-cut

plan, the city of Chicago was authorized, in 1866, to deepen the Summit division. The work was completed just before the great fire of 1871 at a cost of about \$3,000,000. Immediately after the fire a special session of the legislature was called and the entire amount was refunded to the city

By the act of February 28, 1867, while the canal was still in the hands of trustees, the legislature provided for the appoint-ment of canal commissioners to secure the improvement of the Illinois and Michigan Canal and its extension to the Mississippi River.

The commissioners were authorized to make such changes in the location of the canal, or adopting a river improvement instead of the canal between Chicago and La Salle, as might be deemed expedient in a general plan for the river improvement.

The act also provided for the appointment-

by the governor of two persons who, together with the governor, shall constitute a committee to present a memorial to the Congress of the United States and urge the necessity of an immediate and liberal appropriation in aid of these improvements; such commission to use its best endeavors to secure an appropriation of at least \$7,000,000 in aid of the improvements herein named.

In case the United States should appropriate a sum of money equal to one-half the estimated cost of said improvements, or either of them, the canal commissioners should proceed with the work upon said improvements, in such order and to such extent as in their judgment the condition of the finances and the best interests of the State of Illinois will warrant.

For the purpose of carrying on and completing the improvements mentioned, and of raising the necessary funds therefor, an annual tax of 1 mill on the dollar of all taxable real and personal property in the State was authorized to be levied until the improvements should be completed. The first of the improvements to be begun and completed was to be that of the Illinois River from La Salle to the mouth of said river, provided that if the Government of the United States should appropriate toward the enlargement of the Illinois and Michigan Canal one-half the estimated cost, then the commissioners should proceed with said enlargement in accordance with such appropriation.

About the same time the canal trustees, under authority of the legislature, constructed a lock at Henry, on the Illinois River, 356 feet long and 75 feet wide, at a cost of \$450,000, creating a navigable depth of 7 feet from Henry to La Salle, the terminus of the canal; and in 1873 the legislature provided for the further improvement of the Illinois River by the following act:

Whereas in pursuance of an act approved February 25, A. D. 1869, and an act additional thereto, under and by authority of which acts the improvement of the navigation of the Illinois River has been commenced by the construction of a lock and dam in the town of Henry, in Marshall County, which has been completed, and which is a part of a system of locks and dams to the number of five projected by engineers for the complete improvement of the navigation of the Illinois River; and

Whereas no further progress can be made in the improvements of the navigation of said river without further appropriation, such appropriation being now necessary for the building of a lock and dam at or near Copperas Creek, which when completed will add 59 miles of river transportation, and thus tend to the reduction of freights to the headwaters of Lake Michigan and to the Mississippi River: Therefore

Be it enacted, That there be, and is hereby, appropriated the net proceeds of the revenue derived from the Illinois and Michigan Canai and the lock at Henry, on the Illinois River, to be expended in the construction of a lock and dam across the Illinois River at or near Copperas Creek and necessary work in connection therewith; said lock not to be less than 250 feet in length and 75 feet in width: Provided, That the cost of said improvements when completed shall not exceed the sum of \$450,000.

Through further appropriations works for the sum of \$450,000.

Through further appropriations made from time to time the locks at Henry and Copperas Creek were finally finished about 1877, at a cost of nearly \$1,000,000, completing a hundred miles of river navigation, and with the locks at Lagrange and Kamps ville, erected by the United States, gave a navigable depth through the Illinois River from Lasalle to the Mississippi, about 228 miles, of 7 feet.

Many reports have been made by Government engineers on the feasibility and desirability of further improvement of navigation between Lake Michigan and the Mississippi River. Probably the most interesting is that made to the Secretary of War December 17, 1867, by James H. Wilson, then lieutenant-colonel and afterwards Chief of Engineers of the United States Army, and William Gooding, United States civil engineer. port read in part as follows:

and William Gooding, United States civil engineer. The report read in part as follows:

Having been designated by direction of the Secretary of War, through engineer orders dated Washington, May 8, 1867, as a board "to conduct surveys and examinations and to prepare plans and estimates for a system of navigation, by way of the Illinois River, between the Mississippi and Lake Michigan adapted to military, naval, and commercial purposes, in accordance with the act of March 2, 1867," we have the honor to submit the following report:

By a careful examination of the report and profiles of this year's survey, with the map herewith submitted, it will be seen that the location of the present canal from Bridgeport to the valley of the Des Plaines can not be advantageously or economically changed; that it is the best and most direct route which can be found, there having been more than enough work already done in this line to counterbalance the natural but not superior advantages of the slightly lower but more tortuous route by Mud Lake; that the Calumet River and Saganasta route along what is known as the "Calumet feeder" would cost a great deal more than either of the others, being longer and ending at a point where there is neither a natural or artificial harbor and where it would be impossible to construct one which would answer the purpose of commerce and the national defense.

For the foregoing reasons we are decidedly of the opinion that in constructing such a system of navigation as the interests of the country require the Government must follow the general line of the Illinois and Michigan Canal and the Illinois River, and that the line recommended is the only feasible route for deep-water communication between the Great Lakes and the Mississippi Iliver equally adapted to military, naval, and commercial purposes.

We have therefore to respectfully recommend that the improvement in question shall be made by widening and deepening the present canal from Bridgeport to the head of Lake Joliet, with the exception of

reservoir of Lake Michigan. The locks in this improvement, in order to admit of their fullest use by naval and commercial vessels, should be 356 feet long between the gates, 75 feet wide, and give a minimum draft of 7 feet.

In considering the importance of this system of improvement in its military, naval, and commercial respects, the report says:

In considering the importance of this system of improvement in its military, naval, and commercial respects, the report says:

There are but two ways in which we can thoroughly protect our own northern frontier in time of war and relieve ourselves of a continuous menace in times of peace. The Government must either connect the Lakes and the Mississippi River by a canal of sufficient capacity to accommodate gunboats suitable for service on the Lakes or prepare for the annexation or conquest of Canada. As a military measure the construction of a canal will be effective, and fortunately for the country, this can be done at an expense which must be regarded as insignificant when compared with the objects to be obtained. For great as are the military reasons which favor the establishment of steamboat navigation between the Lakes and the Mississippi, they are vastly transcended by those of a commercial and political character. The Lakes, the St. Lawrence River, and the New York canals are the natural outlet for the Lake cities and a great portion of our northwestern territory, as much as the Mississippi River is the outlet for the territory contiguous to it.

Since the construction of the St. Lawrence and New York canals, the commerce of the Northwestern and Western States has gradually been seeking its way to the eastern seaboard rather than the southern. Indeed, the northern tier of our States, even as far west as the Missouri, owe their prosperity, if not their existence, to the development of water communication with the East. Railroads have exerted a potent influence in populating these States, but their extraordinary development in wealth and industry is mainly due to the construction of the Canadian and New York canals, by which, up to the present time, they have been able to send their surplus products directly and cheaply to market. This accounts satisfactorily for the superior wealth of the country bordering directly upon the Lakes, and for the marvelous growth of the cittes which have sprung into existence

Mr. GRAFF. This was a report from a Government engineer, Gen. James H. Wilson, was it not?
Mr. SNAPP. Yes; afterwards Chief of Engineers of the

United States Army.

Mr. GRAFF. This was made in the year 1867, or about that vear?

Mr. SNAPP. Made in 1867.

As further evidence of the sincerity of the purpose of the State to secure an enlarged waterway from Lake Michigan to the Mississippi the legislature in 1882 ceded the canal and all unsold lands to the United States, on condition-

That the United States shall, within five years from the time that this act takes effect, accept this grant and thereafter maintain the said canal and waterway for the purpose aforesaid. In case the United States shall accept this grant it is upon the express condition that the canal shall be enlarged in such manner as Congress may determine and be maintained as a national waterway for commercial purposes, to be used by all persons, without discrimination, under such rules and regulations as Congress may prescribe.

The United States failing to accept the grant within the time mentioned in the act, the offer was formally withdrawn and the act repealed.

In 1889 the legislature passed an act to "create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers." This was without doubt the most important step. so far taken, toward the creation of a deep waterway through the Illinois Valley, and the works constructed under its au-thority will stand forever as a monument to the foresight and wisdom of the legislature that enacted it. Sections 23 and 24 of that act are as follows:

If any channel is constructed under the provisions hereof by means of which any of the waters of Lake Michigan shall be caused to pass into the Desplaines or Illinois rivers, such channel shall be constructed of sufficient size and capacity to produce and maintain at all times a continuous flow of not less than 300,000 cubic feet of water per minute, and to be of a depth of not less than 14 feet, and a current not exceeding 3 miles per hour, and if any portion of any such channel shall be cut through a territory with a rocky stratum where such rocky stratum is above a grade sufficient to produce a depth of water from Lake Michigan of not less than 18 feet, such portion of said channel shall have double the flowing capacity provided for, and

a width of not less than 160 feet at the bottom, capable of producing a depth of not less than 18 feet of water.

If the population of the district drained into such a channel shall at any time exceed 1,500,000, such channel shall be made and kept of such size and in such condition that it will produce and maintain at all times a continuous flow of not less than 20,000 cubic feet of water per minute for each 100,000 of the population of such district, at a current of not more than 3 miles per hour, and if at any time the General Government shall improve the Des Plaines or Illinois rivers so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property, so as to save harmless the said district from all liability therefrom, then such sanitary district shall, within one year thereafter, enlarge the entire channel leading into said Des Plaines and Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet of water per minute, with a current of not more than 3 miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than 18 feet throughout said channel, and shall have a width of not less than 18 feet throughout said channel, and shall have a width of not less than 160 feet at the bottom.

When such channel shall be completed and the water turned therein to the amount of 300,000 cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the General Government shall improve the Des Plaines and Illinois rivers for navigation, to connect with this channel, said General Government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or

The navigability of any channel constructed under that act was further insured by an amendment made by the legislature in 1897, providing that no part of the taxes levied for its construction should be used for the construction of permanent or fixed bridges, and that all bridges should be constructed so that they can be raised or swung out of the way of vessels navigating the channel, but that no district should be compelled to operate bridges as movable bridges for a period of seven years, unless the needs of general navigation on the Desplaines and Illinois rivers, when connected with such channel, should sooner require it. The policy of the State in favor of a 14-foot waterway through the valley is further evidenced by a resolution of the general assembly adopted in 1889, reading as follows:

general assembly adopted in 1889, reading as follows:

That it is the policy of the State of Illinois to procure the construction of a waterway of the greatest practicable depth and usefulness for navigation from Lake Michigan via the Desplaines and Illinois rivers.

That the United States is hereby requested to stop work upon the locks and dams at Lagrange and Campsville and to apply all funds available and future appropriations to the improvement of the channel from La Salle to the mouth, with a view to such a depth as will be of present utility and in such manner as to develop progressively all the depth practicable by the aid of a large water supply from Lake Michigan at Chicago.

That the United States is requested to aid in the construction of a channel not less than 160 feet wide and 22 feet deep, with such a grade as to give a velocity of 3 miles per hour, from Lake Michigan at Chicago to Lake Joliet, a pool of the Desplaines River, immediately below Joliet, and to project a channel of similar capacity and not less than 14 feet deep from Lake Joliet to La Salle, all to be designed in such manner as to permit future development to a greater capacity.

The sanitary district of Chicago was organized under the act

The sanitary district of Chicago was organized under the act of 1889. It is entirely true to say that the act was passed to enable Chicago to construct a canal from Lake Michigan to the Desplaines River. The district began the work in 1892 and completed the main canal from the Chicago River to Lockport, where it empties into the Desplaines River, in 1899. from Lake Michigan was turned into the canal January 2, 1900. The canal varies in width from 160 feet through rock to 202 feet through dirt; has a water depth throughout of 24 feet, and will float the largest lake vessels loaded to full capacity. district is now widening and deepening the Chicago River to provide for the full flow of water from Lake Michigan allowed by the act. It is also about to construct a 22-foot navigable channel from the Calumet River, connecting with the main channel at the Sag. The cost of the work done and contemplated will approximate \$70,000,000.

To make more certain, if possible, that the idea of a deep waterway had not been and would not be lost sight of by the State, the legislature, in 1897, adopted the following resolution:

[Resolution May 27, 1897.]

[Resolution May 27, 1897.]

Whereas the general assembly of 1839 passed "An act to create sanitary districts" and provided thereunder for the disposal of the sewage of the city of Chicago through the Desplaines and Illinois rivers by means of a canal across the Chicago divide of such capacity as to dilute the sewage beyond offense, and such sewage disposal was granted on the condition that said channel should be so constructed as to form part of a navigable waterway between Lake Michigan and the Mississippi River, and on the theory that to produce a waterway of magnitude, as demanded by modern conditions, required a large and constant volume of water flowing through the Illinois River; and

Whereas the construction of the sanitary canal of Chicago and the large volume of water required to flow through the same will bring lake and river navigation, which are now 320 miles apart, within 60 miles of each other, and the development of the intermediate section between Lockport and Utica will furnish a through route from the Great Lakes to the lower Mississippi by way of lower Illinois river; and

Whereas we believe the making of a deep waterway of the Illinois River to be an undertaking which is national in its character and should be accomplished by the General Government for the general welfare, the

inland and maritime commerce of the nation, and for the nation's defense in time of war: Therefore, be it

*Resolved**. 1. That it is the policy of the State of Illinois to procure the construction of a waterway of the greatest practicable depth and usefulness for navigation from Lake Michigan, by way of the Desplaines and Illinois rivers, to the lower Mississippi River.

2. That the lock and dams on the Illinois River at La Grange and at Kampsville should be removed whenever the supply of water as required by law is turned into the said river by means of the Sanitary Canal of Chicago; and the United States is hereby respectfully requested to enter upon the improvement of the alluvial portion of the Illinois River by means of a system of channel improvement, so as to fully utilize the flow of water from Lake Michigan.

3. That the rock-bound section of the Desplaines and Illinois rivers, from the end of the Sanitary Canal of Chicago at Lockport to the head of the alluvial river at Utica, should be developed for a navigable depth of not less than 14 feet, and that the United States is requested to enter upon this work in cooperation with all lawful agencies provided for in this State and in harmony with the policy herein set forth.

Of course the primary object of the people of Chicago in seek-

Of course the primary object of the people of Chicago in seeking this legislative authority was purely sanitary. a method for disposing of the sewage of that great and growing city that would prevent its finding its way into Lake Michigan and polluting the source of the city's water supply. The canal is designed to act as a river that rises in Lake Michigan, crosses the divide, and empties into the Desplaines River. It is so proportioned that in flood periods it carries off the flood waters and sewage that enter the Chicago River. In dry weather it draws in through the river the lake water required for a proper dilution of the sewage.

The primary purpose of the State of Illinois in enacting this legislation was more comprehensive. The necessity of giving Chicago an outlet for its sewage was clearly recognized, but the State impressed upon this legislation an unaltered determination to secure at some time an improved and deeper waterway through the Illinois Valley. The consistency of the State's purpose is made manifest in every provision of the act and amend-

ments thereto.

A channel for drainage purpose only could have been dug for a small fraction of the cost of this canal. But the State had in view the extension of lake navigation to the Mississippi. An outlet for lake commerce to the South and a cheap highway from the South to the Lakes had been the consistent purposes of the State for many years. In the Drainage Canal the State authorized a large project within her own borders that is an In the Drainage Canal the State essential part of such a waterway. It cuts the continental divide between the Great Lakes and the Gulf of Mexico. It opens a ship canal through this barrier 24 feet deep, and enlarges and deepens the Chicago River at a cost of over \$50,000,000. At the same time, the canal turns into the lower Illinois River the flow which is required to make a deep waterway from Lake

Michigan to the Mississippi.

The Illinois Valley is the relic of a great estuary filled up with silt and ooze by the weathering of many centuries. The valley is wide and the banks of the river are low, and dams are a very limited and doubtful improvement here. For a deep waterway in this river a deep channel must be dug out and a flow turned down the channel that will fill it. A flow that gives a waterway 24 feet deep in the drainage canal will give a deeper channel in the lower Illinois River. It is true that the channel in the river must be twice as wide, but this flow can be counted on to give a waterway about 15 feet deep through the lower Illinois River. To dig out such a channel with hydraulic dredges is a small matter. A fraction of the dredging done on the Mississippi would cut the deep waterway A fraction of the through the mud bottom of the lower Illinois River, the drainage-canal flow in it this channel would not fill up in a century. From the drainage canal to Utica, on the Illinois River, the waterway will be made by dams in the river. It will be like an ordinary canal only much bigger, and will use the channel of the river instead of digging a new channel. In this section the flow from the drainage canal will easily maintain a depth of 22 feet.

The estimated cost from Lockport to the mouth of the Desplaines River is \$7,822,000, more than half of which will be saved to the Government by the extension of the channel of the Chicago Ship Canal to Joliet and the development of water-power rights from Lockport to the Kankakee River by the construction of dams, equally necessary in the development of the waterway. It can be safely stated, therefore, that the cost of the entire pro-ect will not exceed \$26,000,000 to \$28,000,000.

It must not be forgotten that the entire expense of a channel 22 feet deep from Lake Michigan to the Illinois River and a 14foot channel from there to the Mississippi large enough to carry the water from Lake Michigan to fill it would cost in the neighborhood of \$100,000,000.

The work authorized by the State and now nearly completed will give a 22-foot channel for over 40 miles at a cost of nearly \$70,000,000. This vast sum, the expenditure of which was per-

mitted in order to carry out the aim of the State to create a deep waterway from Lake Michigan to the lower Mississippi, was raised entirely within the limits of the State. Not a dollar has been contributed by the Federal Government. It seems only reasonable that the State should ask the Government to contribute the one-fourth of the total expense necessary to complete the project, especially as when completed it will become the property of the nation. The benefits to be derived from such a highway can not be over estimated. It will create a seaboard from the Lakes to the Gulf and give a short haul to all the commerce of the interior.

It will bring a world's market to the center of nature's great storehouse between the Rock!es and the Alleghenies. On it ores, fuels, and building materials that are now out of reach may be assembled and find a value. It will gather food for the man and the man's machine and create new industries by bringing the iron ores from Superior by all-water route to the inexhaustible coal fields of the Illinois River Valley.

A board of Government engineers reported favorably on the project of an improved waterway along this line in 1886, and said:

The waterway from Chicago to Grafton, on the Mississippi River, is a most important one and, when completed, there is little doubt will richly repay for itself in the reduction and regulation of freights.

Illinois has more than met the expectations of its early settlers. Its population of 850,000 in 1880 now approaches 6,000,000. It has advanced in material interests until it now stands third in population, second in manufacturing, and first in railroad mileage. Chicago, grown from a hamlet in 1848, when the Illinois and Michigan Canal was opened, has a population of more than 2,000,000, and no one can fix the limit to its future growth. What, then, is the duty of the National Government? has become a great State. As predicted by Congressman Pope in 1816, its great extent of territory, its unrivaled fertility of soil, and capacity for sustaining a dense population, with its commandiag geographical position, will in time, if it has not now, give the State a controlling interest with her sister States in the Mississippi Valley. Her people, from the time the State was admitted into the Union, have consistently and persistently worked and striven for a deep waterway from the Lakes to the Gulf. It is not a new conception. It is older than the State itself. Her people are determined to have it. There can be no better evidence of the strength of this determination than the voluntary expenditure by her citizens of \$70,000,000 toward the complete project. The feasibility of the project is admit-ted. Its desirability is evidenced by the demand of a great The plain duty of Congress is to recognize the justice of Illinois's claims, accept the benefits of her liberality, and provide the means for the immediate completion of the work. [Applause.]

Mr. LAWRENCE. Mr. Chairman, there has been but one general river and harbor appropriation bill since 1902, and that bill, passed in 1905, authorized an expenditure of only \$32,167,-Although at that time the pressure for appropriations for the improvement of our rivers and harbors was very great, the committee realized the necessity for the strictest economy in public expenditure and acted accordingly. A much larger bill is now imperatively demanded by our growing commerce, and the bill which you are considering carries a very large sum. The authorized expenditure is large, but I am sure it will prove a wise and reasonable expenditure. It will be an investment from which the people will receive very large returns. The money will be spent for home development, for the building up of our agricultural, industrial, and commercial interests. day a most pressing reason for generous appropriations arises from the fact that the railroads are absolutely incapable of meeting the demands for transportation of our products. is becoming more and more necessary to use to the fullest extent our waterways

The task of the committee has been difficult, the demand for improvements of this nature coming from all portions of the country being so urgent. Many will be disappointed because the projects in which they were especially interested have been omitted or because the amount appropriated is not as large as hoped for. Our aim has been to consider each project on its merits, and now that the bill is before the House we desire the fullest discussion. There will be no effort to crowd the bill through hastily. River and harbor bills were at one time brought into the House under an ironclad rule and forced to a vote without opportunity for either debate or amendment. This has not been done, I am glad to say, for some years; in fact, not since the distinguished gentleman from Ohio [Mr. Burrow] has been chairman of the committee. There has been no political nor sectional line in our committee room. I certainly hope

there may be given to this bill the most careful consideration, and, if errors have been made by the committee, that they may be corrected here.

The problem of the cost of transportation is of most vital importance to all our people. We aid the producer when, by a reduction in the cost of transportation, he is able to reach more distant markets. The need of wider markets is evident. General prosperity must continue to be due in large measure to the growth of our foreign commerce, and if we are to compete successfully in the markets of the world our products must be put into those markets at the lowest possible price. During the past quarter of a century there has been a remarkable decrease in the rates for carrying freight from this country to Europe. In 1880 it cost from 8 to 10 cents to carry a bushel of grain to Liverpool. To-day the rate is from 2 to 3 cents per bushel, and all rates on incoming and outgoing freight have been reduced in that proportion. This reduction is due directly to the increased size of ocean-going steamships. In 1880 such steamships drew from 18 to 20 feet of water, while to-day they draw 32 feet and more. The need, then, for deeper channels in our great harbors is imperative. Our harbors must be improved to accommodate the ships of to-day. In my opinion all the great harbors of the country should be supplied at the earliest practicable moment with channels of a depth of 35 feet.

I wish to say a word concerning the large expenditure authorized in the pending bill for the completion of a 35-foot channel in Boston Harbor. In 1902 Congress adopted a project for a channel 35 feet in depth from Charlestown Navy-Yard through Broad Sound to the sea, with a width of 1,200 feet in the inner harbor and 1,500 feet in the outer harbor. The engineers estimated the probable expense at \$8,000,000. The necessary expenditure was large, because underlying ledges occur irregularly all over the harbor, and it was found that a great amount of deep-sea rock excavation would have to be made. The cost of the project was so great that Congress did not feel that it could, in the bill of 1902, authorize the completion of the work. It did, however, adopt the project and appropriated \$3,600,000. That amount will have been expended by the end of the present year, and it has therefore been necessary in this bill to provide for the completion of the channel. In the bill of 1902 there were also adopted other projects for harbor improvement where the cost was so large that appropriations could only be made for prosecuting the work. These projects were at Philadelphia, New Orleans, Cleveland, the St. Mary River, and at the mouth of the Columbia River. Provision has been made in this bill for the completion of all these projects except the one at Cleveland. I wish to call attention to the fact that the State of Massachusetts has not depended exclusively upon the National Government for the improvement of its harbors and waterways.

Since 1874 the State has appropriated for Boston Harbor

Since 1874 the State has appropriated for Boston Harbor alone the sum of \$2,123,050.46, and during the same period has expended upon other river and harbor work \$643,477.95. The State has done its share in the past and will continue to do so in the future. In the bill of 1905 there were appropriations for Massachusetts based upon the condition that the State should participate in the expenditure, and the same is true of the pending bill.

Boston Harbor is the second port of the United States in the value of its foreign commerce, and that commerce is steadily growing. It must be provided with channel facilities of a harbor of the first class, to which it is entitled as one of the great seaports of the world. This appropriation should not be charged exclusively to the State of Massachusetts. It is made for a great national project. Less than 10 per cent of the cargoes carried from Boston Harbor by our great steamers consist of local shipments. More than 90 per cent comes from the West and the South. In 1905 material gains were made in the foreign trade of the port of Boston, the increase in the value of imports and exports amounting to \$25,728,809. The total value of the foreign trade in 1902 was \$164,799,789. In three years it increased to \$199,863,885. In addition, the in-transit and transshipment trade passing through the port amounted to \$23,271,599, making the total foreign trade for 1905, \$223,135,544. In the volume of foreign commerce the port of Boston is to-day second only to the great port of New York. Customs collected at the port of Boston from all sources amounted to—

1903 \$22, 360, 000 1904 23, 102, 087 1905 26, 208, 144

There has also been a substantial growth in passenger business, the number of passengers arriving and departing having increased from 86,849 in 1902 to 101,706 in 1905. I also submit the following statistics relative not only to foreign entrances

and clearances, but also to domestic and coastwise arrivals and departures in 1905:

Foreign entrances and clearances.

Class.	Entered from for- eign ports.		Cleared for for- eign ports.		Total.	
	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
American: Steam vessels Sailing vessels Foreign:	131 35	204, 242 17, 152	117 88	179, 433 43, 095	248 123	383, 675 260, 247
Steam vessels	929 448	2,519,812 81,154	707 449	1,845,448 90,074	1,636 897	4, 365, 260 171, 228
Total	1,543	2, 922, 360	1,361	2, 158, 050	2,904	4, 980, 410

Domestic and coastwise arrivals and departures in 1905.

	Arrivals,		Departures, a		Total.	
Class.	No.	Gross ton- nage.	No.	Gross ton- nage.	No.	Gross ton- nage.
Steamers Sailing vessels Tugs Barges	2,282 1,679 2,102 3,003	4, 509, 699 1, 212, 703 626, 790 2, 588, 266	2, 282 1, 679 2, 102 3, 003	4,509,699 1,212,703 626,790 2,588,266	4,564 3,358 4,204 6,006	9, 019, 398 2, 425, 406 1, 253, 580 5, 176, 532
Total	9,066	8, 937, 458	9,066	8, 937, 458	18,132	17, 874, 916

a Approximate.

SUMMARY Vessel movement

	Foreign trade.		Domestic trade.		Total.	
Year.	No.	Gross ton- nage.	No.	Gross ton- nage.	No.	Gross ton- nage.
1902 1903 1904 1905	3, 345 2, 973 2, 688 2, 904	4, 698, 216 5, 119, 468 4, 800, 868 4, 980, 410	8,516 9,316 8,799 9,066	14,583,862 16,839,578 16,820,728 17,874,916	11,861 12,289 11,487 11,970	19, 282, 078 21, 959, 046 21, 621, 596 22, 855, 326

In order to accommodate this vast and growing trade it is necessary to complete as soon as possible the work now being prosecuted on the deep-sea channel. The appropriation made therefor is justified by the volume of commerce and because the improvement is national in its scope and the benefit conferred It is in the interest of the whole country.

Mr. MORRELL. Mr. Chairman, I was very much struck by the position taken by the distinguished chairman of this committee in the course of his remarks. First, he asked my colleague whether there were any precedents for a channel as long and as deep as that of the Delaware, either in this country or particularly in Europe; secondly, he stated that the engineering problem had not been solved as to whether it was possible to maintain that channel at a depth of 30 feet, and therefore a survey for a 35-foot channel could not be granted.

To begin with, in regard to the first proposition, I think it is the first time that Americans have ever been told to go to Europe to seek for a precedent as to whether what was proposed to be done by this country or to be accomplished by American engineering skill could or could not be accomplished. All we have to do, as far as that is concerned, is to point to the Panama Canal, which was surrendered by France, where it was always supposed that the best engineers in the world were produced up to recent times. French engineers surrendered that proposition—the Panama Canal—because they were unable to complete it. Americans took hold of the proposition, the American Government undertook it, and American engineers are now setting to work to do what foreign engineers found it impossible for them to accomplish. Therefore I think we can dismiss both the proposition that there is no precedent for a channel greater than the 30-foot channel to Philadelphia and the suggestion that it would be impossible for American engineering skill to keep that channel open as utterly irrelevant.

WHAT EUROPEAN CITIES HAVE EXPENDED IN IMPROVING HARBORS AND

walnawaro.	
Liverpool, for its harbor, more than	\$130,000,000
Manchester, on canal to sea	75, 000, 000
Marseille, breakwater, quays, and warehouses	20, 000, 000
Hamburg, for port and dredging the Elbe to the sea	40, 000, 000

London and Liverpool have spent on their ports and the Thames more than the United States has expended on all its ports since the Government was formed.

Let me call attention particularly to what has been done at Glasgow, Scotland, as described in the Philadelphia North American:

There could be no more forcible object lesson in channel digging than the dogged determination that has given to Glasgow, formerly with only a shallow ditch between her and the sea, an outlet through which her commerce might be carried to the world.

When the work of digging out the trench began, there was exactly 1 foot and 3 inches of sluggish water at mean low tide in the shoalest part between Glasgow and the Firth of Clyde. To-day the former ditch admits and floats to Glasgow, a distance of 20 miles from Port Glasgow on the firth, such immense craft as the Campania and the New York.

Characteristic Scotch pluck won for the city on the Clyde its mag-

New York.

Characteristic Scotch pluck won for the city on the Clyde its magnificent waterway. There is, of course, no comparison between the problem Philadelphia has to face and that which Glasgow solved. The Clyde was deep digging from the city to the sea. On the two shoalest places there was 1 foot 3 inches and 1 foot 6 inches of water, and within 6 miles of the city were six important shoals. The tremendous amount of dredging that had to be done to provide the Scottish waterway is indicated by the fact that the total cost of the improvements was more than \$60,000,000—many times the amount that a 35-foot Delaware channel could cost, even at the widest estimate.

In an interview with the distinguished chairman, as far back as November, 1903, he is quoted in a leading Philadelphia journal as follows:

journal as follows:

"Unquestionably," said Mr. Burron, in reply to a question, "the investments made by this Government have been profitable to the nation. This is especially true of the harbors having the largest traffic. There is pressing need to have the important ports provided with such channels that the largest boats may enter and leave without danger.

"The expense of giving ample opportunity for these larger boats to enter will be more than repaid by reduced freight rates. This benefit belongs to the whole country and not to any particular port."

In reply to a question as to what depths of water American ports should have, Mr. Burron said:

"Of course, it is desirable to have the greatest possible depth within reasonable bounds. It is, however, time that boats having more than 30 feet draft will come to ports where great quantities of freight are available, and the owners of large boats can rely on finding a large cargo. A channel of this depth would only be used from a port from which certain classes of freights are shipped in very large quantities to foreign ports."

I think these opinions, just quoted, of the distinguished

I think these opinions, just quoted, of the distinguished chairman are as good an argument as can be brought for the need of a 35-foot channel.

But the important point is this, Mr. Chairman, that the demand in my city, the demand in the State of Pennsylvania, for the survey of a 35-foot channel is something that can not be conceived by Members of Congress, can not be estimated, and it is something that the people of the city of Philadelphia and the people of the State of Pennsylvania—in fact, the people of the whole United States—ask for. They demand that every port of entry of these United States shall be capable of receiving, as my friend from Massachusetts has just said, the largest vessels that float for carrying freight and commerce. This spirit and this desire has been redoubled after a study of the items of the present bill before the House. In proportion to the great wealth and commerce of the State of Pennsylvania we do not seem to be getting as much as other States. This desire for the channel has also been redoubled in view of the statements made concern-This desire for the channel ing the survey; in view of the statements made by the engineer in charge of that work, because he has given assurance that this survey for the 35-foot channel can go step by step with the completion of the 30-foot channel-that is, as one section is completed the survey for the 35-foot channel can be made of that section, so that when the whole scheme is completed in December, 1908, the survey for the 35-foot channel will be ready. Unless the survey can be completed then, unless it can be brought before the House at that time, and provision for the 35-foot channel asked for, it will be four years before any appropriation can be made for a 35-foot channel for the Delaware River, and perhaps ten before the channel can be completed, thus causing Philadelphia to remain out of the race with Boston, New York, and Baltimore for ten years to come.

Now, Mr. Chairman, another question was raised at the hearings of the subcommittee as to what the commerce of the city of Philadelphia demanded. It is not what the commerce of the city of Philadelphia demands to-day, but what the commerce of the city of Philadelphia and the State of Pennsylvania, and all the States lying back of Pennsylvania and on either side of it, can be developed into at that port. As we can not bring the largest ships there, how can we tell to what extent that commerce may be developed? Efforts have been made to bring large ships up the present channel, but they have had to be withdrawn. amount that we are asking to be given to the great city of Philadelphia and State of Pennsylvania, or rather to the great port of Philadelphia, in comparison to the customs receipts and in comparison to the internal revenue collected does not, to my mind, seem very great. The customs receipts, for instance, for the city of Philadelphia for 1906 alone were \$20,053,000; the internal-revenue receipts for the same year were \$21,049,000, while the amount carried in this bill for Pennsylvania is but \$2,481,042. I therefore consider, Mr. Chairman, that the demand for a 35-foot channel, in view of what the city of Philadelphia and State of Pennsylvania are turning into the coffers of the United States, is not asking much.

An effort has been made to compare the conditions which maintain at Philadelphia with certain other cities in the United States and the therefore relative importance of the Delaware. Let us consider them for a moment.

COMMERCE OF CERTAIN CITIES.

From the Monthly Summary of Commerce and Finance for December, 1905, the imports and exports of merchandise from 1895 to 1905 are given as follows:

City.	1895.	1900.	1905.
Imports. Charleston, S. C. Mobile, Ala. Galveston, Tex Portland, Oreg	\$510,000	\$1,382,000	\$2,257,000
	1,000,000	2,900,000	5,100,000
	387,000	1,278,000	6,000,000
	824,000	1,500,000	2,600,000
Exports. Charleston, S. C. Mobile, Ala. Galveston, Tex. Portland, Oreg	9,800,000	9,800,000	1,000,000
	6,200,000	14,000,000	20,400,000
	36,400,000	95,500,000	150,100,000
	5,400,000	9,000,000	10,100,000

Appropriations have been made to these harbors as follows:

 Charleston Harbor, 1852 to 1900
 \$4,672,000

 Galveston Harbor, 1870 to 1889
 8,528,000

 Mobile Harbor, 1878 to 1900
 4,248,000

 Willamette and Columbia rivers, 1866 to 1899
 1,300,000

Population and estimated wealth of certain States for 1900 and 1904, as furnished by the census:

State.	Population	Estimated true value of property.		
	1900.	1900.	1904.	
Alabama Oregon South Carolina Texas	1,828,697 413,356 1,340,316 3,048,710	\$774, 682, 478 632, 879, 729 485, 678, 048 2, 322, 151, 631	\$965, 014, 261 852, 053, 232 585, 853, 222 2, 836, 322, 003	

On the other hand, let us consider for a moment the estimated wealth of Pennsylvania and Philadelphia.

1. WEALTH OF PENNSYLVANIA, 1904.

The Census Report for 1904 gives the estimated true value of all property in Pennsylvania for that year as follows:

Real property	\$6, 591, 055, 583
Live stock	160, 190, 227
Farm implements	54 175 943
Manufacturing machinery	515, 945, 638
Gold and silver coin	168, 383, 753
Railroads and their equipments	-1, 420, 608, 000
Street railways	570, 452, 043
All other	1, 992, 809, 119

11, 473, 620, 306

2. WEALTH OF PHILADELPHIA.

According to Bulletin No. 50, from the Census Department for 1904, the wealth of Philadelphia as assessed that year, the assessed value being put at 100 per cent of the true value, was as follows:

Real property Personal property	 \$1, 215, 750,635 1, 706, 570

Total --1, 217, 457, 205

The commerce of Philadelphia for eleven months ending November, 1906, compared with the same commerce for eleven months ending November, 1905 and 1904, was as follows:

Importe.	
1904 1905 1906	\$49, 216, 404 63, 542, 047 65, 779, 759
Exports:	
1904	60, 795, 517
1905	62, 975, 514
1906	80 695 871

Mr. Chairman, as the distinguished gentleman from Massachusetts [Mr. LAWRENCE] suggested, this is only a business proposition, for the reason that wherever channels have been deepened it has increased the commerce of the port, and it has cheapened the cost of freight on the articles that were to be

The Inter-Nation, a journal of economic affairs, calls attention to the meeting of the Rivers and Harbors Congress and points to a striking example:

The importance to all sections of the country of the improvement of seaboard harbors has recently been shown by members of the Rivers and Harbors Congress, who point out, for example, that in 1880 the average vessel entering Boston Harbor drew 22½ feet, carried 2,500 tons, and charged 8 to 10 cents per bushel on grain to Liverpool. To-day the

average vessel draws 30 feet, carries 7,500 tons, and charges 2 or 3 cents. Charges on other classes of freight have been reduced in proportion, and this result is largely due to the deepening of the channel at an expense of \$5,000,000. Representative RANSDELL of Louisiana, the president of the Rivers and Harbors Congress, in commenting upon these figures recently, said:

"Think of what that means to the American people—a saving of 6 cents on every bushel of wheat or corn, a saving of \$39,279,260 on the average wheat crop and \$134,650,560 on the corn crop. And yet you ask if the farmer in Minnesota is interested in the five millions spent on Boston Harbor!"

What is true of Boston is equally true of the ports of New York, Philadelphia, and Baltimore. As I have just said, the developed wealth of the State of Penn-

sylvania, not counting the untold resources of that great State, amounts to-day to the huge sum of \$11,500,000,000. In a report which was made by the distinguished harbor master of the city of Philadelphia he showed that two-thirds of all the ships that were engaged in the commerce of this country, flying the American flag, were built upon the Delaware River, and the president of the Cramp Shipbuilding Company, in an article he published, showed that 90 per cent of all of the materials that were used in the building of ships, no matter where they were built, came from the State of Pennsylvania.

It must also not be forgotten that the United States is expending large sums at Philadelphia for the development of the League Island Navy-Yard on account of the superior advantages which it enjoys from its location, being near to the great sources of supply and removed from the possibility of attack in case of war with a foreign power.

As in commerce, the ships of our Navy are being replaced each year by larger vessels, and therefore if the Delaware is to be used by vessels of the Dreadnought type, and larger, the channel of the river must be of a character to accommodate them.

Now, Mr. Chairman, I consider that I shall not be asking too much for our great State and for the great port of Philadelphia when I shall ask, as I propose to, that a certain amount—the bare \$10,000 necessary for the survey—may be set aside out of the sum already recommended in the bill. In referring to the appropriations made for other States, I wish it distinctly understood, as I said yesterday, that I do not begrudge them a dollar of what they are to receive under this bill. It is simply that I am asking for the port of Philadelphia, the State of Pennsylvania, and for all of this great country that the port of Philadelphia should be made equal to any other port on the Atlantic coast. The distinguished chairman of this committee said something in regard to charity beginning at home.

I only wish, Mr. Chairman, that the distinguished chairman of this committee would move his residence and become a citizen of the city of Philadelphia and of the State of Pennsylvania, and then, rather than contributing to the Federal Government for governmental work, the State and city might perhaps have their claims looked at, particularly this claim for a 35-foot channel, in a more generous light—not that we complain in regard to the amount which has already been given for finishing the 30-foot channel, but to the total allotted to the State of Pennsylvania; and, as I said, the distinguished gentleman does not realize, nor do the Members of this House realize, what it means to the citizens of Philadelphia and Pennsylvania to have tons and tons of freight rolled daily through the city of Philadelphia on the way to New York. And why? Simply because it is impossible to bring ships of sufficient draft up to the wharves in the city to carry that freight to its destination

beyond the seas. Mr. Chairman, I sincerely hope that the Members of this House, when the amendment I speak of is offered, will look upon it in the light, not of giving something that is prayed and begged for, but something that belongs to the city of Philadelphia, to the State of Pennsylvania, and to the United States as a matter of right. [Applause.]

APPENDIX No. 1.

United States Department of Agriculture,
Bureau of Statistics,
Washington, D. C., February 1, 1907.

Dear Sir: The inclosed tabular statement of the net tonnage of vessels engaged in foreign trade that cleared from United States ports during the fiscal year 1906 has been prepared in response to your request for the same, addressed to the Assistant Secretary.

It is impossible to obtain this information strictly by ports since the records of the tonnage are for customs districts instead of for ports. The districts have been classified as Atlantic, Gulf, etc., so that totals could be readily made for the different coasts.

Very respectfully,

VICTOR H. OLMSTED, Chief of Bureau.

. EDWARD MORRELL, House of Representatives, Washington, D. C.

Net tonnage of vessels in foreign trade cleared from United States ports

Customs district.	Sail.	Steam.	Total.
Baltimore, Md Bangor, Me Bangor, Me Barnstable, Mass Bath, Me Beaulort, S. C Beaulort, S. C Belfast, Me Boston and Charlestown, Mass Brunswick, Ga Castine, Me Charleston, S. C Delaware Cagartown, Mass Fairfield, Conn Fall River, Mass Fernandina, Fla Frenchmans Bay, Me Fernechmans Bay, Me Fernechmans Bay, Me Fernechmans, Me Marblehead, Mass Me Marblehead, Mass Newark, N. J New Bedford, Mass New Haven, Conn New London, Conn New London, Conn New London, Conn New Dort, R. I. Newport News, Va New York, N. Norfolk and Portsmouth, Va Passamaquoddy, Me Perth Amboy, N. J Philadelphia, Pa Plymouth, Mass Portland and Falmouth, Me Portsmouth, N. H Providence, R. I Richmond, Va Saco, Me Saco, Me Sage, Me Sage	70ns. 27, 654 7, 495 1, 254 5, 980 10, 977 151, 015 46, 180 1, 367 29, 531 2, 939 11, 097 4, 082 2, 939 11, 070 9, 465 4, 302 20, 036 6, 678 341 5, 324 4, 331 572, 633 40, 898 27, 919 114, 993 27, 919 28, 919	70ns. 1,584,118 7,417 124 1,924 1,381 2,092,317 104,448 8,336 71,086 71,314 47 303 17,489 8,110 362,427 9,540,327 461,803 263,809 2,078,615 363,135 363,135 364,481 1,304	Tons. 1,611,77 14,91 1,22 6,110 1,92 12,83 150,62 2,243,33 150,62 100,61
salem and Beverly, Mass savannah, Ga stonington, Conn Valdoboro, Me Vilmington, N. C	199 6,447 5,868 1,555 13,760 9,379 765	422,587 9,685 67,982	19 6, 44 428, 45 1, 55 23, 44 77, 36
Viscasset, Me		17,899,044	
Gulf ports.	2, 200, 101	17,000,011	10,000,00
Apalachicola, Fla Galveston, Tex Key West, Fla Mobile, Ala New Orleans, La Pearl River, Miss Pensacola, Fla St. Marks, Fla Lampa, Fla	16, 103 19, 786 6, 883 99, 863 20, 498 157, 036 105, 796 1, 166 13, 014	1, 290 1, 264, 323 317, 482 626, 909 1, 819, 150 155, 346 321, 247 57, 914 90, 880	17, 39 1, 284, 10 324, 36 726, 77 1, 839, 64 312, 38 427, 04 59, 08 103, 89
Total Gulf ports	5 G 2 C C C C C C C C C C C C C C C C C C	4, 654, 541	5, 094, 68
Mexican border port.			
Brazos de Santiago, Tex	411		41
Pacific ports. Alaska. Hawaii Humboldt, Cal Los Angeles, Cal Dregon, Oreg Puget Sound, Wash an Diego, Cal San Francisco, Cal Southern Oregon, Oreg Willamette, Oreg	9, 367 30, 564 30, 772 7, 128 2, 377 378, 517 4, 178 114, 439 1, 238 112, 784	102, 858 72, 261 895 798 1, 144, 227 24, 386 674, 726 126, 718	112, 22 102, 82 30, 77 8, 02 3, 17 1, 522, 74 28, 56 789, 16 1, 23 239, 50
Total Pacific ports		2, 146, 869	2, 838, 23
Northern border and Lake ports.	E 7		
Buffalo Creek, N. Y ape Vincent, N. Y Champlain, N. Y Chicago, Ill Suyahoga, Ohio Detroit, Mich Duluth, Minn Dunkirk, N. Y Crie, Pa	291,578 17,202 157,432 12,857 168,601 54,975 18,962	203, 127 508, 461 3, 088 287, 985 1, 414, 543 480, 804 184, 628 1, 056 75, 738	494, 70 525, 66 160, 52 300, 84 1, 583, 14 535, 77 203, 59 1, 05
Dunkirk, N. Y Erie, Pa Genesee, N. Y Huron, Mich Memphremagog, Vt Miami, Ohio Michigan, Mich Milwaukee, Wis Minnesota, Minn Montana and Idaho Negara N. Y	59, 896 64, 716 1, 944 13, 956 5, 151 5, 188	480, 804 184, 628 1, 056 75, 738 565, 804 158, 035 49, 788 27, 417 8, 931 31, 265 7, 550 273 234, 463	1, 585, 14 585, 77 203, 59 1, 05 93, 40 625, 70 222, 75 51, 73 41, 37 14, 08 86, 45 7, 55 27 255, 21

Net tonnage of vessels in foreign trade cleared, etc.-Continued.

Customs district.	Sail.	Steam.	Total.
Northern border and Lake ports—Continued. Oswegatchie, N. Y. Oswego, N. Y. Sandusky, Ohio. Superior, Mich. Vermont, Vt.	72 007	Tons. 89, 938 135, 036 130, 475 1, 010, 346 1, 358	Tons. 116,178 296,569 203,482 1,029,665 13,550
Total northern border and Lake ports		5, 611, 430	6, 814, 604
Grand total	3,741,588	30,311,884	33, 783, 472

APPENDIX No. 2.

HARBOR MASTER OF PHILADELPHIA,
Philadelphia, December 14, 1906.
To the honorable members of the United States Senate and House of
Representatives from the States of Pennsylvania, New Jersey, and
Delaware.

Representatives from the States of Pennsylvania, New Jersey, and Delaware.

GENTLEMEN: As harbor master of the port of Philadelphia, I deem it my duty to transmit to you the following statement of the ship-building interests of the Delaware River, so that they can be used by you in the manner you think best as a further argument why the channel of the Delaware River should be so deepened that the various steamships which they have built.

According to the Thirty-eighth Annual List of Merchant Vessels of the United States, issued by the Bureau of Navigation, Department of Commerce and Labor, under date of Washington, D. C., August 13, 1906, there were afloat on June 30 of this year (and with 5 added, built since then) 254 American-built seagoing merchant steamships over 1,000 tons gross register flying the American flag; and 176 of them, or more than 69 per cent, were built on the Delaware River.

To aid American shipbuilders to rehabilitate the American merchant marine seems to be one of the great questions of the present time, and to deepen the channels of the great harbors of this country is one of the ways to do it. And a river that produces more than two-thirds of all the seagoing American-built steamships afloat should certainly come under the head of a deserving case.

The following table shows the place where built and number of each constructed:

Bath, Me.

 constructed:
 7

 Bath, Me...
 7

 Quincy, Mass...
 1

 New London, Conn
 2

 Delaware River
 176

 Richmond, Va
 1

 Newport News, Va
 16

 Sparrow Point
 8

 Baltimore, Md
 1

 Enthre Pacific coast
 15

 Great Lakes
 27

Hoping that this information may be of value to you and asking you at all times to make use of this office whenever you feel so disposed, I remain,
Yours, very truly,

JAMES POLLOCK, James Pollock, Harbor Master.

Mr. COUDREY. Mr. Chairman, the Middle West has been discriminated against. In the rivers and harbors appropriation bill just presented to this House, which carries appropriations amounting to millions of dollars, the Mississippi River between St. Louis and Cairo only gets a very paltry sum of the total appropriation of over \$83,000,000 carried by the bill, and onefourth goes for improvements on or identified with the Great Lakes. I ask, Is this right of just? No; and I want to enter my protest against it. The people of the Middle West are enshown them by the members of this most important committee. We don't want less than \$1,000,000 a year for the next four years to continue the improvements as planned by the Government engineers in 1881.

FOURTEEN FEET THROUGH THE VALLEY A NECESSITY.

Fourteen feet through the valley to-day is a commercial necessity against the congestion of freight and the relief to the railsity against the congestion of freight and the relief to the railways, and an absolute necessity to the shippers of this most important section of the country. When a man like Mr. James J. Hill, with his vast railway interests, points out the fact that the railway facilities are not increasing as rapidly as trade demands, then we are remiss if we do not take heed coming from such a source. A 14-foot channel clear through to the Gulf from the Lakes would go farther to relieve the Middle West and would do more to promote their interests than any other work that this House could undertake.

THE GREAT RIVER CONVENTIONS.

The greatest river convention ever held in this country was St Louis last November. It is a well-organized body. They in St. Louis last November. It is a well-organized body. They represent all avenues of trade, and the manufacturers and mer-

chants are a unit when it comes to this great project.

The presence of the most representative men at every convention held for the furtherance of this most worthy project, coming, as they do, from every section of the country, indicates the interest which the people of this whole country have in this

most important subject. These men have left their homes and vocations at their own expense and, in many instances, at serious inconveniences to give expression and to voice their sincerest convictions concerning the improvement of our Capital is ready and will be invested in boats and barge lines when the Mississippi River particularly is made navigable.

I am much surprised that the Government engineers in one of their reports stated that this deep waterway project would not be a success from a commercial standpoint. I think that they should confine themselves to two subjects: First, is the plan feasible? Second, the cost. I am quite sure that they are not good judges of the commercial necessities of this country, but the business men are. The total tonnage in and out of St. Louis is 39,000,000 tons, and there is a million tons between Chicago and St. Louis alone. What we want and must have is a great midcontinental waterway uniting the Lakes and the Gulf. It has been one of the dreams of the far-sighted business men of the United States for years and years.

GOVERNMENT SURVEY OF 1886.

The Government survey of 1886, under the provisions of the river and harbor act of the same year, directed the Secretary of War to appoint a board of engineers to examine, in all their relations to commerce, the Illinois and Michigan Canal and the proposed Hennepin Canal, and to consider their value and all other matters connected with their usefulness to navigation, and to report upon the acquisition of the Illinois and Michigan Canal, as proposed by the legislature of the State of Illinois, as well as the construction of the Hennepin Canal. This board reported that in its opinion the waterway from Chicago to Grafton, on the Mississippi, is a most important one, and when completed there is no doubt that it will richly pay for itself in the reduction and regulation of freight rates.

GOVERNMENT SURVEY OF 1889.

Evidently aroused by the recommendation of the report of the survey of 1886, Congress in the river and harbor act of 1888 authorized a survey for the purpose of securing a continuous waterway between Lake Michigan and the Mississippi River having capacities and facilities adequate for the passage of the largest Mississippi River steamboats and naval vessels in time of war. The survey was directed for the channel improvement by locks and dams in the Illinois and Des Plaines rivers, from La Salle to Lockport, so as to provide a navigable waterway not less than 160 feet wide and not less than 14 feet deep, and to have surveyed and located a channel from Lockport to Lake Michigan, at or near the city of Chicago, such channel to be adapted to the purposes above named. The engineers in whose charge this work was placed subsequently reported that there existed an inconsistency in the requirements of the act—a 14foot channel was unnecessary to afford adequate depths for the passage of large Mississippi River vessels and that an 8-foot channel would be sufficient. Now, estimates were made; a 14-foot channel would cost \$48,000,000 and an 8-foot channel would cost \$23,000,000. This 8-foot channel, Captain Marshall stated, would open the avenue of commerce and have an annual maximum capacity of 30,000,000 tons between the Great Lakes, with its terminus at their greatest port, and a system of navigable rivers penetrating one-half of the States and Territories, with a total navigable length equal to more than one-half the circumference of the globe.

MISSISSIPPI RIVER SADLY NEGLECTED.

The Mississippi River has been sadly neglected; it has received a very small part of the many millions of dollars that have been spent on rivers, harbors, and canals.

\$500,000,000 BOND ISSUE.

The steady decline of freight rates through the influence of waterway transportation is noticeable. I believe the only solu-tion of this great problem is to authorize the issue of \$500,-000,000 worth of bonds, as outlined in the bill which was introduced a few days ago by my esteemed colleague [Mr. Bar-THOLDT]. This matter has been agitated one way or the other for many years, but until now there never has been such a likelihood of the whole country becoming interested.

THE GREATEST PROJECT.

The progressive, fearless, and farseeing men of the Middle West and South demand that Congress do its duty and meet squarely the greatest project ever conceived in the history of the country's internal development. While the expense of construction seems large, I claim that the traffic will more than justify the expenditure, and we have at our backs the merchants, manufacturers, and farmers throughout this broad land, This project has passed through many vicissitudes and many plans have been submitted to accomplish the results desired. even as far back as 1822, by an act of Congress the State of Illinois was authorized to survey through the public lands of the United States the route of a canal to connect the Illinois

River with the southern bend of Lake Michigan. In 1823 the general assembly of the State of Illinois appointed a board of commissioners, and they were instructed to have this route surveyed. In 1827, by an act of Congress, 284,000 acres of public lands were granted to the State of Illinois to aid in the expense of construction. Additional grants were made in 1842, and even in 1854, when the canal had been completed. This gives you some idea of the time these projects have been agitated.

VANDERBILT'S LINE OF STEAMERS.

We know the estimate that railroads have of waterways and their value, for when a system of railroads like that operated by the Vanderbilt system, reaching from New York to Chicago, puts a line of steamers on the Lakes as rivals to their own roads they do and must appreciate the value of waterways.

20,000,000 PEOPLE AFFECTED BY GREAT ARTERY.

The Middle West know their country and fully realize its stupendous interests, the immense and growing population, and the vast area of the territory drained by the Mississippi River whose shipping interests would contribute to such a waterway, contend and know that a 14-foot stream through the valley would pay; fully 20,000,000 people live in the States through which this great artery would run, and at least one-half of the agricultural products are produced in these States, and you will also find here more than one-half of the live stock, horses, and mules of this country. The manufactures of these States, though yet in their infancy, are marvelous and vast in their extent. The history of every artificial waterway on earth tells us that the tonnage carried, where facilities are ample, will double and even treble in a decade.

FOREIGN COUNTRIES.

I have spoken upon the neglect of the western waterways and the tendency, running back many years, to put more money upon the Atlantic seaboard than upon the rest of the country. It might not be amiss to point to the fact that the United States is way behind in the improvement of its waterways and in the construction of canals. The steady increasing water commerce is one of the wonders of industrial Europe. can rest assured that if France, Germany, or any other foreign country contained a stream of water with the possibilities that the Mississippi River has, it would not be neglected for any length of time.

WATER TRANSPORTATION REGULATES FREIGHT RATES.

Water transportation all over the world has been steadily advanced for many years, and high freight rates have to a no small degree contributed to this result. Every country on the globe has the freight-rate question to contend with, and the experience of Europe indicates that the improvement of its waterways is an intensely practicable way to solve the problem. Look at the decrease of rates on grain from Chicago to New York since 1868; the average rate per bushel for wheat by rail was 48.6, and after a gradual decrease it had fallen to 9.98, and so on with other comparisons.

TRANSPORTATION FACILITIES INADEQUATE.

It goes without saying that the present conditions demonstrate that transportation facilities are totally inadequate for the prompt and economic transportation of the produce of the Within the last ten years the tonnage moved by the railroads has been increased 47 per cent, while during the same period railway mileage has increased only 20 per cent. Hundreds of millions of dollars are lost annually to our farmers and other producers by the failure of the National Government to provide the assistance which only improved waterways will give in increasing facilities for transferring freight.

PANAMA CANAL.

The opening of the Panama Canal, which will so greatly fa-cilitate our trade with the Orient and place us in closer relations with the South American republics, demonstrates that water transportation is one of national and international importance. The time has now arrived when the United States, with greater national advantages, must also recognize the connection of the waterways proposition under the economic development of this country.

RIVER REGULATION IS RATE REGULATION.

We who represent the middle western portion of the United States believe that "14 feet through the valley" is the only solution to the problem and that "river regulation is rate regula-

Mr. FLOYD. Mr. Chairman, I desire to say that I am in hearty sympathy with any movement for the improvement of our rivers. I desire to call the attention of the House especially to certain reports made in reference to the White River which affect my own district and to ask permission of the House to print extracts from the report of the engineer relating to that subject and also some correspondence germane to the issue,

As a Representative from the State of Arkansas I take pleasure in expressing my approval of the general purposes of this bill. Arkansas has many rivers, and it is claimed that she has more miles of navigable waters than any State in the Union. It is therefore of vital importance to the people of my State that a liberal policy be pursued by the Government in improving and maintaining, for purposes of navigation, our waterways. In this connection I desire to call the special attention of the House to a local project affecting my own district and to a certain report made by Major Fitch, the engineer formerly in charge of construction work on White River, dated September 29, 1903, in which he recommends a discontinuance of the further construction of locks and dams thereon. I here and now enter my solemn protest against the correctness of the theory on which said report is based, deny the reliability of data and alleged conditions on which the same is predicated, and therefore challenge the soundness of the conclusions drawn therefrom

The project of improving the upper White River by means of locks and dams was undertaken by the Government some years ago in keeping with a plan recommended as feasible and desirable by William L. Sibert, captain of engineers, in a report made by him dated November 28, 1896. I do not deem it necessary to incorporate in my remarks his report, as same is a public document.

From this report it will be found that the distance from Batesville to Buffalo Shoals is about 90 miles; that the difference in elevation between these two points is about 140 feet. The plan proposed is to construct ten locks and dams, 14 feet high, at the foot of each of an equal number of shoals, and thus and thereby secure and maintain slack-water navigation on this portion of the river the year round. In accordance with this plan, approved by the Engineering Department and by Congress, this work was undertaken by the Government and by Congress, this work was undertaken by the Government and locks numbered 1 and 2 constructed. Lock numbered 3 is now in course of construction, and 1 am glad to note that this bill carries an item of \$73,500 for the completion of the same.

But, Mr. Chairman, after locks numbered 1 and 2 had been completed. Modern Fitch, the completed of the same.

completed, Major Fitch, the engineer who was then in charge of these works, made the report already referred to, recommending the discontinuance of further construction of locks and dams on the White River. It is a remarkable report, and inasmuch as I mean to criticise it, I will submit the following extract from it. Omitting formal parts, the report is as follows:

tract from it. Omitting formal parts, the report is as follows:

When this project (that for the improvement by locks and dams, Batesville to Buffalo City) was adopted there was no railway in the upper White River Valley above Batesville, and all that section of country was dependent either upon wagon transportation over mountain roads to railways quite a distance off or upon the very uncertain transportation by boat down the White River to Batesville, where railway connection could be made. Neither the large quantities of zinc ore in Marion, Boone, Baxter, Newton, and Searcy counties, of Arkansas, nor the fine marble beds in this section could be operated with profit, because no facilities existed for cheap transportation; hence it appeared that the improvement of this stream for all the year round navigation should be undertaken by the General Government. Batesville, being a railway point, and Buffalo shoals, being near the southeastern border of the mineral belt, were selected as the terminals of the section of the river to be improved.

This arrangement made the St. Louis, Iron Mountain and Southern Railway, at Batesville, the final carrier of any commerce arising on upper White River and destined to a distant point. The White River Railway, at Batesville and Jacksonport (38 miles below) is not navigable all the year. Therefore this project, if carried to completion, would make of upper White River an isolated improvement. Having in view only the making of an outlet for the upper White River country and remembering that the markets are to the north and east, there would not have been much gained by extending this project down to the naturally deep water below the mouth of Black River, for Newport would have simply been another point of connection with the Iron Mountain Railway system. It is true that a railway connection would have been offered at Jacksonport, but at that time the White and Black River Railway, which has a terminus there, was only a local road. Railway conditions in the upper White River co

road from the Editesa Springs than to the entering the mineral belt from the west.

The White River Railway Company, a St. Louis, Iron Mountain and Southern Railway enterprise, is now building a road from Batesville, Ark., to Carthage, Mo. This line follows directly up the White River River, entering and passing through one section of the mineral belt. During the past year this road was carried from about the proposed location of Lock No. 3 to Cotter, and is now operated to Buffalo City, the upper limit of this project.

Within a short time train service will be established to Cotter, a new town about 1 mile below McBees Landing and 12 miles above Buffalo City. These roads, of course, furnish better transportation facilities than have heretofore existed, and it is to be expected that the country will be filled rapidly with settlers and that several small town will be established. From this probable increase in population, and hence in business, it might be argued that commerce on upper White River will be increased through the building of these new railways; but, when one takes into consideration the fact that the final outlet as well as the initial inlet to any commerce that may pass-over the river is the railway, this argument seems unsound. It is hardly probable that shippers will elect to transfer freights from a railway to boat for only a

short-distance shipment on the view when the allway from which it was transfered passes through the same plate at your form which it was transfered passes through the same plate at your form of this project. If the original loading be no beat, it is but a short distance until the freight must be removed from the boat and be leaded the plate of the plate of the plate of the plate of the color of the color

As already stated, this report was made by Major Fitch, of the United States Engineering Department. I regret to say it was afterwards confirmed by a board of Army engineers, composed of Col. Clinton B. Sears, Maj. H. C. Newcomer, and Capt. G. M. Hoffman, for each of whom I have a very great respect. I have no criticism to offer this board for their action further than to say that their investigation was made on hurriedly gathered statistics and meager data, and that their examination and inspection of the river, to my own personal knowledge, were made under most trying and unfavorable conditions; and I therefore conclude that they relied much on Major Fitch, who was opposed to the project, and were thus led into the serious error of adopting his report.

The board of engineers aforesaid embody in their report the foregoing extract from the report of Major Fitch-concur in it—and as I remember, give only two additional reasons for abandoning this project, namely, that this work should be abandoned or the river should be further improved between Batesville and Newport, and also that the cost of constructing Locks 1 and 2 was in excess of the original estimates.

These reports I do not think can be justified. Let us analyze them. What reasons are given therein for abandoning this project? Bear in mind, it is admitted that White River is navigable at all times from Newport to its mouth. I do not know the exact distance from Batesville to Newport, but I judge it to be about 35 or 40 miles. The first reason the engineers give for abandoning this work is a conditional one, and that is that the improvement above Batesville should be abandoned unless the river is further improved between Batesville and Newport. This argument I consider wholly untenable. From Newport to the mouth of the river the distance is 264 miles, and the river is navigable the entire distance the year The river between Batesville and Newport is navigable almost the year round, and even if additional work were required to make it navigable at all times, such new improvement would be amply justified; for by maintaining the river between Batesville and Newport and completing the system of locks and dams above Batesville, you would add 127 miles of navigable waters to the White River throughout the year. The White River, I may add, is conceded to be the finest stream in the State for purposes of navigation.

The second reason suggested for abandoning this enterprise is that the cost of constructing Locks Nos. 1 and 2 was considerably in excess of the original estimate. That reason would lead to the abandonment of all public works. How many improvements of any kind are made within the limits of the original estimate? If that rule were adopted, I suspect that every item in this bill for the completion of unfinished Government works would have to be stricken out.

The third and chief reason given for recommending the discontinuance of the further construction of these locks and dams is embraced in the foregoing extract and strikes me as a remarkable one. Stripped of verbiage and circumlocution and succinctly stated, it is simply this: When this project was un-dertaken there were no railroads in the upper White River country. The only means of transportation afforded was by wagons and by the White River, and that this work was then deemed desirable; that now the St. Louis, Iron Mountain and Southern Railway Company has extended its line up the White River for the entire distance of the proposed improvement, and that the St. Louis and North Arkansas Railway Company has built a line into that territory from the west; and that these railroads will supply all the demands of commerce, and that therefore this river improvement is no longer desirable.

He also suggests that at the time of making his report another project was on foot to use New Orleans as a point for export, the scheme being to build a line of railway from New-port up the west bank of White River to the zinc fields, this railway to operate in connection with a barge line to be run between Newport and New Orleans. He further volunteers the information that the promoters of this enterprise represent that the necessary bonds have been floated and that actual construction of the railway will begin soon. This last railroad project referred to, I wish to say, proved to be a fake railroad. never built. Can you imagine a more ill-founded or fallacious argument for the abandonment of a meritorious work of river improvement than is here presented? That argument would stop improvement on nearly all our rivers. For how many of them are not paralleled by railroads? It entirely ignores the value of river transportation as a means of cheap transportation within itself and as affording competition with railroads by the establishment of competing rates. Besides, the engineer is mistaken in his conclusions of facts. It is not true that the only market for zine is found in the North and East. Much zinc is shipped from this country and sold to European smelters. Zinc for the foreign markets is usually transported to New Orleans and shipped from that point. It is not true that the railroads heretofore built and now in operation in northern Arkansas are now supplying or can supply the demands for transportation of its growing commerce. Right at this time, all along the line of the St. Louis, Iron Mountain and Southern Railroad, up and down the White River, there is a car shortage. I received a few days ago a letter from a prominent and reliable citizen of my own town, Mr. B. J. Carney, urging me to work for the completion of these locks and dams on the White River, and calling attention to the deplorable traffic conditions on the railroad. The letter is as follows:

YELLVILLE, ARK., January 16, 1907.

Hon. J. C. FLOYD, Washington, D. C.

Hon. J. C. Floyd, Washington, D. C.

Dear Sir. Mr. Fitch, the deposed engineer of Government works for the improvement of White River, some time ago recommended the discontinuance of the work on the ground that there was no further necessity for it, giving as a reason that the demands of this country for transportation facilities had been fully met with by reason of the Missouri Pacific Railroad Company having built a line of railroad parallel with White River, with ample capacity to more than meet all the requirements of this country for transportation facilities. Now, the fact of the case is this: So far as I can learn, there are demands for cars all along the line which the railroad company seems wholly unable to fill. People, in some instances, have been waiting four months for cars to take their products to market. At Buffalo, Flippin, Pyatt, and Zinc there are great piles of cedar, zinc concentrates in bins, and considerable cotton bales, besides a great many carloads of lumber, awaiting shipment. At our town of Yellville there are at present about 200 carloads of cedar, cotton, zinc concentrates, carbonate of zinc, and other products awaiting shipment, but the railroad company can not furnish cars fast enough.

This country has just begun to develop, and if the railroad company can not meet the demands for transportation at this stage of development, what will they do later on when the country is further developed by the operation of more of our zinc mines, which are starting up every day? There is a probability of more development in our mines this year than has been done for several years past, and in the course of a few years, at the same rate of progress as we have had in the past, it would take several railroads to move the products of the country. So I think it highly important that the White River improvements be continued, and if possible to have the work going on continuously, have them do so. It would be still better to have the work going on at all the dams at the same time, and then I do not

Just a word, Mr. Speaker, as to the resources and possibilities of the upper White River country. In the territory drained by the White River and its principal tributary, the Buffalo, lie the counties of Boone, Newton, Searcy, Marion, and Baxter, which have been aptly characterized by a local newspaper writer as "the five mineral states of Arkansas." Zinc and lead of high commercial value and in great and apparently unlimited quantities abound throughout the region. In 1893 a chunk of free zinc ore, weighing 12,750 pounds, was shipped from the Morning Star mine, in Marion County, and placed on exhibit at the World's Fair in Chicago, where it took the premium as being the largest piece of free ore ever mined. In 1904, at the Louisiana Purchase Exposition, in St. Louis, Arkansas took the gold medal for the best collective zinc ores on exhibit. In addition to lead and zinc, there exists throughout the region inexhaustible beds of high-grade merchantable marble-red, variegated, gray, and jet black. Copper and iron have also been discovered in a number of places. Undisturbed forests of fine hard-wood timber abound in many portions of the district. In addition to its wonderful mineral resources, north Arkansas is well adapted to farming and stock raising. It is also highly adapted for fruit growing, and in the past these agricultural products have constituted the principal resources of this terri-The development of these wonderful resources is held back, hampered, and impeded by lack of proper transportation facilities. To be able to furnish a country of such infinite and varied resources and possibilities with a means of cheap transportation, such as the White River properly improved would afford, in my judgment, would prove a source of immense advantage, and is certainly an object highly desirable.

I appeal from the decision of the engineers to the common sense and sound judgment of the Members of Congress, in the

hope that when the time comes for making appropriations for the construction of additional locks and dams you will re pudiate a report not warranted by existing conditions, ill founded in fact, and fallacious in its conclusions.

Mr. Chairman, I favor a broad and liberal policy on the part of the United States Government for the permanent improvement and maintenance of all our waterways for purposes of navigation.

River improvement just at this time is especially desirable for two reasons

We need river transportation not only on account of its affording cheaper freight rates than the railroads, but also as a means of affording competition with the railroads, which is one of the most effectual means of regulating and cheapening railroad rates.

We need river transportation to aid the railroads in carrying to the markets the splendid commerce of this great country of ours. To-day all over the United States we hear complaints of a shortage of cars. The present congested conditions of freight and traffic are such that railroad companies themselves seem utterly powerless to relieve the situation. Our commerce

has outgrown our facilities for moving it. In my judgment, therefore, no subject of greater general interest or of more farreaching importance can engage the attention of Congress at this time than the formulation and promulgation of legislation on a systematic and extensive plan for the permanent improvement of our waterways.

During the first session of the present Congress much time was devoted to the preparation and discussion of the railroad rate bill. Traffic conditions had become intolerable to both the shipper and the people. The Dolliver-Hepburn bill was brought in, amended and passed, and the country is to be congratulated upon this patriotic effort upon the part of Congress to restrain the greed, limit the injustice, and to correct the inequalities and abuses of interstate railroads. I cheerfully supported the railroad rate bill, and would have supported the had its provisions been far more drastic. I hope and believe that much good will be accomplished under that act. But it should be remembered that in every age and country the great financiers, whose mission has been to control and direct vast aggregations of wealth under corporate franchises, have often manifested the utmost contempt for laws and lawmakers, and have not scrupled to defeat the ends of justice, sometimes by secret, but oftentimes by open and flagrant, violations of plain statutes. I therefore think the best way to regulate railroad rates is to enact laws that will tend to bring about competition between different railroad companies, and also to improve our waterways, and thus compel the railroads to compete with river transportation rates. History furnishes numerous illustrations of the wisdom of this course

I will cite one instance in point: During the reign of William and Mary a resolution passed in the British Parliament providing that all the subjects of England had equal rights to trade in the East Indies unless prohibited by act of Parliament. This destroyed in law the exclusive privileges formerly exercised by the old East India Company. Mr. Child, who was at the head of the old company, wrote to his agents in Bombay and Calcutta: "Be guided by my instructions, and not by the non-sense of a few ignorant country gentlemen who have hardly wit enough to manage their own private affairs and who know nothing at all about questions of trade." How often in our own time have the great captains of industry, the masters of high finance, given utterance to sentiments similar to these! I mention this instance not, however, for the purpose of showing the insolence of this great monopolist, but because it shows there is a more effectual way of regulating monopolies than by commissions or than by statutes fixing directly rates and charges to be made by them. That method is by the enactment of laws pro-viding for free competition. This was the means adopted in the British Parliament in 1694, "by those ignorant country gentlemen who had hardly wit enough to manage their own private affairs and who knew nothing at all about questions of trade." Notwithstanding the contempt expressed by the greatest financier of that age for these "ignorant country gentlemen," time has demonstrated that the act complained of was one of masterly statesmanship. That law has stood the test of more than two centuries. It has given to England commercial supremacy on all the seas. It was a law that established free competition be-tween all the tradesmen of England.

That is what we propose to accomplish by a systematic and permanent river improvement in this country. We propose to improve our rivers so that navigation can be maintained on them continually with safety and profit, and thereby give the railroads free and widespread competition.

Can a subject of more vital importance engage our attention? The transportation problem, and the proper means of regulating and controlling it, is the most momentous question before the American people to-day. No man can live unto himself alone. The prosperity and the wealth of the community, the State, and the nation depend largely upon their commerce. Commerce depends largely upon facilities for transportation and the reasonableness of rates charged therefor.

The railroad in its very nature is more or less a monopoly. By consolidations and combinations, some legal and some illegal, the railroad companies have concentrated their interests into a few great systems, each of which is controlled by one head, which has resulted in giving to each an exclusive monopoly in carrying traffic in many sections of the country. In view of this situation, which no man can gainsay, I consider it the highest wisdom on our part to lend our aid to every movement looking to the general and permanent improvement of all our waterways. Let the pilot return to his post. Line these magnificent natural highways of commerce with boats and barges. In this way, in spite of combines, in spite of evasions of rate laws, we can compel the railroads to carry traffic in many sections at a river rate, or at least in competition with a river rate,

either of which, by reason of a reduction in freight charges, would mean the saving of millions of dollars each year to the people of the United States and would assure them ample facilities for transporting their products.

Mr. Chairman, it is a well-known fact to those posted on the subject that there is not a town, city, or port in the United States that enjoys the advantages of water transportation that does not thereby secure the benefits of a cheaper railroad rate than those places not blessed with water transportation. This is true whether any goods are shipped by boat or not, for wherever water courses are so improved that boats may traverse the waters, then the railroad companies, in order to hold the traffic, must maintain low rates, and the people receive the benefit of the low rates.

The desirability of river improvement at this time is accentuated and emphasized by another great enterprise of international significance which has been undertaken by the United States Government. I refer to the construction of the Panama Canal. The completion of this great canal, the most gigantic work of the kind ever undertaken in the world, will give additional importance to every Gulf port. A vast volume of com-mercial products now shipped to the Atlantic and Pacific seaports will be diverted from usual channels of trade and will be transported south to New Orleans, Mobile, and other southern Products from the Orient now reaching this country by way of San Francisco and New York will be transported through the Panama Canal into the Gulf and land in southern ports and thence be shipped directly into the interior of the United States. Already north and south lines of railroads have been and are being constructed in anticipation of these changed conditions.

It is wisdom on the part of the Representatives of the people of the Mississippi Valley to keep constantly in mind the commercial changes and advantages that will be brought about by the completion of this great work. The changed conditions will affect in a marked degree the whole commerce of the Middle West. To this end no movement is fraught with greater local interest or benefit to our two great inland cities, St. Louis and Chicago, and all the States tributary to them than the proposition put forward by the deep-waterway convention held in St. Louis in November last, and indorsed by appropriate resolutions, recommending an appropriation of \$50,000,000 annually for the improvement of our waterways. I favor that recommendation. I also favor that other great project recommended by that convention, namely, to deepen the Chicago Canal and the Illinois River and improve the Mississippi below the mouth of the Illinois, so as to secure a 14-foot channel from the Lakes to the Gulf. And, furthermore, permit me to say I favor supplementing these greater enterprises by the improvement of all the tributaries of the Mississippi. The beautiful Ohio, the murky Missouri, the tortuous Arkansas, the scenic White, the sluggish Red, the historic Tennessee, and all the others should receive just and proper attention. Let the rivers that flow into the Atlantic and Pacific likewise receive their just proportion of every appropriation made. In short, I favor a broad, liberal, and general policy that will further and promote river improve-

ment throughout the country—North, South, East, and West.

Mr. Chairman, to these high and patriotic ends I propose to lend my influence and my vote so long as I have the honor to be a Member of the House of Representatives.

I ask unanimous consent to extend my remarks in the RECORD.

Mr. MOORE of Pennsylvania. Mr. Chairman, were it not for the very great importance of the Delaware River as an artery of commerce I would not venture at this early stage of my Congressional career to speak at this time. The subject has been before this House frequently, and so long as rival ports have deeper waterways than has the Delaware, just that long the people will be insistent that the Members of Congress who represent them here shall move on and on to the desired object. In the few questions propounded to the distinguished chairman of the Committee on Rivers and Harbors, the gentleman from Ohio [Mr. Burron], in the earlier stages of the proceedings, it developed that New York and Boston and Baltimore, great ports and properly aided by the Government, were accorded a depth of channel at least to the point of survey of 35 feet. It developed, also, that Philadelphia had knocked at the door of the River and Harbor Committee and had asked to be put upon the same basis, and that that request had been denied. The only thing left for the Representatives of this State to do is to present their case fairly here and to appeal to this House. So long as the demands of commerce require it this Banquo's ghost will not down. It must be presented patiently and earnestly until the House listens.

A few words, perhaps, with regard to the great State that is

asking for this recognition of a deeper channel may be appro-I read from the census report of 1905:

New York, Pennsylvania, Illinois, and Massachusetts, in the order named, are the four leading manufacturing States. They contain 83,333, or 39.9 per cent, of the establishments of the entire country, and in that year gave employment to 2,488,046, or 45.5 per cent of the average number of wage-earners, and report \$6,978,331,091, or 47.1 per cent, of the value of products. The States east of the Mississippl River and north of the Mason and Dixon's line and the Ohio River contain 65.5 per cent of the establishments in the United States, and gave employment to 74.1 per cent of the humber of wage-earners and report 73 per cent of the total value of products.

Quoting further from the same report:

The four leading States, in the order of their importance as to the greatest number of wage-earners employed at any one time, were New York, 1,075,777; Pennsylvania, 926,685; Massachusetts, 578,208, and Illinois, 478,488.

Still further I quote:

Still further I quote:

Pennsylvania has an ideal location for obtaining raw material and for distributing the products, since it is within easy access of the Great Lakes, the Atlantic Ocean, and the Mississippi River. The Ohlo, Allegheny, and Delaware Rivers, together with the canal and the railroads, furnish an excellent means of transportation. Probably no single factor, however, operates more favorably for the advancement of the States in manufactures than the abundance and excellence of its supply of fuel. In 1902, at the census of mines and quarries, Pennsylvania reported a production of 98,574,367 short tons of bituminous coal, or 37.9 per cent of the total for the United States; 36,940,710 long tons of anthracite coal, or the entire production of this country; 12,063,880 barrels of petroleum, or 13.5 per cent of the total, and natural gas to the value of \$14,352,183, or 46.5 per cent of the total.

All the States, all these products, slope toward the valley of the Delaware and find an exit there to the ports of this country

the Delaware and find an exit there to the ports of this country and to the ports of Europe. The census of the manufactures of the United States, which I beg parenthetically to observe, are more than two times in excess of value over those of agricultural products of this country, show a total valuation of manufacturing output for the year 1905 of \$14,802,147,087.

Pennsylvania, the second manufacturing State of this Union, with that enormous output of manufacturing values, presented \$1,355,551,332, or one-seventh of the entire output in manufacturing values of the entire forty-five States of this Union. Pennsylvania is first in the manufacture of iron and steel; first in the manufacture and output of glass; first in the manufacture and output of carpets, rugs, and other textiles; first and exclusive in the production of anthracite coal; first in shipbuilding; and upon the very Delaware concerning which we are speaking she produces more than twice the number of ships that sail the American flag over all the other shipbuilding ports of the entire forty-five States of this Union combined; first in the manufacture of leather and leather goods, and first in many other articles of production too numerous at this time for me to mention. The population of this country, according to the census of 1900, was 76,303,387. The population of Pennsylvania, the second manufacturing State of this Union, was 6,302,-115, or one-twelfth the population of the entire forty-five States of this Union. Surely such a State, coming here with a request in the interest of its commerce, is entitled to consideration at the hands of this distinguished body.

Pick up the bill that has been completed with such great care by the painstaking Committee on Rivers and Harbors, and we find 343 separate items of appropriation, widely and generally distributed over the various States and Territories of this Union, a total appropriation to all the States of \$83,466,138 and to the State of Pennsylvania-manufacturing one-seventh of the entire output of this country, having one-twelfth of the en-tire population—an appropriation not alone for the Delaware, not alone for the interests of the third city in manufactures and population, the city of Philadelphia, but for that other marvelous metropolis in manufactures, the home of the iron and steel industry, Pittsburg-for all this State we find in this bill appropriated by the Committee on Rivers and Harbors, \$2,481,-042, or one-thirtieth of the entire appropriation made to the forty-five States of this Union. I do not appeal to this House to be unfair to any one of the States represented. I do not inveigh against the action and the report of the Committee on Rivers I have nothing but praise and commendation for the strong and high-minded man who stands as a guardian of the interests of this country at the head of that committee, but I do say that when we find upon the Atlantic seaboard rival ports, three of them receiving at the hands of this committee a depth of channel of 35 feet, which permits vessels of that draft to come and go between points in this and foreign countries, we think we have the right, in all fairness, according to the rest of the country—all that is coming to it through this bill, and all that has come and all that will come—we have the right to ask to be placed upon a plane of equality with our competitors along that coast. For that reason, Mr. Chairman, we present our arguments. We shall continue to do so, because the necessities of trade are imperative, because the interests are not

special but general and apply to all the States that border upon

this great river, the Delaware. [Loud applause.]
Mr. LARRINAGA. Mr. Chairman, I want to make a few remarks about the appropriation for Porto Rico in the river and harbor bill, because I believe that the appropriation for the harbor of San Juan is not only of local importance, but it is also of national importance. The engineer commissioned to study the matter of the ports of the island of Porto Rico, Major Flagler, recommended, I believe, \$1,400,000 for the ports of the island. The Committee on Rivers and Harbors assigned only \$157,500 in cash and \$600,000 for contracts, making in all \$757,500. The island of Porto Rico, Mr. Chairman, has for many years past worked in the line of improving its harbors as well as its coast navigation. Small as it is, it has from sixteen to eighteen lighthouses around the coasts and the surrounding small islands. I doubt whether there is any piece of territory as small as Porto Rico with such a perfect system of light-houses. For many years prior to the American occupation, the harbors of San Juan, Mayaguez, and Ponce had their harbor works board. The works were carried out, of course, the same as the lighthouse system, with the money from the island; not a cent came for that from the Crown treasury. At the time of American oc-cupation there were three boards of harbor works, namely, at Mayaguez, Ponce, and San Juan. But on May 12, 1900, an act of Congress was enacted establishing a different civil government in Porto Rico. The matter of harbor works, as well as everything else in the island, passed into the hands of the executive council of the island, and one of the first things that the council did was to suppress the board of harbor works of San That board was composed of the best citizens of the It had its own funds, which were collected from different sources than the government or the Crown appropriations were gotten from. It was managed independently of the officials of the government and independently of the Crown or state administration. The board had a complete outfit for dredging the harbor. It had two dredges, one an English dredge, and a large beam or bucket French dredge. It also had all the barges and lighters necessary, as well as tug boats, portable rails, dumping wagons, sheds, stores, machine shops, and, in fact, everything that was necessary to carry on the work. It had been working for a few years and had already removed some of the worst shoals in the bay. It had deepened the channel somewhat, and it was necessary to carry the deepened the channel somewhat, and it was necessary to the deepened the channel somewhat, and it was working so well that the dredging of the harbor had become a money-making proposition. The material that could be dredged out for \$3.50 would just make a square meter of solid ground on the swamps around San Juan which sold for \$5 and \$6.

Now, Mr. Chairman, the question will naturally be asked why such a good institution was discontinued. I myself can see no reason for it, except that such institution was too autonomical, too liberal, too independent, too good to be kept in operation by such a tyrannical body as the executive council created by the

act of April 12, 1900.

The President, Mr. Chairman, in his report alludes to having landed in Ponce, on his way from the Panama Canal, where he crossed the island to San Juan, and then had to return to Ponce in order to take the Louisiana, for the reason that the Louisiana could not come around the island and take the President on board at San Juan, by reason of the fact that the channel was

not deep enough for her.

When the battle ship Massachusetts had the terrible accident at the island of Culebra four years ago it was obliged to go into San Juan, with great difficulty, for repairs, and to take care of the dead and wounded. But the Massachusetts is only of 10,000 tons register, and the Louisiana, or any of the larger battle ships of 14,000 tons, will never be able to get into the channel at San Juan. And why so, Mr. Chairman? Because the harbor works of San Juan had been discontinued for the last six years. Had they been conducted at the rate at which they were going in 1900, the channel at San Juan Harbor would have to-day at least 30 feet depth, and there would be enough anchorage in the harbor, because the shoal of Punta Larga, which is the one main obstruction in the harbor, has only about two and one-half or three million cubic yards to remove, and that would have been easily removed in the space of time I have mentioned with the facilities which were at the disposal of the harbor works.

The commerce of Porto Rico has lately increased a good deal. According to the last report the trade has amounted in the last fiscal year to about \$54,000,000. With the advantage of free trade that we have for our sugar and tobacco, and all the products of the island except coffee, the probabilities are that our commerce will increase very rapidly, and every day we will experience more and more the necessity of having a good harbor. But, as I said before, from a military point of view the harbor of San Juan is as necessary to the nation as it is from a commercial point of view to the inhabitants of Porto Rico. So, Mr. Chairman, although the Committee on Rivers and Harbors has reduced the appropriation from \$1,400,000 to about half of that amount, I am thankful to that committee because of the fact that at last Congress is in the way of doing something for the island. And I wish here to improve this opportunity of not only thanking divine Providence for having put the interests of Porto Rico in the same line as those of the great American nation [applause], but I also wish to thank the chairman of the Committee on Rivers and Harbors for having done something for the poor island of Porto Rico. [Applause.]

Mr. Chairman, my object in discussing the proposed improvement of the Ohio River is to place before Congress certain facts now buried in various reports heretofore made upon this subject and others with which I am personally familiar, with the desire of contributing what I can in aid of this very essential improvement. What the people of the Ohio Valley want is a 9-foot stage in the river from Pittsburg to Cairo. Occasionally we get much more water than that, and recently we had much more water than we needed. In 1883 and 1884 we had our worst floods in that valley and we have had high water at intervals since. At first we were fearful that these floods would imperil the prosperity of the Ohio Valley, but our fears vanished when during the subsequent years we learned from experience that our growth was not in the least curtailed, but went constantly on with ever-increasing force. One singular fact impressed itself deeply upon the minds of our people, and that was that during the era of hard times, from 1893 to 1897, the people of the Ohio Valley suffered less financial reversal than the people of any other given territory in the United States. The most of our factories kept running, at least a portion of the time, real estate continued active, and we were not compelled to inaugurate free soup houses. This was due to the diversity of industries along the banks of the Ohio, and the advantage accruing to our people in preferential freight rates made possible by the competition of the Ohio River with the railways. And the recent flood will not retard or impede in the least the steady and continued onward march of the people of the Ohio To-day you can see in the cities and towns of that valley not a single unfavorable result from the floods of last week.

The Ohio River is a great artery of commerce, made so by nature. It is in length about 1,000 miles, and drains a territory of approximately 210,000 square miles. Its varied mineral resources are the principal sources of its great wealth, and they are being constantly developed. In the report of the Chief of Engineers of the United States Army for 1896 iron, glass, pottery, lumber, furniture, cotton, and woolens were enumerated as the principal manufactured products of that region. But since even that late date two more important commodities must be added to the list-paving brick and cement-the raw material to manufacture them being present in great abundance. Coal constitutes the greatest traffic on the river, although iron, paying brick, steel rails, cotton ties, sheet iron, wire, nails, and lumber are borne upon it in large quantities. The report of the Chief of Engineers just referred to is authority for the statement that "The coal traffic alone on this river is greater than all traffic on the Mississippi, if we except that which it receives from the Ohlo." Coal is transported on the river in barges towed by steamboats, and to illustrate the quantity that may be transported in this manner by one boat with its equipment of barges I will refer to a trip recently made by the steamer Sprague, which towed from Pittsburg to New Orleans at one trip 70,000 tons of coal at a cost of one-third of a mill per ton To transport this same quantity of coal by rail would have required 2,333 cars, composing a train 14 miles long, and the charge would have been 4.6 mills per ton per mile. Yet one boat with its barges and the river did the work as speedily as a railroad would have done it, without any loss whatever or danger to the life or limb of any human being. But coal is not all that this river carries. Tons and tons of paving brick, iron, lumber, and grain are transported, besides a variety of lighter manufactured articles. The commerce of the Ohio River for 1905, as shown by the reports made according to the act of February 21, 1891, amounted to 13,163,656 tons, but these figures do not take into consideration timber and possibly some other commodities. During the same period 4,193,971 passengers were carried.

And this brings me to a consideration of one of the arguments I wish to make in favor of the continued improvement of the Ohio River. I have shown you that great tonnage can be transported upon it with comparative ease. This is obvious, of course, in Lake and ocean traffic, but I have given you a fact with respect to the river sufficient to establish the rule. The next inquiry should be as to the cost of such transportation.

That the carriage of freight on the Lakes is at a much less cost than by rail is well known by all who are familiar with such matters, but to give you an actual instance I will quote from the address delivered at Minneapolis last October by the distinguished Representative from Louisiana, Hon. Joseph E. Ransbell, who, by the way, has endeared himself in the hearts of the people of the Ohio Valley more than any other man now living south of the Ohio River. We all honor him and admire his energy, manliness, and learning. In discussing rates between Pittsburg and Northern Lake ports by way of Lake Erie, he said:

Pittsburg sends a lot of coal out to this country. It is shipped from Pittsburg to these same ports on Lake Erie, Conneaut and Ashtabula. It is shipped 135 miles by rail at 90 cents per ton; that is the standard rate. When it reaches the steamers, they charge to carry it to Chicago, Milwaukee, or Duluth, the Lake ports of the country, 35 cents per ton. The rail rate is 90 cents per ton for 135 miles and the water rate 35 cents for 1,000 miles. The railroad rate is exactly 2,000 per cent higher.

That statement is a fact, but the comparison will not hold out in all cases, because, coming in the other direction, the same lake boats charge 80 cents per ton for carrying ore from Duluth to Conneaut as against 35 cents per ton for carrying coal back. The principal object of those lake freight lines is to carry ore, not coal, and all they can make in returning coal is that much found. But the illustration is apt and establishes the fact. Another illustration is the following from the report of the Chief of Engineers of the United States Army for 1906, at page 509:

No estimate can be given of the effect of the improvement thus far made on freight rates. The comparative rates between Pittsburg, Pa., and Memphis, Tenn., by rail and by river were estimated in 1903 as follows:

	Pittsburg-Memphis	
	Miles.	Per ton.
Soft coal: By railroad By steamboat	807 1,218	\$3.73 .42

Now, the railroad rate does not always meet the water rate. The rule is to meet it if possible. And this must be so. railroads can not haul as cheaply as boats can transport, because they have roadbeds to keep up, the ties must be renewed, stations maintained, equipment kept up, new rails laid, damages caused by wrecks paid, and a great expense in many items incurred to which boats are not subject. But the water rate does affect and regulate the railroad rate, both on the Lakes and the river. During the marvelous growth of our country—and this is the point I am coming at—our railways have not been able to keep pace with our industrial development. Their revenues and resources have not been sufficient to enable them to acquire the necessary expensive terminals in large cities, to lay down double tracks, to rebuild bridges, and to reduce grades and The business man complains because he can not get all the cars he wants, keep them as long as he wants to, and because his freight is not moved as rapidly as is desirable. our great inland waterways are improved, the Lakes, the Ohio and the Mississippi rivers, and canals connecting these rivers with the Lakes are constructed, these natural highways will aid us in taking care of the heavy freights and will prove the most potent factor in solving the transportation problems now before the country. This is one of the reasons why I favor increased Federal expenditures for river and harbor purposes.

It has been pointed out that the traffic on the rivers does not equal in tonnage the traffic on the Lakes. But that is no reason why the rivers should not be improved. The tonnage on the Lakes was not what it is now before the Lakes were improved. The report I have referred to well states the case in the following language:

The nature of the Ohio River is such that its improvement, whether by canalization (locks and dams) or open channel, can not bring full benefit to navigation interests until the improvement shall have become more continuous than past appropriations have permitted. The unimproved portions afford less depth of channel than the improved sections and limit the available draft for the whole river to that required for passing its shoalest parts.

The fact that the special report on the Ohio River made by the Chief of Engineers in his report for 1896 shows that the arrival of steamers at Cincinnati has decreased from 3,163 for the year 1879-80 to 1,028 for the year 1895 has been used as an argument against the improvement of the river and to show that the river boats have been driven out of the trade by the railroads. I do not so understand it. The railroads will, to be sure, monopolize the passenger traffic, but the heavy freights they can not, on account of the cost of carriage, if a reasonable boating stage can be maintained in the river. I account for this

falling off of river traffic in a different manner. Strange as it may seem, the same causes which produce the floods in the Ohio River are partially responsible, at least, for continued low water during the late summer and early fall seasons. Formerly the immense territory drained by the Ohio was covered with Much of this territory is mountainous. When the forests existed the rainfall did not find its way into the river as The accumulation of leaves and débris rapidly as it does now. from the forests served to restrain the rainfall so that much of it was absorbed by the soil or evaporated and the remainder gradually found its way into the river. In that way sudden rises were uncommon and the rainfall, reaching the river more gradually, not only prevented floods, but maintained a higher stage of water in the river during a greater period of time than now. But the forests in recent years have been removed. Much of the timber has been cut from the hillsides, so that the rainfall upon reaching the surface of the ground finds but slight opposition upon its course to the river. Instead of entering the river gradually, it comes with a rush, is soon gone, and the result is that a more even stage is not maintained. The construction of dams would conserve this supply and a boating stage could be maintained the year round.

I might advance other arguments upon this proposition, but my time is limited and I desire to direct attention to some other

points.

I had intended to say something on the character of the work that has been done and that which is in prospect, but in looking up the facts I find the following in the Report of the Chief of Engineers for 1906:

Engineers for 1906:

Pursuant to a requirement in section 1 of the river and harbor act approved March 3, 1905, a board of engineers has been appointed to examine the Ohio River and report, at the earliest date by which a thorough examination can be made; the necessary data with reference to the canalization of the river and the approximate location and number of locks and dams in such river, with a view both to a depth of 6 feet and 9 feet, and to include the probable cost of such improvement with each of the depths named, the probable cost of maintenance, and the present and prospective commerce of said river, etc.; also to examine the said river from the mouth of the Green River to Cairo, with a view to determining whether an increased depth can be maintained by the use of dredges. The board's report will be duly submitted when received.

I understand that this report has been completed for some time, but is not yet submitted to Congress or available for examination. Accordingly a discussion of the subject-matter treated

therein should be left for a future occasion.

It will cost about \$60,000,000 to complete the work now recommended, and I would urge larger annual appropriations for that purpose. If we do not make more rapid progress, the generation of to-day will not see the work completed, but with public sentiment aroused as it is to the necessities of our country for more adequate and cheaper transportation for heavy freights and with the benefits that will accrue from the improvements provided for by this bill, apparent to all, we may expect to see that opinion reflected in Congress, and the results will be appreciably felt at no distant date.

We are now pouring out millions of dollars to construct the Isthmian Canal. Its necessity is apparent to all. When constructed it will connect the Atlantic coast with the Pacific. Steamships can then compete with our transcontinental railways. But what about the great interior of our country—Pennsylvania, Michigan, Ohio, Illinois, West Virginia, Kentucky, Iowa, Minnesota, Missouri, Mississippi, Tennessee, Arkansas, Louisiana? Are they not to partake of the benefits of this great enterprise as well as the States on the coast? With the improvement of the Ohio and Mississippi rivers, the central and southern portion of our country will be able to enjoy the same benefits of the Isthmian Canal that the coast States will enjoy, and our products of iron and steel, our paving and fire brick, cement, pottery, cotton, and a variety of other manufactured

articles will find new markets ready for them.

From these facts I would deduce the following conclusions: The improvement of the Ohio River by canalization and the establishment of the 9-foot stage will give the people of the Central and Southern States lower freight rates for their heavy raw materials. It will give these States the same advantages that are now enjoyed in that respect by the States bordering on the Lakes and the coasts. There will be no difficulty in transporting the commerce of the country, because, with our natural highways of commerce doing their share of the work, railroad equipment can be used for the transportation of more valuable and less bulky freight, and the sections of the country now suf-fering for better transportation facilities can be cared for with comparative ease if the waterways do their share of the work. New markets will be opened up to our industries and the good that will come from this improvement will not be local merely, but general. For these reasons I favor pushing this work just as rapidly as our resources will permit.

The provisions of this bill carry an appropriation of \$1,065,000 for the construction of lock and dam No. 26, near the mouth of the Kanawha River, near Gallipolis, Ohio. This is a most wise provision, as it will enable the coal fleets and other freight originating in the Kanawha River to reach the Ohio River at all times. It means much to the people living on the Ohio and Mississippi rivers, as it will prove a most important factor in the transportation of coal, in preventing coal famines, and in keeping down the freight rate on coal and consequently its price to the domestic consumer and manufacturer. The committee deserves great praise for this wise piece of legislation and the people of the Ohio Valley will recognize it and appreciate it. The tonnage originating upon the Kanawha River is large, amounting to 1,613,889 tons in 1905, of which 1,460,680 tons were coal. The construction of lock and dam No. 26 will not only prevent delay in the movement of this coal into the Ohio, but will materially aid navigation in the Ohio itself. [Applause.]

The CHAIRMAN. How much time does the gentleman from

Missouri desire?

Mr. RHODES. Ten minutes.

The CHAIRMAN. The gentleman is recognized for ten min-

Mr. RHODES. Mr. Chairman, I ask not the indulgence of the House at this late hour that I have anything to offer, either as criticism of the Committee on Rivers and Harbors or of its distinguished chairman. I have nothing to offer at this time upon the subject of deep waterways in general, except I am in favor of the proposition; but I do wish to call the attention of the House to a situation in my district with which I am familiar—a situation about which I profess to know something in the hope that this body may be induced to permit certain provisions of the bill to be modified by an amendment which I visions of the bill to be modified by an amendment which is shall offer at the proper time. There are three counties in the district I have the honor to represent bordering on the great Mississippi River. The situation in these counties is that this stretch of the river has been found hard to control. By virtue of the very nature of things this stretch of the river may be more difficult to control than other portions of the river; but I take it, Mr. Chairman, if the right thing is to be done by the Mississippi River, along with the other great rivers of the country, we must meet the situation as it is, as we find it, and not, perhaps, as it ought to be.

I say I have not one word of criticism to offer against the action of this committee or its distinguished chairman; and I want to say, too, I am not in sympathy with the course that has been pursued by some of the people of the city of St. Louis and by some of the great newspapers of that city and of the State of Illinois in their criticism of the chairman of the Committee on Rivers and Harbors. [Applause.] A man whose heart is right and whose head is clear should never be made the object of an assault such as has been directed against Mr. Burron, the distinguished gentleman from Ohio, by the great newspapers of my State and of our sister State, the great State of Illinois, take it, gentlemen, this is not the best way to get results. agree with those who criticise the committee as to what we want, but disagree with them in method. I do not believe for one moment the chairman of this great committee has purposely discriminated against the people of the Mississippi Valley or against the people of the great Commonwealth of Missouri. do disagree with the committee, however, as to the manner in which it is proposed to improve the stretch of the river to which I refer. I am about to digress from the point to which I wish

to invite the attention of the House.

I have been informed by the chairman of this committee that for improvement purposes the river has been divided into three sections, and that section in which I live is the stretch between the mouth of the Ohio and the mouth of the Missouri. My object in calling the attention of the committee to this stretch of the river is this: Under the river and harbor act of 1905 the only method by which this stretch of the river can be improved is by dredging, and it is my judgment, and it is the judgment of constituents of mine, that the method of dredging that stretch of the river has not been a success. It is my opinion, and it is the opinion of well-informed constituents of mine, that the method of improvement by fascines, by revetments, by riprap, and by the building of dikes and other methods of bank improvement has been far more successful than dredging; and for that reason, when the time comes, Mr. Chairman, I hope that the distinguished gentleman from Ohio and the House will permit me to amend the bill in such a way as to expend the \$750,000 carried in the bill for bank improvement and the \$250,000 for dredging, rather than in the manner indicated on pages 72, 73, and 74 of the pending bill.

I have in mind a certain point on the Mississippi River in

Perry County, Mo., which is known as "Belgique Landing." At this point the channel of this great river has divided itself into three chutes, and if the channel was confined where it properly belongs, instead of its having been converted into three distinct streams, there would be only one channel. That part of the channel next to the Missouri shore is known as the "Mis-souri chute," the middle channel as the "middle chute," and the stream on the Illinois side is known as the "Illinois chute." By a continuation of the fence which was begun prior to the act of 1905 across the Belgique chute to the island separating the middle and Missouri chutes the Belgique Landing would be safely protected. As it now is all the dredge boats on the Mississippi River can not prevent the inundation and washing away of Belgique. By building a similar fence on the Illinois side the entire volume of water would then be confined in the middle chute, where it naturally belongs, and the channel thus confined could be depended upon to do its own dredging. Missouri side, practically all the way down from St. Louis to the city of Ste. Genevieve, is a rock shore, while on the Illinois side they have soft alluvial banks. These banks easily erode, and the result is, on account of the erosion of the banks on the Illinois side and on account of the great amount of sediment that is being precipitated in this part of the Mississippi River, which is just south of the mouth of the Missouri, this part of the river is difficult to control. It should be remembered that the Missouri River carries perhaps a greater amount of sediment in solution than any other river in the United States; and as a matter of philosophy, when the water of the Missouri comes into contact with the water of the Mississippi, there is a tendency to precipitation. Hence the building up of the bed of the river, which, with the erosion of the Illinois banks, causes the water to be drawn away from the Missouri side and the formation of bars and islands along our shore.

I have some correspondence here that came to me from General Mackenzie, of the War Department, and it is under the jurisdiction of the War Department that the improvement of this stretch of the river comes. In this correspondence it was stated by General Mackenzie on the 31st day of last March, in a letter from him to me, under the river and harbor act of 1905 no money was available for improving this stretch of the river except by dredging. I here wish to call attention to paragraph 2 of the letter. You will observe by reading paragraph 2 of General Mackenzie's letter the entire plan of river improvement for this stretch of the river was altered by the act of March 3, 1905. It is to this method I object.

GENERAL MACKENZIE'S LETTER.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 31, 1996.

Hon. M. E. Rhodes. United States House of Representatives.

Hon. M. E. Rhodes.

United States House of Representatives.

Sir: Referring to petition from Mr. Ed. Zeller and others, that steps be taken to secure a diversion of a part of the appropriation made in the last river and harbor act for the Mississippi River, to be applied to protection of the landing at Brickeys, otherwise known as Cliff Landing, between Ste. Genevieve and Crystal City, and the protection of Randolph and Monroe counties, Ill. or that a separate appropriation be secured for the purpose, I have the honor to inform you that I am to-day in receipt of a report on the subject from Maj. Thomas L. Casey, Corps of Engineers, the district engineer, of which a copy is inclosed. It will be seen that in Major Casey's opinion it is desirable that the diversion asked or a special appropriation be made for the work.

2. You are undoubtedly aware of the fact that the river and harbor act approved March 3, 1905, altered the adopted project for the Mississippi River between the mouth of the Ohio and the mouth of the Missouri River by providing that future prosecution of the improvement be by dredging, leaving no funds available for permanent works, except a portion of the balance then remaining on hand to the credit of the improvement. It will therefore require Congressional action to secure such diversion as is the desire of your petitioners, and beyond stating the facts to you, as I have done, it is not in my power to render assistance.

3. The petition is returned herewith.

Very respectfully,

Brigadicr-General, Chief of Engineers, United States Army.

I here wish to state I received a petition, signed by numerous

I here wish to state I received a petition, signed by numerous citizens residing in my district, setting out a certain situation on the river at Cliff Landing. I wish to ask permission to insert this petition in the RECORD, and will not take the time of the House to read it.

PETITION.

Hon. M. E. RHODES, Washington D. C.

Sig.: The undersigned, your constituents, beg leave to call your attention to a grievance which, unless promptly remedied, may lead to very serious consequences affecting their interests and the interests of a large part of the people of Sie. Genevieve County and adjoining counties. The black print hereto attached, which is made from original surveys on file in the St. Louis office of the United States Engineer Department, in charge of river improvements, will best illustrate the situation.

situation.

Brickeys, or Cliff Landing, situated on the Mississippi River about midway between the city of Ste. Genevieve, Ste. Genevieve County, and Crystal City, in Jefferson County, has been for over sixty years one of the best known and safest landings on the western bank of the Mississippi River between Cairo and St. Louis. It is used very extensively

for shipment by farmers, merchants, and manufacturers of those counties. The channel of the river originally ran close to the Missouri shore for many miles north and south of that landing, but a bar forming many years ago a few miles above the landing developed into what is now known as "Ames Island," a low sand island, overgrown with willows. After the formation of this island the channel still continued along the eastern edge of it until about 1897 and came to the Missouri shore some distance above Morrison Hollow, shown on the attached map. River men uniformly assert that there never was, even at the lowest stages of the river, less than 20 feet of water in this channel between the place where it struck the Missouri bluff and thence for several miles downward.

About six or seven years ago the channel began to sheer off from the lower point of Ames Island southeastwardly toward the Illinois shore, and the United States engineers, in order to prevent the river from cutting into the alluvial soil on the opposite shore in Illinois, constructed a revetment on its eastern bank at Penitentiary Point, about 2½ miles above Brickeys. This revetment, owing to a failure of appropriations to keep similar structures in thorough repair, was permitted to full into decay, and the high water of succeeding years tore away the lower end of it, in consequence of which the Mississippi washed away several hundred acres of very valuable land in a high state of cultivation in Randolph County, Ill., and the deep channel shifted to the Illinois shore. What was the bed of the river in and prior to 1900, as the annexed plat will show, is now a sand bar, rapidly extending southwardly and threatening to destroy the landing at Brickeys entirely.

The main channel of the river has shifted so far eastward that it

southwardly and threatening to destroy the landing at Brickeys entirely.

The main channel of the river has shifted so far eastward that it is but a very short distance from a levee constructed by the people of Randolph and Monroe counties, in Illinois, at great expense, and protecting the bottom lands along the river for a distance of 40 miles and more. Should the river seriously cut this levee, as it is now threatening to do, these lands are liable to be inundated to the extent of several hundred thousand acres at every high stage of the river, to the incalculable damage of their owners and inhabitants.

The construction placed by the Attorney-General's office upon the river and harbor appropriation act of 1904-5 confines the United States Engineer's office to an improvement of the river by dredging, and prevented the use of any part of the money appropriated for the preservation of landings, or even for the repair of work that had already been done. The dredging has accomplished very little good, while permitting the protecting structures along the river banks to go to decay has, as the foregoing will show, caused great injury, not only to ancient and well-established landings, but also irreparable injury to people living in the bottom lands adjoining the river.

The United States engineer department in St. Louis replies to repeated complaints made to Major Casey, who is in charge of it, that there is no money available under present appropriations to remedy this state of affiairs, which the department concedes is deplorable.

The undersigned therefore earnestly request you to confer without delay with the Hon. W. A. Rodenberg, M. C., whose constituents are vitally interested in this matter, in order to secure either a diversion of part of the appropriation made for dredging in the last river and harbor bills to the protection of the landing at Brickeys, and the incidental protection of hundreds of thousands of acres in the opposite bottoms of Illinois, or else try to secure a separate appropriation for that

that purpose. All the facts hereinbefore stated can be verified by inquiry of Major

All the facts hereindelore states

Casey.

Respectfully,
Geo. S. Yates, Francis L. Jokust, John Herter, Henry A.
Baumann, Frank Rogers, Leon Herman, Walter Koehler, Hy. G. Rehm, John F. Lakose, Joseph H. Vorst, Leo. C. Vorst, Fred A. Sixauer, Jos. Lalumondure, Chris. Naumann, Oliver C. Naumann, Chas. J. Naumann, Leo. Naumann, Charles W. Meyers, E. E. Swink, F. E. Hinch, H. S. Rehm, D. D. S.: E. H. Sutton, C. E.; John L. Boverle, merchant; Henry J. Cocolise, Edw. B. Morean, W. C. Boverie, Henry G. Klein, Wm. Eichenlaub, James F. Berry, Henry Vaeth, F. J. Rigdon, Henry J. Janis, Gottleib Rehm, J. B. Roberts, G. M. Rutledge.

port of Major Casey, of St. Louis, to General Mackenzie on this Cliff Landing situation.

MAJOR CASEY'S REPORT.

MARCH 29, 1906.

Brig, Gen. A. Mackenzie, Chief of Engineers, United States Army, Washington, D. C.

Chief of Engineers, United States Army, Washington, D. C.

GENERAL: 1. In response to instructions contained in the first indorsement, office of the Chief of Engineers, United States Army, March 19, 1906, on the letter of Ed. Zeller et al. to the Hon. M. E. Rhodes (E. D., file 50524-1), petitioning that steps be taken to secure funds for the protection of the landing on the Mississippi River at Brickey, Mo., and of Randolph and Monroe counties, Ill., I have the honor to make the following report:

2. Examination and survey of the locality were made on March 23 and 24, 1906, the results of which are shown on the accompanying map.

3. Brickey Mill has been for many years a principal shipping point for the citizens of that part of Ste. Genevieve County, Mo., and has been accessible to steamers by reason of the deep-water channel past the landing at all navigable seasons of the year.

4. Much work in bank protection and channel contraction has been done by this office in that vicinity, and the extension of those works and the construction of others were in plan when their execution was interrupted by the terms of the river and harbor act of the last Congress.

5. For several years past the erosion of the right bank along Ames Island and the growing bar below it have caused deflection of the channel to the Illinois shore, which in turn has suffered such rapid and destructive erosion below the revetment at Penitentiary Point as to greatly widen the river there and draw the channel permanently away from Brickey, tending to the silting up of the depths that formerly obtained along the Missouri shore and to the ultimate extension downstream of the upper bar, to cover and destroy the landing.

6. The construction of the proposed hurdles at Penitentiary Point, as marked upon the map, No. 1 the first season and No. 2 the second, at an estimated cost of \$75,000, would materially correct the excessive width of the river at this place, would cause an erosion of the threatening Missouri bar, would restore the channel to its former location in the vicinity of Brickey, and would virtually extend the bank protec-

tion already placed at Penitentiary Point by preventing further erosion of the Illinois bank below it, and thus preserve the important levee at present threatened.

7. As the small balance of funds remaining on hand from former appropriations for works of permanent improvement is not sufficient to warrant the construction of new works, and will probably be soon entirely expended in the repair and maintenance of those already begun, it is respectfully recommended that Congress be urged to grant authority for the use of a portion of the last appropriation for dredging—as one-half of the unallotted and unexpended balance on hand, which would amount to about \$85,000—to the construction of these hurdles and such other work in the district as may be similarly urgent and beneficial to the interests of navigation, or else to grant a special appropriation for this work.

Very respectfully, your obedient servant,

**Major*, Corps of Engineers*, United States Army*.

I wish to ask the House to observe that Major Casey in his

I wish to ask the House to observe that Major Casey in his report sustains the contention set out in the petition of my constituents. Hence I hold my position to-day, for more bank-protection work ought to be done along this stretch of the river. In further proof that my point ought to be well taken at this time I wish to recall that the distinguished chairman of the Rivers and Harbors Committee himself, at the last session of Congress, as a result of this showing, acceded to our wishes and permitted a bill to pass this body granting an appropriation of \$150,000 for temporary relief at certain points on this stretch of the river.

Further down on the river, at Ste. Genevieve, we find the situation of things: Ste. Genevieve is not only the oldest town in Missouri, but is one of the most beautiful little cities on the Mississippi from its mouth to its source. At Ste. Genevieve, I was about to say, the old boat landing, on account of a great bar and an island having been formed in the river, has been completely destroyed, and to-day the landing is more than 1

mile north of the city.

The fact is the city of Ste. Genevieve no longer boasts of her old-time boat landing, but instead has stretched out before her a ragged island. I call attention to this matter to show the shifting nature of the channel of the river here and to urge more liberal appropriations. South of the city of Ste. Genevieve the situation changes. We have on our side the alluvial banks, and on the Illinois side is the rock shore. The tendency here is for the river to inundate and wash away the Missouri shore; consequently our people suffer great loss and navigation is greatly interfered with.

I said I was not going to criticise the committee and I shall not; but while the gentleman from Ohio, who has just preceded me, was speaking, I was caused to turn to page 55 of the pending bill. There I began by reading, "\$450,000 for the improvement of the Ohio River." I then read on down to the bottom of the next page, and then to the bottom of the next page, and on down to line 20 on page 58. I read all this time about nothing but various items of appropriation for the Ohio River. have made the figures and see the aggregate amount provided for in this bill for the improvement of the Ohio is \$4,129,111.

I could not help but think, as I listened to the gentleman from Ohio tell of the grandeur of his State and of the great volume of commerce transported over the Ohio River last year, that if the Mississippi had only had the attention the Ohio has had, possibly we could to-day boast a better commerce and not be estopped in our demands for greater appropriations for our river by the argument that we have no "boats on the river; no

commerce."

If I have not forgotten my geography, the Missouri River is a greater stream than the Ohio. I mean it is greater in length, width, and in volume of water, yet from its mouth to Fort Benton there is but \$300,000 appropriated. One hundred and fifty thousand to be expended in pulling snags out of the river between St. Louis and Kansas City.

But, Mr. Chairman, we are tickled to death to get this amount, as it has been so many years since the Missouri River has been recognized at all. In fact, it has only been since my good friend and colleague, Mr. Ellis, came to Congress from Kansas City that the Missouri River has gotten on the map.

We say all honor is due the distinguished Kansas City Congressman for what he has done in one short period of two years. It is my opinion, if the people of Kansas City continue to show their good judgment and keep their present Member of Congress here for a long period of time, at some future day we may have the pleasure of even seeing large appropriations not only for the Mississippi but the Missouri River as well. I infer from the reading of the various items in the bill relating to the improvement of the Ohio that this stream has almost been converted into a canal from mouth to source. For instance, I see \$70,000 is appropriated for improvement at Lock No. 6; \$198,000 is appropriated at Lock No. 11. Large sums are appropriated for improvements at Locks Nos. 8, 13, 18, and 26, and at various other places on the river. As I said before, an aggregate appropriation of \$4,129,111 for the Ohio River. But I have promised not to complain, and shall be reasonably satisfied if permitted to amend the bill as already indicated.

In conclusion permit me to say I am for more liberal river appropriations. I am for a deep waterway from Gulf to I really believe the day is coming when the Mississippi Lakes. and all its great tributaries must be improved. I believe with the building of the Panama Canal must come the deep waterway from Gulf to Lakes. I believe the dream of the ages will not have been fully realized in the matter of waterway im-provement and water transportation until the completion of the Panama Canal and the transformation of the Mississippi River from Gulf to Lakes into a deep waterway. It will then be that St. Louis can truly be called "the new city of Athens," about which Spanish adventurers and explorers dreamed and philosophized in the seventeenth century.

Again shall Athens bid her columns rise, Again her lofty turrets reach the skies. Science again shall find a safe retreat, And commerce here in a center meet At St. Louis.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. RHODES. I ask permission to insert in the RECORD the correspondence to which I referred, from the War Department, in relation to this situation of the river.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record, by inserting the papers to which he has referred. Is there objection?

There was no objection.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows

To Mr. THOMAS of Ohio, for one week, on account of illness. To Mr. McLachlan, indefinitely, on account of sickness in his

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 19105. An act granting an increase of pension to William H. Moser

H. R. 21043. An act granting an increase of pension to Robert

J. Dewey; H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of

Brunswick, Ga.; H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide

for the entry of agricultural lands within forest reserves;"
H. R. 20988. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

H. R. 714. An act for the relief of Charles B. Bentley; and H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6338. An act to amend section 2 of an act entitled "An act incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington."

ADJOURNMENT.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for the United States consulate-general at Mukden-to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the chief justice of the Court of Claims, requesting the return to the court of its letters of certification as to the following cases: Schooner Lucy, Eliakim Benham, master; sloop *Havek*, Joseph Hart, master, and brig *Abby*, Harding Williams, master—to the Committee on Claims, and ordered to be printed.

A letter from the president of the Capital Traction Company, submitting the report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a statement as to accumulations of useless papers in various offices of the Treasury Department-to the Joint Committee on Disposition of Useless Papers, and ordered to be

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the rector, wardens, and vestry of the St. Peter's Protestant Episcopal Church, of Columbus, Tenn., against The United States-to the Committee on War Claims, and ordered to be

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the Court in the case of John P. Duke against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Great Falls and Old Dominion Railroad Company, transmitting report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

Report of the Director of the Bureau of American Republics as to amount of mail entered in the Washington City post-office under penalty provision, from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of S. J. McDowall, administrator of the estate of James F. Calhoon, against The United States-to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. OVERSTREET of Indiana, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 10095) making certain changes in the postal laws, reported the same with amendment, accompanied by a report (No. 7099); which said bill and report were referred to the House Calendar.

Mr. KNAPP, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 24125) to ratify a certain lease with the Seneca Nation of Indians, reported the same with amendment, accompanied by a report (No. 7103); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committe of the Whole House, as fol-

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3356) to correct the military record of Timothy Lyons, reported the same with-

out amendment, accompanied by a report (No. 7098); which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 16740) to place John Crowley on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No.

7100); which said bill and report were referred to the Private Calendar

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24466) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes, reported the same with amendment, accompanied by a report (No. 7101); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14361) granting an honorable discharge to David Harrington, reported the same with amendment, accompanied by a report (No. 7102); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolution of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 25230) to amend the second section of the act of June 16, 1880-to the Committee on the Public Lands.

By Mr. SHERMAN: A bill (H. R. 25231) to create a corporation for the management and sale of the coal and asphalt lands and deposits in the Choctaw and Chickasaw nations, Ind. T., segregated by written order of the Secretary of the Interior on March 24, 1903, and for other purposes—to the Committee on Indian Affairs

By Mr. MURPHY: A bill (H. R. 25232) to promote the comfort of patrons of hotels, restaurants, cafés, and eating houses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER of Massachusetts: A bill (H. R. 25233) relative to the harbor of refuge at Sandy Bay, Cape Ann, Massachusetts—to the Committee on Rivers and Harbors.

By Mr. LOWDEN: A bill (H. R. 25234) permitting the building of a dam across Rock River at Lyndon, Ill.—to the Committee

on Interstate and Foreign Commerce.

By Mr. RIORDAN: A bill (H. R. 25235) to establish a light and fog signal in New York Bay at the southwesterly end of Governors Island—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: A bill (H. R. 25236) to provide for the purchase of site of battle of Osawatomie, in the State of Kansas, and to establish a national park thereat, and for other purposes-

her purposes—to the Committee on Military Affairs.

By Mr. LILLEY of Connecticut: A bill (H. R. 25237) to provide for the erection of a public building at Naugatuck, Conn.to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: A bill (H. R. 25238) to bring out the gradual readjustment of rank throughout the several lines of the artillery, cavalry, and infantry of the Regular Army—to the Com-

mittee on Military Affairs.

By Mr. FLOYD: A bill (H. R. 25239) granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in con-

nection with the construction of Lock No. 1, Upper White River, Arkansas—to the Committee on the Public Lands.

By Mr. OVERSTREET of Georgia: A bill (H. R. 25240) authorizing the purchase of a site for a post-office building at Sylvania, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25241) authorizing the erection of a postoffice building at Waynesboro, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. MANN: A bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: A bill (H. R. 25243) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes-to the Committee on the Territories.

Also, a bill (H. R. 25244) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes—to the Committee on the Territories.

By Mr. DIXON of Montana: A bill (H. R. 25245) to authorize the sale of isolated tracts of the public domain within the limits of the land grant of the Northern Pacific Railway in Montana-to the Committee on the Public Lands.

By Mr. WILEY of New Jersey: A resolution (H. Res. 803) providing for the printing of 2,500 copies of the Third Report of the United States Board on Geographic Names—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:
By Mr. ACHESON: A bill (H. R. 25246) granting an in-

crease of pension to John B. McCartney—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 25247) granting an increase of pension to Warren Onan-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25248) granting an increase of pension to Knute Thompson—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 25249) granting an increase of pension to John J. Colton-to the Committee on Invalid Pen-

By Mr. BRADLEY: A bill (H. R. 25250) granting an honorable discharge to Patrick Shields—to the Committee on Military Affairs.

By Mr. COUDREY: A bill (H. R. 25251) granting an increase of pension to William Brooks-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25252) granting an increase of pension to John Fritz-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25253) for the relief of John W. Magann-

to the Committee on Claims, By Mr. DALZELL: A bill (H. R. 25254) granting an increase of pension to George W. Warfel—to the Committee on Invalid

Pensions.

Also, a bill (H. R. 25255) granting an increase of pension to Samuel Loy—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 25256) granting an increase of pension to Cyrus W. Scott—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 25257) granting an increase of pension to James H. Phillips—to the Committee on Invalid

By Mr. GROSVENOR: A bill (H. R. 25258) granting an increase of pension to William Green-to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 25259) granting an increase of pension to Susan H. Bradley—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 25260) granting an increase of pension to Thomas J. Richie-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25261) granting an increase of pension to William M. Helvey-to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 25262) granting an increase of pension to James O'Leary-to the Committee on Pensions.

Also, a bill (H. R. 25263) granting an increase of pension to Thomas McDermott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25264) granting a pension to John Egner-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25265) granting a pension to Augustus H. Ewell—to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 25266) for the relief of the

heirs of Joseph M. Farr, deceased—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: A bill (H. R. 25267) granting an increase of pension to Benjamin Kelsey-to the Committee on Pensions.

By Mr. LITTAUER: A bill (H. R. 25268) granting an increase of pension to John Hooper—to the Committee on Invalid Pensions

By Mr. LIVINGSTON: A bill (H. R. 25269) granting an increase of pension to James J. Morrison-to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 25270) granting

a pension to Walter Bourke—to the Committee on Pensions.

By Mr. OLMSTED: A bill (H. R. 25271) granting a pension

by Mr. OLMSTED: A bill (H. R. 25271) granting a pension to John P. M. Haas—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 25272) for the relief of George W. Dodson—to the Committee on Military Affairs.

By Mr. ROBERTS: A bill (H. R. 25273) granting a pension to Johanna S. Hall—to the Committee on Pensions.

Also, a bill (H. R. 25274) granting a pension to Mary J.

Sager-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25275) granting an increase of pension to James D. Alley-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25276) granting an increase of pension to Franklin B. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25277) granting an increase of pension to Charles F. Sisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25278) granting an increase of pension to Almon N. Keeney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25279) granting an increase of pension to bin H. Lear—to the Committee on Invalid Pensions.

John H. Lear-Also, a bill (H. R. 25280) granting an increase of pension to

-to the Committee on Invalid Pensions. Robert J. Ray-

Also, a bill (H. R. 25281) granting an increase of pension to Joseph S. Eastman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25282) granting an increase of pension to Joseph H. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25283) granting an increase of pension to

Robert Rutter-to the Committee on Pensions.

Also, a bill (H. R. 25284) granting an increase of pension to William F. Russell-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25285) granting an increase of pension to William A. G. Gartside—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 25286) granting a pension to Rosalie G. Dayton—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 25287) for the relief of the estate of William Civils, deceased—to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 25288) granting an increase of pension to Minna Y. Field—to the Committee on Invalid Pen-

By Mr. FORDNEY: A bill (H. R. 25289) granting an honorable discharge to David Benson-to the Committee on Military

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows

bill (H. R. 18350) for the relief of the heirs of Mary E. Neale-Committee on the District of Columbia discharged, and referred to the Committee on Claims.

A bill (H. R. 23151) granting an increase of pension to Alley S. Rose—Committee on Pensions discharged, and referred to the

Committee on Invalid Pensions. A bill (H. R. 23997) granting an increase of pension to Michael M. Field-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

 Λ bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19709) granting an increase of pension to Alanson B. Wheelock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20150) for the relief of John H. Rheinlander-Committee on War Claims discharged, and referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of headquarters Grand Army of the Republic Association of Philadelphia and Vicinity, against abolishing the seventeen pension agencies of the United Statesto the Committee on Invalid Pensions.

By Mr. ADAMSON: Paper to accompany bill for relief of heirs of Thomas L. Walker—to the Committee on War Claims. By Mr. AMES: Petition of citizens of Lawrence, Mass.,

against the provisions of the Dillingham-Gardner bill-to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Papers to accompany bill H. R. 18350—to the Committee on Claims.
By Mr. BARCHFELD: Petitions of citizens of Raleigh, N. C.;
Taunton, Mass., and Whitman, Wash., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbiato the Committee on the District of Columbia.

By Mr. BARTHOLDT: Paper to accompany bill for relief of John Fritz-to the Committee on Invalid Pensions.

By Mr. BATES: Petition of A. R. Smith, of Cleveland, Ohio, committee of the American Merchant Marine League, for the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries

Also, petition of Lodge No. 142, Railway Trainmen, of Meadville, Pa., and Division No. 282, Brotherhood of Locomotive Engineers, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of James A. Fisher-to the Committee on Invalid Pen-

By Mr. BURKE of Pennsylvania: Petition of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., for bill S. 976—to the Committee on Invalid Pensions.

Also, petition of the Grand Army Association, against abolishing the seventeen pension agencies of the United States-to the Committee on Invalid Pensions.

Also, petition of McKees Rocks Division, No. 201, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of John B. White-to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: Petition of the Grand Army Association, against abolition of the seventeen pension agencies of the United States-to the Committee on Invalid Pensions.

By Mr. DALE: Paper to accompany bill for relief of Robert Thomas Doyle (previously referred to the Committee on Invalid to the Committee on Pensions.

By Mr. DALZELL: Petition of the Grand Army Association of Philadelphia and vicinity, against abolishing pension agencies-to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of George W. Warfel and Samuel Lay-to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Grand Army Association of Philadelphia and Vicinity, against abolishing the seventeen pension agencies in the United States—to the Committee on Invalid

By Mr. FULLER: Petition of the Merchant Marine League, the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. B. Cralle & Co., against the no-attorneyfee clause of the McCumber pension bill-to the Committee on Pensions.

By Mr. GRAHAM: Petition of the Grand Army Association of Philadelphia and Vicinity, against abolishing the seventeen pension agencies of the United States—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Petition of Zunda Lodge, No. 572, Independent Order B'nai Brith, of New Haven, Conn.-to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Sarah F. Barriger-to the Committee on Pensions. Also, paper to accompany bill for relief of Alfred W. Jewett-

to the Committee on Military Affairs.

By Mr. KAHN: Petition of R. R. Hillman and 14 other residents of San Francisco and San Francisco Lodge, No. 68, International Association of Machinists, against employment of Asiatics on the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Ohio: Petition of the Liberal Immigration League, against the illiteracy test in immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, against enactment of bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of the forestry commission of Massachusetts and State Federation of Women's Clubs, for the eastern forest reserve bill-to the Committee on Agriculture.

Also, petition of John W. Morris, against the clause in the McCumber bill against fees for attorneys presenting claims to

the Pension Bureau—to the Committee on Invalid Pensions.

Also, petition of W. H. Kintner, of Hanoverton, Ohio, against the parcels-post bill-to the Committee on the Post-Office and Post-Roads.

Also, petition of Alexia Lodge, No. 96, against the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Brotherhood of Operators of Pottery, No. 44; the Trades and Labor Council of East Liverpool, Ohio; the National Brotherhood of Operators of Pottery, No. 70; the American Federation of Labor, Washington, D. C., and the Trades and Labor Council of East Palestine, Ohio, for a general arbitration treaty—to the Committee on Foreign Affairs.

Also, petition of Youngstown (Ohio) Lodge, No. 14, Amalgamated Association of Iron, Steel, and Tin Workers, for a general

arbitration treaty—to the Committee on Foreign Affairs.

Also, petition of the Grand Army Association of Philadelphia and Vicinity, against abolishing the seventeen pension agencies of the United States—to the Committee on Invalid Pensions.

Also, petition of H. R. Fuller, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Western Fruit Jobbers' Association, for legislation requiring railway companies to provide adequate rolling stock-to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Luke Shinnerss—to the Committee on Invalid Pen-

By Mr. LACEY: Petition of the Iowa Association of Cement Users, for an appropriation to experiment in structural mate--to the Committee on Agriculture.

Also, petition of the thirty-first general assembly of Iowa, for an amendment to the Constitution abolishing polygamy—to

the Comittee on the Judiciary.

By Mr. LAMB: Petition of the Board of Trade and Business Men's Association of Norfolk, Va., for the Wilson bill (increase of salaries of post-office clerks)—to the Committee on the Post-Office and Post-Roads.

By Mr. LILLEY of Connecticut: Petition of Jacob Coplan et al., of New Haven, Conn., against the immigration bill-to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Benjamin Kelseyto the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the Grand Army Association of Philadelphia and Vicinity, against abolition of the seventeen pension agencies in the United States-to the Committee on Invalid Pensions.

Also, petition of J. B. Cralley & Co., of Washington, D. C., against the clause in the McCumber bill against fees for claim attorneys-to the Committee on Invalid Pensions.

By Mr. HALE: Paper to accompany bill for relief of Mar-

garet E. Smith—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of headquarters Grand Army Association of Philadelphia and Vicinity, against abolishment of pension offices-to the Committee on Invalid

Also, petition of citizens of Philadelphia, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. MORRELL: Petition of McKinley Camp, No. 10, Department of Pennsylvania, United Spanish War Veterans, and the Army Canteen Club, of Washington, D. C., for restoration of the Army canteen-to the Committee on Military Affairs.

By Mr. OVERSTREET of Indiana: Petition of the Alliance of German Societies, of Indianapolis, Ind., against unfavorable immigration legislation as per the Lodge-Gardner bill-to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of William Harrison, sr .- to the Committee on War Claims.

By Mr. PEARRE: Petition of the Farmers' League of Maryland, for an amendment to bill S. 4403 favorable to farm labor-

ers only-to the Committee on Immigration and Naturalization. Also, petition of Good Intent Lodge, No. 447, indorsing bill S. 5133, known as the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Petition of the Grand Army Association of Philadelphia and vicinity, against abolishing the seven-teen pension agencies of the United States—to the Committee on Invalid Pensions.

By Mr. SIMS: Paper to accompany bill for relief of Charles to the Committee on War Claims.

By Mr. SMITH of Arizona: Petition of the Bisbee Daily Review, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of Maier Zunder Lodge, No. 572, Independent Order B'nai Brith, against further restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. STEENERSON: Petition of J. A. Anderson et al., for an amendment to the free-alcohol law-to the Committee on Ways and Means.

By Mr. STERLING: Petition of the El Paso Commercial Club, of El Paso, Ill., against a parcels-post law-to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Job J. Whitemanto the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Martha V. Civels-to the Committee on War

By Mr. TRIMBLE: Paper to accompany bill for relief of Cash Claxon-to the Committee on Claims.

By Mr. TYNDALL: Petition of citizens of Missouri, for enactment of the Littlefield bill (H. R. 13655)-to the Committee on the Judiciary.

SENATE.

FRIDAY, February 1, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Cullom, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DISPOSITION OF USELESS DOCUMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value or historical interest, etc.; which, with the accompanying papers, was referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments.

GREAT FALLS AND OLD DOMINION RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Great Falls and Old Dominion Railroad Company, of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company, of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Railway and Electric Company, of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company, of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CITY AND SUBURBAN RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the City and Suburban Railway, of Washington, D. C., for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Brightwood Railway Company, of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig Sally, John V. Villett, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes

In the cause of The Regents of the University of Kansas v.

The United States

In the cause of The Trustees of the Presbyterian Church of

Lovettsville, Va., v. The United States; In the cause of The Cumberland Presbyterian Church of Russellville, Ky., v. The United States;

In the cause of The Board of Deacons of the Germantown Baptist Church, of Shelby County, Tenn., v. The United States; In the cause of The Trustees of the Lutheran Church of Toms

Brook, Va., and The Trustees of the Reformed Church of Toms Brook, successors to the Union Church of Toms Brook, v. The United States;

In the cause of The Trustees of the Baptist Church of Waterford, Va., v. The United States;

In the cause of The Trustees of the Methodist Episcopal Church South, of Jeffersonton, Va. v. The United States; and In the cause of The Trustees of the Methodist Episcopal Church of Webster, W. Va., v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed. CREDENTIALS.

Mr. PATTERSON presented the oredentials of Simon Guggenheim, chosen by the legislature of the State of Colorado a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

Mr. OVERMAN presented the credentials of Furnifold Mc-LENDON SIMMONS, chosen by the legislature of the State of North Carolina a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;"

H. R. 714. An act for the relief of Charles B. Bentley :

H. R. 19105. An act granting an increase of pension to William

H. Moser :

H. R. 20088. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903;

H. R. 21043. An act granting an increase of pension to Robert

J. Dewey

H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.;

H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colle-

ton, S. C.; and H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the Woman's Christian Temperance Unions of Richmond, Vincennes, Logansport, South Marion, Westport, Culver, Brazil, Upland, Dupont, Anderson, Norristown, Lebanon, Rossville, and Connersville, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Commercial Club, of El Paso, Ill., remonstrating against the passage of the so-"parcels-post bill;" which was referred to the Commit-

tee on Post-Offices and Post-Roads.

also presented a petition of sundry citizens of Champaign, Ill., praying for the enactment of legislation to regulate the employment of child labor; which was referred to the Committee on Education and Labor.

He also presented a petition of the American Protective Tariff League, of New York City, N. Y., praying for the adop-tion of maximum and minimum tariff duties on foreign prod-ucts; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of the Woman's Christian Temperance Union of Ravenswood, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Wheeling, W. Va., praying that an increased appropriation be made for the improvement of the Ohio River; which was referred to the Committee on Commerce.

Mr. NELSON presented petitions of sundry citizens of Beardsley, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. DU PONT presented petitions of sundry citizens of Frederica and McClellandsville, in the State of Delaware, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MONEY presented a petition of the congregation of the Presbyterian Church of Tupelo, Miss., praying for the enact-ment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. CLARK of Wyoming presented the memorial of Frank J. Boudinot, representing the full-blood Cherokees, relative to the allowance of fees and expenses to the attorneys for the Chero-kees by blood of the so-called "intermarried white-man cases," etc.; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a memorial of the business committee of the Absentee Shawnee Indians, relative to the claim of these Indians for certain lands; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DEPEW presented a petition of the Woman's Christian Temperance Union of Lockport, N. Y., and a petition of sundry citizens of Andover, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a memorial of the Woman's Christian Temperance Union of Columbus, Ky., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Columbus, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BULKELEY presented a petition of the Business Men's Association of New Britain, Conn., praying for the enactment of legislation providing for an increase in the salaries of all clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented petitions of sundry citizens of Marysville, Charleston, Seattle, and Skagit County, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CRANE, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon: A bill (H. R. 4271) for the relief of Patrick J. Madden; and

A bill (H. R. 14381) authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 825) to authorize street railway companies in the District of Columbia to convey small freight, express matter, etc., reported it with amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 24821) to authorize the Georgia South-western and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia, reported it without amendment.

WARNER, from the Select Committee on Industrial Expositions, to whom was referred the message of the President of the United States, transmitting a report of the Secretary of State urging that the Government of the United States be fittingly represented at the International Maritime Exposition to be held at Bordeaux, France, submitted a report thereon, and moved that it be referred to the Committee on Appropria-

tions; which was agreed to.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 22264) granting an increase of pension to Libby Barnhill, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 17334) granting an increase of pension to Henry Power, reported it with an amendment, and submitted a report

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20727) granting an increase of pension to William Conwell;

A bill (H. R. 23051) granting an increase of pension to Volna S. Topping

A bill (H. R. 22827) granting an increase of pension to Mary

A bill (H. R. 22771) granting an increase of pension to William J. Courter;

A bill (H. R. 22766) granting an increase of pension to Soren V Kalsem

A bill (H. R. 22941) granting an increase of pension to Lucinda Davidson

A bill (H. R. 22881) granting an increase of pension to Thomas L. Williams

A bill (H. R. 22858) granting an increase of pension to John

A bill (H. R. 22829) granting an increase of pension to George Spalding

A bill (H. R. 22015) granting an increase of pension to William Reese

A bill (H. R. 23122) granting an increase of pension to Melissa D. Whitman

A bill (H. R. 23133) granting an increase of pension to John

A bill (H. R. 23166) granting an increase of pension to William S. Voris

A bill (H. R. 23171) granting an increase of pension to Harmon Veatch

A bill (H. R. 23263) granting an increase of pension to Michael Downs

A bill (H. R. 18433) granting an increase of pension to William Wentz A bill (H. R. 19385) granting an increase of pension to Agnes

E. Calvert A bill (H. R. 22757) granting an increase of pension to Joshua

A bill (H. R. 22926) granting a pension to Louisa Bartlett; A bill (H. R. 22976) granting an increase of pension to Milton

A bill (H. R. 22993) granting an increase of pension to Emily

Hibernia Trabue;
A bill (H. R. 22994) granting an increase of pension to Lucinda C. Musgrove;

A bill (H. R. 22995) granting an increase of pension to Nathaniel Y. Buck; and A bill (H. R. 23036) granting an increase of pension to John

C. Mitchell.

Mr. FULTON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20169) for the relief of Margaret Neutze, of Leon Springs, Tex.;

A bill (H. R. 4233) to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer Sebascodegan in collision

with the U. S. S. Woodbury;
A bill (H. R. 7960) for the relief of John C. Ray, assignee of John Gafford, of Arkansas

A bill (H. R. 8080) for the relief of S. Kate Fisher; A bill (H. R. 12840) for the relief of L. Biertempfel; A bill (H. R. 5622) for the relief of M. D. Wright and Robert

Neill:

A bill (H. R. 9109) for the relief of J. H. Henry

A bill (H. R. 12686) for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward; and

A bill (H. R. 12560) for the relief of John C. Lynch,

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22092) granting an increase of pension to Simon McAteer

A bill (H. R. 22088) granting an increase of pension to Gottlieb Schweizer

A bill (H. R. 22085) granting an increase of pension to Randolph Wesson

A bill (H. R. 22073) granting an increase of pension to Eliza M. Scott A bill (H. R. 22065) granting an increase of pension to Henry

Utter A bill (H. R. 21960) granting an increase of pension to Sarah

Retts A bill (H. R. 21915) granting an increase of pension to John A. Smith

A bill (H. R. 21913) granting an increase of pension to Henry Pieper

A bill (H. R. 21909) granting an increase of pension to George W. W. Tanner; A bill (H. R. 22243) granting an increase of pension to James

W. Campbell;

A bill (H. R. 22241) granting an increase of pension to Stephen Robinson;

A bill (H. R. 22238) granting an increase of pension to James

A bill (H. R. 22237) granting an increase of pension to Nathan Lawson;

A bill (H. R. 22217) granting an increase of pension to George W. Boughner;

A bill (H. R. 22214) granting an increase of pension to

Thomas J. Prouty;
A bill (H. R. 22203) granting an increase of pension to Oliver J. Burns

A bill (H. R. 22155) granting an increase of pension to An-

drew J. Armstrong;
A bill (H. R. 22103) granting an increase of pension to War-

A bill (H. R. 22102) granting an increase of pension to Borre

A bill (H. R. 22004) granting an increase of pension to Albert J. Hamre

A bill (H. R. 22090) granting an increase of pension to Severt

A bill (H. R. 22069) granting an increase of pension to Caroline W. Congdon;

A bill (H. R. 22067) granting an increase of pension to Levi E Miller

A bill (H. R. 22048) granting an increase of pension to Orrin

Freeman;
A bill (H. R. 22047) granting an increase of pension to

George Tinkham: A bill (H. R. 22039) granting a pension to Alethia White: A bill (H. R. 22024) granting an increase of pension to Eld-

ridge Underwood; A bill (H. R. 22003) granting an increase of pension to Alex-

ander Matchett:

A bill (H. R. 21997) granting an increase of pension to Martha Joyce A bill (H. R. 21991) granting an increase of pension to Red-

mond Roche; and

A bill (H. R. 21961) granting an increase of pension to Harvey F. Wood.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 21643) granting an increase of pension to Ed-

ward Ford :

A bill (H. R. 20187) granting an increase of pension to John J. Duff :

A bill (H. R. 23870) granting an increase of pension to America J. Austin;

A bill (H. R. 19067) granting an increase of pension to Thomas J. Smith; A bill (H. R. 22500) granting an increase of pension to Minor

Cleavenger

A bill (H. R. 22452) granting an increase of pension to Wil-A bill (H. R. 22451) granting an increase of pension to John

A bill (H. R. 22448) granting a pension to F. Medora John-

A bill (H. R. 22447) granting an increase of pension to Frank

Schadler A bill (H. R. 22266) granting an increase of pension to Del-

phie Thorne bill (H. R. 22270) granting an increase of pension to

Michael Hogan A bill (H. R. 22272) granting an increase of pension to George

W. Rodefer;

A bill (H. R. 22288) granting an increase of pension to Samuel L. Davis; A bill (H. R. 22306) granting an increase of pension to

A bill (H. R. 22310) granting an increase of pension to Mary

A bill (H. R. 22376) granting an increase of pension to William M. Colby;
A bill (H. R. 22409) granting an increase of pension to Margaret A. McAdoo;
A bill (H. R. 22420) granting an increase of pension to Educated Worlds.

ward Wesley Ward;

A bill (H. R. 22422) granting an increase of pension to William J. Johnson;

A bill (H. R. 22431) granting an increase of pension to Alden

A bill (H. R. 22442) granting an increase of pension to John Clark; and

A bill (H. R. 22444) granting an increase of pension to William Oliver Anderson.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports

A bill (H. R. 129) for the opening of a connecting parkway

along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia; A bill (H. R. 23384) to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"

A bill (H. R. 21684) to amend section 2 of the act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906; approved March 31, 1906;

A bill (H. R. 23201) to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901;" and
A bill (H. R. 22350) to authorize the recorder of deeds of the

District of Columbia to recopy old records in his office, and for other purpose

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7526) to authorize the Commissioners of the District of Columbia to close and abandon roadways in said District outside of the city of Washington, and to transfer the title of the United States in said roadways to abutting owners, and for other purposes, reported it with amendments, and submitted a report thereon.

COURT TERMS IN NORTHERN DISTRICT OF WEST VIRGINIA.

Mr. DILLINGHAM. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 16386) to fix the time of holding the circuit and district courts for the northern district of West Virginia, to report it favorably without amendment.

Mr. SCOTT. I ask unanimous consent for the present consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend so much of the act of Congress approved January 22, 1901, entitled "An act to divide the State of West Virginia into two judicial districts," as relates to the time of holding the regular terms of the circuit and district courts of the United States for the Northern district of West Virginia so as to read as follows:

Regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year:

At Wheeling, on the first Tuesday of April and third Tuesday of September; at Clarksburg, on the third Tuesday of April and first Tuesday of October; at Martinsburg, on the second Tuesday of May and third Tuesday of November. And the circuit and district courts shall be held at Parkersburg beginning on the second Tuesday of January and second Tuesday of June of each year: Provided, That a place for holding said courts at Philippi shall be furnished to the Government free of cost by the county of Barbour until other provision is made therefor by law.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ESTHER ROUSSEAU.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 22362) for the relief of Esther Rousseau, to report it favorably without amendment.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to confer upon the Court of Claims jurisdiction to hear, determine, and render final judgment upon the claim of Esther Rousseau for horses belonging to her and killed and destroyed upon the Cheyenne River Indian Reservation, or elsewhere, in the State of South Dakota, by the Indian agent in charge of said Cheyenne River Indian Reservation and other persons under his authority, with right of appeal as in other cases, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 8263) granting an increase of pension to Martha L. Bohannon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8264) for the improvement of the national boulevard, at Fredericksburg, Va., owned by the

United States; which was read twice by its title, and referred

to the Committee on Military Affairs.

He also introduced a bill (S. 8265) for the relief of Susan J. Stegler; which was read twice by its title, and referred to the Committee on Claims

Mr. LODGE introduced a bill (8, 8266) to increase the effi-ciency of the personnel of the line of the Navy of the United

States; which was read twice by its title.

Mr. LODGE. Mr. President, I hardly expect that any action will be taken upon the bill at this late stage of the session, but I introduced it so that it may be before the Senate and Senators may have an opportunity to examine its provisions, about which

I think there is some misunderstanding.

I move that the bill be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. CRANE introduced a bill (S. 8267) for the relief of the owners of the schooner Walter B. Chester; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 8268) for the relief of the trustees of the Christian Church, of Union City, Tenn.; which was read twice by its title, and referred to the Committee on

Mr. McENERY introduced a bill (S. 8269) for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company; which was read twice by its title, and re-ferred to the Committee on Finance.

Mr. OVERMAN introduced a bill (S. 8270) to provide for the holding of United States district and circuit courts at Salisbury, N. C.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SCOTT introduced a bill (S. 8271) granting a pension to W. W. Shock; which was read twice by its title, and referred to

the Committee on Pensions. Mr. BLACKBURN introduced a bill (S. 8272) to authorize the Court of Claims to admit as evidence affidavits in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FULTON introduced a bill (8, 8273) for the relief of the State of Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (8, 8274) to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate \$3,500 to enable the Commissioners of the District of Columbia to employ special counsel to enforce, by proceedings in the proper courts, the lien of said District for unpaid taxes, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$4,000 for grading and improving Chesapeake street, Brookville road to Grant road, NW., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing that under rules and regulations prescribed by the Secretary of the Interior the Indians of the Fort Belknap Reservation, in Montana, may lease their lands, both allotted and tribal, not to exceed 20,000 acres, for culture of sugar beets, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL

Mr. LODGE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the oninibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

RULES AND REGULATIONS OF POST-OFFICE DEPARTMENT.

Mr. HEYBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be requested to furnish to the Senate, for its information, a copy of all rules and regulations governing the Post-Office Department in its various branches.

RULES AND REGULATIONS OF DEPARTMENT OF JUSTICE.

Mr. HEYBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be requested to furnish to the Senate, for its information, a copy of all rules and regulations governing the Department of Justice in its various branches.

RULES AND REGULATIONS OF STATE DEPARTMENT.

Mr. HEYBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be requested to furnish to the Senate for its information a copy of all rules and regulations governing the Department in its various branches.

RULES AND REGULATIONS OF TREASURY DEPARTMENT.

Mr. HEYBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish to the Senate for its information a copy of all rules and regulations governing the Department in its various branches.

RULES AND REGULATIONS OF INTERIOR DEPARTMENT.

Mr. HEYBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to furnish to the Senate for its information a copy of all rules and regulations governing the Department in its various branches.

RULES AND REGULATIONS OF AGRICULTURAL DEPARTMENT.

Mr. HEYBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture be requested to furnish to the Senate for its information a copy of all rules and regulations governing the Department in its various branches.

RULES AND REGULATIONS OF DEPARTMENT OF COMMERCE AND LABOR.

Mr. HEYBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Commerce and Labor be requested to furnish to the Senate for its information a copy of all rules and regulations governing the Department in its various branches.

REPRINT OF INDIAN APPROPRIATION BILL

Mr. CLAPP. I ask that an order may be made for a reprint of the Indian appropriation bill. I am informed at the document room that all the copies of the present print have been exhausted.

The VICE-PRESIDENT. In the absence of objection, the or-

der to reprint will be made.

CONSIDERATION OF INDIAN APPROPRIATION BILL.

Mr. CLAPP. I wish to state that to-morrow morning, at the conclusion of the morning business, I shall move that the Senate proceed to the consideration of the Indian appropriation bill.

SENATOR FROM UTAH.

Mr. BERRY. Mr. President, I desire to state, if no appropriation bill shall be under consideration on next Wednesday morning, that after the conclusion of the morning business I should like to submit some remarks on the question of the right of the Senator from Utah [Mr. SMOOT] to a seat in this body.

YELLOWSTONE NATIONAL PARK.

Mr. HALE. Mr. President, I ask that we may now go to the Calendar.

The VICE-PRESIDENT. The Calendar under Rule VIII is in The first bill on the Calendar will be stated.

The bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National was announced as first in order.

Mr. HEYBURN. I suggest, Mr. President, that that bill go to the Calendar under Rule IX. The VICE-PRESIDENT. The bill will go to the Calendar un-der Rule IX, at the request of the Senator from Idaho.

AGREEMENT WITH YANKTON SIOUX INDIANS.

The bill (S. 2993) to ratify an agreement with the Yankton Sioux Indians of South Dakota, and making appropriation to carry the same into effect, was next in order.

The VICE-PRESIDENT. The bill the title of which has

just been stated was passed on December 10, and the votes by which it was ordered to be engrossed for a third reading, read the third time, and passed were reconsidered. The bill is now

in the Senate and open to amendment.

Mr. NELSON. I ask that that bill go over.

The VICE-PRESIDENT. The bill will lie over without preju-

ADMINISTRATION OF RECLAMATION ACT.

The bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the "reclamation act," was announced as next in order.

The VICE-PRESIDENT. The bill was read on June 24 last; on June 25 an amendment was agreed to; on December 18 the bill was considered as in Committee of the Whole, and an amendment was offered by the Senator from Idaho [Mr. Heyburn] to strike out section 5. The bill then went over without prejudice. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. CLARK of Wyoming. I should like to know the purport Is the bill now under consideration by the Senate?

of the bill. Is the bill now under consideration by the Senate:

The VICE-PRESIDENT. It is now under consideration, senate:
ject to objection. It is a bill providing for the administration
of the operations of the act of Congress approved June 17, 1902,
known as the "reclamation act."

Mr. CLARK of Wyoming. I think, perhaps, Mr. President,
that the bill will lead to considerable discussion. It is a very

important matter, and I suggest that it go over.

The VICE-PRESIDENT. The bill will go over without preju-

EMPLOYMENT OF CHILD LABOR.

The bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia was announced as next in

Mr. NELSON. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without preju-

EFFICIENCY OF VETERINARY SERVICE IN THE ARMY.

The bill (S. 3927) to increase the efficiency of the veterinary service of the Army was announced as next in order.

Mr. HALE. Mr. President, let that bill go to the Calendar

under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Maine.

SHIP CANAL THROUGH PANAMA CANAL ZONE.

The bill (S. 5965) to establish the plan of a ship canal to be constructed in the Panama Canal Zone, ceded to the United States by the Republic of Panama, under the provisions of the treaty promulgated on the 26th day of February, 1904, was announced as next in order.

Mr. GALLINGER. That is an adverse report. Let the bill

Mr. HALE. Yes; let it go over. The VICE-PRESIDENT. The bill will go over.

ACCEPTANCE OF BRIBE BY UNITED STATES OFFICER,

The bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States was announced as next in order.

The VICE-PRESIDENT. On June 9, 1906, this bill was read at length, and under objection of the senior Senator from Maine [Mr. Hale] it went over. The bill is now before the Senate as

in Committee of the Whole, and open to amendment.

Mr. KEAN. Let the bill be read.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. KEAN. Let the bill be read again, please.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

Mr. HALE. From what committee does this bill come, Mr.

President?
The VICE-PRESIDENT. It comes with a favorable report from the Committee on the Judiciary.
Mr. CULBERSON. Mr. President, I will say that it is a bill which was unanimously reported by the Committee on the Judiciary, as I remember it. It passed the Senate at the last session; that is to say, substantially in its present form it passed at the last session. The Senator will recall the circumstance of what is known as the "leakage" in the Department of Agriculture on the subject of the prospective yield or production. Agriculture on the subject of the prospective yield or production of cotton in the United States. This bill is intended particularly to cover that point, and I hope the Senator from Maine will not object to it.

I think, Mr. President, that we should have an Mr. HALE. opportunity, on account of the marvelous provisions of this bill, to examine it somewhat further. I think the punishment therein provided is much more than commensurate with the offense. I ask that the bill may go to the Calendar under

Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar

under Rule IX.

Mr. CULBERSON subsequently said: A few moments ago, on objection by the Senator from Maine [Mr. Hale] the bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States went to the Calendar under Rule IX. I have the authority of that Senator to have the order rescinded and allow the bill to remain on the Calendar under Rule VIII.

The VICE-PRESIDENT. The order will be rescinded and the bill restored to its place on the Calendar under Rule VIII, there being no objection.

PENSIONS ON ACCOUNT OF INDIAN WARS.

The bill (S. 2887) granting increase of pensions to soldiers and widows of the Indian wars, under the acts of July 27, 1892, and June 27, 1902, was considered as in Committee of the Whole.

The bill was read.

Mr. GALLINGER. Mr. President, we have never legislated on pension bills of any kind, I think, certainly not of late years, granting arrears, and I move to strike out that provision.

The VICE-PRESIDENT. The Chair will state to the Senator from New Hampshire that the committee has reported an amendment to that portion of the bill.

Mr. GALLINGER. If the committee recommends such an amendment, very well.

Mr. KEAN. If there is a report accompanying that bill, I ask that it may be read.

The VICE-PRESIDENT. There is a report, which will be

The Secretary read the report submitted by Mr. Gearin May 28, 1906, as follows:

28, 1906, as follows:

The Committee on Pensions, to whom was referred the bill (8, 2887) granting increase of pensions to soldiers and widows of the Indian wars, under the acts of July 27, 1892, and June 27, 1902, have examined the same and report:

This bill as amended proposes to amend the acts of July 27, 1892, and June 27, 1902, by increasing the amounts allowed to survivors of the Indian wars, mentioned in those acts, from \$8 to \$10 per month. From the evidence submitted to your committee it appears that there are about 5,000 survivors of these wars, and inasmuch as the wars occurred prior to 1856 it is self-evident that the survivors have now reached an advanced age which precludes their earning a living by manual labor. The passage of the bill is therefore recommended when amended as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "ten;" and in line 8, after the word "month," strike out the comma and insert in lieu thereof a period, and strike out the word "beginning" and strike out the entire line 9, making the bill read as follows:

comma and insert in field thereof a period, and state of the signing and strike out the entire line 9, making the bill read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of every pensioner who is now on the roll, or may hereafter be placed on the roll, under the acts of July 27, 1892, and June 27, 1992, to \$10 per month.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "ten;" and in the same line, after the word "month," to strike out "beginning June 27, 1902;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of every pensioner who is now on the roll, or may hereafter be placed on the roll, under the acts of July 27, 1892, and June 27, 1902, to \$10 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3237) providing for public administrators in Indian Territory, and for other purposes, was announced as next

Mr. LONG. I ask that the bill may go to the Calendar under Rule IX

The VICE-PRESIDENT. The bill will go to the Calendar

under Rule IX, at the request of the Senator from Kansas.

The bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States was announced as next in order.

Mr. GALLINGER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without preju-

The bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska was announced as next in order.

Mr. KEAN. Let the bill go over. Let it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from New Jersey.

The bill (S. 6255) to amend section 4 of an act entitled act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, was announced as next in order.

Mr. LONG. I ask that the bill may go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar

under Rule IX, at the request of the Senator from Kansas.

The bill (S. 6119) for the protection of animals, birds, and fish in the forest reserves of California, and for other purposes, was announced as next in order.

Mr. PERKINS. The senior Senator from Colorado [Mr. Tel-LER] is absent. At the time when this bill was under consideration some days since, while he was in favor of the principle embodied in the bill, he believed that the State has jurisdiction in this respect over forest reservations, and that it is therefore unnecessary to pass the bill. Out of courtesy to the Senator from Colorado, who is absent, I ask that the bill may go over

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from California.

SALARY OF LETTER CARRIERS.

The bill (S. 6075) to regulate the salaries of letter carriers in

free delivery offices was announced as next in order.

The VICE-PRESIDENT. The bill has heretofore been read and amended.

Mr. GALLINGER. I ask if that is the bill to which I offered an amendment relating to the rural-delivery carriers which was agreed to?

The VICE-PRESIDENT. It is the same bill.

Mr. CLAY. The bill comes from the Committee on Post-Offices and Post-Roads with a favorable report, and I believe the Senator from New Hampshire offered an amendment so as to include rural free-delivery carriers, fixing their salaries at

Mr. GALLINGER. I did; and it is in the bill now. Mr. CLAY. I understand that the principal features of this bill have been incorporated in the post-office appropriation bill now pending in the House, and I am sure that the entire subject will be discussed when the post-office appropriation bill comes to the Senate committee. I think it probably best that this bill should wait until action is taken on the post-office appropriation bill.

Mr. KEAN. Then let it go over.
Mr. CLAY. I will ask that it may go over. I favor, however, the principles set forth in the bill.

Mr. GALLINGER. I will ask the Senator from Georgia, be-fore it goes over, if there is no objection to the bill, and it will take but a moment, would it not be well for the Senate to put itself on record in its favor?

Mr. CLAY. I have no objection to that course.

Mr. GALLINGER. Very well. Then let the bill be put on its passage. It has been read and amended.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CLAY. The amendment proposed by the Senator from

New Hampshire was agreed to?

The VICE-PRESIDENT. It was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP LONEY.

The bill (S. 2781) for the relief of Philip Loney was announced as next in order.

The VICE-PRESIDENT. The Chair will call the attention of the Senate to the fact that there is a similar House bill upon

the Calendar.

Mr. KEAN. May I have a part of the report read in this case? I only want to see if I can call to mind what the bill is.

The VICE-PRESIDENT. The report accompanying the

House bill has not yet been returned from the Printer. Mr. KEAN. But let just a few words of the first part of the report accompanying the Senate bill be read. I am rather familiar with all these bills, and I think I can recall it if I hear the first part of the report read.

The VICE-PRESIDENT. The Secretary will read as re

quested.

The Secretary proceeded to read the report submitted by Mr. CLAPP, from the Committee on Claims, June 12, 1906.

Mr. KEAN. The Secretary need not read further. Let the House bill be considered instead of the Senate bill. I remember the case perfectly now.

The VICE-PRESIDENT. The Senator from New Jersey moves the indefinite postponement of Senate bill 2781.

The motion was agreed to.

The bill (H. R. 9778) for the relief of Philip Loney was considered as in Committee of the Whole. It proposes to pay to Philip Loney, late sergeant, Company I, Ninth Regiment United States Infantry, \$553, being the amount of money belonging to Loney deposited with Lieut. J. K. Allen, acting quartermaster of said regiment, and appropriated by the United States after the death of Allen.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF SAMUEL LEE.

The bill (H. R. 850) making appropriation to pay the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claims for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein was announced as the next in order on the Calendar.

The VICE-PRESIDENT. There is a memorandum with the bill to the effect that the Senator from South Carolina [Mr. TILLMAN], the Senator from Texas [Mr. Balley], the Senator from Montana [Mr. CARTER], and the Senator from Kentucky [Mr. Blackburn] desire to be present when the bill is considered. The Chair invites the attention of the Senator from

South Carolina to the bill.

Mr. TILLMAN. I ask that the bill may go over. The VICE-PRESIDENT. The bill will lie over.

JOHN SCOTT.

The bill (S. 2951) for the relief of John Scott was announced as next in order.

Mr. NELSON. Let the bill go over.

Mr. SPOONER. I should like to hear some explanation of

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Minnesota.

REFUND OF DUTIES.

The bill (S. 2416) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ESTATE OF GEORGE W. SOULE.

The bill (S. 188) for the relief of the legal representatives

of George W. Soule was announced as next in order.

Mr. BURKETT. There is a minority report with the bill, and probably it would take time to consider it. I ask that it

may go over.
The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Nebraska.

NEW MATTER IN CONFERENCE REPORTS.

The next business on the Calendar was Senate resolution 146, proposing an amendment to the rules relating to points of order on new matter that may be included in conference

reports, etc.
Mr. GALLINGER. Let the resolution go over under Rule IX. The VICE-PRESIDENT. The resolution will go to the Cal-

endar under Rule IX.

QUONG HONG YICK.

The bill (H. R. 5223) to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States was considered as in Committee of the Whole. It proposes to pay \$270.41 to Quong Hong Yick for one case of opium erroneously condemned in the United States court and sold by the marshal under a writ of venditioni exponas.

Mr. SPOONER. Is there a report with the bill?

The VICE-PRESIDENT. There is no report accompanying the bill.

Mr. GALLINGER. There may be a House report, I will sug-

gest. It is a House bill.

The VICE-PRESIDENT. The bill was reported by the senior Senator from Virginia [Mr. DANIEL], who is present. Mr. SPOONER. From what committee?

The VICE-PRESIDENT. The bill was reported from the Finance Committee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JURISDICTION OF DISTRICT COURTS IN HAWAII.

The bill (S. 2621) to amend an act entitled "An act to provide a government for the Territory of Hawaii" was considered as in Committee of the Whole.

The bill was reported from the Committee on Pacific Islands and Porto Rico with amendments, in line 7, after the word "shall," to insert "also;" in line 8, after the word "have," to strike out the word "also;" and at the end of the bill to insert:

And in any action commenced in the circuit courts of the Territory of Hawaii in which the defendant shall be a nonresident of said Territory, such nonresident defendant shall be entitled to cause the said action to be removed to the said district court of the United States, in accordance with the laws of the United States governing the removal of causes and other proceedings as between the courts of the United States and the courts of the several States.

Mr. SPOONER. The Senator from California [Mr. FLINT]

reported the bill.

Mr. FLINT. The bill was approved by the Attorney-General and by the bar association of Hawaii, and was reported after a conference with the Senator from Washington [Mr. Piles] and myself. It simply gives a nonresident of Hawaii the right to remove a cause to the Federal courts, and also concurrent jurisdiction with the Territorial court in certain cases.

Mr. SPOONER. The same as exists in the States.

Mr. FLINT. The same as exists in the States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE PANAMA RAILBOAD.

The next business on the Calendar was Senate resolution 184, directing the Committee on Interoceanic Canals to inquire and report by bill or otherwise whether any or what action is necessary to bring the alleged corporation of the Panama Railroad within the control of the Isthmian Canal Commission.

Mr. KEAN. Let that go over, Mr. President

The VICE-PRESIDENT. The resolution will go over without prejudice.

Mr. KEAN. Let it go to the Calendar under Rule IX.

The VICE-PRESIDENT. The resolution will go to the Calendar under Rule IX, at the request of the Senator from New

INDIAN TRIBAL FUNDS.

The bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds was read.

Mr. KEAN. Let the report on that bill be read.

The VICE-PRESIDENT. The report will be read.

The VICE-PRESIDENT. The report will be read.

The Secretary proceeded to read the report submitted by Mr. Clarp December 17, 1906.

Mr. SPOONER. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without preju-

dice, at the request of the Senator from Wisconsin.

PENSIONS OF ARMY NURSES.

The bill (S. 695) increasing the pensions of Army nurses was announced as next in order.

Mr. KEAN. I observe that there is a minority report with the bill, and I think it had better go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Jersey.

DISCONNECTED TRACTS OF PUBLIC LAND.

The bill (S. 6810) to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895, approved June 27, 1906, was considered as in Committee of the

Mr. CULBERSON. I should like to have the Secretary read again that portion of the bill which seems to be incomplete.

The VICE-PRESIDENT. There is a blank to be filled in line

4 on page 2

Mr. HANSBROUGH. I think "thirty days" would be the proper time to insert there. The Senator from North Dakota

The VICE-PRESIDENT. proposes an amendment, which will be stated.

The Secretary. It is proposed to fill the blank on page 2, line 4, by inserting the word "thirty" before "days;" so as to make'the bill read:

make the bill read:

Be it enacted, etc., That the act of June 27, 1906, entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," be, and the same is hereby, amended so as to read as follows:

"That it shall be lawful for the Commissioner of the General Land Office to order into market and sell, at public auction at the land office of the district in which the land is situated, for not less than \$1.25 per acre, any isolated or disconnected tract or parcel of the public domain less than one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: Provided, That this act shall not defeat any vested right which has already attached under any pending entry or location."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF FORTIFICATIONS, ETC.

The bill (S. 7614) to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other pur-poses," approved July 7, 1898, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

DAM ACROSS SAVANNAH RIVER AT GREGG SHOALS.

The bill (S. 6987) permitting the building of a dam across the Savannah River at Gregg Shoals was announced as the next

business in order on the Calendar.

The VICE-PRESIDENT. The Chair calls the attention of the junior Senator from South Carolina [Mr. LATIMER] to the fact that this bill, as the Chair understands, is similar to a House bill which was passed at the request of the Senator from South

Mr. LATIMER. Then I move that the bill be indefinitely postponed.

The motion was agreed to.

DUTIES OF DEPUTY COLLECTORS OF CUSTOMS.

The bill (H. R. 19749) to prescribe the duties of deputy collectors of customs was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to appoint a deputy collector of customs and other customs officers at ports and sub-ports of entry in the several customs collection districts, and deputy collectors thus appointed shall have authority to receive entries, collect duties, and to perform any and all functions prescribed by law for collectors of customs, subject to such regulations and restrictions as the Secretary of the Treasury shall prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON DRAINAGE OF SWAMP LANDS, ETC.

Senate resolution No. 162, directing the Secretary of Agriculture to submit a report on drainage of swamp, tidal, and overflowed lands, etc., was announced as the next business in order.

Mr. HEYBURN. I ask that the resolution may go over.

Let it go to the Calendar under Rule IX.

The VICE-PRESIDENT. At the request of the Senator from New Jersey the resolution will go to the Calendar under Rule IX. Mr. LATIMER. I did not hear what the Senator from New Jersey said.

The VICE-PRESIDENT. The Senator from Idaho asked that the resolution go over, and the Senator from New Jersey requested that it go to the Calendar under Rule IX.

Mr. LATIMER. I wish to ask the Senator from New Jersey

if he will not consent that it may go over under Rule VIII?

Mr. KEAN. If the Senator from South Carolina desires that the resolution retain its place on the Calendar, I have no special

The VICE-PRESIDENT. Without objection, the resolution will remain on the Calendar under Rule VIII.

LEGAL REPRESENTATIVE OF W. W. JACKSON, DECEASED.

The bill (S. 1569) for the relief of the estate of W. W. Jackson, deceased, was considered as in Committee of the Whole. It proposes to pay to the legal representative of William W. Jackson, deceased, of Washington, D. C., \$6,630 as premiums and expenses for recruiting men for the First Mississippi Mounted Rifles, who were duly mustered into service during the late war of the re-

Mr. CULLOM. Is there a report accompanying the bill?

Mr. KEAN. Let us have the report on the bill.
The VICE-PRESIDENT. The report will be read, at the

request of the Senator from New Jersey.

The Secretary proceeded to read the report submitted by Mr. CLAPP from the Committee on Claims January 12, 1907.

Mr. GALLINGER. As the Senator who reported the bill is not present, I ask that it may go over.

The VICE-PRESIDENT. The bill will go over without

prejudice.

PROTECTION OF GAME IN THE OLYMPIC FOREST RESERVE.

The bill (H. R. 15335) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington, was announced as the next business in order on the Calendar.

Mr. PILES. I ask that the bill may go over, retaining its place on the Calendar. I have received some protests from Washington against it, which I should like to consider.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Washington.

EPHRAIM GREENAWALT.

The bill (H. R. 1142) for the relief of Ephraim Greenawalt was considered as in Committee of the Whole. It proposes to pay to Ephraim Greenawalt, of Lancaster County, Pa., \$300, for commutation money alleged to have been unlawfully collected from him by the military authorities of the United States April 5, 1864,

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF WHISTLING BY STEAM VESSELS.

The bill (H. R. 17624) to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905, was considered as in Committee of the Whole. It proposes to amend the act named by adding thereto the words:

Including regulations governing the use of whistles as signals by steam vessels and prohibiting useless and unnecessary whistling.

Mr. CLAY. From what committee does the bill come, Mr. President?

Mr. FRYE. From the Committee on Commerce.

The VICE-PRESIDENT. The bill was reported from the Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BLACK.

The bill (S. 7467) to provide for the division of a penalty re-covered under the alien contract-labor law was considered as in Committee of the Whole. It proposes to pay \$500 as an informer's fee to William Black, who furnished information which enabled the United States to recover from John Huggins in the United States district court for the southern district of New York \$4,000 as penalties for violation of the alien contract-labor

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DURHAM W. STEVENS.

The bill (S. 6544) for the relief of Durham W. Stevens was considered as in Committee of the Whole. . It proposes to pay to Durham W. Stevens, or his personal representatives, \$1,983.06 in full satisfaction of his claim for services as chargé d'affaires ad interim at Tokyo from October 25, 1878, to May 21, 1879.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS, MO.

The bill (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, was considered as in Committee of the Whole. It provides that the city of St. Louis shall have authority to construct the bridge mentioned in the act referred to under and subject to the limitations and restrictions mentioned in that act, if the actual construction of the bridge therein authorized shall be commenced within one year from the approval of the proposed act and completed within three years from the same date.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONDEMNED CANNON FOR PRESTON, IOWA.

The joint resolution (H. J. Res. 195) authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

CAPTAINS IN THE PHILIPPINE SCOUTS.

The bill (S. 6104) to create the office of captain in the Philippine Scouts was considered as in Committee of the Whole. It proposes to create the office of captain in the Philippine Scouts as a grade of rank in the military establishment. The captains shall be selected from officers of the grade of first lieutenants in the Scouts and shall be given provisional appointments for periods of four years each; but no appointments shall be continued for a second or subsequent period unless the officers' conduct shall have been satisfactory in every respect. The number of officers provisionally appointed under the terms of the proposed act shall not at any time exceed the number of companies of native troops which may be formed by the President from time to time for service in the Philippine Islands.

The bill was reported to the Senate without amendment, ordered to be engressed for a third reading, read the third time, and passed.

EXTENSION OF T STREET.

The bill (H. R. 5971) authorizing the extension of T street (formerly W street) NW. was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, to strike out section 1 and insert in lieu thereof the following:

That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute proceedings to condemn the land that may be necessary for the extension of T street from Thirty-fifth street to Wisconsin avenue, formerly High or Thirty-second street west, with a width of 60 feet, and from Wisconsin avenue to the east side of proposed Rock Creek drive with a width of 90 feet.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 21, before the word "hundred," to strike out "three" and insert "six;" so as to read:

That the sum of \$600, or so much thereof as may be necessary, is hereby appropriated, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENALTY FOR IMPROPER USE OF STREET RAILWAY TRANSFERS.

The bill (S. 826) to amend "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, relating to the improper issue, sale, gift, or use of transfer tickets of street railroads, was announced as the next business in

order on the Calendar, and was read.

Mr. CLAY. I think there ought to be some explanation of

this measure.

Mr. GALLINGER. The Senator who reported the bill is not present. Let it go over.
Mr. CLAY. Yes; let it go over.

The VICE-PRESIDENT. The bill will go over without preju-

POWER STATIONS ON BEAR RIVER, MISSISSIPPI.

The bill (H. R. 21194) to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment at the end of section 1, to insert the following proviso:

Provided, That this act shall in no manner interfere with or impair the rights of any person, company, or corporation heretofore authorized by Congress to erect a dam or other structure for the development of water power on Bear River.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXTENSION OF SCHOOL STREET NW.

The bill (S. 7833) for the extension of School street NW., District of Columbia, was announced as the next business in order on the Calendar and was read.

Mr. HANSBROUGH. The House has passed a bill identical with the Senate bill. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 24932) for the extension of School street NW., to report it favorable without and I sell was in the control of the con ably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HANSBROUGH. I move that the bill (S. 7833) for the extension of School street NW., District of Columbia, be indefinitely postponed.

The motion was agreed to.

FINAL PROOF AND PAYMENT ON PUBLIC LANDS.

The bill (S. 7017) extending the time for making final proof and payment on public lands in certain cases was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 1, line 4, after the word "States," to insert "and for making settlement and final proof under the homestead laws of the United States;" on page 2, line 7, after the word "California," to insert "settlement;" in line 9, after the word "time," to insert "settlement;" in line 10, after the word "would," to insert "be required and;" and

in line 11, after the word "existing," to strike out the word "law" and insert "laws;" so as to make the bill read:

"law" and insert "laws;" so as to make the bill read:

Be it enacted, etc., That the time for making final proof and payment for all lands located under the desert-land laws of the United States and for making settlement and final proof under the homestead laws of the United States, in township 13 south, ranges 12 and 13 east; sections 6, 7, 17, 18, 19, 20, 29, 30, and 31, township 13 south, range 14 east; township 14 south, ranges 12 and 13 east; township 15 south, range 12 east; sections 5, 6, and 7, township 15 south, range 12 east; township 16 south, range 12 east; township 17 south, ranges 12 and 13 east; sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, and 21, township 17 south, range 14 east, San Bernardino base and meridian, in the county of San Diego, Cal., settlement, proof, and payment of which has not been made, be, and the same is hereby, extended for the period of two years from the time settlement, proof, and payment would be required and become due under existing laws.

The amendments were agreed to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

The title was amended so as to read: "A bill extending the time for making settlement, final proof, and payment on public

lands in certain cases."

EXTENSION OF ALBEMARIE STREET NW.

The bill (S. 7795) for the extension of Albemarle street NW. District of Columbia, was considered as in Committee of the

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSUL-GENERAL AT ROTTERDAM.

The bill (S. 7953) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, was considered as in Committee of the Whole. It proposes to amend section 2 of the act named by striking out the name "Rotterdam" in the list of consuls-general where it occurs in that section, and inserting the same after the name "Tientsin" where it occurs in that section under the head of "Consuls-general."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNATION OF LAND FOR STREETS.

The bill (S. 7837) to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets," was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Dis-

The first amendment was, on page 1, section 1, line 6, after the word "Columbia," to insert "regulating proceedings for condemnation of land for streets;" so as to read:

That the act of Congress approved April 30, 1906, and entitled, etc., "regulating proceedings for condemnation of land for streets," be, and the same is hereby, amended.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "widening," to strike out "of" and insert "or;" so as to read:

Widening or straightening of the street.

The amendment was agreed to.

The next amendment was, on page 2, line 23, after the word "thereon," to strike out "shall" and insert "may;" so as to

And the amount of benefits, if any, to be assessed thereon may also take into consideration.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AFFAIRS IN THE KONGO FREE STATE.

Senate resolution No. 194, relative to affairs in the Kongo Free State, was announced as the next business in order on the

Mr. HALE. I am very glad to run across this resolution. I have been hunting in the index for it for a long time, and have not been able to see it before. Perhaps that is owing to the change of spelling from C-o-n-g-o to K-o-n-g-o, but I could not find it, either under the C's or the K's.

Mr. KEAN rose.

Mr. HALE. Does the Senator from New Jersey wish to say something?

Mr. CULLOM. Referring to this resolution, if the Senator from Maine has concluded his remarks

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. Certainly.

Mr. CULLOM. I think it had better go over, as it is the purpose of the senior Senator from Massachusetts [Mr. Lodge] to call up the resolution some time next week if he can get the floor for that purpose.

Mr. KEAN. I was going to say also that I shall ask that the resolution be considered in executive session when it is

considered.

The VICE-PRESIDENT. The resolution will go over without prejudice.

PARKWAY ALONG PINEY BRANCH.

Mr. GALLINGER. I wish to ask the Senator from North Dakota [Mr. McCumber] if he proposes to have the pension bills considered at this time.

Mr. McCUMBER. I think there will be time enough to get through with the pension bills.

Mr. GALLINGER. I will ask the Senator to permit me to

do a little business.

Mr. McCUMBER. Certainly.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 62) for the opening of a connecting parkway along Piney Branch between Sixteenth street and Rock Creek Park, District of Columbia, to report it adversely, and I move that it be indefinitely postponed.

The motion was agreed to.

REGISTRATION OF NURSES IN THE DISTRICT.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 12690) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia, to report it favorably without amendment. As there is a good deal of pressure for the passage of the bill, and it is a proper measure, I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill just reported by him. The bill will be read for the infor-

mation of the Senate, subject to objection.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF GROUNDS FOR PUBLIC BUILDINGS IN THE DISTRICT.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 6649) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

Mr. NELSON. Let that bill go over, Mr. President. The VICE-PRESIDENT. Objection is made.

The VICE-PRESIDENT. Objection is made.

Mr. McCUMBER. As that bill has gone over, I should like to proceed with the Calendar in regular order.

Mr. CULBERSON. Will the Senator allow one small bill to be considered?

Mr. McCUMBER. Certainly.

JOHN B. BROWN.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 15594) for the relief of John B. Brown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Court of Claims to entertain jurisdiction in the Indian depredation claims Nos. 4997 and 8639, filed in that court during the terms of 1890 and 1891 and during the November term, 1892, without reference to the citizenship of John B. Brown, of San Antonio, Tex., now deceased, who originally filed such claims, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GERMAN M. ROUSE.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures.

Mr. KEAN. I give notice that after that bill is passed I

shall insist on the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to German M. Rouse \$3,000, as informer's fees as informant on certain seizures of opium seized on or about December, 1885, and January, 1886, by the United States authorities as a part of the cargo of the steamer *Idaho* and at Cassan Bay, Alaska.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McCUMBER. I now ask that the pension bills may be proceeded with.

NATHAN S. WOOD.

The bill (S. 4875) granting an increase of pension to Nathan S. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Regiment," to insert "Eleventh;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan S. Wood, late of Company F, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. M'KEEVER.

The bill (S. 3266) granting an increase of pension to William P. McKeever was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. McKeever, late of Company H, Nineteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY BETHEL.

The bill (S. 7220) granting an increase of pension to Nancy Bethel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Bethel, widow of Hiram Bethel, late of Company F. Third Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE C. NEWELL.

The bill (S. 7598) granting an increase of pension to Jesse C. Newell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse C. Newell, late first lieutenant Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE TATE.

The bill (S. 7948) granting an increase of pension to Jane Tate was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "First," to insert "Regiment;" in line 8, after the word "Fifth," to insert "Regiment;" and in line 9, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Tate, widow of John W. Tate, late of Company A, First Regiment Rhode Island Volunteer Infantry, and Company F, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROYAL T. MELVIN.

The bill (S. 7918) granting an increase of pension to R. T. Melvin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the initial "R." and insert "Royal;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Royal T. Melvin, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Royal T. Melvin."

JOHN D. ABEL.

The bill (8, 7919) granting an increase of pension to John D. Abel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Captain," to strike out the initials "P. B." and insert "B. P.;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Abel, late of Capt. B. P. Smith's company, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'KNIGHT.

The bill (S. 6076) granting an increase of pension to John McKnight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McKnight, late of Company B, Eleventh Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY MATTER.

The bill (S. 3954) granting an increase of pension to Henry Matter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Matter, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. LITTLE.

The bill (S. 7223) granting a pension to Joseph W. Little was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and be is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Little, late of Company A, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEWAYNE W. SUYDAM.

The bill (S. 7268) granting an increase of pension to Dewayne W. Suydam was considered as in Committee of the

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dewayne W. Suydam, late of Company C. Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB GRELL.

The bill (8, 4936) granting an increase of pension to Jacob Grell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Regiment," to insert "Fifteenth;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the previsions and limitations of the pension laws, the name of Jacob Grell, late of Company B, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAUL J. CHRISTIAN.

The bill (S. 7724) granting an increase of pension to Paul J. Christian was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Paul J. Christian, late of Troop B, Second Regiment United States Dragoons, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEVI S. BAILEY.

The bill (S. 7357) granting an increase of pension to Levi S. Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi S. Bailey, late of Company F, Sixteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

LUDWIG SCHULTZ.

The bill (S. 1209) granting an increase of pension to Ludwig Schultz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ludwig Schultz, late of Company A, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUSTIN C. KENNEDY.

The bill (S. 463) granting an increase of pension to Justin C. Kennedy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justin C. Kennedy, late lieutenant-colonel Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. REUTER.

The bill (S. 7782) granting an increase of pension to Henry F. Reuter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the previsions and limitations of the pension laws, the name of Henry F. Reuter, late of Company G. Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Sénate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. GIBSON.

The bill (S. 6567) granting an increase of pension to George C. Gibson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Heavy," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Gibson, late of Company B, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORATIO S. BREWER.

The bill (S. 4501) granting an increase of pension to Horatio S. Brewer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and Thirteenth Battery Wisconsin Volunteer Light Artillery;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio S. Brewer, late of Company A, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and Thirteenth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH KENNEDY.

The bill (S. 7678) granting an increase of pension to Joseph

Kennedy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before "Artillery," to insert "Heavy;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kennedy, late of Company H, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. HASTINGS.

The bill (8, 7063) granting an increase of pension to William F. Hastings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "William," to strike out the initial "F." and insert "T.;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hastings, late of Company G, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engressed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William T. Hastings."

WILFORD HERRICK.

The bill (S. 7482) granting an increase of pension to Wilford Herrick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company" and insert "unassigned;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twentyfour;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilford Herrick, late unassigned, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. CLAPP.

The bill (S. 7054) granting an increase of pension to Charles H. Clapp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Clapp, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK KURZ.

The bill (S. 7610) granting an increase of pension to Frederick Kurz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Kurz, late of Company B, Tenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS STRONG.

The bill (S. 7609) granting an increase of pension to Thomas Strong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Strong, late of Company K, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is new receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN RUST.

The bill (S. 6962) granting an increase of pension to Franklin Rust was considered as in Committee of the Whole. poses to place on the pension roll the name of Franklin Rust, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. COLE.

The bill (S. 6570) granting an increase of pension to George W. Cole was considered as in Committee of the Whole. It prooses to place on the pension roll the name of George W. Cole, late of Company C, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engressed for a third reading read the third time.

dered to be engrossed for a third reading, read the third time, and passed.

PATRICK COONEY.

The bill (S. 7477) granting an increase of pension to Patrick Cooney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Cooney, late of Company I, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE L. COREY.

The bill (S. 7479) granting an increase of pension to George L. Corey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Corey, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or- the third time, and passed.

dered to be engrossed for a third reading, read the third time, and passed.

JOHN M. SMITH.

The bill (S. 6467) granting an increase of pension to John M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Smith, late of Company H, Seventy-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. HAPGOOD.

The bill (S. 7570) granting an increase of pension to George W. Hapgood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hapgood, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and Company B, Second Regiment New York Volunteer Mounted Rifles, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES SHATTUCK.

The bill (S. 7634) granting an increase of pension to Charles Shattuck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Shat-tuck, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE ARTHUR TAPPAN.

The bill (S. 7493) granting an increase of pension to George Arthur Tappan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant Company H and first lieutenant;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Arthur Tappan, late second lieutenant Company H and first lieutenant Company G, Eighty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN R. LUFKIN.

The bill (S. 7) granting an increase of pension to Edward B. Lufkin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin B. Lufkin, late of Company E, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL B. HUNTER.

The bill (S. 8015) granting an increase of pension to Samuel

B. Hunter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out. "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Hunter, late surgeon Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

JOHN F. ACKLEY.

The bill (S. 8038) granting an increase of pension to John F. Ackley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. late of Company A, Thirteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

EDWARD T. BLODGETT.

The bill (S. 7064) granting an increase of pension to Edward T. Blodgett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward T. Blodgett, late of Company F, First Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

TIMOTHY B. LEWIS.

The bill (S. 6669) granting an increase of pension to Timothy B. Lewis was considered as in Committee of the Whole. proposes to place on the pension roll the name of Timothy B. Lewis, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

THOMAS M. CHASE.

. The bill (S. 6663) granting an increase of pension to Thomas M. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas M. Chase, late of Company A, Sixth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

NANCY LITTLEFIELD.

The bill (S. 12) granting an increase of pension to Nancy Littlefield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Littlefield, widow of Josiah P. Littlefield, late of Company D, Ninth Regiment Maine Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

SAMUEL C. MURDOUGH.

The bill (S. 6913) granting an increase of pension to Samuel C. Murdough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel C. Murdough, late of Company G, Fourteenth Regiment New Hampshire Volunteer Infantry, and One hundred and sixty-eighth Company, Second Battalion, Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ADLINE MABRY.

The bill (S. 7175) granting an increase of pension to Adline Mabry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to strike out "Volunteer" and insert "United States;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adline Mabry, widow of Isaiah Mabry, late of Company G, Twelfth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY BITTLESTON.

The bill (S. 5940) granting an increase of pension to Henry Bittleston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read .

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Bittleston, late of Company A, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRIETTA TEAGUE.

The bill (S. 7098) granting an increase of pension to Henrietta Teague was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Teague, widow of George H. Teague, late captain Company B, First Regiment Massachusetts Volunteer Cavalry, and Company B, Fifth Regiment Massachusetts Colored Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET E. CRAIGO.

The bill (S. 5692) granting an increase of pension to Margaret E. Craigo was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Craigo, widow of George W. Craigo, late of Company F. Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA FAGGART.

The bill (S. 7174) granting an increase of pension to Rebecca Faggart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Faggart, widow of Daniel C. Faggart, late of Company C, First Regi-ment North Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. HARVEY.

The bill (S. 6912) granting an increase of pension to James G. Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James G. Harvey, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

HENRY LUNN.

The bill (S. 7667) granting a pension to Henry Lunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Lunn, late unassigned, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

JOHN A. J. TAYLOR.

The bill (S. 2394) granting an increase of pension to John A. J. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Missouri," to insert

"First Regiment;" and in line 7, before the word "Cavalry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. J. Taylor, late of Company I, First Regiment Missouri State Militia Volunteer Cavairy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL LEWIS TURNER.

The bill (S. 7329) granting an increase of pension to Nathaniel L. Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Turner," to strike out the letter "L." and insert "Lewis;" and in the same line, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Lewis Turner, late captain Company E, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nathaniel Lewis Turner."

WILLIAM BOOTH.

The bill (S. 7567) granting a pension to William Booth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Booth, late second lieutenant Company C, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM N. BRONSON.

The bill (S. 7822) granting an increase of pension to William N. Bronson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Bronson, late of Company G. One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. HARRISON.

The bill (S. 3275) granting an increase of pension to Thomas J. Harrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Harrison, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BAKER.

The bill (S. 7503) granting an increase of pension to George W. Baker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Baker, late of Company K, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID DECKER.

The bill (S. 7504) granting an increase of pension to David Decker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Decker, late of Company I, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. LESLIE.

The bill (H. R. 13031) granting an increase of pension to Thomas H. Leslie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Leslie, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES W. MUNCY.

The bill (S. 4865) granting an increase of pension to James W. Muncy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Muncy, late of Company F, Fourteenth Regiment Kentucky Vol-unteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

DANIEL M'CONNELL.

The bill (S. 7237) granting an increase of pension to Daniel McConnell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "civil war;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel McConnell, late of Company I, Tenth Regiment United States Infantry, war with Mexico, and colonel Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARVEY KEY.

The bill (S. 6475) granting an increase of pension to Harvey Key was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "E" and insert "F;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Key, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM D. HUDSON.

The bill (S. 7475) granting an increase of pension to William D. Hudson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Hudson, late of Company G, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN L. STOUGHTON.

The bill (S. 3929) granting an increase of pension to Ellen L. Stoughton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen L. Stoughton, widow of Homer L. Stoughton, late lieutenant-colonel Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT BENNINGTON.

The bill (S. 7870) granting an increase of pension to Albert Bennington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Bennington, late of Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. LETTS.

The bill (S. 7531) granting an increase of pension to William F. Letts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Letts, late of Company A, First Regiment United States Cavalry, and Company E, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRISCILLA L. HAMILLA

The bill (S. 588) granting a pension to Priscilla L. Hamill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first lieutenant and;" in line 9, before the word "dollars," to strike out "fifty" and insert "seventeen;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Priscilla L. Hamill, widow of William A. Hamill, late first lieutenant and adjutant One hundred and fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA M. WOODBURY.

The bill (S. 3446) granting an increase of pension to Anna M. Woodbury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Woodbury, widow of Roger W. Woodbury, late captain Company B, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORIN M. HAWKINS.

The bill (S. 4890) granting an increase of pension to Lorin M. Hawkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorin N. Hawkins, late of U. S. ships Michigan, Potomac, and Princeton, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL B. MOREHEAD.

The bill (S. 2743) granting an increase of pension to Daniel B. Morehead was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Morehead, late of Company G. Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NICHOLAS M. HAWKINS.

The bill (S. 5623) granting an increase of pension to Nicholas

M. Hawkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas M. Hawkins, late of Company M, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE W. GATES.

The bill (8. 1526) granting an increase of pension to Theodore W. Gates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore W. Gates, late of Company A, Ninety-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT H. WHITE.

The bill (S. 5191) granting an increase of pension to Robert H. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert H. White, late of Company F, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

MICHAEL SHEEHAN.

The bill (H. R. 13895) to correct the naval record of Michael Sheehan was considered as in Committee of the Whole. It proposes to remove from the rolls and records of the Navy Department the record of desertion now standing against Michael Sheehan, late landsman on the Potomac flotilla, and to grant him a certificate of honorable discharge, to date July 4, 1865, but the passage of this act shall not entitle him to any bounty or

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BEALL

The bill (H. R. 5651) for the relief of William H. Beall was considered as in Committee of the Whole. It directs the Secretary of the Navy to place on the records as having been honorably discharged the name of William H. Beall, late a paymaster's steward on gunboat Fairplay, and to issue to him a discharge to bear date of August 15, 1863.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

GEORGE H. CHASE.

The bill (H. R. 14634) for the relief of George H. Chase was considered as in Committee of the Whole. It proposes that George H. Chase, late second-class fireman, U. S. S. New York, be held and considered as one and the same person as George H. Eaton, and to have been granted an ordinary discharge from

the United States service as of date of July 26, 1896.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. HELD.

The bill (H. R. 18380) to complete the naval record of Charles W. Held was considered as in Committee of the Whole. It directs the Secretary of the Navy to so amend the naval record of Charles W. Held, late landsman, United States Navy, on U. S. receiving ship North Carolina and U. S. S. St. Louis and Canonicus, as to show him honorably discharged, to date from June 30, 1865.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

ISSUANCE OF LAND PATENTS.

Mr. HEYBURN. Mr. President, I call for the regular order. The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being a resolution submitted by the Senator from Montana [Mr. Carter]; which will be read.

The Secretary read the resolution submitted by Mr. Carter on the 9th instant, as follows:

Resolved. That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent.

Mr. HEYBURN. Mr. President, while I had, in the main, practically concluded my remarks on the resolution before the adjournment yesterday, I will take advantage of this occasion to submit some further remarks, welding together, as it were, the different subjects that have been considered under a final conclusion.

With the consent of the Senate, I desire to insert as part of my remarks Senate bill No. 6647, which is the bill providing for the establishment of the public land court to which I have

The VICE-PRESIDENT. Without objection, permission is granted.

The bill referred to is as follows:

The bill referred to is as follows:

Be it enacted, etc., That there is hereby established additional courts of the United States to be known as "district land courts of the United States," in each of the States and Territories in which are situated lands belonging to the United States which are or may become subject to entry and sale under the laws of the United States, wherever such lands in any State or Territory exceed 2,500,000 acres, and where such lands in any State or Territory do not exceed such number of acres, jurisdiction over such lands may be exercised by a district land court nearest to such lands.

Sec. 2. That the said district land court of the United States shall have jurisdiction to hear and determine, as herein provided, all contests involving the right to entry and patent of the lands of the United States within its jurisdiction in the manner hereinafter provided. Such court shall hold at least one term in each local land district within the jurisdiction of said court during each year for the purpose of hearing and determining causes arising in such local land district. Any decision or order may be made or judgment rendered at any place within the jurisdiction of said court without regard to term time.

Sec. 3. That there shall be appointed by the President, with the advice and consent of the Senate, in each judicial district in which, under the provisions of this act, a land court of the United States is

provided to be established, one judge, who shall have the same qualifications as that of the district court judges of the United States and holding by like tenure of office, and who shall have and exercise all the powers herein conferred upon such district land courts. Said judge shall be entitled to compensation of \$5,000 per annum, payable in equal quarterly installments. That the said courts shall prescribe the style and form of its seal and the form of the writs and other process of procedure, as may be conformable to the exercise of its jurisdiction as conferred by law. The judge of the said court shall appoint a clerk, who shall perform and exercise such duties and powers within its jurisdiction as are provided by law and by the rules of the court. The salary of the clerk of said court shall be \$2,500 per annum, which shall be paid in equal proportions quarterly; the costs and fees of the said court, as the same shall be established by law, shall be expended and accounted for and paid over to the Treasury Department of the United States in the same manner as is provided in respect to the Sec. 4. That the jurisdiction of the head of the states of the court of the United States in the same manner as is provided in respect to the Court of the United States and fees of the said court is stated and office within the district for which said land court is established, or over which its jurisdiction may be extended. Whenever any adverse claim or protest is filed under oath in the office of the register or receiver of any land office of the United States involving the right to enter or receive a patent for such land is denied or contested by or on behalf of the United States, he register of such United States land office shall, within thirty days after the filing of such adverse claim or protest; or after the denial by him of the right of the applicant to receive a patent for the land applied for, upon notice in writing being filed with the register of such land office united States have been such as a second of t

are impaneled in the United States court; but this section shall not apply to cases involving the right to patent mining claims arising under the provision of section 2326 of the Revised Statutes of the United States.

SEC. 5. That section 2326 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 2326. When an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, or by the oath of any duly authorized agent or attorney in fact, of the adverse claimant conjugant of the facts stated, and the adverse claimant if residing, or at the time being, beyond the limits of the district wherein the claim is situated may make oath to the adverse claim before the clerk of any court of record where the adverse claimant may then be, or before any notary public of any State or Territory, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing the adverse claim, to cause the record of said application and of said adverse claim, to cause the record of said application and of said adverse claim, to be certified by said land officers to the land court of the United States having jurisdiction of the controversy under the purpose of determining the question of the right of possession and title to the land and premises in controversy, and the final judgment or decree of said land court therein shall be binding upon the parties and the Government as to the question of the right of possession and title to the said land appreciation of the right of possession and title to the said land office \$5 per acre for the land, together with proper fees, whereupon the whole proceeding and the judgment or decree

such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy. That the parties to the action pending in the land coarts of the United States under the provisions of this act shall have the right to a trial of the facts by a jury to be summoned and empaneled as jurors are summoned and empaneled in actions at law in the courts of the United States, but such right to trial by jury may be waived in writing, to be filed with the clerk of the court, by the parties at any time before trial, in which event the court shall make and file findings of fact and conclusions of law at the time of rendering judgment in such case."

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SEC. & That whenever a contest under the provisions of this act is certified by the register to the district land courts notice thereof shall seement in such case."

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SEC. & That whenever a contest under the provisions of this act is certified by the register to the graties in interest or their attorneys of record in the said land office. Wherever the Government of proceedings shall be served upon the United States attorney for the judical district in which the said land court is situated. The service of any papers or process incident to the exercise of Jurisdiction by the interest of the United States over the age of 21 years. When such notice is required to be given in writing the same may be given through the register of the United States over the age of 21 years. When such notice is required to be given in writing the same may be given through the register of the United States when the said land court of the United States marshal or by an other person as herein provided, may be by return of such service under the fees payable in the United States marshal or by an other person as herein provided, may be by return of such service under the fees payable in the United States circuit court for similar or equivalent service. The court shall have the power to make and enforce rules not inconsistent with the law or the rules of the appellate land court of the United States, under the seal of such court, finally determining the right of the contesting the court of the United States, under the said appellate land court.

SEC. 7. That there is her

SEC. 10. That said "appellate land court of the United States "shall have jurisdiction to hear and determine all causes on appeal from the district land courts of the United States of the several districts, and to make, enter, and enforce all orders, judgments, and decrees, and to make and enforce any and all interlocutory or final orders necessary to the exercise of its jurisdiction, and shall have the power to issue and enforce writs of certiforari, mandamus, and injunction for the furtherance of justice regarding property and claimants thereto under its jurisdiction.

SEC 11. That an appeal may be taken from any final order, judgment, or decree of the appellate land court of the United States to the Supreme Court of the United States in any case wherein the amount or value of the controversy shall exceed the sum of \$5,000, exclusive of interest and costs, and said appeal may be taken in the same manner as appeals are taken from the United States circuit court of appeals to the Supreme Court of the United States in the same manner as appeals are taken from the United States in the same manner as appeals to the Supreme Court of the United States the facts as found by the appellate land court of the United States the facts as found by the appellate land court of the United States shall be taken to be the facts of the case and the Supreme Court of the United States shall review and apply the law applicable to such facts.

SEC. 12. That all laws and rules and regulations made pursuant to existing laws providing for an appeal from or review of decisions of the several United States land offices by the Commissioner of the General Land Office or the Secretary of the Interior of the United States in cases by this act provided to be heard and determined by the land courts be, and the same hereby are, repealed.

SEC. 13. That all causes of the character by this act provided to be heard and determined by the land courts of the United States; and all such causes on appeal from the Commissioner of the General Land Office

Mr. HEYBURN. I desire also, Mr. President, with the consent of the Senate, to insert in the Recorn the entire message of the President-it is brief-under date of December 17, to which I have referred in my remarks, so that it may be printed as a part thereof.

The VICE-PRESIDENT. Without objection, permission is

granted.

The message referred to is as follows:

To the Senate and House of Representatives:

PUBLIC-LAND LAWS.

The message referred to is as follows:

To the Senate and House of Representatives:

PUBLIC-LAND LAWS.

The developments of the past year emphasize with increasing force the need of vigorous and immediate action to recast the public-land laws and adapt them to the actual situation. The timber and stone act has demonstrated conclusively that its effect is to turn over the public timber lands to great corporations. It has done enormous harm. It is no longer needed, and it should be repealed.

The desert-land act results so frequently in fraud and so comparatively seldom in making homes on the land that it demands radical amendment. That provision which permits assignment before patent should be repealed, and the entryman should be required to live for not less than two years at home on the land before patent issues. Otherwise the desert-land law will continue to assist speculators and other large holders to get control of land and water on the public domain by indefensible means.

The commutation clause of the homestead act serves in a majority of cases to defeat the purpose of the homestead act serves in a majority of cases to defeat the purpose of the homestead act stell, which is to facilitate settlement and create homes. In theory the commutation clause should assist the honest settler, and doubtless in some cases it does so. Far more often it supplies the means by which speculators and loan and mortgage companies secure possession of the land. Actual, not constructive, living at home on the land for three years should be required before commutation unless it should appear wiser to repeal the commutation clause altogether.

These matters are more fully discussed in the Report of the Public Lands Commission, to which I again call your attention.

I am gravely concerned at the extremely unsatisfactory condition of the public-land laws and at the prevalence of fraud under their present provisions. For much of this fraud the present laws are chiefly responsible. There is but one way by which the fraudulent acquis

RIGHTS OF WAY AND PRIVILEGES.

Many of the existing laws affecting rights of way and privileges on public lands and reservations are illogical and unfair. Some work

injustice by granting valuable rights in perpetuity without return. Others fail to protect the grantee in his possession of permanent improvements made at large expense. In fairness to the Government, to the holders of rights and privileges on the public lands, and to the people whom the latter serve, I urge the revision and reenactment of these laws in one comprehensive act, providing that the regulations and the charge now in force in many cases may be extended to all, to the end that unregulated or monopolistic control of great natural resources may not be acquired or misused for private ends.

PRIVATE HOLDINGS WITHIN NATIONAL FORESTS.

natural resources may not be acquired or misused for private ends.

PRIVATE HOLDINGS WITHIN NATIONAL FORESTS.

The boundaries of the national forest reserves unavoidably include certain valuable timber lands not owned by the Government. Important among them are the land grants of various railroads. For more than two years negotiations with the land-grant railroads have been in progress looking toward an arrangement by which the forest on railroad lands within national forest reserves may be preserved by the removal of the present crop of timber under rules prescribed by the Forest Service, and its perpetuation may be assured by the transfer of the land to the Government without cost. The advantage of such an arrangement to the Government lies in the acquisition of lands whose protection is necessary to the general welfare. The advantage to the railroads is found in the proposal to allow them to consolidate their holdings of timber within forest reserves by exchange after deeding their lands to the Government and thus to cut within a limited time solid bodies of timber instead of alternate sections, although the amount of timber in each case would be the same. It is possible that legislation will be required to authorize this or a similar arrangement with the railroads and other owners. If so, I recommend that it be enacted.

WORKING CAPITAL FOR THE NATIONAL FORESTS.

WORKING CAPITAL FOR THE NATIONAL FORESTS

Working capital for the National forests now reserved for the use and benefit of the people exceeds considerably the sum of one thousand million dollars. The stumpage value of the standing timber approaches \$700,000,000,000, and together with the range and timber lands, the water for irrigation and power, and the subsidiary values, reaches an amount equal to that of the national property now under the immediate control of the Army and Navy together. But this vast domain is withheld from serving the nation as freely and fully as it might by the lack of capital to develop it. The yearly running expenses are sufficiently met by the annual appropriation and the proceeds of the forests. Under the care of the Forest Service the latter are increasing at the rate of more than half a million dollars a year. The estimate of appropriation for the present year is less than for last year, and it is confidently expected that by 1910 the Forest Service will be entirely self-supporting. In the meantime there is the most urgent need for tralls, fences, cabins for the rangers, bridges, telephone lines, and the other items of equipment without which the reserves can not be handled to advantage, can not be protected properly, and can not contribute as they should to the general welfare. Expenditures for such permanent improvements are properly chargeable to capital account. The lack of reasonable working equipment weakens the protection of the national forests and greatly limits their production. This want can not be supplied from the appropriation for running expenses. The need is urgent. Accordingly I recommend that the Secretary of the Treasury be authorized to advance to the Forest Service, upon the security of the standing timber, an amount, say \$5,000,000,000, sufficient to provide a reasonable working capital for the national forests, to bear interest and to be repaid in annual installments beginning in ten years.

TRANSFER OF THE NATIONAL PARKS. TRANSFER OF THE NATIONAL PARKS.

The national parks of the West are forested, and they lie without exception within or adjacent to national forest reserves. Two years ago the latter were transferred to the care of the Secretary of Agriculture, with the most satisfactory results. The same reasons which led to this transfer make advisable a similar transfer of the national parks, now in charge of the Secretary of the Interior, and I recommend legislation to that end.

INDIAN LANDS.

Within or adjoining national forests are considerable areas of Indian lands of more value under forest than for any other purpose. It would aid greatly in putting these lands to their best use if the power to create national forests by proclamation were extended to cover them. The Indians should be paid the full value of any land thus taken for public purposes from the proceeds of the lands themselves, but such land should revert to the Indians if it is excluded from national forest use before full payment has been made.

TRANSFER OF THE NATIONAL PARKS.

Who control of graving in the patient forests is an assured success.

TRANSFER OF THE NATIONAL PARKS.

The control of grazing in the national forests an assured success. The condition of the range is improving rapidly, water is being developed, much feed formerly wasted is now saved and used, range controversies are settled, opposition to the grazing fee is practically at an end, and the stockmen are earnestly supporting the Forest Service and cooperating with it effectively for the improvement of the range.

The situation on the open Government range is strikingly different. Its carrying capacity has probably been reduced one-half by overgrazing and is still falling. Range controversies in many places are active and bitter, and life and property are often in danger. The interests both of the live-stock industry and of the Government are needlessly impaired. The present situation is indefensible from any point of view, and it should be ended.

I recommend that a bill be enacted which will provide for Government control of the public range through the Department of Agriculture, which alone is equipped for that work. Such a bill should insure to each locality rules for grazing specially adapted to its needs and should authorize the collection of a reasonable grazing fee. Above all, the rights of the settler and home maker should be absolutely guaranteed.

Much of the public land can only be used to advantage for grazing when fenced. Much fencing has been done for that reason, and also to prevent other stock owners from using land to which they have an equal right under the law. Reasonable fencing, which promotes the use of the range and yet interferes neither with settlement nor with other range rights, would be thoroughly desirable if it were legal. Yet the law forbids it, and the law must and will be enforced. I will see to it that the illegal fences are removed unless Congress at the present session takes steps to legalize proper fencing by Government control of the range.

THE WHITE HOUSE, December 17, 1906. Mr. HEYBURN. I also desire to insert as a part of my re-

marks the order of the President under date of January 25, modifying the order of December 13.

The VICE-PRESIDENT. Without objection, permission is granted.

The order referred to is as follows:

THE WHITE HOUSE, Washington, January 25, 1967.

The Secretary of the Interior.

Sir: To prevent the fraud now practiced in the acquisition of public lands of the United States, I have to direct that hereafter no final certificate, patent, or other evidence of title shall be issued under the public land laws until an actual examination has been made on the ground by an authorized officer of the Government; but the following shall be excepted from the force of this order:

(1) All claims which have heretofore been examined on the ground by an authorized officer of the Government whose report is found satisfactory.

by an authorized omicer of the development of the Government other isfactory.

(2) All claims where heretofore an officer of the Government other than officers authorized to take final proof shall have been present at the taking of final proof to cross-examine claimant and witnesses, if such proof is found satisfactory.

(3) All claims where claimant's compliance with law has been established by contest or other regular adverse proceedings.

(4) Entries which may have been confirmed by virtue of any act of Congress.

(4) Entries which may have been communed by the Congress.
(5) Selections and entries in which no residence or improvement is required by law, when the lands embraced therein are, strictly speaking, in agricultural districts, or when their character has been fixed by investigation and classification made in accordance with law.
(6) Cases of reissuance of patents because of some clerical error occurring in the patent heretofore issued.
(7) All Indian allotments which have been regularly approved in accordance with instructions of the Secretary of the Interior.

You will issue all necessary instructions to carry this order into effect.

effect.
This order is in lieu of my order of December 13, 1906.
THEODORE ROOSEVELT.

Mr. HEYBURN. Mr. President, briefly I desire to call attention to the effect of the land policy, against which this resolution is directed, upon the rights of the States. I will take one State as an example of all of the States that are within the public-land area, known as "public-land States."

When Idaho was admitted to the Union it was given an absolute grant in præsenti of certain land. Idaho had adopted its

constitution before applying for admission, and in the admission act of Congress that constitution was accepted and ratified expressly in terms; so that when Congress acted it knew exactly what the constitution of Idaho would be, and the provisions contained in the constitution of Idaho relative to the disposal of the public lands that should be given to the State by the Govern-With that knowledge Congress, in section 4 of the act, provided:

Sec. 4. That sections Nos. 16 and 36 in every township of said State, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

There was first an absolute grant as to sections 16 and 36, and there was a provisional grant as to the indemnity or lieu lands. The language as it is applied to sections 16 and 36 constitutes a grant taking effect at the time of the enactment of the statute under which Idaho became a State. Congress, acting in the spirit of the constitution which was then before it, in section 5 provided:

Sec. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools.

That provision was incorporated into the act because the constitution then before Congress contained a like provision as to the manner of the disposal of sections 16 and 36. It was intended when Idaho was admitted, with those provisions conferring grants of land upon the new State, that the Government of the United States would take all necessary steps to make the grant available. To grant lands to a State and then deliberately to bring about conditions under which the grant would be defeated would be unworthy of contemplation as an act of Con-To hold that the grant did not attach until the land was surveyed, as has been held in some cases where the language of the granting clause was different from that in the case of Idaho, does not answer the demand of the State of Idaho that the lands which were granted by the enabling act shall be de-livered by the Government to the State.

Many of our States received their grant of school lands under different terms than those which were embodied in the act

admitting Idaho. As to many of the States it was said "there shall be granted sections 16 and 36"-" there shall be granted" those sections for school purposes; and the courts held in those cases that that was not a grant in præsenti, but that it was a grant subject to future conditions and subject to the survey and determination of the location of the lands. But in the case where Congress says "there is hereby granted to the State sections 16 and 36," the courts have held that that was such a grant as could not be afterwards taken from the State; that it was such a grant as passed present title to the State and forever severed any connection with or power on the part of the Government over those lands.

That question is directly involved in the message of the President of the United States. By Executive order the United States Government has taken possession of sections 16 and 36 to the extent of a million acres of the public school lands of the United States. Those public school lands have a minimum value under the law of \$10 per acre; they have an aggregate value of \$10,000,000. Public school lands of the United States have been taken possession of pursuant to an Executive order drawing the lines of forest reserve so as to include them. Ten million dollars of the public school funds of the United States, represented by those lands, have been seized by the Government, and the State jurisdiction and authority over those lands has been superseded under that Executive order by forest rangers and other appointive officers under the forestry provisions of the statutes.

Of course, the act of the Government in doing this is void. There can be no question of that. But should the Government of the United States be indulging in vold acts against the school funds of a State? They assume to rent these lands, to lease them for grazing purposes, to sell the timber from them, and dole out to the States an amount fixed not by contract between the Government and the State, but fixed by the will and the pleasure of one of the Departments of the Government alone. They say, "We will set aside for the States 10 per cent of the proceeds of the sale of public lands within the forest reserves for school and road purposes." They were granted to the State for school purposes, and not for road purposes. The constitu-tion of the State says that the proceeds or the income from these lands shall be read to the state of the state. these lands shall be used only for the maintenance of public schools; and yet the General Government, acting under Executive order and an interpretation of an unwise act of Congress, has taken possession of those lands—the school lands of the State—and are cutting the timber from them and selling it. They are leasing for grazing purposes the school lands of the State and disposing of the proceeds—90 per cent to themselves, 10 per cent to the State—with a direction as to the manner of the expenditure, notwithstanding that both the constitution of the State and the act admitting it as a State provide that these lands shall not be sold except at public auction, that they shall not be sold at a price less than \$10 per acre, and that the proceeds shall be devoted exclusively to the public schools. There is the situation.

The message that we have before us proposes that not only shall this system be continued at the hands of the Executive power of the Government, but promises Congress that a request for an appropriation of \$5,000,000 will be presented to us, and it has already been presented to us, for the purpose of enabling the Government to set up on a larger scale in this business of the sequestration and the exclusive control of State school lands. If the State appeals it must appeal to this tribunal that is committing the aggressive acts against the State's interest. If Congress shall deem it wise to substitute the judicial branch of the Government for the executive in determining and interpreting this law, then we will have an opportunity to determine the rights as between the State and

the Government in an impartial judicial tribunal.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Yes.
Mr. NEWLANDS. I understand the Senator to claim that in making these great reserves of forest lands school lands belonging to the State are included, and the result is a practical administration by the United States Government of lands belonging to the schools in the State.

Mr. HEYBURN. Yes; to the exclusion of the State. Mr. NEWLANDS. To the exclusion of the State.

Mr. HEYBURN. And nonproductive to the State.
Mr. NEWLANDS. I wish to ask the Senator whether he
believes the National Government should make these reserves in any degree; and if so, how would he shape the law so as to give the State its rights and the National Government its rights?

Mr. HEYBURN. I would not attempt to take private rights because it would be more convenient to have them. If the Government for the purpose of creating the State, and in consideration of the inducements which such a creation offers for the prosperity of the country, gave those school lands for that purpose, it does not lie in the power of any branch of the Government of the United States to diminish the estate which they gave to the State or embarrass it or encumber it. "The question of convenience suggested by the Senator from Nevada has been oft repeated to meet the suggestion I have just made in regard to the rights of the State, that it would be inconvenient, aye, impossible, for the Government of the United States to create these great baronial forest reserves in the State of Idaho, because, forsooth, the State of Idaho has vested rights there, and that therefore these vested rights must be disregarded in order that the policy and the convenience of the

forest reservers may be conserved.

Mr. NEWLANDS. Mr. President, granting all that the Senator says regarding the rights of States there and the injustice and the inadvisability of interfering at all with the State's rights, I would ask him whether it would be possible to make these reserves without including in their area in some degree

the State lands? Has the Senator any suggestion to make—
Mr. HEYBURN. Yes.
Mr. NEWLANDS (continuing). Regarding the creation of these reserves, or does he insist upon it that the possession by the State of a comparatively few acres of land within the area of the reserve should prevent the National Government from making any reserve at all?

Mr. HEYBURN. It should prevent the United States Government from making a reserve where it can not do so except at the expense of the State. But there are Territories and States in the United States where the grant of land was not such a one as severed the title of the United States from those lands. There a forest reserve can be created, whereas in States that I have in mind the language is "there shall be granted to the State" certain sections, as was the case during Territorial days. In the one case the United States Government retains the control over those lands, but where the grant was made absolute it does not.

Mr. NEWLANDS. Then I understand the Senator to contend that whilst it may be entirely proper to fix national reserves in other States, none whatever should be made in the State of

Mr. HEYBURN. None whatever should be made in the State of Idaho except in cooperation with the State itself, and the State itself can act only by legislative enactment, the constitution having conferred that power only upon the legislature.

Mr. NEWLANDS. Then I think the suggestion the Senator

has made in that last sentence is a very wise one. I think we all want to have these reserves created. They may be too large in some instances

Mr. HEYBURN. That is, we want to have some reserves created.

Mr. NEWLANDS. Yes; and it does seem to me where the State has rights within the area of a great reserve there ought to be some kind of a negotiation between the two sovereigns, the State sovereign having the ownership and possession of certain land and the National Government having the ownership and possession of the rest. What I want to do is to get a prac-tical solution of the question in the interest of the entire country.

Mr. HEYBURN. I am ready to join with the Senator from Nevada to that end. At present the Government is paying tithes to the State of Idaho to the extent of 10 per cent of its profits from lands in which the Government has no interest whatever.

Mr. NEWLANDS. If the Senator will permit me, I will make another suggestion. It seems to me it is about time that the Senators and Members from the West should get together, as they did upon the irrigation question years ago, and that they should present to their fellow-members in the Senate and House their recommendations upon this subject. As it is, there is the greatest degree of uncertainty in this country owing to land laws which are confessedly inadequate to the requirements of the West and which are confessedly inadequate to a just administration of the public domain.
Mr. HEYBURN. Mr. President

Mr. HEYBURN. Mr. President, I desire to incorporate in my remarks at this point a statement from the Land Office of the homestead entries and entries under other laws in the State of Idaho during the periods mentioned.

The matter referred to is as follows:

Amount of land entered under the homestead law in Idaho from 1873 to June 30, 1905.

Year.	Entries.	Acres.
1873 1874 1875 1876 1876	. 11 18 31 46 43 54	1, 582, 68 2, 759, 16 4, 411, 40 7, 113, 92 5, 959, 07 7, 424, 88

Year.	Entries.	Acres.
9	01	0.504
0	91 200	9,784.2 27,399.2
1	109	15, 098. (
8	115 177	17, 548.7 26, 694.3
4	218	32, 921. (
5	210 252	32, 746. 2 38, 850. 1
7	293 306	45, 424. 9 47, 379. 2
9	410	61,774.
0	552 440	83, 844. 8 68, 164. 0
2	389	57, 273, 2
8	447 359	61, 279. 4 54, 968. 9
5	463	70, 110.0
6	445 507	65, 898. 1 75, 225. 5
8	656	95, 553. 2
9	729	105, 149. 1 108, 074. 8
0	741 1,001	143, 679. 4
2	1, 246 1, 333	178, 456. 0
8	1,333	189, 614. 1 160, 319. 1
Total		1, 902, 482. 1
Original homestead entries in Idaho, from 186	80 to 190	5.
80-1881		64, 55 80, 63 90, 90 118, 87 110, 49 102, 33 95, 18 111, 23
32 33		80, 63
84		118, 87
35		110, 49
36 37		95, 18
38		111, 23 105, 58
89		91 67
91		91, 67 121, 71
)2		165, 43
93 94		185, 77 118, 33
95		206, 51
96		336, 00
07		211, 19 246, 38
///		340, 31
0001		296, 39
)2		341, 37 357, 63
03		337, 37 420, 77
04 05		425, 36
Total		5, 082, 07
AVM10		
Cash entries for public lands in Idaho from 18	69 to 190	15, 13
Cash entries for public lands in Idaho from 18	69 to 190	
Cash entries for public lands in Idaho from 18	69 to 190	21, 97
Cash entries for public lands in Idaho from 18	69 to 190	10, 07; 21, 97; 14, 13
Cash entries for public lands in Idaho from 18	69 to 190	14, 13
Cash entries for public lands in Idaho from 18 10		14, 13
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75		14, 13
Cash entries for public lands in Idaho from 18 10		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 88 79		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45
Cash entries for public lands in Idaho from 18 10 11 12 13 14 15 16 17 18 19 80 81 81		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 80 81		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 78 79 80 80 81 82 83 84 85 86 86		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 84 85 86 87 88		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 84 85 90 90		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 78 79 80 81 82 83 84 84 85 86 87 88 89 90 90		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 84 85 85 86 87 88 89 90 90 90 90 90 90 90 90		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 79 70 70 71 78 79 70 70 70 71 71 72 73 74 75 75 76 77 78 79 70 70 70 70 70 70 70 70 70 70 70 70 70		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 76 77 78 79 79 70 70 70 71 71 72 73 74 75 75 76 76 77 78 78 79 79 70 70 70 70 70 70 70 70 70 70 70 70 70		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 72 73 74 75 76 77 77 78 88 79 80 81 82 83 84 84 85 86 86 87 88 88 89 90 90 91 91 92 93 94		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 84 85 85 86 87 87 88 88 89 90 90 90 90 90 90 90 90 90 90 90 90 90		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 76 89, 45 120, 32 149, 12 166, 98
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 77 78 88 90 90 90 90 90 90 90 90 90 90 90 90 90		14, 13 11, 26 24, 80 24, 80 24, 80 24, 80 24, 80 27, 21 40, 51 84, 76 89, 45 120, 32 2149, 12 166, 98 232, 63 269, 490 2272, 01 241, 81 313, 86 329, 7 302, 37 302, 37 302, 37 305, 04 409, 440 409, 45 516, 53
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 84 85 85 86 87 88 89 90 90 90 90 90 90 90 90 90 90 90 90 90		14, 13 11, 26 24, 80 24, 80 24, 80 24, 80 24, 80 27, 21 40, 51 84, 76 89, 45 120, 32 2149, 12 166, 98 232, 63 269, 490 2272, 01 241, 81 313, 86 329, 7 302, 37 302, 37 302, 37 305, 04 409, 440 409, 45 516, 53
Cash entries for public lands in Idaho from 18 70 71 71 72 73 74 75 76 77 77 78 88 79 80 81 82 83 84 84 85 86 86 87 88 89 90 90 90 91 91 92 93 94 94 95 96 90 90 90 90 90 90 90 90 90 90 90 90 90		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 84, 45 120, 32 149, 12 166, 98 232, 63 269, 49 272, 01 241, 81 363, 83 331, 83 3297, 49 345, 38 342, 70 302, 07 309, 49 417, 10 305, 68 460, 97 885, 42 671, 32
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 88 81 84 84 85 86 87 88 89 90 90 91 91 92 93 94 94 95 96 97 98 99 90 90 90 90 90 90 90 90		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 89, 45 120, 32 149, 12 166, 98 232, 63 269, 49 284, 90 272, 01 241, 81 331, 86 297, 49 345, 38 366, 18 302, 07 339, 32 417, 10 355, 04 469, 97 885, 42 671, 47
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 85 86 87 88 89 90 90 90 90 90 90 90 90		14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 89, 45 120, 32 149, 12 166, 98 232, 63 269, 49 284, 90 272, 01 241, 81 331, 86 297, 345, 38 366, 18 302, 07 339, 365, 18 460, 49 409, 45 516, 53 460, 78 885, 42 671, 32 700, 47 885, 75 609, 56
Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 88 81 82 83 84 85 86 87 88 89 90 90 91 92 93 94 94 95 97 77 78 78 78 78 78 78 78 78	1000	14, 13 11, 26 24, 80 24, 85 27, 21 40, 51 89, 45 120, 32 149, 12 166, 98 232, 63 269, 49 284, 90 272, 01 241, 81 331, 86 297, 345, 38 366, 18 302, 07 339, 365, 18 460, 49 409, 45 516, 53 460, 78 885, 42 671, 32 700, 47 885, 75 609, 56
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Cash entries for public lands in Idaho from 18 70 71 72 73 74 75 76 77 78 89 90 90 91 92 93 94 95 96 97 97 98 99 90 90 90 91 92 93 94 95 96 97 98 99 90 90 91 92 93 94 95 96 97 98 98 99 90 90 90 90 91 92 93 94 95 96 97 98 98 99 90 90 90 91 92 93 94 95 96 97 98 98 99 90 90 90 90 90 90 90	10, 1906.	14, 13 11, 26 24, 80' 24, 80' 24, 80' 24, 80' 24, 80' 24, 80' 89, 45; 120, 322 149, 121 166, 98, 232, 63; 269, 49; 284, 90; 272, 01; 241, 81; 313, 86; 297, 332, 337, 345, 38; 366, 18' 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 327, 339, 3460, 97, 662, 98, 5660, 566, 621, 91; - 9, 45, 93, 96, 96, 96, 96, 96, 97, 98, 97, 97, 97, 97, 97, 97, 97, 97, 97, 97
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1893	483
1894	 216
1895	52. 042
1896	
	 44, 568
1897	 86, 526
1898	 101, 143
1899	73, 707
1900	
1901	 44, 034
	 159, 551
1902	87, 622
1903	 71, 741
1904	 47, 268
1905	
1000	 24, 509

Mr. HEYBURN. Now, Mr. President, in the few minutes I have to speak before another order of business will be brought before the Senate, I desire to call attention to an expression in the message of the President, in which, in enumerating the pri-vate holdings included within forest reserves, he refers to those of the railroads but does not mention those lands which have been granted to schools or public institutions. He thinks Congress should take some notice and observe the rights of the railroads to their lands, and has overlooked the rights of the States and the public schools to their lands. I desire to call attention to that fact in considering the message.

Mr. SMOOT. Mr. President

The VICE-PRESIDENT. to the Senator from Utah? Does the Senator from Idaho yield

Mr. HEYBURN. Yes.
Mr. SMOOT. I think in justice to the Bureau of Forestry the Senator ought to state that they are perfectly willing that the revenues coming from the school sections within any State shall be given to that State.

Mr. HEYBURN. They are willing? Mr. SMOOT. They are perfectly willing, and not only are they willing, but they are trying to transfer a body of land outside of the reserves, if the State will so select, equal to the number of acres of school sections within the reserves, so that the State may select public lands in lieu of their own.

Mr. HEYBURN. I should like to reply to that suggestion

I should like to reply to that suggestion Under the admission act and under the conas it stands alone. stitution of Idaho there is no power vested in any body, either legislative, executive, or judicial, to make a transfer or exchange of the lands of the State in any manner whatever for any pur-We considered that question in making the constitution and determined that it was not wise to leave any power of that kind to any branch of the State government. We provided that the land should be sold only at public sale, and in no way can the title pass from the State of Idaho to those lands except by public auction, pursuant to the notice, as provided in the constitution. So any attempt on the part of the State officers to make a transfer or exchange of lands in order to solidify in large bodies these areas for the convenience either of the State or of the forest reservist, or for any other purpose, would be absolutely in violation of the admission act and of the constitu-

tion of the State. Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes. Mr. FULTON. I wish to ask a question of the Senator from Idaho and the Senator from Utah also. It is prompted by the suggestion of the Senator from Utah that the forest reservist is perfectly willing that the State shall have lands equivalent to the school lands. Is it important that they should be willing that the States should have these rights that really belong to them?

Mr. HEYBURN. In the minute and a half that remains to me I desire to say that it may seem very gracious on the part of the Government to allow us to participate to the extent of one-tenth in the benefit of the ownership by the States of this land, but we are unable to appreciate that generosity in the State of Idaho when we own the lands and are entitled to the entire benefit. While we may appreciate it to the extent of the 10 per cent which they give us, we would appreciate it very much more if they would withdraw from our property and allow us to enjoy it to the extent that Congress intended that the State should enjoy it when it was granted to it.

Mr. SMOOT rose. Mr. HEYBURN. I yield to the Senator from Utah.

Mr. SMOOT. I wish to say that all the revenues from the forest reserves in all the Western States in the past have not been sufficient to pay the expenses for regulating them and managing them, and I believe the 10 per cent that has been refunded the States of the moneys collected by the Department amounts to more in dollars and cents than the State itself would have received if it had been managed and expenses paid in collecting not only the grazing taxes but the sale of timber as well.

I think as far as the Department is concerned in the past it has at least turned over to the State the amount received, exceeding the expenses, from the sale of timber and grazing within the borders of the reserve.

Mr. HEYBURN. Now, Mr. President, just a moment. In the State of Idaho last year the forest reservers turned over to the State less than \$7,000, representing its 10 per cent. In other words, for the use of a million acres of the school lands of the State they paid us less than \$7,000, and that \$7,000 belonged to the State. It did not belong to the Government at all. It was not a gift. Not only did that \$7,000 belong to the State, but a great many more thousands of dollars belonged to the State. It makes no difference how gracious this act of theirs may seem. I am directing my remarks to the question of the rights of the State. The State is quite competent to manage its own affairs. Young as it is it has proved itself to be competent, and we insist on having that privilege.

Now, Mr. President, because of the interruptions, which were all courteous and proper, I have been unable to entirely complete the remarks I intend to submit, but in a few more minutes at a subsequent time I will, with the consent of the Senate, do so. I will yield the floor for the order fixed for this hour, with the understanding that I will resume my remarks when the pending resolution is again the proper business for

Mr. NEWLANDS. I desire to give notice that when the Senator from Idaho concludes his remarks on Monday I will address the Senate on the pending resolution.

MEMORIAL ADDRESSES ON THE LATE SENATOR ARTHUR P. GORMAN.

Mr. RAYNER. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The VICE-PRESIDENT. The Secretary will read the resolu-

tions.

The resolutions were read, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. Arthur Pue Gorman, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. RAYNER. Mr. President, this is one of the many recurring occasions upon which this body is called together to pay tribute to the memory of its departed members. It is proper that these proceedings should take place because it seems to me that the dead are so soon forgotten now beyond the immediate circle that surrounds them, that it is well in cases where men in public life have been of service to their country that there should be some public reminder and memorial of their deeds. Senator Gorman was for a long time a distinguished figure here. He was, during the greater part of his political career, the recognized leader of the Democratic party in his State, and for some years its leader in the Nation, and it is entirely within the bounds to say that during all this time he exercised a commanding influence in the councils of his party, and by virtue of his long experience and sagacity occupied a most prominent position amongst its foremost men. He possessed to a remarkable degree the qualifications of political leadership.

The question is often asked, What are the constituent elements that constitute these qualifications? This is a difficult question to answer. Political leaders in a great degree re-semble all other leaders in the various walks of war and peace—in the professions, in literature, and in the ranks of commercial enterprise and business activity. They are born, not made. A man, if he has the talent for this vocation, may cultivate and develop it, but I have never believed that he could It is a peculiar gift that is made up of so many create it. parts that the absence of any one of them would fail to produce the whole. The entire combination in its natural and delicate proportions must exist in order to bring about the effect that is known as leadership. It is a power of mind and singularity

of temperament united.

Senator Gorman, at an early age, appeared upon the political arena and he received his training from the masters of the art. His preceptors were the formidable chieftains of the earlier days who formulated great political principles and pioneered the way through the wilderness often without any guide or compass to direct them upon their journey. Party lines were then closely drawn, and the first lesson that Senator Gorman learned was the lesson of discipline. He carried it through life with him. It is very difficult for anyone to erase impressions that have thus been stamped upon him,

and the instructions that we receive and the opinions we form and the convictions we acquire as our intellectual faculties are being developed, as a rule, become indelible in our maturer

Our political sentiments are generally bequeathed to us, and even our religious faith comes to us from the remotest ancestry. In our beliefs, as well as in our habits, we are often the subjects of a fate as unbending and inexorable as the laws of nature. Senator Gorman was trained in a school in which party loyalty was the alphabet and the curriculum and the test and passport for honor and promotion. He was naturally a man of positive purpose and of remarkable power of will, but he always believed in the doctrine that the party was greater than the individual, and if there was a difference of opinion it was the duty of the individual to surrender and sacrifice his own views at the altars of his party loyalty and allegiance. At the time when he first became prominently active in party affairs, all the great political leaders were imbued with these ideas and had been the disciples of that school. At present the political tide has changed and there is a vast body of independent voters in this country who fluctuate according to the men and measures that are presented to their suffrages.

Citizens with these proclivities work to a greater advantage in State and municipal politics than they do in national controversies, and we must all admit that their influence has been productive of the greatest good in the various communities in which they appear. One thing is certain, however, and that is, in time of heated party conflict a party to succeed must have discipline, organization, and leadership, and it was in the heat of party conflict that Senator Gorman exhibited his talents and accomplishments. When others became disconcerted he preserved his equanimity, and by his unruffled demeanor and his undisturbed self-possession infused courage and confidence among his followers, and at times when defeat seemed imminent and his supporters were discouraged and dismayed and his hosts were trembling, his gift of leadership appeared to the best advantage. He may have felt doubtful about the result; he may have clearly perceived that there was danger threatening, but if these thoughts occupied his mind, he never betrayed them, and he never disclosed them, even to those who were most intimately associated with him in the management of party. affairs.

If I could properly summarize what political leadership meant in his case, I would speak of it as follows: It meant the power to analyze the situation and not to be deceived by misleading appearances, and the faculty of discerning the true condition of public opinion. It carried with it necessarily a degree of personal magnetism that often turned his bitterest enemies into his warmest friends. It meant courage and judgment at critical periods and in the hour of emergency, and what is greater than all, it meant what I call, for the want of a better name, the genius of organization. This genius of organization is an endowment and not an acquirement. Some men of great force and intellect possess it, while with others similarly equipped it is entirely wanting. It is the power and the instrument of system and of method. The man who wields this weapon must be a man of purpose, of reserve, and of equilibrium. Senator Gorman possessed all these attributes. It requires a thorough insight into human nature. It is the peculiar skill of accomplishing those things that are demanded by circumstances and the tact to make the best use of opportunities and occasions as they present themselves. It demands a fixed purpose and a steady nerve and a resourceful mind and then, above all these things, comes the ability to instill into your subordinates the inspiration of your example and to infuse into the masses to whom you look for results the zeal and enthusiasm that are the accompaniments of success.

Of course a man who has occupied, like Senator Gorman, a position of this sort is bound to create hostility. Like everyone else similarly situated he had hosts of friends and hosts of enemies. There is one thing remarkable about his career, however, and that is he had few, if any, personal enemies. The elements that were inimical to him entertained no un-

friendly feeling toward him personally.

As a rule every political leader is surrounded by a retinue of friends who follow him in order to participate with him in his victories and often desert and betray him when disaster overtakes him. Senator Gorman's situation was peculiar in this respect. He had made friends who were as loyal to him when his fortunes wavered as they were in the hour of his greatest triumph. At one of the largest political meetings held in our State during the last Congressional canvass the mention of his name elicited as much applause from the ranks of the party as if his living figure had stood before the assemblage. He always believed in the precept, "The friends thou hast and

their adoption tried, grapple them to thy soul with hooks of steel."

His force was that of attraction and not of repulsion. Without being demonstrative, his bearing was at all times genial, his carriage and intercourse with his fellow-men were without the slightest pomp or pageantry, and he was always accessible to the humblest one of his constituents. He never sat in state, and he gathered no delight whatever from display or ostentation. He had too much wisdom for pride or vanity or exaltation. Vanity is generally the attribute of weak minds and of persons who glide along the surface—those who are thoughtful and profound are as a rule humble and lowly. Some one said of Francis Bacon that he was fraught with all the learning of the past and almost prescient of the future, but too wise not to know his weakness and too philosophic not to feel his ignorance.

Mr. GORMAN was devoted to his work in the Senate. dedicated to it the best years and energies of his life and had thoroughly understood and mastered it. Senators who served with him upon committees here will bear testimony to his faithful attention to the duties that devolved upon him, his untiring industry, his assiduous consideration of every practical problem that was submitted to him, his capacity for constructive legislation, the analytical methods that he pursued in his work, and the experience that he brought to play in dealing with important questions of governmental expenditures, and his faculty of summarizing propositions upon this floor in a manner that made them easily comprehended.

When we think of it, his career was a remarkable one. He had risen from an humble position in this body to the highest and most commanding station. It was not the extraneous influ-ence of good fortune that had visited upon him the successive preferments that he received, nor did he claim the advantage of a great ancestral line from whom he might have derived the heritage of honor and fame. He advanced from place to place, first in the general assembly, then to the leadership of the party organization in his State, then to the Senate here, and his leadership of his party, and then to the command of his party forces in the country, simply because he possessed the power and the qualifications that entitled him to these distinctions. places were not gifts to him, nor awarded to him because of any seniority of service in the ranks of his party, nor in accordance with any rule, custom, or usage, but because it was discerned by those who knew him best and were fully capable of judging of his merits that he had the natural qualifications to successfully perform these important functions, and in his palmy days he never disappointed his followers and never fell below the expectations that were entertained of him.

If I were asked to select the most important service that our lamented friend rendered to his party beyond these halls, would refer to the part he took in the election of Mr. Cleveland for President. His tireless and incessant work upon this occasion will be long remembered—that is to say, it should be remembered. I do not believe that at a time of this sort it is proper to indulge in undue adulation of those whose memory we are honoring or to bestow exaggerated praise above what merit calls for, and I am sure that Senator Gorman, if he were living, would not appreciate any laudatory statements of any services that he had ever performed, either for his party or his country, that he was not fully entitled to. I will, therefore, not say that his efforts elected Mr. Cleveland to the Presidency, but I will, without hesitation, say that he did more than any other single individual toward the consummation of that victory. He was an untiring worker when he applied himself to the accomplishment of any purpose that he had in view—covering every detail of the programme before him and not overlooking the slightest minutiæ that could be of any advantage to him whatever.

In this contest he had before him a political geography of the United States, with all of its territory and environment. He studied every State, city, and district where there was a hope of He kept in constant view every stronghold Democratic success. of his own party and every weak and unprotected point in the fortifications of the enemy. He permitted no spot to escape him where it was possible to make an inroad upon the possessions of He brought himself into personal contact with all the party leaders all over the land. He dismissed from his consideration every place where success was impossible and effected a thorough organization in all places where there was a hope of It was an enormous work of immense proportions, and the result demonstrated that in its prosecution and its trium-phant termination he simply outgeneraled the chieftains of the Republican party, and working at a disadvantage against them overcame them by the craft and skill of his political leadership. Of course, the Democratic hosts were with him, and the inde-pendent vote of the country was really the balance of power that

decided the contest, but beyond it all was a thorough and perfect organization, disciplined and marshaled by Senator Gorman

If I were asked to name the most valuable service that he rendered to his party-and I believe to the country-in the Senate, I would immediately select his memorable work in connection with the defeat of the measure known as the force bill in the Fifty-first Congress. I think the Republican Senators upon this floor have long ago arrived at the conclusion that the passage of this bill would have been detrimental to the best interests of the people. Whatever differences of opinion existed at the time in connection therewith when party spirit ran high, it is my judgment now that the result of this great struggle has been accepted as final by the intelligence and patriotism of the Republican party. At the time, however, it was as fierce a conflict as ever engaged the attention of the country, and with the fate of the enactment trembling in the balance during many months there was a period of great excitement, and party sentiment was aroused to an intense degree, and into this conflict Senator Gorman threw himself with an earnestness of purpose that can never be forgotten.

He was the leader of his party in that contest, and if it had not been for his devotion to the cause he was championing, for his parliamentary skill in the resourceful attacks which he made when defeat seemed certain, and for the restless labor he underwent throughout the wearisome days of that momentous period, we might to-day, instead of having the South united in the interest of the Union and pervaded by a spirit of patriotism as earnest and as ardent as any that throbs in the heart of any other section of this country, have every one of her Common-wealths submerged in ruin and disaster, with their spirits broken, their enterprise retarded, and their entire territory, with the glorious progress that awaits it, converted into a deso-

lated and subjugated political province.

I desire to refer now to one of the qualities of his private life which deserves mention. I have been informed by friends of Senator Gorman, who were upon terms of the closest intimacy with him, that while he did not indulge in any ostentatious acts of philanthropy that he was constantly engaged in acts of private benevolence and charity, and that any appeal of poverty or of suffering always awakened his tenderest sympathy and his ready response. This is the heart and essence of true re-ligion. When the time arrives for us to take a final reckoning with our life and balance the account, deeds like this are of more priceless value than all the accomplishments of ambition and all the achievements of fortune and fame, and all the possessions of power and of worldly glory and renown.

For modes of faith let graceless zealots fight, His can't be wrong whose life is in the right.

I come now briefly to another phase of Senator Gorman's life which I shall pass over tenderly, because I think it is too sacred for intrusion, even upon an occasion of this sort. The best impulses of his heart seemed to radiate around the glare of his fireside and the circle of his family. His happiest and most contented hours were passed among those to whom he was bound by the bonds of affection and for whose comfort and wellbeing he was at all times prepared to make any sacrifice invoked by love or duty. He found but slight amusement and took only a passing interest in the pleasures of the world, and he centered his deepest devotion upon the altar of his home, and his fondest hopes clustered around those who looked to him for aid and for counsel as they grew to manhood and womanhood under his fostering care.

I believe that if Senator Gorman at any time would have been required to have taken his choice between the accomplishment of his own ambition and his duty to those dependent upon him he would not have hesitated a moment in making the election. As full of ambition as he was, he would have abandoned the worship of its idols for the idols of his household. Our home is really the holiest spot on earth. It is the oasis in the trackless desert and the fountain amidst the parched and thirsty longings for restless power and aspirations unattained. As years go by the fleeting phantoms of political honor recede from view and we gladly retrace our steps to the temple we have rearedour own architecture—so that we may strengthen its pillars and

rear its spires toward the sky.

There is no word or phrase in any language, dead or living, that I know of that carries with it the full significance of the English word "home." It is not capable of translation, or even of definition or interpretation, and I hope, therefore, that the day will never come when any iconoclast will change the orthography of that Anglo-Saxon term and destroy the memories and imagery that cluster around its meaning.

And now his pilgrimage is ended and he is in his eternal home, where the mystery is unfolded—a mystery that neither philos-

ophy nor science has ever solved. We have unbosomed the secrets of the earth and exposed the cycles of geologic time and gazed into revolving planets, but we stand aghast and dumb at the problem of man's creation. We can explain from a natural standpoint almost everything except the most vital of them all, and that is the problem of our existence. Upon this subject we can gather as much information from the unlettered savage as we can from the profoundest thought that ever dawned upon the earth. The most learned scientist of the present age has written a volume entitled "The Riddle of the Universe," in which he has essayed modestly to solve the riddle, and the last page of this remarkable production leaves us absolutely forlorn, comfortless, and deserted, the human heart without an aspiration, and the universe an utter scene of desolation.

The German philosopher, Goethe, the profoundest student of his age, when one of his companions was communicating to him his doubts upon the authenticity of revealed religion, said, "My friend, give me some faith—I have sufficient doubts of my own without requiring them to be supplemented." The cynic, Rabelais, exclaimed, "Ring down the curtain; the farce is done." Spinoza, the outlaw of the synagogue and the greatest of them all, stood like a solitary sentinel upon the confines of the universe in communion with his Creator and constructed a system which has made him the idol of the philosophical world.

Mr. President, I have pored for years over this cheerless desire of human thought, and while I am a firm believer in the absolute liberty of thought, I can say what has been well said upon another occasion that my warm love of genuine liberty has never chilled me into rebellion with its author, and so I believe it was with our departed friend.

That is the impression he left on me upon the last occasion when I met him. I questioned him then in regard to his health, and while I had the gloomiest forebodings of the mortal malady that seemed to encompass him within its grasp, I was extremely careful not to communicate my thoughts, or to give him the slightest evidence of my feelings in that regard. He was a man of courage, and when he informed me that his physician had admonished him that his heart was seriously and perhaps fatally involved, one of the most beautiful of all poetic thoughts came speedily to my mind, because it was so appropriate to the occasion, that:

Our hearts though stout and brave, Still like muffled drums are beating Funeral marches to the grave.

I am told that he met death as he had passed through many critical vicissitudes of his active and remarkable career, with composure, with resignation, with fortitude, and with hope. The chamber of death always presents a scene of sorrow and often of despair, but penetrating the gloom there is a conviction more potent than all the processes of reasoning, that this can not be a finality in Creation's work, and that the soul can not perish when the chords and keys that gave it utterance are broken. Reason as we will, this belief, as the years go by, becomes a sacred and a divine inspiration, an inspiration that grows stronger and stronger as the frail tenement that contains it weakens and dissolves until, at the very moment of dissolution, in every life consecrated to some sublime and lofty purpose, it blazes forth and penetrates into distant realms with all the radiance of the morning sun.

Mr. ALDRICH. Mr. President, Mr. Gorman was a member of the Senate for twenty-one years, and for a greater portion of this time he was the acknowledged and responsible leader of his party in this Chamber. Nature made him a leader of men. This was shown not only by the character of his influence and services here, but by his absolute domination for a generation of the acts and policies of his party in Maryland and by the conspicuous position which he long held in national Democratic His successful management of the campaign of 1884. which resulted in the election of a Democratic President for the first time in twenty-eight years, gave him his first prominence as a commanding figure in national politics. In each successive campaign thereafter he was the trusted adviser alike of candidates and committees. He was three times prominently mentioned as a possible nominee for the Presidency, and many of his friends believe that if it had not been for the disadvantage of locality he would have received his party's indorsement for this high honor.

This record of successful political leadership in many fields has hardly a parallel in the history of the country. Mr. Gorman's supremacy in this respect never surprised those who knew him best—those who had the most thorough understanding and appreciation of his qualities of mind and heart. He was wise, skillful, and resourceful, and his genial presence and

magnetic personality at once inspired confidence and secured allegiance.

In the notable contests which have taken place on this floor over great questions of public policy, when party advantage was earnestly sought by the contestants, Mr. Gorman appeared at his best. Cool and collected, he seemed always to know instinctively and at once the strength and weakness of his own position and that of his antagonists. In debate on such occasions he did not seek for rhetorical effect, but contented himself with stating his propositions clearly and concisely and in a manner which was admirable in tone and convincing in effect.

The value and importance to the country, however, of Mr. Gorman's services here were as a practical legislator and not as a political leader. In legislation he did not confine his attention to subjects reported from the Committee on Appropriations, of which he was long a leading member, but he took a prominent part in the consideration and disposition of every important subject that came before the Senate during his term of service. He brought to the discussion of these questions a sound judgment and clear perception. In all really great questions, involving the dignity or the welfare of the country, he put patriotism above partisanship. In the everyday work of the Senate, when no great party interest was at stake, his differences with his associates were never along party lines. At such times his intelligent insight into and broad treatment of public questions commanded the approval alike of his Republican and Democratic colleagues.

No man ever had a seat in this Chamber who more jealously guarded the rights and prerogatives of the Senate or who had a higher admiration for its history and traditions than the late Senator from Maryland. Coming here as a page in 1852, very much the larger portion of his mature life was spent within these walls. He knew personally most of the great men who have been active in public life for half a century. Under such circumstances it is not strange that Senator GORMAN's affection for the Senate should have been unusually deep and constant.

The rules and practices affecting debate and controlling the disposition of business in the Senate are unique in their character and are largely observed and enforced by unanimous consent. In trying times these conditions require frequent conferences between those who hold responsible positions with reference to the work of the Senate on both sides of the Chamber. These consultations necessarily afford unusual opportunities for the study of personal characteristics. I believe that all of my Republican associates who have taken an active part in conferences in which Senator Gorman appeared as the most important representative of his party will agree with me in placing a very high estimate upon the Senator's character as a man and as a legislator. His courtesy was unfailing, his knowledge of precedent unsurpassed, his agreements once made were kept with scrupulous fidelity, both in letter and in spirit. His wisdom, his moderation, his powers of persuasion have been invaluable in many a threatening emergency in the Senate.

My personal relations with Mr. Gorman during all the years of our common service were of the most friendly character, although we rarely found ourselves in agreement upon questions which were purely political in their nature. His personality was very attractive to me, and I believe he was incapable of doing a mean or a dishonorable act. He was fearless in the advocacy of measures that met his approval, and in common with men with positive convictions and the courage to act upon them at times he was subjected to severe criticism on the part of those who failed to agree with him.

There was nothing of the timeserver or the demagogue in his nature. He served his country with ability and fidelity, and is fully entitled to be held in grateful memory by his fellow countrymen.

Mr. CLAY. Mr. President, in the death of Senator Gorman one of the most remarkable men of our country has passed away. He had an extraordinary career, a career that challenged the admiration of the entire country. No public man was more universally beloved in the South than Senator Gorman. He had been the steadfast friend of the people of the South in the hour of the darkest trial, and we trusted and loved him. Universal sorrow prevailed among our people when his death was announced. We knew we had lost a valuable and faithful friend. Mr. Gorman took his seat in the Senate March 4, 1881, and served continuously for eighteen years. His party was defeated in Maryland in 1898, and he retired from the Senate March 3, 1899. He only remained in private life a short while. Two years later his party triumphed in Maryland, and he returned to the Senate for a fourth term, receiving practically the unanimous vote of his party. He received the congratulations of friends on both sides of the

Chamber, for his colleagues, regardless of party, recognized the valuable services he had rendered his country.

I only had a casual acquaintance with Senator Gorman before I became a member of the Senate. I was introduced to him by Mr. Crisp, who regarded Mr. Gorman as one of the ablest men in public life. Mr. Crisp said to me that Senator GORMAN was a loyal friend, a wise counselor, and a safe leader. At that time the thought never occurred to me that I would some day be his colleague in this body.

Association with Mr. Gorman demonstrated to me that Mr. Crisp had formed a correct judgment as to the worth of this great man. He was one of the noted men of the Senate.

He began as a page on the floor of the Senate.

He began as a page on the floor of the Senate and by the force of his own energy and talents he became the acknowledged leader of his party. His career illustrates the possibilities of American citizenship.

The story of his life, the success he achieved, the good he accomplished, will for all time be an inspiration to the young men of the country

Almost for a quarter of a century his name was intimately associated with the legislative history of the country

On the floor of the Senate he was an attractive figure; he never spoke to empty benches; his speeches were short, pointed, forcible, and convincing. He never talked unless he had something to say. He mastered his subject before he entered the arena of debate.

I became a member of the Senate in March, 1897, and consequently served with Senator Gorman in the Senate only five years. During this time he frequently participated in the debates and was one of the most attractive speakers on the floor of the Senate.

The Congressional Record will show that during his entire Senatorial career he participated in the debates of the Senate on many subjects, including the tariff of 1883–1888 and 1890, 1893, and 1897; interstate commerce; Chinese immigration; the public printing; the Canadian fisheries; the building of the Navy; the Canadian and domestic transportation traffic; the Treasury surplus, and, in fact, nearly every question of importance that came before Congress.

When he spoke Senators from both sides of the Chamber would hasten to their seats, and he would invariably have a full and attentive audience with him, to stay until he had finished. No Senator spoke to larger audiences than did Senator

When we study his public life and appreciate the high order of his talents we can easily understand the influence he exerted over others. He was a man of convictions, sought diligently to form correct conclusions, and was thoroughly in earnest in debate. He convinced his hearers that he was right and easily carried them with him. He used no surplus words; he spoke briefly, but pointedly, and when he was through there was little to be said on his side of the subject.

The Democratic party has succeeded in only two national campaigns since the civil war. Grover Cleveland was elected President of the United States in 1884 and was the first Democratic President to take the reins of Government since Mr. Buchanan retired from the Presidential office.

So conspicuous and valuable was the part taken by Mr. Gor-MAN in the national campaign of 1884, it was but natural to expect that he would be a powerful factor in shaping the policy of the new Administration.

As chairman of the national executive committee, he was the guiding hand of that remarkable campaign. His party gave due credit to him and attributed the success achieved to his skillful and faultless management. Such public men as Manning, Bayand faultiess management. Such public men as Manning, Bay-ard, Garland, and Lamar recognized that Mr. Gorman's services in behalf of his party made him the proper person to lead the Administration forces on the floor of the Senate. In fact, the whole country knew that he was the guiding hand that had once more placed Democracy in power. Mr. Gorman was the recipient of ovations wherever he went at the close of that campaign.

It is but just to say at this time that Mr. Cleveland appreciated the valuable services the Maryland Senator had rendered in securing his triumphant election, and he enjoyed the confidence and friendship of Mr. Cleveland during his first term in

He was a conspicuous factor in the campaign when Mr. Cleveland was elected the second time. In Mr. Cleveland's last Administration the public soon learned that Mr. Gorman's influence had greatly suffered with the President. Due regard for the truth compels me to say that we have unmistakable evidence that the President would not listen to the advice and counsel of Mr. Gorman during his last Administration. When the truth of history is written the embarrassments and subsequent over-

throw of the Democratic party will be largely attributed to the want of party harmony

Mr. Gorman was entitled to the respect and confidence of the President; he had always been loyal, and had rendered conspicuous service to his party, and his counsel and advice were constantly needed to bring together and harmonize the different elements of the Democratic party to the support of the Administration. At that time there were many antagonistic elements in the party, and Mr. Gorman possessed the happy faculty of ad-justing differences and felt anxiety about the future harmony of his party. His counsel and advice, however, did not prevail, and disastrous results followed.

I have always believed that if the wise and conservative policy advocated by Mr. Gorman had prevailed the different elements in the Democratic party could have been kept together and the party would have been greatly strengthened for future usefulness

Mr. Gorman recognized that two great political parties, each contesting for supremacy, were necessary for the preservation of our institutions. Two great political parties, evenly balanced, debating great issues, scrutinizing closely the conduct of each other, insures to the people clean, honest, good government. The position of chairman of the minority conference in the Senate is one of honor and responsibility. The chairman pre-sides over the minority conference and is a recognized leader of the minority.

Mr. Gorman was unanimously chosen for this position in I hold in my hand a clipping from a reputable newspaper, giving an account of his election and valuable services as a leader of the minority, including a statement of the brilliant and successful fight he made against the force bill, which I insert as part of my remarks.

I have been assured by his associates in this Chamber still living of the correctness of this statement of his connection with this parliamentary struggle.

I do not insert it to revive the unpleasant memories growing out of that contest, but to show the estimate placed upon the services of the distinguished dead in defeating this legislation. The article is as follows:

The article is as follows:

Upon the death of Mr. Beck, of Kentucky, in 1889, Mr. Gorman was promptly and unanimously chosen for the position by his Democratic colleagues.

The accession of Mr. Gorman to the post of active minority leadership was the more gladly halled by Democratic Senators for the reason that, at the very time of his election, the odious "force bill," which was a source of so much anxiety and fearful apprehension on the part of the southern Democrats, had passed the House under Speaker Reed's dictatorship and was hanging like a cloud over the deliberations of the Senate, in which the Republicans had a clear majority of eleven votes. In this great emergency the Democratic minority placed especial reliance upon their resourceful leader, whose mettle had already been tried and whose skill as a parliamentarian was recognized on both sides of the Chamber.

DEFEAT OF THE FORCE BILL.

DEFEAT OF THE FORCE BILL.

been tried and whose skill as a parliamentarian was recognized on both sides of the Chamber.

The Republicans introduced two distinctive party measures into the Fifty-first Congress—the McKinley tariff bill and the Lodge election law, commonly known as the "force bill." Both had, at the start, the solid support of their party organization, and both were put through the House under the "Reed rules," at the first session, without the formality of debate or deliberate consideration. The McKinley bill also passed the Senate near the end of the first session, on September 10, 1890, after a protracted debate, in which Mr. Gorman took an active and strongly antagonistic position. It passed by a strict party vote, having eleven majority. Its companion measure, the force bill, was allowed to go over to the second session, because the Democrats threatened to fight it to the bitter end, and the Republicans were compelled to take a recess for the fall campaign.

When the second session came together, in December, 1890, the Republicans of the Senate received a renewed partisan impulse to stand together and drive it through as a party measure from two sources; first, from the unfavorable trend shown by the fall elections, and, second, by a vigorous advocacy of its early passage in the message of President Harrison. Accordingly the measure was taken up on the first day of the session, all other things being put aside, and pressed with all the energy and parliamentary skill known to the skillful parliamentarians of the majority of the Senate. The McKinley bill had received eleven majority a few months earlier, and the advocates of the Senate, was in charge of the most accomplished parliamentarians of the Senate, was in charge of the bill, and he had for his active aids and constant coadjutors Mr. Aldrich, Mr. Edmunds, and all the most skillful lawyers and managers of the majority. Against this compact, aggressive, and determined force stood the solid Democratic strength of the Senate, and of the general principles of parliamen

their strong, vigilant, and well-balanced leader, or, as Senator Bayard had expressed it, "the quiet, self-sustaining and self-sustained man whom Maryland has given to the Union." Mr. Gorman was the equal in parliamentary and tactical skill of any man on the Republican side, and, as the result showed, the superior of them all.

The greatest inspiration of the minority during the seven long weeks of the bitter and exhausting struggle was the serene and perfect confidence of their leader, who never for a moment entertained the idea of defeat. This splendid spirit of confident aggressiveness was marked upon by all, and communicating itself to the whole minority added much to their esprit de corps. It also seemed to perplex and confound the majority and had its effect upon the observant country. Democratic Senators, interpreting the force bill as a measure designed for the reinstalement and perpetuation of negro domination in the South, put their whole souls into the contest, and realizing the necessity of perfect discipline to accomplish their ends, conceded much to the discretion and judgment of their appointed leader.

Rarely has a parliamentary leader been invested with such complete command as was Senator Gorman during the memorable battle. Old employees of the Senate relate incidents of the leading and distinguished Southern Senators applying to the chairman of the minority conference to know if it was advisable for them to go down to the restaurant on the floor below for lunch, and reporting whenever they temporarily withdrew from the Chamber where they might be found in an emergency.

The first test of strength came on the first day of the session.

conference to know it it was advisable for them to go down to the restaurant on the floor below for lunch, and reporting whenever they temporarily withdrew from the Chamber where they might be found in an emergency.

The first test of strength came on the first day of the session, December 3, 1890, on Mr. Hoar's motion to take up the bill for consideration, which was adopted by a vote of 41 to 30, showing the Republican party strength. Had the final vote been taken on that day the bill would undoubtedly have been passed by the same majority. The final test came on January 26, 1891, when Mr. Wolcott, of Colorado, asked Mr. Morgan to yield the floor in order that he might move to take up the bill making an apportionment of representation in Congress under the Eleventh Census, which motion was adopted by a vote of 35 to 34, thus displacing and finally disposing of the force bill. During the intervening seven weeks the Democratic minority had held the floor constantly throughout the day and often through the night, when night sessions were forced. Every alternative known to parliamentary skill looking to the forcing of a vote on the bill was tried from time to time by the Republicans, but they were met at every turn and always baffled. Wearying of the effort to terminate the debate, the majority tried, as a last resort, to take a Senator off the floor for the purpose of adopting a cloture resolution, but the Vice-President failed them at the last moment of this revolutionary proceeding, weakening in his purpose before the well-directed fire of the minority. During the seven weeks of untiring vigilance Mr. Gomman occupied the floor a considerable portion of the time himself and contributed much to the parliamentary feature of the debate. In the meantime the eyes of the country had been opened to the unfair and partisan character of the pending measure. The public sentiment of the country admired the splendid fight the Democrats had made against it and sympathized with the South against the proposed sectional discrim

I doubt if any public man has rendered more valuable services to his party and country than Senator Gorman during the last quarter of a century. By reason of his conspicuous service, his eminent ability, and sterling integrity he was entitled to his party nomination for the office of the President of the United He had a strong following in many sections of the country for this high honor, but history teaches us that party service and party loyalty is not always appreciated and properly rewarded.

Neither Webster, Clay, Calhoun, Benton, nor Blaine ever reached the Presidency, but each has left an enduring fame not cellipsed by any occupant of the Presidential chair.

Mr. Gorman would have made an admirable President. career is closed, but was one of the most remarkable in the history of our country. The young men of the Republic can be taught to study his history, follow his counsel, and the world is The young men of the Republic can be better by reason of his public life. When we read the story of his life we are not surprised at the success he achieved. He was a self-made man; he began life without money. He came from a modest home, where love of neighbors and love of country was inculcated and where self-reliance was taught. In early life he knew the value of industry. He acted on the maxim that nothing was impossible to industry. He was kind, generous, unselfish, with a heart full of sympathy for humanity.

To my certain knowledge he helped the weak and lowly in their efforts to be strong. The good he accomplished will for all time be an inspiration for the young men of the country. They will read his history and follow in the footpaths blazed

out by this illustrious son of the Republic.

The influence of the good never dies. I am sure that this generation and all generations to come will be better, stronger,

wiser, and happier by reason of his life.

We teach our sons to study the character of the great Roman senators, to practice their virtues, and we are the recipients of untold blessings from those who have been dead more than a thousand years.

I wish to give to his memory only just praise, for I am sure if he could have a voice as to the character of these exercises

he would not countenance false praise.

While not a college graduate, he was a student, a hard worker, and kept thoroughly posted on the current business of the Senate. His conceptions were quick and remarkably accurate; his judgment was good of both men and measures. been found with such a rare combination of faculties and powers as he possessed. Though frequently most bitterly assailed, his entire public career was pure, honest, fearless, and patriotic.

All great men at some period in their career have been mis-understood, slandered, and maligned.

Washington, Jefferson, Clay, Webster, Calhoun, Jackson, and Blaine were the subjects of most bitter attacks, but history has done each justice. Passion and prejudice die, and truth and

justice triumph.

When the historian shall record the truth of Senator Gorman's life this story will be both interesting and instructive. truth be told and the story will show a life devoted to toil, devotion to duty, and honest and faithful in all the relations of This story will show that he was a man of convictions, and that he battled fearlessly and unrelentingly to accomplish his purposes; that he was not only a man of ability, but of integrity and high courage; that he was a man who loved the whole country and bore no malice in his heart toward anyone. This story, truthfully and impartially related, will show that he fought openly and manfully for what he believed to be right, and that he fought for those things which he firmly believed would advance the best interests of his country.

When I first knew him the relations between us were not so cordial; we did not know and understand each other. I knew of him the better I liked him. When he died we were

warm, sincere, and devoted friends.

He was a Senator with long service and was helpful to me in the discharge of my duties. I express my sincere convictions when I say he was a pure, honest, and fearless patriot. I honored, respected, and loved Senator Gorman. In his death we have lost a most illustrious member, a wise and safe leader, an able statesman, and an accomplished gentleman.

Senator Gorman attained his high distinction in the service and counsels of his country by the practice of those cardinal

virtues which constitute the road to elevation and fame.

History teaches us from the first settlement of Maryland she never authorized a single act of intolerance against any de-nomination of Christians. Maryland established the practice of Christian toleration in the new hemisphere and laid the great work for the complete superstructure, which was after-wards reared by the hands of Jefferson and his illustrious colaborers, of the cause of truth.

Mr. Bancroft tells us she was the first to give religious liberty a home, its only home in the wide world, where the disfranchised friends of prelacy from Massachusetts and the Puritans from Virginia were welcome to equal liberty of conscience and

political rights:

The first of every land in all the world
Where love of God, in peace, each creed defined,
And freedom of the heart was certified
By freedom of the mind;

Where Christian each might worship as he willed, Where temples throning different faiths arose, Where bigot and where martyr, side by side, Were shielded from their foes.

It was lamentable to see men who had fled from the Old World to secure the enjoyment of civil and religious liberty themselves and their children persecuting their fellow-men for a difference in creed. Maryland taught a better lesson and exemplified her teachings by her practice.

The Republic has followed the splendid example taught in the early history of the nation by the sons of Maryland.

Senator Gorman began life with correct principles. He firmly exemplified by every act of his life his belief and adherence to the principles taught by the founders of his State.

The spirit of toleration characterized every act of his life. He believed that every citizen of the Republic was entitled to the peaceful enjoyment of civil and religious liberty.

Mr. President, a great man is gone. His life work is ended. In his private life he was kind, courteous, generous, and noble. He has fulfilled his mission and done his work well.

It can be truly said that he manfully discharged every private and public obligation of life.

His history shows us much to admire and to emulate. He has made a record of which we all may be proud. He has set an example that all of us who survive him may well follow.

In his death his State has lost one of her most illustrious sons

and the country one of its ablest and purest statesmen.

Mr. HALE. Mr. President, the late Senator from Maryland and I came to the Senate at the same time, standing at the desk together where we were sworn in on the 4th day of March, 1881, the opening day of the Forty-seventh Congress. Mr. Gorman before that had no Congressional service, but was prominent in his party and was accounted as its leader in the State of Maryland. He had acquired legislative experience by service in both branches of the Maryland legislature; was prominent in large business enterprises in the State, and so, both by natural ability and by experience, was amply qualified to render important service in this body.

It was my good fortune to be placed with him on important committees and to become closely acquainted with him in a personal intercourse which developed a friendship upon which I have always set great value and to which I contributed a sincere regard, founded upon the deepest respect. I do not recall a single instance where this friendship, though Mr. Gorman and I had many sharp conflicts upon this floor, was ever strained or interrupted.

The fine character and great services of the late Senator have been so well portrayed by the eloquent Senator from Maryland who presents the resolutions, and by other Senators who had long service with him, that in what I am to say briefly I shall confine myself to the consideration of Mr. Gorman's service in the Senate as a great legislator.

He could make speeches, always good and never long. He could maintain the organization of his party on this floor, where he was its acknowledged leader. His eye was quick in discerning any weakness in the action of his opponents when purely political measures were up for discussion and action. He was wary and a master of expedient and device, and was sleepless in exercising the mastery that was acceded to him in the councils of his party, both here and elsewhere.

But beyond these things, Mr. President—and I should say greater than all these things in estimating Mr. Gorman's public service—was his prominence as a great legislator and in shaping general legislation. He gave the best part of his time to this field of duty. It is not so picturesque a field, Mr. President, as some others. Its product and its results do not so often occupy the newspapers or arouse immediate public interest, but the grave and thoughtful temperament of Mr. Gorman, his selfpoise, and his sedateness all suited with that work here which is formulated and worked out and at last crystallized into what I may call good legislation. Into this domain Mr. Gorman never intruded mere party politics. He acted with unwavering fidelity with either Democrat or Republican who sought to put upon the statute book subjects of legislation for the benefit of all the people.

Neither upon this floor nor in committee room in this work did Mr. Gorman subordinate the public interest to party preference or advantage. He not only contributed to the work of a good legislator by his quiet, effective work in committee, but in hundreds of instances on this floor he was able to show, by his great facility as a debater, how important he counted the public good and how earnest was his desire to contribute to it.

It will be a long day, Mr. President, before the superior of the late Senator from Maryland, in this regard, will be found upon this floor upon either side of the Chamber.

Mr. President, the service here of an old Senator, although in the highest degree honorable and sought by us all, is not easy nor always comfortable and, perhaps I may say, not always enjoyable. It is beset with added labor and responsibility and the necessity, at times, for independence of thought and action, and a fearlessness, which may not always be upon the right side and certainly is not infrequently upon the unpopular side. And, added to all this, is the saddening feature, in an older Senator's career, of seeing his friends and associates drop away in the march of time until at last he stands comparatively alone

When a Senator like Mr. Gorman is called from duty in this body, by a summons which no man can resist, he is missed and mourned by all, but by none so keenly as the men with whom he has been longest associated.

There are to-day, Mr. President, but two Senators on this floor who had seats here when Mr. Gorman and I entered the Senate and who have held continuous service ever since—the distinguished Senator from Iowa, Mr. Allison, and the distinguished Senator from Alabama, Mr. Morgan. Senator Teller's service was interrupted by his Cabinet service in President Arthur's Administration. All the rest have fallen out by the way. They make their loss felt not by any proclamation or outward show, but in that intangible way that sinks the deepest into the human heart. We realize the missed footstep, the clear voice on this floor silent, the calm face at the committee table absent, and all this we feel and we know in the death of the late Senator from Maryland.

We miss all his great qualities. We shall miss his active participation in debate, his guiding hand in legislation, and his prominence in the battles fought on this floor. Let us hope and

believe that from these he has passed "to where, beyond these volces, there is peace."

Mr. CULLOM. Mr. President, the remarks that I shall make will be very brief, but I did not feel that I could afford to miss the opportunity of saying a few words upon this occasion.

We have to-day laid aside the ordinary business of the Senate that we may pay our tribute to the memory of a loved and respected colleague, ARTHUR PUE GORMAN, late a Senator from Maryland, who for many years was one of the most prominent members of this body.

Senator Gorman had a remarkable public career. Without the advantages of a great family name, without wealth, with a limited education, through his own exertions alone, he rose from an humble employee of this Senate to the position of one of its members and a leader of his party second to none in my term of service.

He was educated in that greatest of all schools, the school of experience. And in his case what a school it was. He was in the service of the Senate during the most important and vital epoch in our history. In his early life he was familiar with those intellectual giants who were Senators during the stirring period preceding the civil war, during the civil war, followed by the days of reconstruction, when our destiny hung in the balance and when the nation, after a baptism of blood and fire, was made anew. Douglas, Seward, Hamlin, Jefferson Davis, Benjamin, Toombs, Houston, Cass, Wade, Sumner, Trumbull, Fessenden, Grimes, and many other of the most noted men in all our history were here as Senators during his early life.

all our history were here as Senators during his early life.

He was a protégé, friend, and follower of that illustrious Illinoisan, Stephen A. Douglas, than whom there was no abler statesman and Senator of his day.

Senator Gorman might be said to have been born a Douglas Democrat. His father was one of Douglas's greatest admirers, and followed his leader, like so many thousands of patriotic Douglas Democrats, in remaining true to the Union.

As a State legislator, as a leader of his party in Maryland, Senator Gorman early exhibited those qualities which later gave him so much prominence here. He was little known outside of his State until his election to the Senate in 1880, and the attention of the country was not much attracted to him until four years later, when he conducted the national Democratic campaign of that year, and when, for the first time in twenty-eight years, the national Democratic party was successful and Grover Cleveland was elected President.

As national chairman he showed himself to be a splendid political organizer. In his conduct of the campaign no mistakes were made, and he was entitled to much of the credit for the election of a comparatively unknown local politician of New York against one of the most brilliant and popular statesmen since the days of Henry Clay—James G. Blaine.

of Henry Clay—James G. Blaine.

I have always felt that Mr. Blaine owed his defeat to two causes—first, the far superior organization and conduct of Mr. Cleveland's campaign under direction of Mr. Gorman; and, second, to the mistakes and mismanagement of Mr. Blaine's campaign.

Senator Gorman soon succeeded to the leadership of his party in the Senate. There were others older in years and service, but the leadership seemed to naturally fall to him. He was the real leader in fact as well as in name, and continued as such so long as he remained in the Senate.

He was not a specially brilliant speaker, but he was a clear and forceful talker and an able and dangerous antagonist in debate.

His charming personality, his suavity of manner, his magnetic influence over men with whom he came in contact, combined with his marked ability, made it easy for him to retain the difficult position of a leader of one of the great parties in this body. Some one said of him that his smile was as winsome as ever wooed a vote out of a man's conscience. He enjoyed in the highest degree the respect and confidence of every Senator with whom he served on both sides of the Chamber.

Many Senators here very well remember the long and successful fight, echoed and reechoed in every journal of the United States, which Mr. Gorman led, and which resulted in the defeat of the bill known as the "force bill." As much as Senators on this side regretted the defeat of that bill, we were all forced to admire Mr. Gorman's generalship in defeating it.

I had the pleasure of knowing Senator Gorman intimately for more than twenty years, and what I say of him I say from my own personal acquaintance and observation. He was a member of this body when I entered it in 1883. He was among the first to take a deep interest in the regulation of interstate commerce, and from the first to the last he favored the rigid regulation of railroads.

The late Senators Platt of Connecticut and Harris of Tennessee, ex-Senator Miller of New York, Senator Gorman, and myself constituted the Select Committee on Interstate Commerce which made a thorough investigation of the subject in 1886. Senator Gorman took a prominent part in the investigation and in the preparation of the original interstate-commerce act, passed in 1887. We traveled over various parts of the country, and held hearings in our larger cities.

I will be pardoned for relating a little incident that took place when the committee was in New York, on a Sunday. It so happened that there were three ex-Presidents of the United States in New York at that time—ex-Presidents Grant, Hayes, and Arthur—and we determined to call upon them before leaving the city. We called on President Grant first. It seemed strange that Senator Gorman had never actually met General Grant until then. I had the pleasure of introducing them, and I remember very well that General Grant seemed very much pleased to meet Senator Gorman, who had become a national figure, and manifested great interest in him.

The greatest general of the age was then in a practically dying condition, although he was seated in a chair, surrounded by his books and papers, trying to finish his famous book in order to leave something to support his wife and family. The General knew that he could live but a short time, and, quite characteristically of him, he seemed to take it calmly and philosophically. He said that his book was finished; that if he could live a little longer—until September, I think he said—he could perfect and improve it, but that he was ready to go at any time. He passed away in a little more than three weeks after we saw him.

For a number of years Senator Gorman was a member of the Committee on Appropriations. Senators on that committee who served with him will agree that a more valuable and useful member that committee has never had. He was master of all the countless details of the expenditures of the Government.

Senator Gorman was a business man, and was thoroughly familiar with the tariff. Senators well remember the prominent part which he took in the discussion and passage of the bill known as the "Wilson-Gorman bill." It left the Senate with nearly 700 amendments. He was not a believer in free trade, but he did believe in a low tariff. The tariff is a question that not only divides the two great parties, but has often caused divisions within both parties. There have been endless discussions over the Wilson tariff act. Personally I have always believed that it was due to Senator Gorman that a much more injurious act to the industries of the country was not enacted.

Mr. Gorman's two leading characteristics were, first, his marked ability as a leader; and second, his conservatism as a statesman and legislator. I desire, Mr. President, to enforce those two prominent facts in his character. First, he was a born leader; and second, he was a conservative legislator and statesman. He was a Democrat, but was a conservative one. He did not believe in radical measures. When a great partisan question, such as the force bill, was before the Senate he stood loyally with his party, but he did not believe in dragging partisanship into questions generally coming before Congress. He looked at public questions from the standpoint of a careful, conservative business man, and was generally against any measures that in his judgment would disturb the business of the country or endanger the stability of the Government. He was essentially a safe and able legislator.

Senator Gorman was a Democrat under all circumstances and conditions. He remained true to his party and fought its battles, even though in later years it adopted principles with which he was not in sympathy. If he could not lead it, he followed it. He did not sympathize with the free-silver doctrine, but on that account he did not abandon the party, but went down with it in defeat. The free-silver platform cost him his seat in the Senate, as the Republicans on that issue gained ascendency in Maryland.

If this was the greatest defeat of his life, his greatest triumph was when five years later he carried the State and legislature and was unanimously and triumphantly returned to his seat in the Senate, where he was welcomed by his friends and colleagues of both parties, and in recognition of his superior qualifications was again made the minority leader.

Mr. Gorman has been sneered at by the reformers as being a politician. He was a politician, Mr. President. Had it not been for his ability as a politician he would not have been a member of this distinguished body. He was for years one of the leading politicians of his party. But he was something more. His conduct during his long service in the Senate demonstrated that he was a statesman of no mean order. Every statesman is of necessity a politician, but every politician is not a statesman. The immortal Lincoln was one of the

shrewdest politicians of his day, and that was one of the elements of his strength. It added instead of detracting from his other great and noble qualities. It is no discredit to a man in public life to be called a politician, because every successful man in public life is a politician.

From the time that Mr. Gorman became prominent in national affairs until his death it was believed that he was ambitious to become President of the United States. At one time he could have been the nominee of his party. Ambitious he certainly was, but whether it was the possible fear of defeat, as claimed by his enemies, or a disinclination to assume the responsibilities of the great office of President that seemed to make him hesitate rather than actually seek it, I do not know. My acquaintance with and observation of him lead me to the conclusion that, unlike most of our prominent statesmen of to-day, he did not care sufficiently for the office to actually seek it.

If he had retained his health he would have retained all of

If he had retained his health he would have retained all of his old influence with his party, both in and out of the Senate, but in his life—he had lived years where others had lived months—his once vigorous constitution became undermined, and in the language of a British statesman, pronouncing a eulogy over Prince Albert, "came the blind fury with the abhorred shears and split the thin-spun life."

Senator Gorman passed away, as I believe he would have wished, one of the most honored and respected members of this body, in whose service the younger years of his life were spent.

Mr. BLACKBURN. Mr. President, after listening to the tributes that have been paid to the dead Senator from Maryland—that which has been pronounced in his own matchless fashion by his eloquent colleague, the senior Senator from that State, and the others, exceptionally elaborate and finished and just—it would seem that there was little, if indeed anything, to be said. But I can not gain my own consent to allow this occasion to pass without bearing my poor tribute to the memory of the dead Senator. My acquaintance with him was too long, my association with him too close, my estimate of him was too high, and my affection for him too sincere for me to observe silence.

Sir, we may well pause at the grave and ponder on the life of a man who was big enough and strong enough to play the part of a conceded leader of his fellows and leave an imperishable impression upon the days and times in which he lived. It may be true, sir, and I doubt not as a rule it is true, that men are mainly in point of their career the product of two forces—heredity and environment. I doubt not it is true that select where you may as a general rule there is little left in a man's career save the product of one or both of these forces. But occasionally we meet with a man who is taken out of that general rule, who is possessed of an inherent sturdiness of character, of an ability, of a persistency, and of those intellectual and moral qualities that make him the exception to the rule.

Such a man was Senator Gorman. He was not the beneficiary either of heredity or of environment. He came from the body of the great common people, with no illustrious lineage behind him, with neither fortune nor fame nor surroundings that were conspicuously fortunate. He began at the bottom; he ended his life at the top, measured by any crucial standard that you may see fit to apply. His career was too long and it was too thoroughly crowded and studded with achievements of no ordinary character to permit of anything like a complete review on an occasion like this.

I would not seek, friend as I was to him, I would not ask, nay, sir, I would not have said of him to-day one single syllable of panegyric or undeserved eulogium. I would not measure out even to the dead, however close they may have been in life, aught except a fair, full measure of justice.

His colleague, in that splendid burst of eloquence with which he paid his tribute to the dead statesman, has told you that a man of positive character as was Mr. Gorman, naturally, inevitably gathered about him hosts of friends, but with equal necessity created numberless opponents. It is to-day one purpose, and only one purpose, that prompts me to speak, and that is to protest against the injustice to which he was subjected on one memorable occasion in his life where he was made the victim of unfair criticism, where, because of the conspicuous position that he held and the unquestioned power that he wielded, it was sought by others who deserved it more to fasten upon him responsibilities that ware not his own.

responsibilities that were not his own.

I refer to a memorable occasion in the political history of our country, fresh in the minds of many Senators who sit about me, when party representation in this Chamber was measured by so narrow a majority that a single vote was sufficient to tip the balance and determine the complexion of its legislation. When the tariff bill came from the House, the bill known as

the "Wilson bill," which was to supersede the McKinley measure, Mr. GORMAN was indeed a potential factor in this Chamber. His action upon that occasion, his course in connection with that important measure have been made the occasion of unfair censure and unmerited criticism.

That bill, Mr. President, whilst it might have been, and by many was believed to be, a decided improvement upon the taxing measure that it supplanted, failed, as is known of all men, to meet the expectations of the country or the reasonable de-

mands made by Mr. Gorman's party.

For that failure, and the failure is confessed and conceded, it was sought to fasten upon the Maryland Senator a decree of responsibility which did not honestly belong to him; and here, in order to vindicate the truth of history, I enter an earnest and solemn protest against that injustice surviving after he has gone. Other men of his party, then higher in station and in power than he was, who sought to relieve themselves of criticism by undertaking to fasten upon him a burden that did not belong to him, should answer at the bar of history instead of

the dead Marylander.

The records of this Congress show, the Congressional Record, in its imperishable pages, will bear out the declaration, that when summoned to testify as witnesses upon this floor his colaborers upon the Senate Committee on Finance, most of them now dead, as is the Maryland Senator—Voorhees, of Indiana, the chairman of that committee, Harris, of Tennessee, Vest, of Missouri, and Jones, of Arkansas—bore willing witness to the fact that there never was a modification made in that measure, there never was a step taken in its revision or remodeling, there never was an alteration proposed or carried into effect by the conference of this side of the Chamber upon that tax bill which was not unhesitatingly approved and indorsed, pleaded for, and demanded by those higher in authority than Mr. Gorman or myself, who afterwards saw fit to denounce it and brand it with the brand of perfidy.

I protest here, in justice to the dead, that the responsibilities in that case did not belong to the man whose memory to-day we honor. He bore the unjust accusation patiently. That splendid serenity and poise which has been so happily described by his colleague did not desert him. That was one of the distinguishing characteristics of the man. He was always serene, always self-poised, and never taken by surprise. In the hour of his triumph and in the hour of his disasters and defeats he was always the same self-contained, the even-poised, undisturbed,

unshaken man.

But if I were to single out one period in his service, one point in all his career, that to my mind was the most creditable and most to be admired, it would be his identification with that important period of our country's history to which allusion has been made by more than one of the Senators who have preceded me, to the part that GORMAN bore in the force-bill fight

on the floor of the Senate.

In order to appreciate his conduct and his bearing and measure fairly the service that he rendered then, it is necessary for those who were not here at the time, as I was, to go back and acquaint themselves with the conditions that confronted us. The passions of the war had not entirely subsided. The bitterness of partisan feeling was running high indeed in these Chambers. The House of Representatives, without debate, had passed a bill which we of the South believed doomed that section to all the horrors of a revived carpetbag military government. We honestly believed that every hope and every aspiration that that great section of our country cherished was to be blighted, that the wheels of civilization were to be reversed, that we were to be turned back to a darker, aye, sir, to the darkest, period which ever marked the history of our country.

The House had passed the bill; the President had sent mes-

The House had passed the bill; the President had sent message after message urging the Senate to enact it; a clear majority of Senators upon this floor stood committed to its support whenever a final vote should be called for its passage. There was nothing left between the South and absolute chaos and utter wreck and ruin except what appeared to be the helpless and hopeless minority of Democrats upon this side of the Chamber. Passed through the House, indorsed by a majority of Senators upon the floor, who only waited for an opportunity to crystallize it into law, the President of the country telling us in special messages that he with itching hand was holding his pen ready to affix his approval and his signature—that was the dark outlook which we confronted.

Mr. GORMAN, to whom every Democrat turned as by instinct

Mr. Gorman, to whom every Democrat turned as by instinct as the leader, if one there be left on earth who could save his party and his country, stood at the head of that phalanx of undaunted, brave men interposing themselves for the protection of the South. Never while life lasts can I forget the incidents of that struggle. The days went by but slowly and the weeks

dragged their weary length along, whilst without adjournment, night and day, that small band was on duty and its unswerving, brave, devoted commander was on deck.

I venture to assert that in all the tide of time you will search in vain among the records of the English-speaking peoples of this world to find a parallel to the splendid generalship, the resources, the matchless courage, the unquestioning devotion, and the brilliant commandership that Gorman manifested upon that occasion. A forlorn hope, of course, he led; battlements, impregnable, he could not scale, but he accomplished his purpose. He saved the South, and in my judgment he saved the North as well, when by a flank movement he side-tracked the force bill and buried it in a grave to which it should have been doomed upon its birth. The most splendid parliamentary battle of which history gives us record was the one that was fought and the one that was won by the Maryland leader.

Speaking in the light of a service in Congress not especially short, I frankly avow and without hesitation declare that I have never come in contact with a man in public life since first I entered the council chambers of my country who had in so great a degree all the properties and qualities that go to constitute a leader of men. I have never known either his supe-

rior or his equal.

I do not care to say more, Mr. President, but I deem it proper, in order that justice complete and full shall be done to him and his memory, to ask that I may insert in the Record of today's proceedings the resolution passed unanimously by the caucus of the Democratic party of the Senate on the occasion of his death.

The VICE-PRESIDENT. In the absence of objection, per-

mission is granted.

The resolution referred to is as follows:

RESOLUTION UNANIMOUSLY ADOPTED BY THE DEMOCRATIC CAUCUS JUNE 9, 1906.

"The Democratic Senators at their first meeting in conference subsequent to the death of their former honored and loved chairman, the late Senator Gorman, obey their unaffected impulse in the expression of their profound sorrow for his loss to them as their personal friend and their sagacious, faithful political guide in their official relations.

"A faithful friend, zealous and wise party leader, considerate and conciliatory and careful of the interests of all, he greatly endeared himself to his party associates, by whom his memory

will ever be most fondly cherished."

Mr. FRYE. Mr. President, I shall pay my tribute to the memory of the late Senator Gorman in a very few words, but sincere.

During all the years we were associated together in this Chamber we were close personal friends. All the while we had a continuing pair, under the terms of which either was to vote whenever he pleased, each confident that the other would protect him whenever a political question was under consideration. It is not necessary for me to say that that confidence was never betrayed. I had for him a warm affection and ardent admiration, and I am proud to believe that the affection was reciprocated.

Prompted by that friendship I was interested in and observant of Mr. Gorman's remarkable public career. He was most bitterly assailed as an unscrupulous politician, ready at any time to avail himself of any means to secure the ends he sought. I have failed, sir, utterly to find any justification whatever for that charge. He was a politician—advoit, alert, full of resource. Possibly he was a partisan. If he was, I admire and do not censure. I have little faith in a man connected with a political party, who really and honestly believes in its principles, who is not ready at all times to defend and maintain them.

That Mr. Gorman would avail himself of every opportunity he honorably could to strengthen his party I have no doubt. I recall a somewhat spectacular illustration of that. I was present at the Republican ministerial meeting at the Fifth Avenue Hotel in New York when it was declared that the strength of the Democratic party was rum, Romanism, and rebellion. Mr. Gorman was chairman of the Democratic national committee. He saw that opportunity; he promptly availed himself of it, and in a few hours that wretched declaration was scattered broadcast all over this country. It was a most weighty contribution to the result. Mr. Blaine was defeated, Mr. Cleveland elected, and Senator Gorman did it.

Mr. President, when duty to his country seemed to Mr. Gorman to demand it, he disregarded party. When the civil war broke out he was a resident of the State of Maryland. In the face of party and of most powerful social influences, he was a loyal and devoted friend to the cause of the Union, utterly re-

gardless of the effect it might have upon his fortunes in that State.

Mr. Gorman was the recognized leader on the Democratic side for many years. It was a position of great power. I never yet heard any Republican Senator charge him with an exercise of that power unfair or dishonorable.

Mr. Gorman was a thoroughly equipped business man. As such his services here were of great value. When in his judgment the best business interests of his country demanded he left party or disregarded party demands, as the records of this Chamber show.

His private life was without reproach. He had no vices, no bad habits. He was a man pure in thought and act. It was my good fortune to be an occasional visitor at his home in Maryland. It was an ideal home, with an ideal head. He was a tender, loyal, devoted husband, and an affectionate, indulgent father.

Mr. President, in Senator Gorman's death the Senate, his State, our country suffered a most serious loss, and that ideal home is desolate indeed.

Mr. OVERMAN. Mr. President, five times in the four short years in which I have been a member of this body we have been called upon to pay the last tribute to the memory of five of its most distinguished members. Six times in that short period the chilling hand of death has cast a dark shadow over this Chamber and the pale horse has entered its portal whence its mysterious rider has borne these great men away on the long journey to the mysterious beyond, a journey which the humble and the great, the rich and the poor, all alike, sooner or later must take. As they depart we are reminded that man's days upon earth are but "few and full of trouble" and that his glory is, like the flower of the field, soon to fade and wither.

While others who were long associated with him and who were more intimate with him have recounted his virtues, have reviewed the splendid career of Senator Gorman, whose departure we so grievously lament, I, as one of the younger Senators, arise simply to drop a tear, to add one flower to the chaplet, and to give expression of my sorrow at his sad taking off.

Mr. President, four years ago on the 4th of March next I

Mr. President, four years ago on the 4th of March next I entered this Chamber to take the oath of office and enter upon the discharge of my duties as a Senator of the United States. Mr. Gorman, having been an honored member for some eighteen years, had been retired. Four years later he was returning again in great triumph, again to take on the Senatorial toga, and to be the leader of his great party upon the floor. He was sworn in on that same day. This was the first time I had ever met and become personally acquainted with him, and I shall never forget the warm, cordial grasp of the hand and the gentle courtesy with which he welcomed me, the care with which he instructed me in the mysteries of the Senate, and his words of advice. He seemed to take a kindly interest in me at once and endeavored to make me feel that I was to be no stranger here.

endeavored to make me feel that I was to be no stranger here. I attended his funeral and followed his remains to their lasting resting place in the beautiful Oak Hill Cemetery, in this city. I was deeply impressed, as I think everyone present was, with the simplicity of the funeral. There was no lying in state, no cavalcade, no parade, no gathering of the great officers of the Government, no show; only the simple ceremony held in the parlor of his comfortable but unostentatious home in this city, his stately coffin surrounded by his bereaved and devoted family and a few of his most intimate friends. A short prayer was offered, a short yet beautiful and touching address by the minister, and it was all over. All of this was at his request, and shows this man's most charming characteristic, that of modesty, which marked him through life and which usually marks the great man.

Others have spoken of the great ability which so distinguished his public career. But looking back over these three years from 1903 to June, 1906, when he died, in this sad hour, as we pay loving tribute to his memory, I would recall not only his modest demeanor, but his kind and gentle spirit, his always ready and responsive sympathy, his freedom from bigotry, his evenness of temper, his forbearance, his charity, his uniform courtesy in conversation and in debate; these were some of the chief characteristics which made men love him, and these, with his great mind, made him not only a leader of the people, but a leader in every legislative body of which he was a member. Senator Gorman made his impress upon the whole country, and his death was lamented not only by the members of this body, but by the people throughout this broad land of ours. His seat here will not be easily filled. He was no ordinary man

His seat here will not be easily filled. He was no ordinary man.

He began his life work at the age of 13 as a page in this body,
having been appointed by Stephen A. Douglas in 1852, in which
position he served for twelve years, acting during that time as

secretary to Mr. Douglas and as postmaster of the Senate. It was during these years that the fires of ambition were lighted and began to burn in his young heart. His associations with great men inspired him to be great also, and he often dreamed of the time when he should represent his State in this great body and take the place of some of the great men whom he so faithfully served in his young manhood.

In 1866 he returned to his State to fill the important position of collector of internal revenue. His rise was rapid. He soon became a leader, filling many important positions in his native State. He was first a director and afterwards president of the Chesapeake and Ohio Canal Company. For six years he was a member of the house of delegates, two years of which he served as speaker of that body. For six years also he was a member of the State senate, until in 1881 he was elected to the United States Senate. Here his rise was rapid also. It was but a short time until he was regarded as one of the leaders of his party, and his advice was sought in every great movement for his party's success.

He was a master parliamentarian, and it was greatly through his skill and tactics that a minority was able to defeat in the Senate legislation hostile to his section. In 1889 he was made the leader of his party upon the floor of the Senate, leading them through many a storm to victory. But perhaps his greatest triumph, and one for which his party and the South owe him a lasting debt of gratitude, and one which she will never forget, was his magnificent leadership and the noble fight he made against the election bill. Under his leadership and directed by his skill the minority achieved a glorious victory and succeeded in defeating that bill, which even its friends now admit was not only unwise, but which would have proved disastrous to the South and perhaps caused a race war and bloodshed.

While Senator Gorman was gentle and kind in his nature, Mr. President, yet he was as courageous as a lion and determined whenever the occasion required. In the exciting days following the election of Grover Cleveland to the Presidency, when the result for days seemed in doubt and the leaders of the opposite party were making claims of victory, Senator Gorman was at the Democratic headquarters. He was on the watchtower day and night guarding his party's interests and infusing courage and determination in its leaders. He knew Mr. Cleveland was elected and was determined that the experience of 1876 should not be repeated; that the man elected by the people should be inaugurated their President.

In the last Presidential campaign he was again asked to lead his party, but on account of his failing health he was compelled to decline. Thus for a quarter of a century his advice and counsel was sought by the leaders of his party in the nation, while here his associates found in him a wise, safe, and sympathetic counselor.

The most striking illustration of his influence and the esteem in which he was held by his party associates on this floor is the fact that, having been retired for six years, upon his election in 1903 he was unanimously restored to his old leadership; and I doubt if the annals of the Senate will show a superior in parliamentary tactics. He was always in his seat, ever watchful of his party's as well as his country's interests, helpful and influential in shaping legislation and policies, sound in judgment, quick of perception, well informed upon all great questions affecting the Government. He was not only respected and followed by his party associates, but he always commanded the admiration of his opponents.

His voice is forever still; his labors and sorrows are over; but the memory of his good deeds and his public career will live in history. We indulge the hope that when the call came to pass over the dark river he was prepared to meet his Pilot face to face.

Sunset and evening star, And one clear call for me! And may there be no moaning of the bar When I put out to sea.

Twilight and evening bell, And after that the dark! And may there be no sadness of farewell When I embark.

For the from out our bourne of time and place The flood may bear me far, I hope to see my Pilot face to face When I have crossed the bar.

Mr. TILLMAN. Mr. President, other Senators have fully covered the facts in the life of our lamented colleague and have given voice to their feelings and love and respect. Each man who has spoken so eloquently in his praise has drawn a picture of his public characteristics and personal traits. I shall present another phase of his work and life.

In my long service with the Senator from Maryland I was

always impressed with the completeness with which he illustrated the famous Latin maxim "Suaviter in modo, fortiter in Gentle in manners, resolute in deed. He was especially courteous and friendly in his dealings with all men. He was warm-hearted to a fault and ever ready to do a favor or an act of kindness. At the same time he was a man of great force and strength of character, ready to fight with all of his might for any cause in which he enlisted. He was especially qualified for leadership, because of the tact and skill with which he carried out his plans. He was a diplomatist of the very highest type, but was always loyal to his convictions. In those qualities which make for good leadership—judgment and a knowledge of human nature—he was especially strong and carried men along with him almost without their knowing it. I have never seen his superior as a party leader, and, though he made mistakes, as we all do, he was exceptionally free from the weakness which characterizes some men of blaming others for the blunders made.

In the history of the politics of his time he will always occupy a prominent place, and few men who have filled the high position of Senator exerted a weightier influence on legislation than did Senator Gorman. His greatest service, certainly one of the greatest achievements of his career, of which mention has been already made, was the defeat of the force bill, that bitter partisan measure which would have post-poned for years, if it had not absolutely destroyed, all chance for the happy condition and relation toward each other of the two sections of our great country which now exists. Had that bill passed sectional hatred would have flamed up into intensity as great or greater than existed at the close of the civil war, and strife and bloodshed would have followed on a scale which can only be conjectured. Its strongest advocates are now content to acknowledge that it was a great mistake to have ever undertaken to pass such a law. In proportion as this feeling of satisfaction shall grow Senator Gorman's services will stand out in bold relief and more and more entitle him to the admiration and respect of posterity for his great work in that great crisis.

There is another incident of his career that had as much or more than any other act of his life to do with making him, for the time being, unpopular with the unthinking masses and causing him to become the object of most bitter and vindictive criticism. I mean the charge, which, though not made in direct words, was unmistakably aimed at him, of being guilty of "party perfidy and party dishonor" in regard to the Wilson-Gorman tariff bill. It happens that I can bear personal testimony as to one of the most talked-of incidents in connection with that matter, and in discussing his career and contributing in ever so slight a way to a proper understanding of Senator GORMAN'S public work and statesmanship, I would feel recreant if I omitted to throw such light on this transaction as is in my power to do, and join the Senator from Kentucky [Mr. Black-BURN] in protest against injustice to Senator Gorman's memory.

In October, 1892, I visited New York on business and remained in the city a week or more. I was at that time governor of South Carolina. Naturally I felt a most keen interest in the result of the approaching Presidential election. I visited the Democratic headquarters and had opportunity to talk with some of the leading men connected with the conduct of the Democratic campaign. There was intense interest and feeling in view of the well-known attitude of President Harrison on the force bill. I lived in a State where the negroes were in the majority and where we had suffered from negro domination. So I felt the deepest concern for the success of the Democratic party, feeling that the election of a Republican President at that juncture who favored the force bill would be nothing short of a I found there was great activity at headnational calamity. quarters, and frantic appeals were being made for campaign funds to strengthen the party in several doubtful States as well as in certain specified localites in New York State.

In the Southern States then-and, in a large measure, it is still true so far as that section is concerned—money exerted very little influence in elections; but realizing that things were different in the North, after talking with those who had charge of financing the campaign, I took immediate steps to have the chairman of the Democratic State committee of South Carolina exert himself to the utmost to obtain as much money as possible and forward it to Democratic headquarters. In the conversations which I had with the Democratic leaders it was clearly brought out that the sugar refiners were ready to contribute to the Democratic campaign fund if it could be understood that the industry would be fostered and not destroyed by the Democratic tariff policy, and I received the impression, which became indelibly fixed on my mind then and remains fixed to this day, that President Cleveland understood the sit-

uation and was willing to acquiesce in it if we won at the polls. I did not talk with Mr. Cleveland in person on this subject, though I called at his hotel to pay my respects, and I am thoroughly satisfied that the charge of "party perfidy and party dishonor" in the famous Wilson letter was an act of grossest wrong and cruelty to Senator Gorman. If Mr. Cleveland, as I was told, knew of these negotiations and was the beneficiary of such a contribution, it is inconceivable how he could lend his great name and influence toward destroying Senator GORMAN'S influence and popularity in the way he did. No wonder the Senator from Maryland, in the speech delivered in this body on July 23, 1894, made this indignant denial:

As I have said, sir, this is a most extraordinary proceeding for a Democrat, elected to the highest place in the Government, and fellow-Democrats in another high place, where they have the right to speak and legislate generally, to join with the commune in traducing the Senate of the United States, to blacken the character of Senators who are as honorable as they are, who are as particite as they ever can be, who have done as much to serve their party as men who are now the beneficiaries of your labor and mine, to taunt and jeer at us before the country as the advocates of trusts and as guilty of dishonor and perfidy.

When it is remembered that the placing of a duty on sugar.

When it is remembered that the placing of a duty on sugar under the Wilson-Gorman tariff as a substitute for the bounty system of the McKinley tariff was made necessary in order to get the votes of the two Louisiana Senators, it was easy to see that we either had to have no tariff legislation that session or the pledges made before the election had to be carried out. Gor-MAN, honorable man as he was, and party leader in the Senate of the Democrats, redeemed every pledge made by the party leaders in New York. There was something pathetic in the indignant words with which he met the charge of "party perfidy and party dishonor," which had been so unjustly hurled at him by President Cleveland. I quote from the same speech of July 23, 1894:

The junior Senator from New Jersey [Mr. Smith], the junior Senator from Ohlo [Mr. Brice], and myself were then giving our time and our money and everything that men can give for the success of the party. We conferred with all those distinguished gentlemen. We were not at the conference with the candidate, but had from both sides what had occurred. They wanted to know if the Democratic organization, of which we were a part, put the same construction upon it and would be in favor of that line of procedure thereafter. They said to us frankly, "We want to tell our people the truth. We do not want to press you to give a single fraction of a cent to Louisiana, but we only want to know the truth." At that solemn conclave we all said, "Yes, it is a dutiable article; it is to be and must be the corner stone by which we will overthrow McKinleyism; you shall have it."

Mr. President, I would have given anything in reason for the interest of my people whom I represent if I could have had free sugar all along the line. I could not have it without violating the rule that I have made for myself, not to-day, but from the beginning of my career, for a fair revenue duty on all dutiable articles.

But above all, sir, in all my public career, no man, no living being, has ever charged me with perifdy. No soul can say that I ever made a promise about public or private matters that I did not carry it out if I had the power to do it. These two Senators and myself, carrying out our pledge, have stood here and been gibbeted as three men who were in a sugar trust. It is unnecessary to say no Senator on this floor with whom I am associated would believe such a thing, but it is due to the man who writes the history that he shall have the truth of the transaction.

The effect of these unjust and perfidious attacks upon Senator

The effect of these unjust and perfidious attacks upon Senator GORMAN was to give Maryland over to the Republican party for the time being and to send GORMAN into retirement; but with the indomitable will which always characterized him and a better understanding by the people of his State of the real facts in the case, after a period of retirement he was fully vin-dicated and returned to the Senate as Maryland's representative in this body. It is needless to say what gratification this afforded his party associates; and I feel it was also a matter for congratulation among his political opponents, for aside from party loyalty, which must characterize in a way all of our dealings with each other here, the personal bond is by far the strongest one in this great body, and men are judged and exert influence in a far greater degree by reason of their personal relations and characteristics than from any other cause. His departure from our midst has left a place vacant that few can fill; and those of us who had the privilege of knowing him intimately will always cherish the strongest feeling of admiration for the man as well as for the Senator. Always, Mr. President-

* * * He bore without abuse . The grand old name of gentleman.

Mr. WHYTE. Mr. President, it is a custom honored in the observance to pay a just tribute to a member of the Senate when he has "walked the way of nature" and gone hence to be seen no more.

The colleagues of the late Senator Gorman have borne testimony, in no uncertain language, of the value of his public services in this body during his long tenure of the Senatorial office, and there is nothing left to be added to their estimate of his worth. I recognize, however, my duty, as a Senator from Maryland, to say a word on this sad occasion. Silence would be unjust to the memory of the dead and false to my own sense of manhood.

My first acquaintance with the late Senator occurred in the summer of 1871. He was then a young man 32 years of age, full of vigor and acuteness, after service as page and Postmaster of the Senate, and with keen knowledge of public affairs, acquired in the office of collector of internal revenue in the fifth district of Maryland. I was a candidate for the office of governor of Maryland, and promptly discovered in him an astute political leader, and our friendly relations began at that period.

He came to the house of delegates for the session of 1872, while I was governor, and was made its speaker. The duties of that position he discharged with signal ability, and what he had learned in the Senate, in the official position he held between 1862 and 1869, rendered him able to discharge the functions of the speakership without embarrassment.

After the session of the legislature he was made president of the Chesapeake and Ohio Canal Company, in which the State had large interests, and for which position I rendered him all the aid in my power

About the year 1879, owing purely to political differences, the association in party affairs which had previously existed between us was severed, and our paths in party conferences thereafter ran in different directions; but I can with satisfaction say at this day that our personal relations were not suspended up to the hour of his decease. On the contrary, whenever we met was in the social and cordial way of former days. vate life was most exemplary, and his devotion to his home and his family won the admiration of his thousands of friends in his native State.

May he rest in peace!

And now, Mr. President, as a further mark of respect, I ask that the resolution I send to the desk be adopted by the Senate.

The VICE-PRESIDENT. The resolution submitted by the junior Senator from Maryland will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until tomorrow, Saturday, February 2, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 1, 1907.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, offered the following prayer:

We lift up our hearts unto Thee, O God and Heavenly Father, in behalf of the Member whose companion has been taken from him in death, and unto whom and his motherless children our hearts go out in tender and loving sympathy. Let Thine everlasting arms be about him to comfort and support him and speak to him.

O Thou grace divine, encircling all, A soundless, shoreless sea, Wherein at last our souls shall fall, Oh, love of God most free.

Speak to him, we beseech Thee, Thou who art the resurrection and the life, of that eternal home where families shall be reunited, and where sorrows and partings shall never come. And Thine shall be the praise, through Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, under the rules this day belongs to the Committee on War Claims. The committee does not wish to interfere with the river and harbor bill, and I ask unanimous consent that the day following the passage of that bill be given to the Committee on War Claims.

The SPEAKER. The gentleman from Pennsylvania asks

unanimous consent that the day following the passage of the river and harbor bill may stand in lieu of to-day for business

from the Committee on War Claims.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I am unwilling to consent to that arrangement now. several other appropriation bills pending, and I think an arrangement may be made later by which we can set apart a day and observe a similar rule to that we had the other day in regard to claims, allowing the unobjectionable claims to be taken up. If this order requested by the gentleman from Pennsylvania is made now it will result in nothing but the waste of a day on the omnibus bill

Mr. MAHON. I want to say to the gentleman that I have said to the gentleman from Illinois [Mr. Foss], chairman of the naval committee, that if he was ready with the naval bill after the passage of the river and harbor bill we would get out There will be no difficulty about that,

of his way. There will be no difficulty about that.

Mr. PAYNE. I think I shall have to object, Mr. Speaker, to this request now, but I think that an arrangement can be made later by which the gentleman will be enabled to get unobjectionable bills from the Committee on War Claims taken up.
The SPEAKER. Objection is made,

COMMUTATION OF HOMESTEAD ENTRIES FOR TOWN-SITE PURPOSES IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24989) to provide for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That when any citizen or number of citizens (not exceeding four) who have purchased homestends in Oklahoma Territory under act of June 5, 1906, entitled "An act to open for settlement 505,000 acres of land in the Klowa, Comanche, and Apache Indian reservations, in Oklahoma Territory," desire to found a city or town upon their said lands, it shall be lawful for them, at their option, to pay to the receiver of the land office of the district where their land is situated the full amount of the money remaining unpaid on their bid for their said land; and the person or persons so paying said money to commute their said homesteads shall at the same time file with the recorder of the county in which such city or town is situated a plat thereof for not exceeding 640 acres of land, describing its exterior boundaries according to the lines of the public surveys and of their homesteads; also giving the name of such city or town and a plat and description exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, if any; the alleys, streets, public parks, and squares shall be designated, and the uses for which they are dedicated shall be given. Such map and statement shall be verified under oath by the party for and in behalf of the person or persons proposing to establish such city or town; and within one month after such fling there shall be transmitted to the General Land Office a verified transcript of such map and statement; accompanied by the testimony of two witnesses that such city or town has been established in good faith; a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map and statement in the General Land Office, together with the receipt of the receiver showing the aforesaid full payment of the bid made for such land, it shall be the duty of the Secretary of the Interior to at once issue a patent to the sai

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to

hear an explanation.

Mr. STEPHENS of Texas. The object of the bill is this: Congress passed a bill on the 5th of June last opening for settlement 505,000 acres of land in Oklahoma. That land was to be sold to the highest bidder. It was sold recently and it brought \$12 an acre on an average, some above and some below. It could not be sold for less than \$5 an acre. It was sold under Since that time the railroad has been extended from my district in Texas in the direction of Lawson, one branch going 30 miles across this land to a town called Frederick. They find that there is no law permitting them to have towns along this route, or depots, or anything of that sort, and it is absolutely necessary that they should be permitted to pay the entire amount due on the land at one time so that a patent They bought the land on five years' time, paying can issue. one-fifth down and four other payments. They want the right to pay the other four payments and get the patents. are required to live on it fourteen months under the homestead law before they can commute. This permits them to commute at once on the payment of the amount due.

Mr. PAYNE. As I understand the gentleman, all this bill

does is to permit the people to pay the whole consideration at once instead of five annual payments?

Mr. STEPHENS of Texas. Yes.

Mr. LACEY. I would also state that these bids have not yet been filed and allotments made, but will be reported to the Secretary of the Interior in a few days. It only gives the option wherever they desire to lay out a town site by filing a plat and paying the full price of the bids.

Mr. PAYNE. I would like to ask the gentleman if this has

been reported from the Committee on Public Lands?

Mr. LACEY. It has.

I am glad to notice that the land sold for a Mr. PAYNE.

good deal more under sealed bids than \$5 an acre.

We don't know how much it has brought, but Mr. LACEY. unquestionably it has brought more than it would if there had been a public auction and a combination of bidders.

Mr. PAYNE. I want to commend to the House the idea hereafter of selling land under the same rules and restrictions.

have no objection.
The SPEAKER.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FIXING BOUNDARIES OF LANDS ADJOINING COEUR D'ALENE INDIAN RESERVATION.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24374, together with amendments, to fix the boundaries of the lands of certain landowners adjoining the Coeur d'Alene Indian Reservation, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That following the boundary of the Coeur d'Alene Indian Reservation, in the State of Idaho, wherever the surveys of said reservation, as finally approved, make it appear to the Commissioner of the General Land Office that adjoining owners of land would be deprived of a portion of their land as said land appears described under patent, such an amount of adjoining land shall be granted from the reservation to owners of such adjoining land as will complete their respective tracts as defined by patent or entry.

With the following land that the complete their respective tracts as defined by patent or entry.

With the following amendments:

In line 7, after the words "owners of land," insert the words "or

entrymen.", acted the words "owners of land," insert the words "or In line 8, after the word "land," insert the words "or entry." In line 9, after the word "land," insert the following: "Upon payment therefor at their appraised value, as provided in the act of June 21, 1906 (34 Stat. L., p. 335)."

Add the following proviso to the end of the bill: "Provided, That the provisions of this act shall not extend to lands which are embraced in allotments made under the provisions of the act of June 21, 1906 (34 Stat. L., p. 335), or to lands in the use or occupation of any Indian having tribal rights on the Coeur d'Alene Reservation."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would ask what is sought to be accomplished by this?

Mr. FRENCH. Mr. Speaker, the bill is simply a measure to correct the boundary lines between the prospective settlers that will be upon this reservation and the settlers who now own their land or have entered upon their land surrounding it. It has the unanimous support of the committee and of the Department, and it merely fixes a definite boundary line which will prevent future litigation over the exact boundary line between the two sets of owners.

Mr. STEVENS of Minnesota. This has the unanimous sup-

port of the committee?

Mr. FRENCH. Yes. Mr. PAYNE. I have no objection.

The SPEAKER. The question is on agreeing to the amend-

The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time,

read the third time, and passed.

The SPEAKER. Without objection, the title will be amended by inserting, after the word "landowners," the words "and entrymen."

There was no objection, and it was so ordered.

ADDITIONAL LAND DISTRICTS IN ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25041) to provide for the creation of additional land districts in the district of Alaska, which I send to the desk and ask to have read.

The Clerk read as follows:

Alaska, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there are hereby created two additional land districts, the boundaries of which shall be designated by the President, in the district of Alaska, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska.

Sec. 2. That the clerks of the district courts at Nome and Fairbanks shall respectively be ex-officio registers of the land offices at Nome and Fairbanks and the marshals of the said courts at Nome and Fairbanks shall be ex-officio receivers of public moneys for the Nome and Fairbanks land districts. Said officers shall perform the several duties of register of the land office and receiver of public moneys for the land districts with all the powers incident to such offices to the same extent as now performed by the register of the land office and the receiver of public moneys at Juneau, Alaska.

Sec. 3. That the said officers shall, in addition to their present compensation as clerk or marshal as provided by law, receive all the fees and emoluments allowed by law for their services as registers of land offices and receivers of public moneys for land districts under the land laws: Provided, That any fees or emoluments in excess of \$1.500 per annum received by either such officials shall be paid into the Treasury of the United States.

Sec. 4. That the surveyor-general of the district of Alaska, under the direction of the Secretary of the Interior, shall furnish the receivers of said land offices a sufficient quantity of numbers to be used in the different classes of official surveys that may be made in said Nome and Fairbanks land districts to meet the requirements thereof, and upon application by any person desiring to have an official survey or to make the same, and such application, order, and the fee required to be paid to the surveyor-general in the district of Alaska shall be transmitted to the surveyo

Sec. 5. That this act shall take effect and be in force from and after July 1, 1907.

With the following amendments:

Strike out the word "emoluments," in line 9, page 2, and insert "commissions;" and in line 12, page 2, strike out the word "emoluments" and insert "commissions;" and at end of line 14, page 2, insert the following: "Provided, That no other salary than aforesaid shall be paid to such registers and receivers."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Iowa a question about the bill. Does this propose to give two offices to these men-that is, to allow them to hold the office of marshal and also induct them into the office of receiver of the Public Land

Mr. LACEY. Mr. Speaker, I will explain to the gentleman and to the House the situation. When Alaska first began to be settled and we organized a government there, there was not business enough to justify the establishment of a land office in the usual way; the expense was too great. So Congress made the usual way, the expense was too great. So congress made the secretary of the Territory and the clerk of the court register and receiver ex officlo, and allowed them to perform what few duties there were there. But at present they have a land office for the entire district at Juneau. The distance is very great, 2,500 miles from Juneau to Nome, and a good deal of the year it is practically impassable. It makes a great deal of delay in obtaining patents. A few years ago we established some land offices in northern Alaska, and it was found that there was not demand enough to justify keeping them open, and the expense of the offices was considerable. The fees were very few. Those offices were discontinued by act of Congress. They desire up there that they should have an opportunity to apply for their mineral patents in some more convenient way than going to The surveyor-general lives at Juneau. By making land offices at these two places and establishing them somewhat on the same plan that the original office used to be at Sitka, it will enable these people in the future cases that come up to obtain relief without the Government going to the expense of establishing separate land offices there, and therefore the bill makes the clerk simply do the duties of the register in addition to his present duties, and the marshal do the duties of receiver in addition to his present duties, and gives them the fees and commissions for the work, provided that they should not each exceed \$1,500. They would probably amount to two or three hundred dollars a year.

Mr. UNDERWOOD. Let me ask the gentleman this: Has

not the office of receiver been abolished?

Mr. LACEY. It has not. Mr. UNDERWOOD. Has it not been consolidated, the two

offices, in the United States?

Mr. LACEY. It has not, though it ought to be. I introduced a bill asking that that be done, but, unfortunately, I have not been able to secure a favorable report from the committee. My own judgment is that we ought to have the work of register and receiver performed by a single person, but this bill does not change that law. It simply makes provision for cases where if anyone wants a mineral patent he can apply and save the transfer of his papers back and forth 2,500 miles to Juneau, making a 5,000-mile trip by dog sled in the winter and by water in the summer time.

Mr. UNDERWOOD. I have no objection to that part of the The question with me was whether this was a bill to in-

crease the emoluments of some official.

Mr. LACEY. It would increase them slightly. At Nome there are forty cases pending, and this bill provides that those shall be continued until finally settled at Juneau; but I suppose there will be fifty or a hundred cases from each of these points in the course of the next year or two. There are a number of miners who have low-grade claims that will have to be worked by dredging and by more expensive methods than the mere rocker-and-flume system. In order to do this they will have to go to the expense of buying dredges and putting in heavy machinery, and they require patents in order to do that. will not do that on titles which are or may be controverted, and it will settle costly conflicts as to titles.

Mr. UNDERWOOD. I have no objection to that part of the bill, but I want to ask the gentleman this question: I have absolute confidence in the judgment and statement of the gentleman from Iowa, but I want to know whether he has investigated the question and whether he is willing to state to the House that you could not create the office of register and receiver separately from that of marshal?

Mr. LACEY. The marshal already handles funds there. is a bonded officer and handles very considerable funds, and he is on the spot. There are a clerk and marshal located at each of the cities of Nome and Fairbanks. There is none at Valdez, and it might be well to give some relief at Valdez if we ever have a court and court headquarters there. At present there are only deputies at Valdez. These officers can perform the additional duties, and would gladly do so, of course, for the compensation attached to them, and even the additional allowance, if it ran to the maximum, would not make a very large salary for Alaska.

Mr. UNDERWOOD. The objectionable feature to the bill, it seems to me, is the consolidation of offices; of allowing one man to hold more than one office. As a matter of fact I doubt whether it is within the terms of the Constitution as a constitutional question, whether you have the right to confer two

Federal offices on one man at the same time.

I think you can make a man perform additional Mr. LACEY. duties or authorize him to do so. At any rate, we did it in Alaska. We made the secretary of Alaska the register, and made the clerk of the United States court of Alaska a receiver, when the conditions at Sitka were very similar to what they are now at Nome or at Fairbanks, and it worked very well. There was no question raised about it, and I do not think any could be.

Mr. UNDERWOOD. The gentleman recalls very well this House went into the question very fully in the case of General Wheeler, when the question was raised as to whether he could hold the office of major-general in the Army and a Member of Congress, and the Judiciary Committee of the House held that they were two separate and incompatible offices and could not be held by the same man at the same time.

Mr. LACEY. One of them was a constitutional office; that of

Member of Congress.

Mr. UNDERWOOD. I do not think the Constitution says anything about a constitutional office, but merely provides no man shall hold two offices. Now, it seems to me that the office of United States marshal and the office of register or receiver are two distinct and separate offices, as recognized by the statutes of the United States, and it seems to me that the gentleman in his bill has encroached on that constitutional provision, and I wanted to know whether the gentleman had looked into the question from that standpoint.

Mr. LACEY. I have: and the secretary of the Territory was directed ex officio as such to perform also these other duties. So in the present case the clerk of the court, ex officio, will per-

form the duties of register.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4299. An act for the relief of John Stinson; H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 16386. An act to fix the time of holding the circuit and

district courts for the northern district of West Virginia; H. R. 15594. An act for the relief of John B. Brown;

H. R. 14634. An act for the relief of George H. Chase H. R. 13895. An act to correct the naval record of Michael

Sheehan:

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie:

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia:

H. R. 9778. An act for the relief of Philip Loney;

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium

H. R. 5651. An act for the relief of William H. Beall;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States; H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 24932. An act for the extension of School street NW.;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 22362. An act for the relief of Esther Rousseau;

H. R. 19749. An act to prescribe the duties of deputy collectors of customs;

H. R. 18380. An act to complete the naval record of Charles W. Held:

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905; and

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa.

The message also announced that the Senate had passed with

amendment bill of the following title:

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

The message also announced that the Senate had passed bills

the following titles; in which the concurrence of the House

of Representatives was requested:

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River

S. 7495. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota;

S. 7271. An act for the relief of Rathbun, Beachy & Co. S. 6725. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party; and

S. 3668. An act to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia.

The message also announced that the Senate had passed the

following resolution:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1879) entitled "An act granting an increase of pension to Lorenzo F. Harrison.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 7760) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. Scott, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908, disagreed to by the House of Representatives, had agreed to the conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hale, Mr. Cullom, and Mr. Teller as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3668. An act to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia-to the Committee on the District of Columbia;

S. 6725. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party-to the Committee on Military Affairs;

S. 7271. An act for the relief of Rathbun, Beachy & Co .-- to the Committee on Claims;

S. 7495. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota-to the Committee on the Public Lands;

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River—to the Committee on Interstate and

Foreign Commerce; and

S. 7776. An act to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes—to the Committee on the Public Lands.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24991, the river and harbor appropriation bill, Mr. CURRIER in the chair.

Mr. CLARK of Missouri rose.

The CHAIRMAN. How much time does the gentleman from Missouri desire?

Mr. CLARK of Missouri. Thirty minutes.

The CHAIRMAN. The gentleman from Missouri is recog-

nized for thirty minutes.

Mr. CLARK of Missouri. Mr. Chairman, the chances are that anything said on the river and harbor bill after the learned speeches we listened to yesterday is a mere waste of breath, or to use a more elegant expression, a work of supererogation. Paul, the greatest philosopher that ever lived, in his first epistle to Timothy, says:

But if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.

From the context it is clear that in that utterance the great apostle to the Gentiles was speaking of things spiritual, but it

applies to things temporal as well.

The duties of Representatives here divide themselves about as follows: First, to the country at large; second, to the particular sections from which they hail; third, to the interests of their own districts; fourth, to look after the individual wants of their constituents. This last has been termed, flippantly, "doing errands in the Departments." Certain æsthetical doctrinaires, seated in comfortable libraries, who assume to run the affairs of this Government and of this world, condemn men in Congress who do anything else except expending their energies on the larger duties to the country. They would make solar-walk statesmen of us all-merely that and nothing more. tion and experience teach me, however, that the men here who attend to the duties of the country at large and to their own particular sections and their own districts and their own constituents with courage, capacity, and fidelity are the men who at last climb to high places in this House. The humblest man or woman in any district has the right to call upon his or her Representative for any proper service; and the Representative who is derelict in any of these duties falls short of doing what he is elected to do.

The most painful feature of this debate, so far as it has gone, is the fact that the distinguished chairman of this committee, the gentleman from Ohio [Mr. Burton], and my eminent colleague from St. Louis, Doctor Bartholdt, appear to have come to the parting of the ways. On the question of peace they have fought in pairs. Applicable to them on that subject

is the old couplet:

Two souls with but a single thought, Two hearts that beat as one.

The difference between them on that question is that the gentleman from Ohio [Mr. Burton] speaks in favor of peace and votes against the implements of war, while the gentleman from Missouri, Doctor Bartholdt, speaks in favor of peace and votes for the implements of war. [Applause.]

Mr. BARTHOLDT rose.

The CHAIRMAN. Does the gentleman from Missouri [Mr. CLARK] yield to his colleague?

Mr. CLARK of Missouri. With pleasure.

Mr. BARTHOLDT. The desire of my colleague from Missouri to convict me of inconsistency is surpassed only by his un-

willingness to understand my position.

Mr. CLARK of Missouri. I have not time to debate that question with the gentleman now. I have only thirty minutes. I am, however, willing to go into that some other time. The gentleman from Missouri [Mr. Bartholdt] on the question of peace seems to be in the same frame of mind as the Irishman who said he was in favor of a certain law, but against its enforcement. [Laughter.] I regard those two gentlemen as the advocates of peace par excellence, although those in possession of the funds have awarded the palm to the President of the United States. I congratulate him and the country on the fact that he has seen cause to dispose of the Nobel peace prize in a noble way. [Applause.]

The building or construction of great internal improvements is one of the grandest purposes to which any statesman can turn his attention. The kingdom of Alexander the Great has perished, the dynasties which his generals founded have gone the way of all flesh, but the public works which he established. especially the great city named for him, constitute his permanent monuments. The Roman Empire is broken into an hundred fragments; the Cæsars are dust; but the roads which the Roman legions built and over which they marched are still traveled by the children of men. The advocates of good roads in this country, of whom I am one, would do well to take lessons out of the book of the ancient Romans. My judgment is that if Napoleon had been let alone by England after the peace of Amiens, before he was dominated by the lust for universal conquest, he would have dedicated his mighty genius and prodigious energies to the establishment of such magnificent public works

as would have ranked with the Code itself as his clearest titles to imperishable renown.

The truth is he snatched every moment he could from war to devote to the development of the resources of France. It was his design to build that canal connecting the Mediterranean with the Atlantic, which the French are agitating now. Ferdinand de Lesseps in the latter years of his life was imprisoned, as was the great Genoese navigator, but so long as ships go through the Suez Canal men will remember and bless his name. The crimson glory of Pultowa is dimmed by time, but so long as the proud city on the banks of the Neva lifts to heaven her spires the name of Peter the Great, who created her, will be familiar to the ears of men. No doubt Kaiser Wilhelm would count among the smallest of his achievements the canals he has dug and the canals in contemplation, but the chances are that when he is forgotten as a war lord these things will rank him among the greatest rulers of his time and associate his name indissolubly with those of his glorious ancestors, the Great Elector and Frederick the Great, the well beloved of the German

Out in the Mississippi Valley we have the most marvelous system of natural waterways that God, in His infinite wisdom and goodness, ever vouchsafed to any of His children. With signal stupidity we have neglected to improve them, and the Congress of the United States has acted toward them in a manner that is a shame to the Republic. The gentleman from Ohio [Mr. Burton] is said to dominate the Committee on Rivers and Harbors. I do not know anything about that. He may, and he The members of that committee are among the ablest may not. and most prominent in this body. However these things may be, I have a firmly grounded suspicion that on this occasion, on this bill, he and his committee dominate a majority of this House. If he is avaricious of fame—and his name has been sometimes used in connection with the Presidency of the United States-he has it in his own hands to build himself an imperishable monument by giving us deep water from the Falls of St. Anthony to the Gulf, thereby fixing his name onto that great en-It might possibly be that, in our intense desire to accomplish that, we might be willing to change the name of the Father of Waters to the river Burton, as it was originally called the river Colbert by the early French discoverers, in honor of the great French minister. That is his one chance to achieve a reputation that will never fade away.

Mr. MAHON. May I ask the gentleman a question?

Mr. CLARK of Missouri. If it is pertinent, yes.

Mr. MAHON. I want to ask the gentleman from Missouri if the present chairman of the River and Harbor Committee is not the most intelligent and best chairman that they ever had.

Mr. CLARK of Missouri. I am not saying anything to criticise the chairman of that committee. I am giving him a pressing invitation to lay hold on earthly immortality. [Laughter and applause.] I esteem him as highly as any man in this House does. I admire his capacity and I believe in his integrity, but he is "sot in his ways," like the rest of us. I do not agree with his theories as to western rivers. I have a right to advocate my own.

Mr. MAHON. He is a bachelor. [Laughter.]

Mr. CLARK of Missouri. I am trying to convert him, and if he would establish that great work, when he had finished it he could repeat the proud boast of Horace:

Exegi monumentum æra perennius. I have reared for myself a monument loftier than the Egyptian Pyramids and more lasting than bronze.

Charles Stewart Parnell once said:

Opportunity is a horse, bridled and saddled, which stops at every man's threshold once in a lifetime. Be ready, mount, and he carries you on to success and honor. Pause but a moment—he is gone, and the clatter of his iron hoofs echoing down the corridors of time will forever remind you of what you have lost.

I commend these glowing words to the chairman of the Committee on Rivers and Harbors [Mr. Burton]. This is his

golden opportunity.

First and last, Mr. Chairman, in the public prints there have been divers suggestions as to the post-Presidential career of the present occupant of the White House. Some have suggested that he go to the United States Senate. If New York intends to continue in the unfortunate habit of electing Republicans to the United States Senate, then my voice is for Roosevelt for that position. The subsequent proceedings would make what Horace Greeley would have denominated "mighty interesting Only two ex-Presidents have returned to Congress. reading."

John Quincy Adams served in this House seventeen and a fraction years, died with the harness on his back, as no doubt he would have desired to die had he been consulted as to his exit from this world; and it is the truth of history that more of his fame rests on the seventeen years of his service in this House than upon all of his long official career from the time when, at the age of 14, he became secretary of legation to the time when he quit the White House in high dudgeon, refusing to accompany his victorious rival, General Jackson, to the Capitol for inauguration. The people of Tennessee, after a prolonged and most dramatic contest, elected Andrew Johnson for a full Senatorial term after he was President. He only lived a few months. I wish he could have lived the full six years, so as to even up the score with his multitudinous enemies who undertook to impeach and convict him when he had committed no crime whatever. He was guilty of bad manners and lame grammar—worse.

and convict him when he had committed no crime whatever. He was guilty of bad manners and lame grammar—worse.

Another suggestion as to the President's post-Presidential career is that he shall be president of Harvard College. A noble ambition, surely. I would rather be president of the University of Missouri than to enjoy the high honor of being a member of the House or Senate or governor of that imperial Commonwealth. I regretfully realize that that desire of my heart can never be gratified because of the numerous and bitter political contests in which I have borne a part, and, I hope, a man's part. I look back upon the years I spent as a teacher with unalloyed pleasure. I was absolutely certain of doing good then. As a lawyer and a Representative I have done the best I could, according to my lights; but a lawyer is not always sure he has rendered society a benefit by acquitting his client, and a Representative in Congress, however honest and patriotic, may do his country a grievous injury by voting wrong on some great question for lack of correct information.

Another suggestion is that President Roosevelt shall devote his life to literature. He would have an immense audience to begin with and it would make him a fortune.

Another is that he shall be perpetual president [laughter] of The Hague Peace and Arbitration Tribunal. [Applause.] It is safe to say that he would discharge the functions of that exalted station with the energy and capacity with which he does everything to which he turns his hand; and what he would do to the other peacemakers who had plans of peace different from his own would be a plenty. [Laughter.]

Still another suggestion is that he be made general manager of the Panama Canal. Of all these propositions that would be to me the most tempting. To build an isthmian canal has been the dream of men since Balboa first looked down in amazement and delight upon the peaceful ocean, and if that stupendous work is a success, the man who accomplishes it will write his name upon the scanty list of the immortals. Why Shonts or Wallace or any other man that had a chance to associate his name with it should relinquish that opportunity for any financial inducement whatever is one of those things which, like the peace of God, passeth all understanding. [Laughter.]

My situation about this river and harbor bill is peculiar. I represent the great Mesopotamian district of the western world, wedged in between the Mississippi and the Missouri, skirting the Mississippi for 140 miles, skirting the Missouri for 150 miles, straddling the Missouri, and having in it six other rivers navigable by act of Congress. [Laughter.] There were seven, but I had one of them declared by act of Congress to be unnavigable for the purpose of building a railroad bridge across it. It was the first time I ever knew the railroads and the farmers to want the same thing at the same time, and I was so tickled by their wonderful unanimity that I pressed the bill through.

There is only one other man in this House whose district touches both the Missouri and the Mississippi, and that is my distinguished and well-beloved friend from St. Louis, Doctor Bartholdt. We Missouri Representatives have all done our best about improving the Mississippi and the Missouri—every one of us—Brother Ladyd, Brother Shackleford, and Brother Rucker, and Brother Fulkerson, and Brother Ellis, and the rest of those whose districts are on either of the great rivers, and the Missourians whose districts are not on the river, sympathizing with us, have helped us all they could, which is greatly to their honor.

We have 16,900 miles of navigable waters in the Mississippi Valley. If they belonged to Holland, there would be a granite dike on both sides of the Missouri River from Alton to Fort Benton. We might learn something from that thrifty and industrious people. With rare courage they rescued their country from the sea. Right now they are engaged in draining the Zuyder Zee at a cost of \$99,000,000. Year by year land enough to make a State as big as Massachusetts is swallowed up by the Missouri and the Mississippi, and it is the richest land under the shining sum.

We annexed the Sandwich Islands on the excuse that we wanted homes for our children. We annexed the Philippines for the same reason. Why, Mr. Chairman, our children can not live in the Sandwich Islands or the Philippines. God Almighty knew as much as the jingoes when he was creating

this world. [Laughter.] White men can do many things better than anybody else, but they can not work outdoors in the Tropics and thrive. We are tempting fate to try to do so. But here, year after year, millions of acres of land—in the last ten years enough to make a State the size of Missouri north of the Missouri River, that would easily support a population of 10,000,000 souls, right in the heart of the continent where white people were intended to live, amid churches and schools and all the facilities for civilization—fall into the Mississippi and the Missouri rivers, and roll down those great rivers to the Gulf.

James Parton, in his life of Andrew Jackson, one of the best biographies ever written by an American, makes the remarkable declaration that down below New Orleans you can still see the world forming, and it is forming out of the rich soil that sweeps down from Iowa, Missouri, Arkansas, and the other States in the heart of the great valley. We have spent first and last, and will spend, millions of dollars in irrigating the dry lands of the West. Why not make some provision for saving the fertile lands in the Mississippi Valley?

Senator isham G. Harris, a great man, was for a long time opposed to river improvement, but at last he gave in his adhesion to it on the theory that navigable streams belong to the United States Government, and it was the duty of Congress to keep the property of the United States from destroying the property of other people; just as Judge Culberson, another great man, used to defend the 20 cents mileage on the ground that although it did not cost that to come and go, the risks of travel were worth it. [Laughter.] There is a provision in this bill that I want to call your attention to—that none of these appropriations shall be used for the work of revetting the banks unless in aid of navigation. That being the case, if a man of common sense is permitted to construe it, every dollar of this appropriation might be used in revetment work, because there is no better way to aid navigation than by keeping this surplus silt from getting into the beds of the river. But the engineers do not so construe it. I will never forget that the engineers fought Capt. James B. Eads, the greatest engineer that ever lived, and his jetty system to the end.

I used to hear my father say that if all the scientists that ever lived were gathered together in convention, Sir Isaac Newton would be chairman of it by unanimous consent. I say that if all the engineers who have lived in all the flood of time were gathered together, James B. Eads, the great Missourian, by his service to mankind would deserve the chairmanship of that great conclave.

This bill provides more for the upper Mississippi than heretofore; it provides a little for the Missouri; it provides less than heretofore for the Mississippi from St. Louis to Cairo. One of two things ought to be done. There is no sense in any other position, I think, without criticising anybody at all. Either it ought to be definitely decided that these rivers are utterly unworthy of spending money on at all, or there ought to be a systematic and comprehensive programme entered upon so that each part shall be improved in harmony with the other parts and with the entire project.

The trouble about this river and harbor business is that they start in and appropriate money for a thing and quit it before it is completed. An improvement of a river that is needed is not a division of pork; it is a wise appropriation. A public building that is needed is not a matter of charity or of pork; it is a thing that ought to be constructed. A great many of us believe—and there is undoubtedly a great awakening on this subject all over the country—in the first place, that there ought to be a 14-foot channel from St. Louis to the Gulf—not to give people jobs, not to help a particular district, not to serve any particular interest, but to save money to every farmer and every merchant and every citizen who is in any way connected with the prosperity and business of the Mississippi Valley. That can be done, we ought not to spend any more money on it. If it can be done, there ought to be enough money spent, and it ought to begin at once, to accomplish that great work. That having been done, then the upper Mississippi ought to be improved to the Falls of St. Anthony.

The Missouri ought to be improved from its mouth to Fort Benton, and then if we want any more river and harbor work the Chicago drainage canal ought to be built; but my judgment is that there is no sort of sense in digging a channel to put the water into when you have a channel already nearly dug in the first instance. That ought to come after these others. It is objected that there is no freight that amounts to anything between St. Louis and Cairo. There was not any freight over what is now the line of the Pennsylvania Railroad until they built the railroad so freight could go over it. I say there is an

awakening on the subject of river and harbor improvements the world around. There is that French canal of which I spoke a while ago. There is a canal talked about in Maryland. of Florida. There is a canal talked about in Maryland. There is a canal talked about across the Isthmus of Florida. There is a canal talked about in Maryland. That great man, President Diaz, is projecting canals in Mexico.

In Germany they are fixing to connect the rivers by canals,

and the people are awakening to the fact that while the success of the railroads obscured for a while the fact that water transportation is five or six times as cheap as railroad transportation, water transportation is freight-rate regulation. The experience of the last year proves beyond all cavil that our railroads can not carry our freight. We must have more railroads or we must improve our rivers, and it is cheaper to improve the rivers than to build more railroads. Everybody knows that. We will agitate, we will agitate, we will agitate until we get needed and adequate river improvement. I am not threatening I wish to stir up the pure minds of Members and of anybody. I wish to stir up the pure minds of Members and of the people of the country, by way of remembrance, to the im-portant fact that the day is coming—it is almost here—when the Mississippi Valley will have a clear working majority of the Members of this House, and then we will be able to do as we please. [Applause.] Treat us well now and we will treat you well then. If we would stand together we could control affairs in the House now. In any event, it will not be more than fourteen years until we can control them easily.

There is one other feature of this matter that ought to be mentioned. I understand the case to be-and if I am wrong about it my friend from Alabama, Colonel Bankhead, or my friend from Mississippi [Mr. Humphreys] can correct methat down on the lower stretch of the Mississippi, below Cairo, the people by taxation or gift or in some other way have con-tributed about as much to the building of these levees as the United States Government has—about two to one, the gentle-man from Mississippi [Mr. Humphreys] informs me. Another sign of the times which indicates that people want water transportation is the fact that two or three years ago the people of New York, by an overwhelming majority, indorsed a proposition to expend \$101,000,000 to deepen and widen the Eric Canal, which is the great monument to De Witt Clinton. New York sits by the eastern sea at the receipt of customs. She is the toll gatherer in the United States. We people out in the Mississippi Valley know that the natural way for our com-merce to seek the markets of the world is down the river to the Gulf and out to sea.

Hauling stuff from the Mississippi Valley to New York and the Atlantic ports is an unnatural and expensive performance and can not be long maintained. One other straw which shows how the wind blows is the fact that at the last session Congress granted a charter for the Lake Erie and Ohio River Water transportation is coming sure as we live, and Canal. coming with a rush.

As my time is about up, I want to say this: My friend Mr. LLOYD, on the upper Mississippi, has done all that he could for the appropriations there. The rest of us on the Missouri have done our best, including him, too, as a helper, to get all that we could for that. We will try to amend this bill when it comes to the reading by sections, under the five-minute rule, to suit our demands more thoroughly than it does at present; but we want it distinctly understood that if we do not get what we want in this bill, this agitation will be renewed as soon as this bill is passed and continued until we do get what we want in the way of river and harbor improvements out of the Congress of the United States. [Applause,]

Mr. RODENBERG rose.

The CHAIRMAN. How much time does the gentleman from Illinois require?

Mr. RODENBERG. About thirty minutes.

Mr. RODENBERG. Mr. Chairman, I would consider myself as wanting in loyalty and devotion to the material interests of the constituency which I have the honor to represent in this Chamber if I did not raise my voice in criticism of several features of this bill, and in giving expression to my opposition I know that I am voicing the sentiments of all the people of the Mississippi Valley and especially of the State of Illinois.

I desire, in the first place, to protest against the action of the committee in failing to include in this bill an appropriation of \$3,000,000 to begin the construction of a navigable waterway 14 feet in depth from Lockport, Ill., by way of the Des Plaines, Illinois, and Mississippi rivers, to St. Louis, Mo. This proposed waterway, which is of such transcendent importance to the future development and disposition of the commerce of the Mississippi Valley, has received the unqualified indorsement of the great commercial, manufacturing, and agricultural interests of my State, and has been pronounced as entirely practicable by

a board of competent engineers, who estimate its total cost at approximately \$31,000,000.

Mr. Chairman, the Mississippi River and its tributaries drain the most fertile and productive section of the United States. In that basin are located twenty-two States of the Union, comprising two-fifths of the total area of the country and producing fully 75 per cent of all our merchandise exports. bulk of our agricultural wealth originates in these States, which contain two-thirds of all the manufacturing industries of the nation, the value of whose finished products reach the enormous total of \$10,000,000,000 annually. When these facts are considered and when it is remembered that the Mississippi Valley is to-day the great central artery of our national activities, pulsating with industrial and commercial life, throbbing with the unmeasured wealth of the products of farm, mine, and factory, then indeed is it impossible to overestimate the value to the whole nation of this projected deep waterway which is destined ultimately to connect the Great Lakes with the Gulf of Mexico. It is, of course, an admitted fact that transportation by water is the cheapest transportation in the world. It is estimated that, on an average, the cost of transportation by water is less than one-third of the cost of transportation by rail. The market value of any article is based upon the cost of production added to the cost of transportation. It therefore follows that if there is a material reduction in the cost of transporting an article it will necessarily result in a material reduction in the market value of the article itself, and whenever you reduce the price of an article you benefit not only the consumer, but the producer as well, for you increase the demand for his product. To bring about these benefits it is incumbent upon Congress to enact legislation which will result in the improvement of our waterways, the great natural highways of commerce, and to make them available for the purposes for which they are plainly intended. The most serious handicap to-day on the productive capacity of the Middle West, and one which will continue to grow worse instead of better, is the inadequacy of our transportation facilities. The unprecedented prosperity which we have enjoyed during the past decade has advanced our produc-tion far beyond the point where it can be handled with any degree of expedition by the rallways of the country, and as we continue to increase in population there will be a corresponding increase in the volume of our traffic, and it will not be long until there will be an interruption in our prosperity due to the overtaxing of our channels of commerce and the physical inability to transport our products to the markets.

James J. Hill, who is without doubt our country's greatest authority on the question of transportation, in a remarkable speech before the Merchants' Club of Chicago last November, used these words:

To-day the entire country is suffering for want of transportation facilities to move its business without unreasonable delay. The prevailing idea with the public is that the railways are short of cars, while the actual facts are that the shortage is in tracks and terminals to provide a greater opportunity for the movement of cars.

Formerly the new mileage added yearly was about 4 to 5 per cent, or, with the increased capacity of cars, enough to keep pace with the growth of the country's traffic. In recent years the traffic has increased at a much higher rate. For instance, between Chicago and New York it has doubled in about eight years, while the facilities for handling it have not increased more than 12 or 15 per cent.

The country has to face a condition to-day which only time, patience, and the expenditure of enormous sums of money will remedy. To discuss this condition further would take more time than we can have to-night, and I will only say that there is no more important work for the General Government than the early construction of a canal from St. Louis to New Orleans with a depth of at least 15 feet. There is a crying need for such a canal now, and, bearing in mind the want of railway transportation, the sooner the work is commenced the better for the country.

Mr. Chairman. I have always believed that a continuation of

Mr. Chairman, I have always believed that a continuation of our national prosperity depends upon a commercial policy that provides a market for our products. Lying at our very doors are the states of Central and South America, which present a most inviting field for our exploitation. It is a rich and fertile field, possessing unlimited commercial possibilities, and its trade should belong to us as a matter of natural right on account of our close proximity and friendly relations. Only recently our great Secretary of State, Elihu Root, completed a tour of these states, and the beneficial effects of his visit are already beginning to manifest themselves. He has sown the seeds of amity and good will, which should, under proper cultivation, ripen into the fruit of commercial supremacy. To insure this, however, and to make effective the ultimate object of the distinguished Secretary's South American policy, we should provide facilities necessary to transport our products to the markets of our southern neighbors. The construction of this deep waterway or interior harbor, reaching from the Lakes to the Gulf, will alone supply these facilities and secure for

the United States the commercial advantage in Central and South America to which our favorable location fairly entitles [Applause.]

In a speech delivered in the city of Chicago not later than last Saturday night Theodore P. Shonts, speaking on this subject, said:

The beneficial effects of such a harbor are many and obvious. In the first place, it would furnish opportunities for the creation of terminal facilities along its entire length. In the second place, it would build up and develop the entire Mississippi Valley by giving it the advantages of terminal ports brought close to its doors. In the third place, and this has a most direct bearing on our canal proposition, it would give the people of our great Middle West, with their geographical proximity and these superior transportation facilities, a distinct advantage over the rest of the country in commanding the South American trade.

It will, of course, be argued by the gentleman in charge of this bill that we should be satisfied for the present with the appropriation of \$190,000 for a deep-water survey from St. Louis to New Orleans. I for one am not satisfied and the people of the Mississippi Valley are not satisfied. We do not believe in further procrastination. We are unanimously of the opinion that the time is at hand when the work of actual construction of this deep waterway should begin. The imperial city of Chicago has expended \$50,000,000 of her own money to construct and maintain a drainage canal which she is ready to donate to the United States if the Government will guarantee to construct and maintain deep water from the Lakes to the Gulf. It is a proposition of which we should avail ourselves. gress should not hesitate to continue the work so magnificently begun by Chicago. A start should be made, and made without delay, and in the eternal fitness of things that start should be made between Chicago and St. Louis, the two most important cities of the Mississippi Valley. [Applause.] I am aware that a certain official body known as the Board

of Engineers for Rivers and Harbors, having its headquarters in the city of Washington, recently reported adversely on this proposed project on the ground that the probable amount of commerce that would use this waterway and the resulting benefits to the people from a business standpoint would not warrant the expenditure by the General Government of \$30,000,000. Mr. Chairman, I have no criticism to make of any member of the Corps of Engineers who confines his activities to his legitimate sphere of usefulness. I believe that taken as a whole the engineers of the United States Army possess an exceptionally high degree of technical and scientific skill, and I know that the present head of that great department, Gen. A. Mackenzie, is justly regarded as one of the ablest engineers in this country. I have no doubt but that the members of the Board of Engineers for Rivers and Harbors, who sit in solemn judgment on the recommendations of the local engineers, are fully qualified to pass intelligently on any of the physical phases of a proposition of this character. They no doubt have the technical knowledge that would enable them to estimate the cost of construction within a fraction of a dollar. On a question of this struction within a fraction of a dollar. On a question of this kind, which presupposes a comprehensive knowledge of the science of engineering, their recommendations are entitled to great weight by Congress. But when it comes to giving Congress gratuitous advice on a purely commercial or business proposition, then indeed are we justified in inquiring, "Upon what meat doth this our Cæsar feed, that he is grown so great?" This august board is composed of the following gentlemen: Col. D. W. Lockwood, Lieut, Col. R. L. Hoxie, Maj. C. McD. Townsend, Maj. E. Eveleth Winslow, and Capt. Charles W. Kutz. All of them are graduates of West Point, and they have continued uninterruptedly in the service of the Engineering Corps since graduation. Not one has ever had any practical business experience of any kind, and I seriously any practical business experience of any kind, and I seriously doubt whether any one of them is able to differentiate between a railway tariff and a tariff schedule. Is it possible that Colonel Lockwood, of the Engineering Corps, is better qualified to pass on the commercial advantages of this deep-waterway project than James J. Hill? Is Lieutenant-Colonel Hoxie, of the Engineering Corps, more experienced in business matters than gineering Corps, more experienced in business matters than Theodore P. Shonts? Does Major Townsend, of the Engineering Corps, know more about the proper remedy to relieve the congestion of traffic in the Mississippi Valley than William K. Kavanaugh, of St. Louis? Has Major Winslow, of the Engineering Corps, a better conception of the requirements of trade than David R. Forgan, of Chicago? Does Captain Kutz, of the Engineering Corps, possess knowledge superior to that of M. J. Sanders, of New Orleans, on a question relating to the improvement of transportation facilities? In the language of improvement of transportation facilities? In the language of the iridescent Ingalls, it is the "very apex of effrontery, the climax of audacity," for these gentlemen of the Engineering Corps to arrogate to themselves the right to pass judgment on a matter wholly outside the province of their profession and

concerning which they know absolutely nothing, either by train-

ing or experience. [Applause.]
But, Mr. Chairman, there is still another phase of this question that I wish to discuss briefly. I believe that the construction of this deep waterway would have a very appreciable effect on prevailing railway freight rates. It would create a large number of independent carriers on a common highway and introduce a most effective competition, which would prove highly beneficial to the shippers of the Mississippi Valley. This is the firm belief of the advocates of the deep-waterway project and, as an evidence of that belief, they have adopted as their slogan in this campaign of education the motto: "River regulation is rate regulation." They believe, and rightly so, that competition of this kind will exert far greater influence and prove far more effective in controlling freight rates than any rate bill that could be passed by Congress. They believe also that it would stimulate our shipping industry and add materially to the number of craft upon American waters. There are to-day in the neighborhood of 3,200 American vessels on the Great Lakes. If we had a channel of sufficient depth from the Lakes to the Gulf to enable these vessels to pass through, the majority of them could and would be employed during the time that navigation was closed in the lake region, in the coastwise trade, or in the Central and South American trade. The tremendous commercial possibilities involved in this proposed project and the resulting benefits to the American people are beyond the powers of calculation. With the single exception of the United States, every country of any consequence has long since adopted a systematic method of developing and improving its waterways. Practically every river in Germany and France and England has been deepened, and a network of canals has been built which connects the majority of them. The people of the countries of Europe realize that their continued industrial success depends in a large measure upon cheap transportation, and they are quick to improve the facilities which nature has placed at their disposal. It is high time that the United States, the most progressive and enlightened of nations, should wake from its lethargy and inaugurate a similar policy on a broader and a grander scale, for in that policy lies the future pros-perity of the American people. We are spending millions upon millions upon our Navy and upon the national defense. Fully 40 per cent of our national expenditures go to the Army and Navy, in preparation for war and its results, although we claim to be a nation of peace. Let us call a halt in this ambitious programme and begin the long-delayed work of internal improve-

Let us do that which will enhance our material welfare and contribute to the happiness of our homes. I sincerely hope that the amendment which will be offered by my colleague, Mr. Graff, and which provides for an immediate appropriation of \$3,000,000 to begin work on this deep-water channel will receive the support of a majority of this House.

And now, Mr. Chairman, I desire to direct attention to another feature of this bill which especially affects several of the counties of the district which I represent and which border on the Mississippi River. I refer to the appropriation provided for the secret the sixty of the secret the secret that the secret the s for that part of the river lying between the mouth of the Ohio and the mouth of the Missouri. Under the policy of the engineering department, inaugurated in 1881, which had for its purpose the confinement of the flow of the river to a single channel having an approximate width of 2,500 feet below St. Louis, much work in the nature of permanent improvement has been accomplished. Dikes and hurdles have been constructed. banks have been revetted, and the channel has been deepened by the use of dredges. To do this work Congress has, during the past four years, given us an annual appropriation of \$650,000. In the report of the Chief of Engineers for 1906 it is specifically recommended that a like appropriation of \$650,000 be made for this year to enable the local engineers at St. Louis to continue the work of dredging and to carry out such temporary and permanent channel improvements as may be authorized by law. The committee, however, which profess such sublime confidence in the judgment of the Corps of Engineers in other matters, have seen fit to turn a deaf ear to this request. Instead of giving us the amount which the local engineers, who are familiar with the situation, say is necessary to do this work properly, the committee have cut down the appropriation from \$650,000 to \$250,000, and that, too, in face of the fact that the bill which they have reported to this House carries the largest appropriation that was ever carried in a river and harbor bill. I maintain that the action of the committee is arbitrary and unjust and does violence to every consideration of fair dealing. Instead of decreasing this appropriation, in justice to the great interests affected, in justice to the farmers living along the stretch of the river, whose crops have been destroyed and whose

lands have been washed away by reason of the parsimonious policy of Congress, which prevents the construction and maintenance of such permanent improvements as will confine the river to its channel, the appropriation should have been increased to not less than \$1,000,000 annually. The Government exercises exclusive jurisdiction over all navigable streams, but in the exercise of that jurisdiction the people have a right to insist that the Government should perform its plain duty, and that a sufficient sum of money should be forthcoming from the National Treasury to render impossible the all too frequent shifting and changing of the river's channel which has so often resulted in the complete obliteration of vast areas of valuable farm lands, carrying ruin and desolation in its wake.

I am aware that under the present policy of Congress all appropriations for the improvement of navigable rivers are based upon the theory that such appropriations must be wholly and exclusively in the interest of general commerce and navigation, and that any protection that may thereby accrue to contiguous lands is merely incidental. While I have always regarded this policy as cruel and heartless in the extreme, and while I hope to see it reversed in the not far distant future, yet I am willing to accept it without protest at this time if Congress will authorize an appropriation sufficient to meet the present manifest exigencies of the commerce and navigation of that part of the Mississippi River lying between the mouth of the Ohio and the mouth of the Missouri. I will accept it because I believe that if sufficient money is placed at the disposal of the local engineers to enable them to carry out the plan which was begun in 1881 and which, as I stated before, contemplated the confinement of the river to a single channel, it will afford a most substantial measure of security and protection to the farmers of the American bottoms. I believe that they are fairly entitled to this protection, which, in the very nature of things, would be only incidental to the present very urgent work required by the necessities of commerce and navigation. beggarly pittance of \$250,000 is wholly inadequate for our It is scarcely enough to pay the expense of dredging work. It will leave us practically nothing with which to maintain even our present limited permanent improvements, and it will render us utterly powerless to inaugurate any new or temporary work, no matter how serious or threatening the situation may become.

Mr. GARRETT. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. RODENBERG. I yield.
Mr. GARRETT. I desire to ask the gentleman if you have, above the mouth of the Ohio River, any local levee boards?

Mr. RODENBERG. Yes, sir; we have.

Mr. GARRETT. You have local levee boards?

Mr. RODENBERG. Yes, sir; we have levee districts each of which is controlled by a board of commissioners, consisting of three members, who are elected to these positions.

Mr. GARRETT. I simply desired to ask that one

Mr. GARRETT. I simply desired to ask that question. Mr. RODENBERG. Between St. Louis and Cairo the Between St. Louis and Cairo the country has been divided into a large number of levee districts. The farmers have taxed themselves hundreds of thousands of dollars to construct substantial levees to protect their lands against overflows. They have done this cheerfully and with full reliance in the expressed intention of the Government to exert every effort in its power to confine the river to a single channel. The Mississippi River, gentlemen, is an erratic stream. It has contracted the pernicious habit of manifesting a wanton disregard for many of the recognized laws of the science of engineering. New channels are formed in a single night, and long-established landings are destroyed within a week. Only last summer the river suddenly changed its course, and in an incredibly short time several thousand acres of magnificent farm lands were washed away and the river came within 50 feet of the great Harrisonville levee, which was built by the farmers of Monroe County at an approximate cost of \$100,000. Fortunately for us, at that time there were funds available for the work necessary to turn the river back into its original channel, thus preventing the complete destruction of the Harrisonville levee and the loss of many thousands of dollars in crops, live stock, and farm property. If this meager appropriation of \$250,000 is permitted to stand, we will not be prepared to meet an emergency of this kind in the future, but we will be entirely at the mercy of the river.

Mr. Chairman, the Committee on Rivers and Harbors have deemed it right to incorporate a provision in this bill calling for an expenditure of \$1,210,000 to construct a harbor at Cold Spring Inlet, New Jersey. I am informed by gentlemen who are supposed to have knowledge of the facts that not a single ton

of freight has ever been or will ever be shipped from this harbor, but that it is to be constructed for the purpose of providing a safe haven for the private yachts of millionaires who are expected to build palatial homes on meadow lands that are now practically worthless, but which are being developed by a syndicate of practical Pennsylvania politicians incorporated under the name of the Cape May Realty Company. If this be true, and if in the opinion of the committee such unexampled generosity toward a project of pleasure and private profit is justifiable, then, in God's name, why this outrageous discrimination against the legitimate business interests of the Mississippi River? According to the commercial statistics compiled by the Chief of Engineers, the receipts and shipments of freight at St. Louis, including transfers by ferries, in the year 1905 amounted to 7,125,103 tons. The shipments from landings between Cairo and St. Louis increased from 17,179 tons in 1902 to 69,729 tons in 1905, or over 300 per cent. It is for this steadily increasing volume of business that I enter a plea here to-day. On behalf of the manufacturers, the merchants, and the farmers of the Twenty-second Congressional district of Illinois I ask that the proposed appropriation of \$250,000 for the improvement of the Mississippi River from the Ohio to the Missouri be increased to \$1,000,000. I ask this as a matter of right and in a spirit of absolute justice and common fairness. [Applause.]

Mr. RAINEY. Mr. Chairman, I propose to address my remarks to the amendment hereafter to be offered to this bill which will provide for the commencement of a deep waterway from the Lakes to the Gulf. I understand that a great many Members of this body regard the commencement of this waterway with considerable apprehension, because it means that when the country starts upon this project it starts upon a project of large size. In its plunge through the centuries the world has reached a new era-the water-controlling period of the worlda time when men quit talking about what can be done with rivers and canals, and a time when men commence to do some-

thing.

Twenty-four hundred years ago, in the time of Alexander the Great, they discussed the project of building a ship canal across the isthmus in Greece. Four hundred years later, in the time of Nero, they commenced to build it, and at intervals from that time until the present time they worked upon it; but the present generation built it. For a thousand years the world talked about the Suez Canal; but the present generation built it. In the time of Julius Cæsar they talked about the great Manchester Ship Canal; but the present generation built it. In the time of the Roman occupation of Gaul they talked about the great German ship canal; but the present generation built it. In the time of the Pharaohs they discussed the subject of controlling the flow of the river Nile; but the men who built the pyramids could not and did not undertake that great project, and it remained for a commercial nation of the present age to build the greatest dam ever constructed by man, and now the flow of that ancient river through its fertile valley is absolutely controlled. For four long busy centuries the world has talked about the Panama Canal, and now the greatest nation in all the world proposes to build it. [Applause.] There is no scheme at the present time in the matter of waterway improvements too great for this nation to attempt.

Since the era of railroad building commenced in the world the English-speaking nations of the world have not been alive to the importance of waterways, and not long ago in a London periodical Arthur Lee called attention to the fact that the railroads of England had acquired nearly one-third of the mileage of the English canals and had succeeded in crippling the entire system; and at the present time a royal commission by authority of Parliament is conducting in England the most careful river and artificial waterway examination ever inaugurated by any nation, and the object is to determine whether there shall be a government ownership of all the canals there or a government ownership of all the railroads there. Not long ago we passed through the Congress a bill which has for its object the regulation of railroad rates, but as the years pass the country will find out that this attempt will prove to be a failure. You can not regulate the price of a bushel of wheat by law and you can not regulate the price of carrying a bushel of wheat a thousand miles by law, and you never will be able to do it. The only way to regulate the railroads of this country is to restore to these noncompeting railroad systems the competition they ought to have. You can not do that except by improving our rivers and harbors, except by developing the 16,000 miles of navigable rivers in the center of this great continent.

As we enter upon the water-controlling period of the world we enter upon another equally important period. The racial migrations which began centuries ago when the world was young have belted the globe, and to-day this country has completed the last link of this chain, and we are endeavoring in the islands of the sea, close to the cradle of the race, to implant our theories of government—our ideas and our ideals. In the march around the world racial migrations have moved always along east and west lines, but when a country is settled up, when a great section is settled up, the movement changes and there comes a north and south movement. In this country the men who live along the fortieth parallel in the State of New York, and along that same parallel in the State of Illinois, and along that same parallel in the State of California are engaged in about the same kind of occupations, producing about the same kind of things. There is no reason why the products of New York and the products of the same zone in Illinois and the products of the same zone in California should be exchanged. But for a long time in this country, compelled by the east-to-the-west movement of the population, the movement of commerce has also been along east and west lines, made necessary by the fact that the raw material of the West must be exchanged for the manufactured product of the East.

But we have reached the end of that movement now. The east to the west movement in this country is over, and the north to the south movement has commenced here and all over the world. Even in darkest Africa they still cling fondly to the "Cairo to the Cape" railroad theories of the great Cecil Rhodes.

In this country we have no more free lands to give away, and just this side of the Rocky Mountains the racial migration has been deflected and is pouring now into the wheat fields of Canada. And the real north and south movement is on. Whenever a country is settled up the east to west movement of com-merce ceases and the north and south movement commences and this always has been and always will be the natural movement of commerce-in order that the products of colder climes may be exchanged for the products of warmer climes. In the cities of the Pacific coast they are organizing now companies for the purpose of colonizing far-off sections in South America.

Simultaneously with the conclusion of the east to the west movement and the west to the east movement in this country, the country awakes to the fact that we have expanded within our natural boundaries until we have touched on either side the two great oceans of the world—the two great north and south highways of the world-easily accessible to all that portion of our population which lives between our mountain ranges and the seas, and we are awaking to the fact that between our mountain ranges this country has been supplied with the grandest river system on the globe, reaching every one of the Mississippi Valley States, and every one of these rivers flows from the north to the south. I have displayed upon this easel here in front of the Speaker's desk a map prepared by the Geo-logical Survey from data furnished them by me, which shows the tendency of the north and south movement in this country. Up here in Canada the Province of Ontario is building from North Bay to Fort Churchill, North Bay being the northern terminus of the Grand Trunk Railway, a railroad, and has entered already upon that project. The Canadian Northern Railway is building from Winnipeg to Fort Churchill, upon Hudson Bay, at the present time another railroad, and they have completed over 200 miles of it, and to-day, through the great white mantle which covers the immense domains of Canada in that section, this road is being built at the rate of 3 or 4 miles a day, piercing the snows of the north on its way up to Fort Churchill. This road, it is expected, will be finished and in operation when this year's wheat crop is ready for the market. The Saskatchewan and Hudson Bay Company are building another railroadand they have commenced upon that project already-from Edmonton north to Fort Churchill. These places on Hudson Bay are, of course, farther north than represented here on this map. The Northern Pacific Railway has surveyed a line from Devils Lake, N. Dak., all the way up to Fort Churchill, and within the next year, my information is, they will commence the construction of this north to the south railway.

Now, the reason for all this northward movement is this, that for the last two or three years the Canadian government has been investigating the possibilities of Hudson Bay, and they have found that away up there at Fort Churchill, itself within the wheat country of the north, is one of the greatest landlocked harbors on the globe. They have found that Hudson Bay is open from the middle of July to the middle of November of each year, and can be kept free from ice for a longer period than that by using ice crushers similar to those now in use on the St. Lawrence River or on the Great Lakes; and so, piercing the great wheat country of the north, these railroads are being built. Hudson Bay, the third in size and importance of the world's great inland seas, cleaves the continent of North America for a thousand miles. These railroads will be quickly built.

There are no engineering difficulties to overcome, no great rivers to cross, no mountain ranges to pierce. They are being built by modern methods over a level plain, and we may expect them to be in operation soon. It is a thousand miles nearer from Winnipeg to Liverpool by the Hudson Bay route than by any other route. Canada, alive to the possibilities of water transportation, is seeking now the shortest and cheapest road to the sea.

What is to become of this great Red River wheat country of ours up there in the Northwest, when by this cheaper method of transportation the Canadian wheat fields become its competitor in the markets of Liverpool. There is no relief for that great section except to provide for it the same cheap method of reaching the ocean highways of the world. And you can not do that except by finding a way out through these lakes, down through the Illinois River and the Mississippi River, down also from the upper Mississippi River and from the Missouri River country to the southern Gulf. All the other outlets from the great interior of this continent to the sea, and there are only two other outlets, are controlled by the Canadian Government.

The city of Winnipeg is increasing in population at the rate of 30,000 a year and is building at the rate of \$1,000,000 a month. There were days last year when her receipts of wheat from this as yet undeveloped wheat section exceeded the combined receipts of Duluth, Minneapolis, and Chicago.

I expect to insert here some practical suggestions from two practical business men in my district as to the importance of sufficient inland waterways. There is presented in these two letters I have here the subject in a more forceful way than I could ever expect to be able to do. The subject is presented from the standpoint of business men who have had experience and who know what they are talking about.

The following are the letters referred to:

HAVANA, ILL., January 26, 1907.

Hon. HENRY T. RAINEY, M. C. Washington, D. C.

DEAR SIR: Your favor at hand and fully noted.

point where there are rallroads will be a receiving and distributive point.

And the result as to the use of the cars will be that the same car can be used several times more than at present where freight is transported in same car hundreds of miles and cars are on the way from ten days to sixty days and perhaps carry freight only one way.

The present way of handling the freight of the country is like the unorganized mob at a fire where each person selzes a bucket and fills it and runs to the fire to pour it on the fire instead of forming a line and passing the buckets of water from the pump to the fire. The railroads of this country are talking of the necessity of building 75,000 miles of railroad to meet the freight requirements of the country at the cost of billions of dollars. It does seem that the Government ought to improve its natural highways with a few millions, so as to reduce the necessary great outlay of the railroad systems as much as possible. The people have to pay for this and they are entitled to the cheapest transportation that can be given them.

Chairman Burton certainly does not rise to the seriousness of the situation if he does not include a recommendation for the Illinois and Mississippi Valley waterway to have an appropriation.

G. C. McFadden.

G. C. McFadden.

Hon. Henry T. Rainey, M. C. Washington, D. C.

Washington, D. C.

Dear Sir: Our junior has written you something about the natural waterways and the canals, and I would like to add a little to the same, as I have been in the trade longer here and shipped a great deal of grain by water from this point. We once, before the close of the war, made a shipment of thirty canal boats of bulk corn Havana to New Orleans, the first bulk grain to go to that point. There were then no facilities there, and the grain was sacked and carted to all manner of storage places about the city and much of it reshipped to New York City via the Gulf and Atlantic route.

In later years we have shipped bulk grain there in large barges during the months of March and April—as much as 32,000 bushels on a single barge.

We loaded two barges, one with this amount and another with 22,000 bushels, in three days, at one time, that went direct to New Orleans, the St. Louis inspector inspecting it here. It was said to be destined

for Habana. Cuba, and broke bulk at New Orleans. Then it was a custom to ship most of the winter receipts by canal boat, either to Chicago or St. Louis, in the early spring, at rates the railroad could not touch at that time. Indeed, we have shipped by water at lower rates to Chicago than we have enjoyed by rail at any period. But the low water in the summer made transportation in anything like large quantities (full cargoes) impossible, and boats began to go out of commission, as they could not afford to remain idle so much of the year. The canal itself never permitted a full cargo to be taken to Chicago, as we were limited to 4½-foot draft, we think. It has been some years since we have shipped a cargo of grain ourselves, but since the Chicago Drainage Canal has turned water in the river there has been a better depth of water all through the season than known in earlier years.

since we have shipped a cargo of grain ourselves, but since the Chicago Drainage Canal has turned water in the river there has been a better depth of water all through the season than known in earlier years.

There were once large fleets of boats owned by individuals that depended entirely on chartering for loads of lumber in Chicago and stone at Joliet for down river and grain back to Chicago or St. Louis. At present there is hardly a boat captain that owns his own boat. There are two firms at Pekin, Ill., that own a system of barges, and I think one controls the remnant of the canal fleet that was formerly at Henry. They do a large business now, up and down the river, carrying all grain to Pekin, right by the large market at Peoria, which has now no elevator with a river leg. In low water the boatmen used to have strenuous times, both above and below us, that the building of the dams did not cure. With an improved waterway and increased capacity of cargo for boats, it would again be a profitable or remunerative business. It is supposed to pay these Pekin people, because they enjoy some privileges in the way of eastern shipment, taking a so-called "river rate," this grain being counted as something that the eastern roads would otherwise never have a chance to carry. In the past it has been carried on a special "river rate" to eastern points. At least we so understand to be the case. Before the interstate bill was passed, Havana, Pekin, and Peoria also enjoyed rates of a special nature, called "river rates," which were about 5 cents or 5 to 8 cents per 100 less than rates named on the lines that carried the grain from points on their own lines farther east. Natural competition made such a ruling, and exceptions should be made.

But this is getting away from the waterways to the rallroads, and what we want to impress upon you is that the waterway routes have been a great freight regulator and made rates cheaper. For instance, there was a time when almost all freight east of Pekin, Peoria, and Havana that went to

I want to call attention now to some of the canal work done in Canada. I have made this statement in other cities, and some of the great newspapers have taken issue with me, Already in Canada they have secured their 14-foot outlet all the way from Port Arthur, up there on Lake Superior, out to the sea. They have improved the St. Lawrence River until it is navigable now for boats drawing 14 feet of water—and a boat that draws 14 feet of water is an important craft in the commerce of the world. Recently a vessel accomplished the voyage around the north part of North America and discovered the Northwest Passage, the most difficult voyage, perhaps, ever undertaken by any vessel—the dream of a hundred years has been realized—and the vessel which accomplished that great feat drew less than 14 feet of water.

The entire wheat crop of California is carried in sailing vessels thousands of miles around the continent of South America to Liverpool, and the greater part of these vessels draw less than 14 feet of water. And this cheap method of transportation makes wheat worth more at the place of production in California than at any other producing point in any other State. Give us this channel and an ocean-going river steamboat will soon make itself felt in the commerce of the world. Breaking bulk at New Orleans, with the modern floating elevators in use there, is, however, not a particularly expensive

proposition.

Not long ago there was organized in the city of Chicago, soon after the completion of the enlarged Welland Canal, in 1900, a company to transport grain from Chicago, without breaking bulk, to Liverpool; and the vessels belonging to this company made two or three trips all the way from Chicago, through the Laurentian system of canals, and unloaded their wheat at Liverpool. All of them drew, of course, less than 14 feet. But a hand

of iron reached out and crushed that enterprise. Marine insurance companies put upon it a ruinous rate of insurance. From another direction there came a stronger source of opposition. These boats were sold, and this scheme was abandoned, and this new trade route has never yet become operative. The real reason for abandoning this enterprise remains something of a mystery to this day. I have always had a suspicion that the railroads of the country had something to do with it. I addressed a letter recently to Hon. O. P. Austin, Chief of the Bureau of Statistics, asking for information upon this matter. This competent and courteous official is always able to furnish all obtainable information and statistics upon any commercial subject. He conducts one of the most important and useful bureaus of the public service. His services are most valuable to the Members of this House and to the country. I received from him the following reply, which tends to confirm my suspicions. I expect to devote to this question at some future time some further research.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
Washington, January 4, 7967.

Bureau of Statistics,

Washington, January 4, 1997.

Dear Sir: I have your letter of the 2d and am pleased to know that the information supplied you with reference to the shipment of wheat from California and freight rates was satisfactory.

Replying to your inquiry regarding the experiment made with ships cleared at Chicago for Liverpool via the Welland Canal and St. Lawrence River and canals, I can only say that I wrote the parties in Chicago who made the experiment and was informed by them that it was not a success. As I am unable to recall their names, I am not able to find their letter or even my own letters to them, but my recollection is that they stated that the failure was due, in part at least, to the very high insurance rates which they were compelled to pay on the grain passing through the canals, and that I also received an intimation in some way, whether from them or not I am unable to say, that these excessive rates required of them may have been made at the instance of some unknown parties, who preferred that this system should not be built up as a rival to the other carrying systems. How much there was in this last suggestion I, of course, do not know. I think you would be able to learn from some of the Chicago people, probably the Chicago custom-house officials or some of the grain experience, the names of the parties who made this experiment and learn the facts more in detail from them; but my recollection is very distinct that they reported that the experiment was not a success and that they had decided to abandon it and put the vessels into service, I think, on the Atlantic coast, and that the high rates of insurance had at least something to do with the inability of this proposed system to compete with the systems already in existence. I also infer that the size of the ships which they were able to use for the canal transit was not sufficiently large to enable them to carry at proportionately low rates along the Lakes and across the Atlantic.

Regreting my inability to give you more defini

O. P. AUSTIN, Chief of Bureau.

Hon. Henry T. Rainey,
House of Representatives,
Washington, D. C.

Do you gentlemen know what can be accomplished in 14 feet of water? The greatest battle ship ever built by man can be floated in 14 feet of water; and it is only necessary to widen the Laurentian canals a few feet and the Dreadnought, properly lightened of her guns, can be brought up there to the Lakes. Through these locks, now 45 feet wide, one-half of all the war ressels of England can now be floated. If we must deal with improvements of this kind in the name of war, the time may soon come to demand this 14-foot channel to the sea, not so much in the name of commerce as for the future material safety of this nation.

I have before me the official documents which prove that this great Canadian waterway exists from the Lakes out to the sea. Canadian magazines at the present time are boasting of the fact that they are far in advance of us; that they have accomplished their object and have secured a 14-foot channel from these Lakes to the sea. At present they are arranging to deepen these channels so as to create a 20-foot waterway to the sea. We are at peace, of course, with all the world, but it has not been very long since-immediately after the launching of the Dreadnought-there was a ripple of unpleasantness, and it was intimated that in some way we had stolen the plans of the Dreadnought. But England did not object to giving the plans to Japan, and the evidence of the offensive and defensive alliance of the two great island nations is now apparent. We know now the Empire of Japan is completing the construction of its own Dreadnought on the plans of the great English battle ship.

It has been but a few days since there was another ripple of unpleasantness-it has not been satisfactorily explained yetdown here on the island of Jamaica. In time of peace it may still be well to prepare for war, and you can not do it betteryou can not protect Cleveland, with her million-dollar harbor and her magnificent public building, any better than by provid-ing this waterway, which will admit some of our own great war vessels to the Great Lakes.

Immediately after the opening of the last century we entered

into an agreement with England which prevented us from keeping any war vessels upon the Great Lakes and which operated in the same way as to England, and both nations have kept that agreement until this time. But England has perfected an arrangement by which in thirty days' time she could put half her war vessels upon the Great Lakes, and we look on without even a murmur of surprise. Her 14-foot channel exists entirely within her own boundaries, far beyond the reach of our guns.

There is nothing new in this Lakes-to-the-Gulf project, I understood the chairman of the River and Harbor Committee to say yesterday that the idea was new and not yet sufficiently considered. It is not a matter which has been only recently agitated. In 1846 a great river convention met in the city of Memphis, Tenn. Six hundred and fifty delegates attended. John C. Calhoun presided over the deliberations of that body, and in 1846 that great convention declared itself to be in favor of a deep waterway from the Lakes to the Gulf. Since that time a deep waterway from the Lakes to the Gulf has been made the subject of at least five detailed reports by the engineer officers of the Government, and I can easily find every one of them. When the old Canadian voyageurs thought they owned the Illinois country and the Mississippi Valley, they owned the lillinois country and the Mississippi valley, they came nearly all the way by water down the Illinois and Mississippi rivers from the Great Lakes, and they dreamed of a waterway from the Lakes to the Gulf. But the scheme of a waterway from the Lakes to the Gulf dates farther back than any of these things. When the great Builder of worlds was building this particular world He furnished these Lakes with an outlet down through the Illinois and Mississippi rivers to the southern Gulf; and Chicago in her great undertaking has simply restored to the Lakes their ancient outlet; and now the waters of the greatest inland seas of the world to-day again

mingle with the warmer waters of the Mexican Gulf.

The survey, commenced five years ago by order of Congress, from Lockport, the southern terminus of the drainage canal, to St. Louis has been completed. The engineers found that a 14foot channel was feasible as an engineering proposition all the way down, as far as they were authorized to go, to the city of Since that time great conventions have met and have indorsed this proposition, but some engineer officers of this Government in a few words disposed of everything that has been said upon this subject. When this matter was submitted to them by the River and Harbor Committee, they disposed of the

whole subject in the following words:

The saving that would accrue to the country at large by the construc-tion of a 14-foot waterway is largely conjectural. In the opinion of the board such benefits would not be sufficient to warrant an expenditure by the General Government of \$30,000,000.

The engineers of this Government have never advocated any project of real advantage to the nation. They presented an unbroken front when Eads proposed to build the jetties down at the mouth of the Mississippi River, and they said it could not be done, that a lateral canal was the thing to build. Upon his own responsibility he undertook that great work. He advised the improvement of the Southwest Pass, but they required him to improve another pass. That scheme proved successful, and now vessels drawing 30 feet of water can sail where vessels drawing 12 feet of water could not sail before. The Government is now also improving the Southwest Pass. When it was proposed to build the Monitor, the engineer officers of this Government opposed it and said it could not be done. They required a company to be formed, and the company was required to give a bond that the Monitor would be successful. required that the test be made in actual war under the guns of the enemy's vessels, and it was done, and the *Monitor* saved the country untold millions of dollars and revolutionized the art of modern naval war.

The Canadian government built the first canal around the Falls of St. Marys River in 1790. In 1839 the State of Michigan sent engineers, workmen, and contractors up to the St. Marys River country to commence the building of the present great St. Marys River Canal, and the engineer officers of the Government and the Army officers of the Government met them there in that northern country and said: "You can not build this canal. The demands of commerce are not great enough to require it, and it is not possible as an engineering feat." The development of the great northwest section of our country was delayed twenty years on account of the position taken by American engineers. To-day the engineers con-nected with the Naval Department present an unbroken front against submarines, and advocate the building of immense floating steel forts; but over in France they have adopted a differ-ent scheme, and they have proven that these little submarines, from unknown depths, unseen and in perfect safety, can launch terrible engines of war, armor-piercing projectiles, against the great battle ships we are building. You can not expect any great things to come from the Army engineers of this country.

It is a popular superstition that we graduate engineers up at West Point. I have looked into the statistics, and I propose to put my correspondence on this question in the Record, showing that in thirty years we have only graduated 178 engineers from West Point. The War Department itself regards every one of them as incompetent and prefers to employ in the great engineering works of this country the engineers who are graduates of our universities which have engineering departments. I propose not to read now, but to put in the Record, a letter from General Mackenzie himself which establishes this fact. The engineers employed on public works are every day leaving the employment of the Government to seek the higher wages and the better salaries paid them by railroads, and I will put in the RECORD some correspondence on that subject which establishes that fact. You can not expect any board of engineers to recommend any scheme that interferes with the rights of transcontinental railroads in this country; and when this board of engineers filed this opinion against this project there went up from every transcontinental railroad president's office in the United States a growl of joy.

The chairman of the River and Harbor Committee stated yesterday that every project in this bill was submitted, by virtue of the statute, to the board of review for rivers and harbors, to get its opinion as to the commercial necessity for the improvement. I am sorry the chairman of the committee is not here now, but I will put the statute on the subject in the RECORD. There is no such authority there. It authorizes the River and Harbor Committee to apply to this board for a finding of facts only after a project has been adopted and after an appropriation has been made in support thereof, but this particular project has never been adopted and no appropriation in

support of it has ever been made.

will insert here section 3 of the act approved June 13, 1902. The section referred to is as follows:

The section referred to is as follows:

That there shall be organized in the Office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work, and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have here-tofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Office of the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Offic

of continuing the same or upon any modifications thereof which may be deemed desirable.

The board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the board shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the board pertain.

I have just called attention to section 3 of the act approved June 13, 1902, the river and harbor act of that year. statement made by the chairman of this committee yester-day was that this survey or this project had been submitted by the Committee on Rivers and Harbors to the Board of Engineers created by virtue of this act for a finding as to the commercial necessity of a 14-foot waterway from Lockport to St. Louis. There is no authority conferred by the section. I have read for this reference. The Chief of Engineers section I have read for this reference. The Chief of Engineers may require certain findings from this Board, but the Committee on Rivers and Harbors can only ask a report from the Board of Engineers upon "projects heretofore adopted by the Government or upon which appropriations have been made." This project has not yet been adopted and no appropriations have been made upon the same. The reference therefore was entirely without authority of law.

The section to which I have referred was again amended by the act of March 3, 1905—the river and harbor bill of that year and the provisions of the section were extended by the latter act so as to require the Board to examine and review surveys as well as projects provided for by acts and resolutions prior to the river and harbor act of June 13, 1902.

I submit that a great committee of this House has not the moral right to surrender its functions to a purely executive If this statute is to be recognized in the future, it will contribute more to militarism in this country than any other one thing I think of now. A board of Army engineers, if they are competent, ought to be called upon for an opinion as to the engineering features of a project and as to its feasibility, not its commercial desirability. The judgment of Army officers on a matter of that kind is entirely without value. Army officers in general, and the Army officers on this particular board, have had nothing to do with affairs—they have probably in all their lives never made a dollar in any commercial transaction. They have little sympathy with the commercial development of the The glorious days in the West, in their judgment, great West. were the days when Army officers, at the head of crushing squadrons of cavalry, were chasing Indians across the plains, who always ran away at their approach. They find little evidence of the present greatness of that section in the fields of wheat that ripen under the summer sun or in the millions of acres of corn that rustle in the winds of autumn.

If I could ever be induced to subscribe to a national policy of foreign spoliation and conquest, it would be for the reason that by embarking, on a larger scale, in exploitations of that character we might be able to get rid of the Army officers that infest this capital in such enormous numbers. I have never been able to find a good reason for keeping them here. Resplendent in gold lace, they contribute to the color scheme at White House receptions; this seems to be about the extent of their utility in the capital city.

The particular board who, in forty-four words, disposed of this great subject and who signed their names to this particularly erudite report is composed of the following Army officers: Col. D. W. Lockwood, who entered the Military Academy in Col. D. W. Lockwood, who entered the Military Academy in 1862 and who has been in the service since that time; Lieut. Col. R. L. Hoxie, who entered the Military Academy in 1864 and who has been in the service since that time; Maj. C. McD. Townsend, who entered the Military Academy in 1875; Maj. E. Evelith Winslow, who entered the Military Academy in 1885 and who had been on this board only a few months when he subscribed to this report; Capt. Charles W. Kutz, who entered the Military Academy in 1880. All of the above-named Army flows have been in the service of the United States since they officers have been in the service of the United States since they were boys. During the greater portion of that time they have received small salaries, and none of them except Colonel Lockreceived small salaries, and none of them except Colonel Lock-wood have ever received a larger salary than \$3,000 per year, and if he is getting a salary larger than that now he has not been receiving it a very long time. They are as ignorant as infants of the ordinary business affairs of life. You can not expect them to recognize the great demands of present-day commerce and the necessity for the development of cheap transportation facilities. A statute which confers that authority upon them is wrong. An attempt to follow it will have a par-ticularly depressing influence upon the future commercial development of the country.

There is not even a great engineer on this board; a really great engineer would have been absorbed long ago by the railroad companies. West Point never has produced a great engineer or even a competent engineer, and that institution never will produce an engineer that can be called either great or competent. Fortunately for the country, however, a majority of the engineers engaged upon public works are graduates of our universities that are provided with engineering departments. The engineers provided by the Army are simply ornamental heads for our engineering equipment; the real work is done by heads for our engineering equipment, the real work is done by the civilian engineers. Army engineers do not do it, they simply get the credit for doing it. Civilian engineers in the employ of the Government are being drawn upon so largely by railroads that they hardly constitute an impartial body of men. There is present even with them a tendency to color purely engineering reports in the interest of railroad transportation companies. In support of the statements I have been making about engineers I will incorporate here in my speech my correspondence with the Departments upon this subject, and I will do so without fur-ther comment upon this phase of this question. The following is the correspondence referred to:

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., December 21, 1996.

Hon. OSCAR P. Austin,

Chief Bureau of Statistics,

Department of Commerce and Labor, Washington, D. C. Department of Commerce and Labor, Washington, D. C.

Dear Sir: I am studying our military and naval schools at West Foint and Annapolis. At West Foint a number of graduates enter the engineering department of the service.

1. I am anxious to find out how many have entered the engineering department in the last twenty-five or thirty years; and
2. I also want to find out how long they remain in the Army.
3. About what proportion of them resign from the Army in order to accept employment from railroads or to accept employment in other branches of industry?

4. Do West Foint and Annapolis furnish the Government with any considerable proportion of the engineers now employed on Government works and employed in other capacities by the Government?

5. How many of these engineers come from the schools and colleges provided with engineering departments?

6. Is any considerable proportion of the young men educated in our schools lured away from Government employ by the larger salaries paid by railroads, etc.?

I wish you would advise me where I can find statistics on the above subjects. If you have anything that will assist me in the investigation, please oblige me by sending it to me.

Respectfully,

Henry T. Rainey.

HENRY T. RAINEY.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
Washington, December 22, 1996.

Hon. Henry T. Rainey, M. C.,

House of Representatives, Washington, D. C.

Sir: I am in receipt of your letter of the 21st instant, asking for information as to how many of the graduates of West Point and Annapolis resign from the Army to accept employment from the railroads or other branches of industry; also for information as to such graduates along other lines.

In response, I have to inform you that this Bureau has no information on this subject. It is believed that the records of the War and Navy Departments can afford you the best information in regard to the matter. I have therefore referred your letter to the chief clerk of the War Department, with the request that he will furnish you such information as he can, and forward the letter to the Navy Department for such data as it can supply. It might be well for you to take the matter up directly with those Departments.

Very truly, yours,

O. P. Austin, Chief of Bureau.

O. P. Austin, Chief of Bureau.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
Washington, December 22, 1996.

CHIEF CLERK, War Department, Washington, D. C.

War Department, Washington, D. C.

Sir: I inclose to you herewith a letter from Hon. Henry T. Rainey,
M. C., asking for information in regard to the West Point and Annapolis graduates. Please furnish Mr. Rainey such information as
you can, and forward the letter to the Navy Department for reply
with respect to graduates from the Naval Academy. Mr. Rainey has
been informed of this reference.

Very truly, yours,

O. P. Austin, Chief of Burcau.

O. P. Austin, Chief of Bureau.

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 29, 1906.

Hon. Henry T. Rainey, House of Representatives, Washington, D. C.

Hon. Henry T. Rainey,

House of Representatives, Washington, D. C.

Sir: I have the honor to inform you that your letter of the 27th instant to the Secretary of War, inclosing a copy of your letter of the 21st instant to the Chief of the Bureau of Statistics regarding graduates of the United States Military and Naval academies, has been referred to this office. Your former letter, which was referred by the Chief of the Bureau of Statistics to the War Department was also referred to this office.

The information you desire, so far as it relates to the graduates of the United States Military Academy, is not contained in any publication, but the superintendent of the Military Academy was called upon to furnish such information as the records of the acadmey afford on the subject, and his reply, giving the number of graduates who were promoted in the Engineer Corps or subsequently transferred thereto, since 1870, has been received and referred to the Chief of Engineers for such further information in the line of your inquiry as he may be able to furnish. When his reply shall have been received all the information obtained will be promptly transmitted to you.

Respecting the graduates of the Naval Academy, it is suggested that you communicate directly with the Navy Department instead of awaiting reference of your original letter to that Department after it shall have been received back from the Chief of Engineers.

Very respectfully,

F. C. Ainsworth,

The Military Secretary.

F. C. AINSWORTH, The Military Secretary.

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, January 3, 1907.

Washington, January 3, 1967.

House of Representatives, Washington, D. C.

Sir: I have the honor, by direction of the Secretary of War, to return herewith your letter of the 21st ultimo to the Chief of the Bureau of Statistics, requesting certain information regarding graduates of the United States Military and Naval academies and engineers employed on public works, and to invite your attention to the reports of the superintendent of the Military Academy and of the Chief of Engineers, indorsed on your letter, giving all available information on the subjects of your inquiry.

Very respectfully,

F. C. Ainsworth,

The Military Secretary.

F. C. AINSWORTH, The Military Secretary.

[First indorsement.]

WAR DEPARTMENT, THE MILITARY SECRETARY'S OFFICE, Washington, December 24, 1996.

Respectfully referred to the superintendent, United States Milliamy Academy, West Point, N. Y., requesting the return of these papers, with such information as he may be able to furnish in reply to the inquiries of Representative RAINEY.

F. C. AINSWORTH, The Military Secretary.

[Second indorsement.]

Headquarters United States Military Academy,
West Point, N. Y., December 27, 1906.

Respectfully returned to The Military Secretary, War Department,
Washington, D. C. Between the years 1870 and 1906, inclusive, 178
cadets were promoted from the academy into the Engineer Corps of the
Army. There are also at present in the Engineer Corps 14 other officers
who graduated during this period and were transferred to the engineers
subsequent to graduation. Of this total of 178, there are at present on
the...

T. B. Scott, Colonel, United States Army, Superintendent.

[Third indorsement.]

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, December 28, 1906.
Respectfully referred to the Chief of Engineers for remark.
By order of the Secretary of War.

HENRY P. McCAIN, Military Secretary.

[Fourth indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 2, 1907.

Washington, January 2, 1907.

1. Respectfully returned to The Military Secretary.
2. Questions one, two, and three having been covered by the Superintendent of the United States Military Academy, leaves only four, five, and six to be answered.

3. As to question four, it may be said that including all the Departments of the Government which conduct "public works" or employ engineers in "other capacities," the engineer officers who are graduates of the Military Academy form but an insignificant proportion, numerically, of the total number of engineers who serve the United States.

4. As to question five, there are no data on the records of this office sufficiently complete to permit a definite reply. So far as the Engineer Department is concerned, a large number of the civil engineers employed are graduates of engineering colleges, and preference is given to such graduates in all cases.

5. As to question six, it can be said that a number of valuable civilian assistant engineers have left the service of the Corps of Engineers during the past few years to engage in more lucrative private practice or to accept higher salaries from other parties.

A. Mackenzie,

A. MACKENZIE,
Brigadier-General, Chief of Engineers, U. S. Army.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,

Washington, D. C., January 19, 1907.

SIR: In reply to your letter of the 27th ultimo, I have the honor to advise you that there is no engineer corps in the United States Navy at the present time. The course of instruction prescribed at the Naval Academy qualifies every graduate of that institution for the performance of such engineering duties as required in the Navy, and no graduates of any school or college other than the Naval Academy and the officers who rise from the warrant officers' grades to the line of the Navy through competitive examination are employed in such capacity. A number of officers of the line have resigned in recent years in order to accept more remunerative positions in civil life, but the Bureau has no statistics from which to compile information as to the salaries paid or character of the work offered.

There is a corps of civil engineers in the Navy, in which there are thirty-three commissioned officers. Five of these officers are graduates of the Naval Academy. One of these five received a degree in civil engineering from an engineering school, and the other four are pursuing a special course of instruction at an engineering school.

The Department has no information as to the number of engineers employed on public works who are graduates of colleges that have engineering departments.

Very respectfully,

W. P. POTTER,

Acting Chief of Bureau.

W. P. POTTER, Acting Chief of Bureau.

Hon. Henry T. Rainey, M. C., House of Representatives, Washington, D. C.

As opposed to the opinion of this Board of Engineers I propose to the opinion of this Board of Engineers 1 propose to insert in the Record at this point in my speech the remarks of Hon. Theodore P. Shonts, chairman of the Isthmian Canal Commission, before the Chicago Commercial Club, January 26, 1907; and I also put in the Record here the resolutions recently adopted by the Illinois Society of Engineers and Surveyers, which are embodied in a letter addressed to the Speaker and to the Members of this House and bearing date the 23d day of January, 1907.

The matter referred to is as follows:

[Extract from address of Hon. Theodore P. Shonts.]

[Extract from address of Hon. Theodore P. Shonts.]

If conditions were to remain permanently as they are to-day, there might be a doubt as to the wisdom of this expenditure [for the canal]; but when we look around and see the rapidly increasing population and resulting density of traffic in our own country, when we observe that our vast transportation facilities, which made possible our country's wonderful expansion and form the underlying basis of our prosperity, are simply swamped with the traffic which they are called upon to handle, and when we contemplate the enormous amount of money that must be raised to adequately provide facilities for taking care of the increased volume of business, we are compelled to conclude that the superfluous population of the earth will soon be forced into other channels than the United States, and is not unlikely to move into the vast fertile plains and rich regions of our South American neighbors.

NEED WIDER MARKETS.

Need wider Markets.

Notwithstanding our phenomenal growth in population, our capacity to produce in both field and factory has more than kept pace with our growth in numbers. If our prosperity is to continue, we must have wide markets for our goods. What better fields for exploitation exist than the territory of our next-door neighbors in Central and South America? But while it is necessary to have the markets in which to sell our goods, it is equally necessary to have the facilities with which to transport them. I mean by this that the volume of our export trade to dray is seriously hampered by the overtaxed condition of our railways, especially at terminal points; in fact, it is a serious question whether it has not reached its limit under present conditions. Many of the important railway systems in their desire to provide more adequate accommodations are going so far in their efforts to raise money for this purpose as to well-nigh imperii their credit.

Port terminals are already so scarce and valuable as to render adequate relief in that direction improbable, in fact, impossible, at any reasonable cost. It is therefore suggested that there be created a vast interior harbor reaching from Chicago to the Gulf.

TERMINAL OPPORTUNITIES.

The beneficial effects of such a harbor are many and obvious. In the first place, it would furnish opportunities for the creation of terminal facilities along its entire length. In the second place, it would build up and develop the entire Mississippi Valley by giving it the advantages of terminal ports brought close to its doors. In the third place, and this has a most direct bearing on our canal proposition, it would give the people of our great Middle West, with their geographical proximity and these superior transportation facilities, a distinct advantage over the rest of the country in commanding the South American trade.

PEORIA, ILL., January 23, 1907.

Hon. Joseph G. Cannon,
Speaker of the House of Representatives,
and Members of Congress from Illinois, Washington, D. C.

Hon. Joseph G. Cannon,

Speaker of the House of Representatives,
and Members of Congress from Illinois, Washington, D. C.

Dear Sirs: We, the undersigned members of the Illinois Society of Engineers and Surveyors, in annual session assembled, do hereby address the following memorial to you in expression of our deep conviction of the feasibility and practicability and the commercial utility (in comparison to its probable cost) of the proposed improvement of the Illinois River into a commercial waterway having a channel of not less than 14 feet in depth as a connection between the already nearly completed sanitary and ship canal leading from Chicago to Joliet with the Mississippi River at or near St. Louis.

We are fully aware that this subject is at the present time before the House of Representatives for consideration, and we are reliably, though not officially, informed that the two boards, one of survey and one of investigation, of the United States Government have investigated by survey and inquiry into the question of the feasibility and commercial utility of this project and have made their reports to Congress. That the report of the first board of survey unqualifiedly compares. That the second boact whity of the plan with an estimate of its cost. That the second boact whity of the plan with an estimate of its cost. That the second boact with the plan with an estimate of its cost of the survey and the s

dered by this board, if it had been applied to the construction of the canals and locks at the Sault Ste. Marie, based upon statistics covering only the traffic known at that time over the proposed route, would have prevented forever the construction of that most wonderful highway of commerce, and that the same argument would have prevented private enterprise from ever construction any of the great transcontinental railroads and would doubtless prevail against the construction of the Panama Canal and would never have permitted England to have expended millions of dollars on the Suez Canal.

Finally that nothing but the experience of the future and analogy with above cases can absolutely prove what we fully believe to be the fact, namely, that the completion of a 14-foot channel to connect the Lakes at Chicago with the Mississippi River at St. Louis will be not only a justifiable expenditure for the United States from the local standpoint of the State of Illinois, but from the standpoint of the future best welfare of the nation.

Respectfully submitted.

Dabney H. Maury, President; A. W. Gates, Monmouth, Ill.; Clark G. Anderson, Moline, Ill.; C. A. Prout, Wheaton, Ill.; Fred. W. Honens, Sterling, Ill.; Jos. A. Moore, Chicago, Ill.; T. L. Burkland, Peoria, Ill.; Me. E. Burkhalter, Peoria, Ill.; J. G. Melluish, Bloomington, Ill.; L. C. Honens, Peoria, Ill.; J. G. Melluish, Bloomington, Ill.; Clem. L. Cravens, Toulon, Ill.; D. H. Roberts, Peoria, Ill.; J. G. Hare, Bloomington, Ill.; H. Foster Bain, Urbana, Ill.; J. G. Kirchoffer, Madison, Wis.; J. W. Woermann, Peoria, Ill.; R. S. Wallace, Peoria, Ill.; J. W. Woermann, Peoria, Ill.; R. S. Wallace, Peoria, Ill.; J. C. Quade, St. David, Ill.; Chas, H. Dunn, Peoria, Ill.; W. D. Appert, Taylorville, Ill.; S. T. Henry, Chicago, Ill.; W. D. Appert, Taylorville, Ill.; S. T. Henry, Chicago, Ill.; W. D. Appert, Taylorville, Ill.; S. N. Johnson, Springfield, Ill.; Web, I'll. Bushnell, Quincy, Ill.; John M. McNabb, McNabb, Ill.; Julius G. Gabelman, Chicago, Ill.; Henry R. Dirk

I do not want to make the charge, so often made with reference to river and harbor bills, that this bill is simply another pork barrel." My interest in waterways is too great to permit me to do or to say anything that might contribute in the least toward discouraging future large river and harbor appropriatoward discouraging future large river and harbor appropria-tions. I notice, however, that "Raccoon Creek" is quite liber-ally provided for in this bill. I do not know where "Raccoon Creek" is; I have never heard of it before. It may be an im-portant commercial stream. If it is, I congratulate the commit-tee upon discovering it. But while I congratulate them in this particular, I am unable to understand why a committee that is able to discover "Raccoon Creek" at the same time almost forgot that the Mississippi River extends in its southward course from St. Louis to Cairo. I do not know who represents the Congres-St. Louis to Cairo. I do not know who represents the Congressional district in which "Raccoon Creek" is located; but I undertake to say that whoever does represent this particular district here will be found voting for this bill just as it is and will be found opposing any amendment we may offer. I have no doubt that all the people in that section, from the headwaters of "Raccoon Creek" all the way down along its majestic course to the sea, will be particularly grateful to the man who has succeeded in getting in the bill this appropriation, and, of course, they ought to feel that way. "Contentnia Creek" is also provided for in this bill, and somewhere there is some Member of Congress who will be "content" with that and who will oppose all amendments to this bill.

I do not know where "Blackwater Creek" is located nor where "Nomini Creek" can be found; and I notice also that "Mantua Creek," "Wappinger Creek," and "Browns Creek" are all liberally provided for in this bill. The fact that I have never heard of any of these streams is due, of course, to my lack of knowledge of the geography of the country. They may be important streams; I do not say they are not. If they are important I congratulate the committee upon their discovery. I know, however, where the Chicago Ship Canal is, and the Illinois River, and the Mississippi River, and every man, woman, and child in this country knows where these great waterways I can not understand how the same committee which is able to find the creeks to which I have called attention is unable to discover any commercial importance in the waterways to which I have called attention. The bill has been carefully drawn; its passage unamended I am afraid is assured. The "pork barrel" features are not entirely absent.

The thing to be most condemned, however, about this measure is the general policy of the bill, which, if continued, will compel the entire country to pay tribute to the steel trust and its allied organizations. It is this feature of the bill which requires the most serious consideration. It is this apparent policy of waterway improvement in the interior of the country that ought most to arouse the public conscience. There is no way of combating this policy or its tendencies, except by commencing in the near future the construction of this great water highway

from the Lakes to the sea. I desire to discuss briefly this feature of the bill

Not long ago, fifteen years ago or so, we undertook the construction of the Hennepin Canal. I have indicated it there on that large map. The reason for undertaking the construction of that canal was to provide a short and cheap waterway, 7 feet in depth, from the twin cities of the north and from the great Northwest to Chicago and the Lakes. That waterway is nearing completion. It will be ready for operation during the coming summer, as I am advised. But when they undertook the construction of the Hennepin Canal we had a waterway in Illinois leading from La Salle, the head of navigation on the Illinois River, up to Lake Michigan, nearly a bundred miles—the old Illinois and Michigan Canal.

The commencement and completion of this waterway—I refer to the Hennepin Canal—was made possible by the fact that it only completed the link between the great Northwest and Lake Michigan. Since that time the Illinois and Michigan Canal has The railroads commenced their fight against ceased to exist. waterways in Illinois over thirty-six years ago, and in the State constitution adopted at that time it was provided that the State could not make any appropriations for the support of canals. But the years passed, and appropriations were made every year until last year, and the Illinois and Michigan Canal was kept in operation. Last year from some direction, no man knew where, there came an opposition to further appropriations. Injunction proceedings were brought; the law was plain, the courts could do nothing else, they were reluctantly compelled to enforce this railroad provision of the constitution.

There is now no money to maintain the decaying locks of the Illinois and Michigan Canal, and the approaching season will see the last of that great waterway. The millions expended on the Hennepin Canal are absolutely wasted unless there is a canal from La Salle, the head of navigation on the Illinois River, up

to Lake Michigan.

But a singular thing happened. At the very time they com-menced out in Illinois to fight the Illinois and Michigan Canal in the courts; over there 800 miles away they commenced a move-ment for the Lake Erie and Ohio River Canal. During the During the closing hours of the last session there slipped through this body a most extraordinary piece of legislation, a bill authorizing the ironmasters of Pittsburg to build a canal from a point near Cleveland, on the Lakes, down to Pittsburg, having a depth of not less than 12 feet.

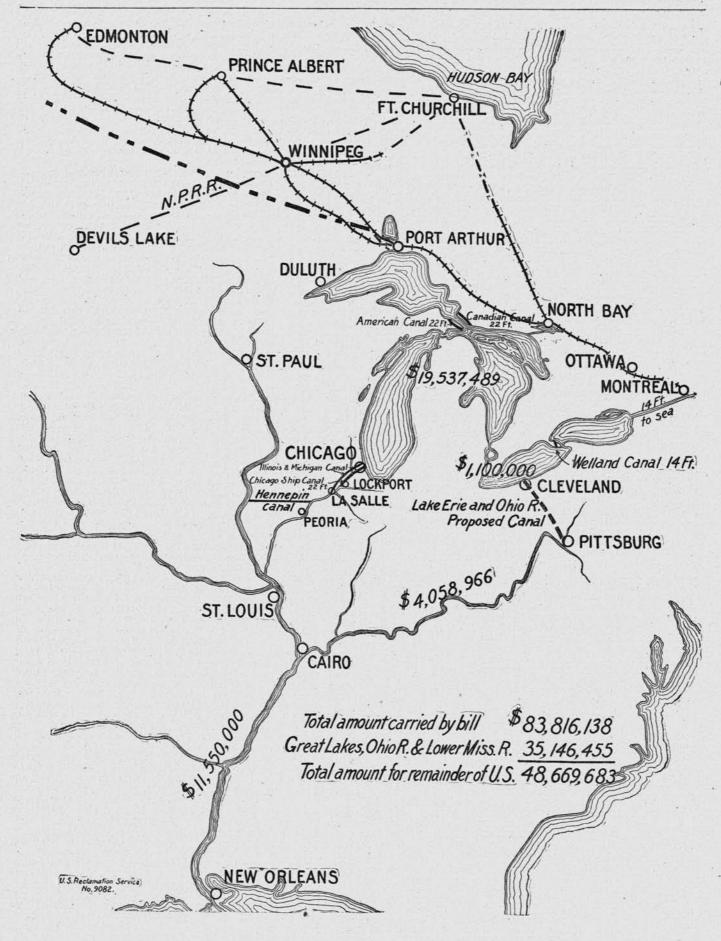
Now, bearing in mind these two facts, that from some source, no man knows where, came the legal proceedings which resulted in closing the waterway in Illinois connecting the Lakes with the river—the party appearing as complainant in that pro-ceeding had not the slightest interest in the subject-matter of that suit—and that at the same time these millionaires of Cleveland and Pittsburg got through Congress this bill, I want you to look at this map I have caused to be displayed here.

The appropriations for the Great Lakes, added together, amount to something over \$19,000,000. The appropriation for the 900 miles of the Ohio River between Pittsburg and Cairo amounts to over \$4,000,000. The appropriations for the lower Mississippi River amount to over \$11,000,000. The policy of a bill like this means this and nothing else: It means the development of an immense commerce on these, to us, landlocked lakes; it means the development of immense commercial possibilities along the Ohio and lower Mississippi rivers, and it means more than this-if the commerce of the Ohio River and lower Mississippi and the commerce of the Great Lakes is to be exchanged, it must be done through this canal, upon which they are authorized to issue \$800,000,000 worth of stocks and bonds ten times the sum required to build it. It must go through this canal; and upon it, according to this act, and I have it before me, the ironmasters of Pittsburg may levy any kind of toll they please.

In the olden days robber barons and other dignitaries established their castles along the Rhine and along the other commex-cial waterways of Europe and enforced their right to demand toll of every vessel that passed their fortresses loaded with mer-chandise. If this policy is to continue, we are building up here in this country a tremendous commerce which can exist only by paying tolls to these modern robber barons—the ironmasters of Pittsburg-and in no other way.

The Cape May project illustrates further the influences which seem to have been paramount in the preparation of this bill. Over a million dollars is appropriated for the construction of a harbor for Cold Springs Inlet. The Cape May Realty

[Note.—The Lake Eric and Ohio River Canal, under the act of Congress, may start on Lake Eric at any point between the mouth of Grand River, 28 miles east of Cleveland, and the Pennsylvania and Ohio State line, and not at Cleveland, as apparently shown on this map. It has its southern terminus on the Ohio River near Pittsburg.]



Company will profit enormously by this large expenditure, and the Government is presenting the millionaires of Pittsburg with a splendid harbor of refuge for their private pleasure yachts. I have no time to discuss this matter, but it is interesting to note that the millionaires of Pittsburg own the stock in the Cape May Realty Company.

There is only one way by which this depressing effect upon

There is only one way by which this depressing effect upon the commerce of the country can now be avoided, and that is to establish here from Chicago all the way down to the Gulf

the waterway the Mississippi Valley is demanding.

When the Panama Canal is completed, it will be another mouth for the Mississippi River, and that great river will empty not only into the southern Gulf and the Atlantic Ocean, but will have this connection with the Pacific Ocean and with all the countries that touch upon all the seas of all the world.

No man yields in admiration or respect more than I do to the chairman of the Committee on Rivers and Harbors. There is no abler man in public life than this scholarly gentleman. The announcement has been made in the daily papers that he proposes to abandon his position at the head of the River and Harbor Committee. If this is true, I congratulate him, and I also congratulate the country.

A position at the head of some other and more important committee will yield to the distinguished gentleman greater opportunities, and the country might then get the benefit to a still larger degree of his great ability. If I were a Republican, I would second the motion of my friend the gentleman from Missouri [Mr. Clark]. I would be in favor of booming the gentleman from Ohio [Mr. Burton] for the Republican nomination for President of the United States, and I would be for him, too, unless my own State should present a candidate, as I understand it will. In that event, if I were a Republican, as a matter of State pride and loyalty, I would have to be for him. But I want to say to both of these gentlemen, and I say it in a spirit of kindly warning, particularly to the gentleman from Illinois, who presides with such ability over the deliberations of the lower House of the Congress, that no man can ever be elected to the high office of President of the United States who is opposed to this great waterway. There is another gentleman in this country who will lead, two years from now, the Democratic party to battle and to victory. He is a man who is able to see the light upon the mountain tops, and long ago he placed himself on record in favor of this great enterprise. [Applause.]

We are ready to indorse the demands of Boston, we are in favor of improving the harbor of New York, and we think Philadelphia ought to have her 35-foot channel to the sea. We have for a century contributed to the splendid prosperity of these great cities and we are willing to continue to do so. But the time has come when we ought to demand something for ourselves. Beyond the boundaries of these imperial States which touch the Atlantic Ocean lies the great West, with its broad, fertile acres, its streams running bank full, its populous cities, its splendid expanse of forest and plain, its majestic rivers flowing down to the sea. What benefits you is of advantage also to us. What contributes to our progress promotes also your material prosperity. You have an easy and cheap access to the ocean highways of the world. We ask you to clasp hands with us across these mountain ranges and aid us in obtaining this all-important commercial waterway, and the wealth and progress and happiness which come to us by reason of it will benefit equally all sections of this the greatest of the nations. [Long-continued applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record and to incorporate in them certain letters and documents to which I have referred.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. CRUMPACKER. Mr. Chairman, the river and harbor bill now before the House for consideration carries the largest appropriation and authorization of any bill of its kind in the history of the country, and in my opinion it is the most economical river and harbor bill that was ever reported to the House. I say it is the most economical because, in my judgment, the people of the country will receive more substantial and permanent advantage for the money it appropriates than they have received from the appropriation of any like sum at any time heretofore. I base these commendations of the pending bill upon the wise business policy which it embodies.

The bill provides for the appropriation of \$35,000,000, in round numbers, and it authorizes the Secretary of War to enter into contracts for the completion of improvements that have been decided upon to the amount of about \$48,000,000 in addition.

It has been the custom in years past for Congress to enact a river and harbor bill only once in two years, and measured by that custom the appropriation carried by this bill will cover a period of two years, and the contracts authorized by the Secretary of War will run until the several improvements contemplated by the measure shall have been completed. Appropriations will be made from time to time in the future to pay the contract obligations as they mature, and these authorizations may run over a period of six, eight, or possibly ten years; so while the bill seems to create a liability upon the Government for \$83,000,000, \$35,000,000 are to be expended in the next two years and the balance is to be paid upon contracts as the contract work progresses, and the appropriations will be spread out over several years to come.

I desire to emphasize the business value of that feature of the bill which authorizes contracts for the completion of river and harbor improvements that have been decided upon. Everyone knows that when an improvement is to be made it can be made at much greater advantage and much less expense if a contract can be let at the outset for its completion. The firm or company that takes the contract may make calculation for the entire undertaking and can prosecute it systematically and in a businesslike manner to the end. The practice heretofore has been to determine upon and authorize an improvement that may cost a number of million dollars in the aggregate and that may take five or six or eight years for its completion, and to appropriate such a sum of money as may be reasonably expended within the first year or two without authorizing the Secretary of War to make a contract for the entire work at the outset. policy the Secretary of War, who is charged with the expenditure of all river and harbor appropriations, would authorize a contract to the extent of the first appropriation, and the contractor would enter upon the work according to the plans adopted by the War Department and carry out his contract to the extent of the available money. The next Congress would appropriate another sum, say, a hundred or two hundred thousand dollars, and a new contract would be entered into to take up the work where the first contractor left off and continue it as far as that appropriation would justify; and then another Congress would make still another appropriation of a hundred or two hundred thousand dollars, possibly, and still a third contract would be let to begin the work where the second contractor left off and carry it along as far as the available appropriation would permit, and thus on to the end, so that a particular improvement involving the carrying out of one definite project would be cut up into piecemeal and possibly be let to three or four different contractors.

After one contract had been carried out the work that had been done might deteriorate by the wind and the waves, and the succeeding contractor would be required to spend a considerable part of the fund then available in restoring the work done by his predecessor. I know of several harbors that have been constructed upon that plan, and it is the most extravagant and wasteful policy conceivable. The Government can save from 25 to 50 per cent in the cost of many river and harbor improvements by the plan embodied in the pending bill—that of authorizing the Secretary of War to contract with a responsible firm for the completion of the work at the beginning. This feature of the bill can not be too strongly emphasized nor too highly commended, and the country doubtless will realize its obligation to the able members of the River and Harbor Committee for putting its public work upon a business policy that is so manifestly wise and economical.

If the bill contained no authorizations the contingent liability, against the Government would have been as much greater as would be the increase of cost of doing the work by the old piecemeal method, for having decided upon specific improvements and made appropriations for their partial construction, the Government would, of course, make further appropriations from time to time for the completion of the improvements, so the unusual magnitude of the bill is apparent only and not real. There is a habit of random criticism of river and harbor bills by a portion of the public press, based, perhaps, upon an undefined impression that much public money is appropriated for improvements that have no commercial value. It may be that in years past this class of bills were open to that kind of criticism, but for the last ten years every appropriation for river and harbor improvement has been rigidly scrutinized and they have all been found wise and judicious. No expenditure of public money has yielded a greater return in advancing the prosperity of all parts of the country, and the pending bill has been prepared with great care and discrimination.

The large appropriation and authorization carried by the pending bill are justified by the growing importance of the transportation problem. Never in the history of this Government has transportation been so vitally connected with produc-

world's market centers.

tion and prosperity as it is at the present time. Railroad lines which are the chief reliance of the great producing interior, have insufficient facilities for the accommodation of the stupendous volume of production, and the uncertainty of transportation and the high rates required in many instances very seriously embarrass enterprise. Transportation and the exchange of com-modities are as vital to the problem of production as the creation of the commodities themselves. An article is of no value where it has no means of reaching the consumer. There is a cry throughout the length and breadth of the country of a lack of railroad cars to transport the great volume of produce and manufactures, and any expenditure that tends to increase the facilities for transportation and to reduce freight rates must give a great stimulus to manufacture and all other lines of production throughout the country.

The farmers are peculiarly interested in the improvement of harbors and waterways. As a rule the prices of farm products depend upon foreign prices, and the cost of transportation from the farm to the foreign market is a vital question. During the last thirty years facilities for transportation have so increased and freight rates have been so reduced that notwithstanding there has been a general decline throughout the world in the price of food products, yet the price of products on the farm in the Mississippi Valley have gradually increased. The increase of facilities for transportation and the reduction of the cost of sending meats and grains from the farms to the European markets have more than offset the general decline in the world's markets of the prices of foodstuffs. Under existing conditions almost every unnecessary element of expense in the transportation of wheat from Dakota wheat fields to the markets in Liverpool has been eliminated, and the farm price is closer the Liverpool price to-day than it ever was in the history of the Government. This condition illustrates the great importance of still further improving facilities for transportation in the hope of still further reducing the freight rates from the farm to the

Our volume of production has come to be so tremendous that the present railroad facilities are not sufficient to accommodate it all without great delay and embarrassment. Ocean transportation rates have declined very materially during the last thirty years. This decline has been brought about in numerous ways, among others the increase of the capacity of the great ocean freighters. Many of the boats now engaged regularly in the foreign trade draw 35 feet of water, and it has become necessary to deepen the harbors at all the principal ports of the United States on both the Atlantic and Pacific coasts, Transportation on the Great Lakes has revolutionized during the last twenty years. Long ago boats of one and two thousand tons capacity were doing the principal part of the business, but to-day there are great iron steamers carrying 10,000 tons and upward of freight, and this change requires a deepening of harbors and greater improvements of existing waterways to accommodate the large modern ships.

A number of years ago the German Empire began to realize the importance of the construction of canals and waterways from the coast to the interior, and to-day the great waterways leading into the interior of Germany are the chief means of transportation of the products of the farm and factory to foreign countries. Hundreds of millions of dollars have been expended by that Government for the construction and improvement of internal waterways, and the growing prosperity of the farmers and manufacturers of Germany is the highest encomium that can be passed upon its transportation policy. expend over a hundred million dollars a year in building up and maintaining a navy, but the expenditure does not exceed \$25. 000,000 a year for the improvement of rivers and harbors. feel a just pride in our splendid Navy, and look upon it as the chief source of national defense and the protection of our commercial rights upon the high seas. It is of equal importance that we employ every reasonable means at our command to increase the facilities for transportation, and thereby multiply our commerce not only at home, but abroad, in order that there may be a valuable ocean commerce for the Navy to guard and protect.

The State of New York is expending over a hundred million dollars for the improvement of the Erie Canal with a view of connecting the Great Lakes with the ocean. This vast sum is to be levied upon the taxable property of that one State alone. The people of the Empire State realize the vast importance of providing for water transportation wherever it is practicable.

The people in the Mississippi Valley have a peculiar interest in the project, that is now so generally discussed, of establishing a ship canal from the Great Lakes to the Mississippi River and to the Gulf of Mexico, and the people of the district I have the honor to represent are especially alive to the importance of

this great undertaking. Nothing would so stimulate manufactures in and about the city of Chicago as this great addition to the means of transportation and that important outlet not only to the Southern States, but to the markets of the world. With a ship canal from Lake Michigan to the Gulf of Mexico all products throughout the Mississippi Valley, and particularly within a radius of 200 miles of the city of Chicago, would materially increase in value. Ships would be loaded with cargo at the city of Chicago and carried by water transportation to all the markets of the world. It would open up the markets of the North to the people in the Southern States. It would be a great impetus to interior manufacture. Boats laden with cargo from the city of Chicago would distribute products along the lower Mississippi River and at New Orleans, and would return with products of the Southern States, particularly lumber, and lumber is an item of great importance to the people throughout the entire Mississippi Valley. The white-pine forests of Michigan, Wisconsin, and Minnesota have become exhausted, and the great hard-wood forests of Ohio and Indiana have long ceased to yield lumber for the country's markets. The result is that manufacturers and builders are now required to import lumber from the Southern States or the Pacific coast, and the cost of transportation is so great under existing conditions as to make the price of lumber so high that it greatly retards building and manufactures. With a deep waterway from Chicago into the Southern States the effect would necessarily be to materially reduce the cost of transportation of lumber from Tennessee, Mississippi, and Louisiana, and the reduction in price through-out the entire Mississippi Valley would be substantial, and every farmer and every manufacturer would be direct beneficiaries.

That great waterway would still further decrease the difference between the farm prices of grain and meats and Liverpool prices, and the effect would be to substantially increase the value of every farm that would be touched by the influence of the improvement.

Its effect would be not only to increase facilities for transportation and to open up the Middle West directly to the world's markets by water intercourse, but to reduce and regulate railroad freight rates throughout the country, and it would immensely stimulate the construction of factories in the Middle

A few days ago I received a letter upon this subject from Edward Rumely, of Laporte, Ind., written on behalf of the M. Rumely Company, an old, substantial, and prosperous manufacturing establishment at that place, an establishment that is engaged in the manufacture of traction engines, separators, cornshellers, and clover hullers. That institution sells its products in all the States of the Union and in foreign countries, and it appreciates the importance of improvements that will increase transportation advantages. Competition at home and abroad is becoming more exacting every decade, and the factories in the Middle West must increase their advantages or they can not hope to compete in the markets of the world. I send the letter to the Clerk's desk to have it read.

The Clerk read as follows:

Hon. E. D. CRUMPACKER, Washington, D. C.

DEAR SIE: You know that a bill is now pending before Congress urging an annual appropriation of not less than fifty millions for the improvement of our rivers. We wish to call your attention to this matter, presenting our view of the same, and to ask, in case you agree with us in thinking that this appropriation would be to the interest of the majority of your constituents, to do all in your power for the passage of this bill.

of this bill.

Manufacturers everywhere, and especially we, have suffered greatly by the incapacity of railways to take care of traffic. At times some departments of our factory have been greatly hampered by lack of raw materials. Then in shipping our goods we have great difficulty in getting them to destination. That is not all. Everywhere over the country farmers are unable to pay their notes because the crops are still in the fields; they can not sell them, or have been obliged to dispose of them at a great sacrifice. We feel that something must be done. The needs for transportation are growing each year with the population, but in addition to that each individual to-day requires more transportation than he would have if he had lived five, ten, or twenty years ago.

portation than he would have if he had lived five, ten, or twenty years ago.

The opening of the Mississippi River so as to secure water freight from Chicago down will be of great importance to the manufacturers of this district. As soon as the Panama Canal is completed it will enable us to enter South American markets to the best advantage. Land freight to New York and thence down is a roundabout and expensive way of moving our goods. The presence of a waterway would also help us in moving goods from this part of the country to the Southern and Southwestern States. In fact, the time has come when it is almost imperative for the Central States grouped about Lake Michigan to find a cheaper and readier transportation if they wish to hold their present rank as manufacturing centers.

The timber of this district has been cut and lumber must be moved long distances, some of it that we use as much as 2,000 miles. The same is true of other raw materials. If this extra expense becomes too heavy it will favor other manufacturers located nearer the source of supplies and make successful competition almost impossible.

The interests of the employees are identified with those of the manufacturers in this matter.

We trust that you will agree with us in thinking the passage of this

bill to the best interest of the majority of your constituents in this district, and that you will be able to use your influence in its favor.

Very truly, yours,

M. RUMELY Co., By EDWARD RUMELY, Treasurer.

Mr. CRUMPACKER. I commend the wise suggestions contained in that letter to every Member of the House. They are the result of years of business experience on the part of one of the most successful manufacturing establishments in the State of Indiana.

I do not know whether the engineering situation is such that Congress would be justified in making a large appropriation for this enterprise at this time, but I do know that the people of the Mississippi Valley with practical unanimity will insist in the near future that the Government provide means for the establishment of that great waterway. No expenditure of an equal amount of money would add more to the wealth and the taxable resources of the country, and in a single decade the Government would receive in the way of revenues, as a result of the incidental increase of production, many times more than the cost of the undertaking. The problem of handling the waters of the Mississippi River below St. Louis is one that belongs to science, and one about which there is considerable controversy, but I sincerely hope that a practical way will soon be discovered to put the improvement in the course of early completion.

Mr. MADDEN rose.

The CHAIRMAN. How much time does the gentleman from Illinois desire?

Mr. MADDEN. About forty-five minutes.

Mr. MADDEN. Mr. Chairman, the river and harbor bill before the House provides for an expenditure of about \$84,000,000. Illinois contains about one-fourteenth of the population of the United States and it is receiving in this bill the one hundred and sixty-eighth part of the amount appropriated. The city of Peoria, in Illinois, alone pays over \$30,000,000 annually into the public Treasury as internal-revenue tax. Chicago has paid \$50,000,000 toward the construction of the waterway which we have just been discussing. The State of Illinois offers this waterway, which requires no expenditure for maintenance, free of charge to the Federal Government. There can be no excuse for not accepting it. All we ask in return is that the Federal Government extend this great work down to the Mississippi River.

Much of the amount recommended by the Committee on Rivers and Harbors is calculated to develop and improve the commerce of the nation. There are many projects recommended which do not appeal to me as representing that economy of expenditure which should be exercised in the improvement of our waterways, and yet it would perhaps be unjust to say that any recommendation made by the committee is not intended to meet the ever-increasing demand for added facilities through which it may be hoped to cheapen the movement of freight.

It should be the policy of the Government to enter upon and prosecute systematically the improvement of the interior waterways of the country, so that the freight of the country might

be moved at the lowest possible cost.

No expenditure of the people's money will, in my judgment, produce such telling results as that which may be used in the wise development of the country's interior waterways. It is no longer doubted by anyone that we have neglected this feature of the country's development, until to-day we are unable to meet the ever-increasing demands for the movement of the commerce of the nation.

The railroads in the early history of the country met every need of the people. They enabled the people to settle in the remotest places of the country. They advanced civilization and cultivation and increased commerce. Through their civilizing influence the nation has prospered until to-day it stands at the head of the nations of the earth. The time has come when the people in their own interests must create facilities by expenditures from the National Treasury which can not be controlled by combinations of capital and which will in themselves regulate the prices for the movement of commodities as well as afford the necessary means of transporting the products of the people's labor, so that all may be afforded an equal opportunity to compete in an open, free, and fair field.

The people of the Central West are unanimous in the opinion that the construction of a waterway from the Lakes to the Gulf should be undertaken, and it was their hope that an appropriation to begin the work would be recommended in the present bill. That they will be disappointed at the failure of the Rivers and Harbors Committee to make such a recommendation there is no doubt. That such a waterway would be of inestimable value to the nation no one will deny. That Congress intended some time in the future that such a water-

way should be constructed is apparent; or it would not have ordered the expenditure of \$200,000 for a survey to ascertain the feasibility of such a project. That it is feasible admits of no argument. The Engineer Corps of the War Department, under whose direction the survey was made, reports that it is, and that such a waterway 14 feet deep from the end of the Sanitary District Drainage Canal, near Lockport, Ill., to St. Louis can be constructed at a cost of \$31,000,000.

The city of Chicago has already created the nucleus of this great improvement, having constructed 40 miles of channel 100 feet wide, 36 feet deep, and containing 28 feet of water, at the expenditure by the citizens of Chicago alone of \$50,000,000, a larger sum than was ever expended by any municipality on

earth for any similar purpose.

It is now proposed to turn this over to the Federal Government free of cost on condition that it extend this ship canal through the Desplaines Valley and Illinois River to St. Louis.

The necessary increase in the transportation facilities of the country and the future prosperity of the States bordering on the Mississippi Valley depend in a large measure upon this undertaking. Further than this, the whole country is clamoring for rate regulation, and no question before our people at this time is demanding greater attention.

By opening up this great natural highway of transportation, the congestion of our railways would be relieved and the question of rate regulation in the Mississippi Valley would at once

and forever be settled.

The area to be directly benefited by this improvement contains over 39,000,000 of inhabitants, or nearly one-half of our entire population. It produces over three-fourths of the food products of the country. The rapid increase in its commerce and population makes it imperative that the needed relief be promptly afforded them.

This proposed waterway is in no sense a local or even a sectional question. All thoughtful men know that any great enterprise that tends to benefit any portion of our country must necessarily benefit the whole country. The manufacturers of the East are as deeply interested in the completion of this great waterway as are the merchants, the shippers, the manufacturers,

and the farmers of the West.

The Committee on Rivers and Harbors have considered it wise to refrain from recommending an appropriation for this project at this time for the reason that no survey has yet been made of that portion of the project leading from St. Louis to New Orleans by way of the Mississippi River, and it is their contention that no outlay should be made until the fullest investigation of the feasibility of the plan from beginning to end shall be demonstrated; and the committee further suggests that, although the engineers of the War Department recommended the feasibility of the project between Chicago and St. Louis, another commission, selected at the instance of the Rivers and Harbors Committee, advises that it is not of sufficient commercial value to warrant the expenditure; and I am led to the conclusion from statements made by the chairman of the committee that the action of the committee is largely based upon the report of the Commission, to the effect that the expenditure would not be warranted by the tonnage which might be originated along the line of the proposed waterway.

I have the highest respect for the engineering ability of the gentlemen composing the Commission—on engineering questions; but who is the member of the Commission who has had sufficient commercial experience to warrant him in deciding a great commercial question? If the opinion of this Commission is of such vast importance commercially, one must wonder why it is that they have not been called into the commercial life of the nation, where men of genius and experience are in great demand in the settlement of questions involving large expenditures of money, for which ability of the character required to decide such questions is compensated far beyond any compensation ever received by any of the men who compose the Commission.

It can not be said that a man as a \$900 clerk in a musty office in one of the Department buildings, surrounded by the cobwebs of a hundred years, having had no contact with great public questions, is if to decide the wisdom of an expenditure for the development of a great comparing enterprise

for the development of a great commercial enterprise.

If his wisdom is such that his opinion can be acted upon in matters of such great importance, he would be sought out by the men who have pioneered the great projects which have developed the commerce of the nation. Long years of training in a clerkship may qualify an individual to compile figures which are placed before him, to foot them up accurately and make beautiful lines on paper, but his judgment would not induce the captains of industry to invest money in manufactures, in

agriculture, in commerce, in mining and milling. The men whose judgment is sought for in matters of this kind are the These captains of inmen who have made the nation great. dustry are leaders in enterprise, not clerks under orders to make reports at will—to reach conclusions made in advance for Captains of industry are men who think in advance of their fellows, who realize what is needed to facilitate the commerce of the nation and to prepare for the coming necessities of the increasing population, to build up, to manage, to develop, to utilize, to master, to systematize, and to make for success.

The highways of commerce are strewn with the wrecks of commercial enterprises which have failed to make proper provision for the growth and development of their business. Governments, like individuals, must look to the future if they hope to live and prosper.

There is a universal demand for rate regulation on all of our railways, and it is the general conviction that the improvement of our waterways is the cheapest, quickest, and best way to forever settle the question.

The construction of such a waterway as the one I propose when completed would be the strongest section that could be written into an interstate-commerce law. It is a section about which there could be no legal controversy. The Supreme Court could not misconstrue its meaning. That it would regulate freight rates no one can deny. That we must regulate them everybody will agree. The policy of Government ownership must not be thought of, but the policy of regulation must be enforced most rigidly; and the best way, in my judgment, to enforce it is by the construction and control of waterways

throughout the interior of the nation.

But the chairman of the committee says the plan is a new ene; that it has not been long enough considered to be understood; and when told that it has been considered since 1846 he says that it has been too long considered. Which one of the positions taken by the chairman of the committee is correct? He says that no project has been or will be considered except such as may be recommended by this Board of Engineers. The Board of Engineers which failed to recommend this project had nothing to do with making the survey. The survey was made by engineers from civil life, as I understand it, under the direction of the War Department. They recommended the feasibility of the project.

What mysterious influence could have been used to induce the Commission to report against its commercial value? The law authorizing the survey gave them no such power. It provided that a survey and report should be made on the feasibility of the project. That was as far as the law authorized the board to go. To go further was to assume prerogatives which the board did not possess. The assumption of such prerogatives is a usurpation of power that ought not to be tolerated.

They say the tonnage originating is an indefinite and unknown quantity. True, it would be difficult to ascertain accurately what the tonnage over any proposed development might be. No living man could determine that in advance.

No one dreamed of the immense tonnage that would go through the Soo Canal when it was first proposed. In fact, we are told that the engineers expressed serious doubt as to the probable financial success of that splendid enterprise when it was first suggested, but yet everybody will agree to-day that the tonnage through the Soo Canal is so enormous that even now large expenditures of money are necessary to create added facilities for the movement of the vessels which are obliged to tie up for a week at a time in order to pass through this canal. Over 30,000,000 tons went through the Soo Canal last year.

It is said that the cost of the construction of the waterway from the Lakes to the Gulf would be enormous. True, the people understand that such a waterway could not be constructed without the expenditure of large sums of money, but they regard it as a commercial necessity; and capable, experienced business' men believe that it will be worth to our country many times its estimated cost.

If the Committee on Rivers and Harbors wished to be consistent it would have recommended an appropriation for this great improvement. Other projects have been recommended by the committee, the commercial value of which have been recommended against by the War Department and its engineers, and I beg to call especial attention to the one at Cold Spring Inlet, Cape May, New Jersey, of which the engineers have this to say. I am not going to read all the engineers say, but I will content myself with reading just that portion of what they say in one of the concluding reports:

This is a somewhat peculiar case, an undeveloped port with absolutely no commerce, but with large possibilities of commercial importance. The district officer makes no recommendation in this report as to the propriety of the National Government undertaking the work of

making the channel entrance, and it appears to me to be a question solely for the wisdom of Congress.

General Mackenzie's report to the Secretary of War, dated January 2, 1907, says:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 2, 1907.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 2, 1907.

Sir: I have the honor to submit herewith for transmission to Congress reports of August 14, 1905, and December 15, 1906, with map, by Maj. C. A. F. Flagler, Corps of Engineers, on preliminary examination and survey, respectively, authorized by the river and harbor at approved March 3, 1905, of Cold Spring Inlet, Cape May, New Jersey, with a view to securing a channel from the inside harbor to deep water and the creation of a harbor of refuge.

Cold Spring Inlet is on the coast of New Jersey, about 3 miles east of the city of Cape May. Within the inlet there was originally a natural basin about 6 feet deep and 60 acres in area. In the throat of the inlet the depth was 29 feet at mean low water, and on the outside a bar on which there was a minimum depth of 3.5 feet at low water about one-half mile out. The present commerce of the locality by water is practically nothing.

Private business interests have purchased a considerable tract of land near the inlet and are now engaged in filling it in for building and improvement purposes. The material for this filling is obtained by dredging, and in this connection it is planned to enlarge the natural basin inside the inlet to about 500 acres in area, with depths of from 30 to 40 feet. Railroad and other interests propose to bulkhead the shores of this basin and make the adjacent lands available for wharves, warehouses, and commercial purposes generally. To complete this elaborate plan for a safe landlocked harbor for commerce and of refuge, it is desired that the General Government provide a suitable connection between it and deep water in the ocean, so as to make the harbor accessible to sengoling vessels.

In the investigation of this project the usual examination and survey have been made and several hearings held. The plan is entirely feasible from an engineering standpoint, but the proposition for the General Government to join with private interests in creating a harbor at a point where there is no p

This concurrence with the Board is in regard to the general object to be attained. The details of the plan demand further consideration, and it is believed that they may very properly be left for determination when the work, if adopted, shall be actually undertaken. Experience at harbors on the Great Lakes where channels are protected by parallel jetties justifies the Board's further recommendation that the bulkheads to be built by private capital should not be placed, as now planned, in practical prolongation of the jetties, as proposed, but should diverge toward the bay, so as to give room for expansion of the waves driven in from the sea.

I am also in accord with the Board's views as to the conditions under which any funds to be appropriated by the United States should become available.

Very respectfully,

A. Mackenzie,

Brig. Gen., Chief of Engineers, U. S. Army.

A. MACKENZIE, Brig. Gen., Chief of Engineers, U. S. Army. The SECRETARY OF WAR.

Then I wish to read this advertisement of the real estate company which owns and controls Cape May. They have sent out a beautiful calendar entitled "Cape May City, N. J., for health, wealth, and recreation. Cape May Real Estate Company." Then they have a map on the back of the calendar pointing out the lots. Then they have a list of lots, giving the size, and then they proceed to say in their advertisement this:

Pittsburg avenue, extending from beach to Schellenger's landing, is 100 feet wide; a magnificent boulevard. Titles absolutely clear and perfect, guaranteed by the Guaranty Title and Trust Company, of Pittsburg, Pa., and policy of life insurance given free with every deed. The property represented above, owned by the Cape May Real Estate Company, is being developed into the finest and most superb seasible resort in the world. The tract comprises 5,400 acres, including 500 acres of land-locked harbor, in which great public and private interest is centered. centered.

Mark you!

The Congress of the United States has ordered a survey for the purpose of making an entrance from the ocean to the harbor. The property has an ocean frontage of nearly 3 miles. The work of development now progressing is of such great magnitude as to astound everyone and has brought great and growing enhancement to property values in Cape May city. Watch it grow this year as never before.

Mark you!

Watch it grow.

One would imagine it was one of those glittering advertisements for the sale of stock in a gold mine.

The two largest dredging companies in the United States, the Atlantic, Gulf. and Pacific Company, of New York, and the Furst-Clark Dredging Company, of Baltimore, are under contract with the Cape May Real Estate Company and are operating a number of dredges day and night, dredging the immense harbor and filling the adjacent property with the material removed.

And mark this:

Shrewd real-estate investors from many sections of the United States show their faith in this proposition by purchasing Cape May property. Join the procession and get some of the great fortunes that are being

made here. Do not delay if you want to get the largest returns on your investment. Get in line for profits sure to be made in Cape May city. Many people are buying lots by mail.

Just think of it. The Government of the United States is making a survey, and people are induced thereby to purchase lots by mail lest they might not be able to get in in time to get the large benefits to be derived from the money to be expended from the National Treasury.

You can do likewise. If you can not personally visit the property or our offices, we assure you we will make the best selection possible. Don't delay or you will miss a great opportunity.

SOME OF THE GREAT ATTRACTIONS OF CAPE MAY CITY.

Unquestionably the safest and most magnificent beach in the world. Miles of finished driveways, level as a floor; automobilists' delight. Drives far inland are superb through picturesque country. Boating and fishing unexcelled. Hunters' paradise; game in great variety and abundance in surrounding country. Climate ideal; cooler in summer and warmer in winter than any other New Jersey seaside resort. Purest water from artesian wells inland. Cape May adjoins the fast lands. Fruit and vegetables of all descriptions grow nearby.

To these and other favoring natural attractions the Cape May Real Estate Company is adding immensely important municipal improvements, including a model sewage-disposal plant (completed), graveled and sewered streets, sidewalks, and curbs. In cooperation with the city, an ocean bulkhead, board walk, and beach drive were constructed along the entire ocean front. A grand improvement; everybody says so. Greater ones under way.

The Government is going to spend millions on the improvement.

The Government is going to spend millions on the improvement. Come in before it is too late!

You and your friends want to take advantage of this great money-making chance. Write us and we will give you detailed information. This is the chance of a lifetime. Snap it up for profit making. As our improvements progress, this property will become immensely val-uable to first purchasers. You can become one now.

Now, this is your opportunity. Come in before it is too late. [Applause.] Mark you, this is the thing for the improvement of which the Government is spending millions. Here is a place where great traffic originates. This is the place that needs the aid of the Federal Government in order that navigation may be aided, in order that commerce may be improved, in order that it may meet the demands of the growing population of the nation.

Investigate and be convinced that here's fortune for you. Surer, safer than a gold mine.

How could the committee pass such a place as this without making a contribution from the public Treasury toward its development?

What an inviting prospect. How certain one is of a fortune if the Government will but spend its millions there. There is no money to spare for a great commercial waterway, while millions are wasted on a private enterprise.

Gentlemen, I submit that if this is a proper improvement for which to expend public money, that the improvement advocated by the people of all of the States of the Central West has received but scant consideration at the hands of the men who represent the Committee on Rivers and Harbors, supposed to be giving fair consideration to every question that means advance ment to our commerce and the development of our country.

It is strange that \$1,200,000 or more should have been appro priated for such a project under such circumstances, without any evidence whatever that there would ever be any tonnage originating at the point of the improvement to warrant the expenditure, and yet the recommendation is made, evidently, to accommodate a lot of people who are interested in a private enterprise; made, doubtless, to accommodate the Pennsylvania and Reading Railroads, who seem to be preparing to erect terminals at the site of the proposed improvement.

The deep waterway from the Lakes to the Gulf can not be

said to be one in which private enterprise is interested. It is a project for the development of the commerce of the nation, in which the people of the nation alone are vitally interested.

We are spending millions of dollars for the construction of the Panama Canal. Is it proposed that when this canal is com-pleted that the grain fields of the country, that the mines, the farms, the factories of the nation are to be excluded from its use, or is the expenditure which is being made for the construc-tion of this gigantic project being made only for the accommodation of the shipping of foreign nations?

It is proposed soon to call up a ship subsidy bill for the consideration of the House. The people of the Middle West feel that every section of the nation should be given equal opportunity to enjoy the privileges which the establishment of lines of ships under such conditions might afford, and if the country that surrounds the Mississippi Valley is denied the privilege of sending its products by water to meet the ships that are to sail from southern ports into South American republics, it can be seen that they would naturally be opposed to the granting of such subsidies.

The time has come when the people of the Middle West will demand consideration at the hands of the nation's legislators. Demand it because their claims are just; demand it because the country embraced within the Mississippi Valley is capable of producing more from its mines, fields, forests, and its farms than any other similar area in the nation; demand it because water is recognized as the cheapest transportation known to commerce; demand it because the nucleus of this great waterway is already constructed and ought to be utilized; demand it because every city on the Great Lakes will be able to ship direct to the ocean.

I trust the following amendment, which is pending, will be adopted :

Toward the construction of a navigable waterway 14 feet in depth, the locks, however, to be so constructed as to permit of a depth of water of 21 feet over the miter sills, from the south end of the channel of the Sanitary District of Chicago near Lockport, Ill., by way of the Des Plaines and Illinois rivers, to the mouth of said Illinois River, and from the mouth of the Illinois River by way of the Missispipi River to St. Louis, Mo., in accordance with the report submitted in House Document No. 263, Fifty-ninth Congress, first session, \$5,000,000: Provided. That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said navigable waterway, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$26,000,000 exclusive of the amount herein appropriated.

That the necessity for such an improvement as this deep waterway from the Lakes to the Gulf exists can be evidenced in no better way than by the statement of Mr. James J. Hill, president of the Great Northern Railroad, which is as follows:

The business of the United States is to-day so congested that from every portion of the country arises clamor for relief. The railroads everywhere are taxed beyond their power. The people of the United States, therefore, are face to face with the greatest business problem that has ever threatened the nation. During recent years the volume of business has increased and is increasing with extraordinary rapidity, while the necessary additional trackage and terminals have not been equal to the demands upon them. The resulting situation is a freight blockade of enormous proportions, especially at all terminal points. How to remedy this is a problem, financial, mechanical, and physical. No time should be lost in applying such measures of remedy as may be possible, and the first step toward this is to reach a proper understanding of actually existing conditions. The following figures, compiled from the official reports of the Interstate Commerce Commission, and covering the growth of the railroad business for the last ten years, exhibit the significant facts:

	1895.	1905.	Increase.
Total single-track mileage	35, 699 33, 112 1, 196, 119 12, 188, 446, 271	218, 101 48, 357 40, 713 1, 731, 409 23, 800, 149, 436 186, 463, 109, 510	Per cent. 21 35 23 45 95 118

These figures show the cause of delay in the national traffic movement which threatens to bring industry to a standstill. Within the last ten years the volume of railroad business in this country has increased over 110 per cent. Meanwhile the railroads have endeavored to meet it; for, while the increase in locomotives has been 35 per cent in number, and in freight cars of all classes 45 per cent, the substitution of larger cars for smaller, better methods of loading and increase in weight of locomotives, have greatly added to the carrying capacity of the railroads so far as rolling stock is concerned. Moreover, equipment is being increased as rapidly as capital and labor can do it. The car manufacturing establishments of the country have all the orders they can fill for a year ahead. The locomotive works are equally busy. There are and will be cars enough to carry the country's traffic if the cars can be moved, but engines and cars must have tracks upon which they may run.

A striking tale is told by the statistics of railroad building in the United States. Not only is it true, as stated above, that there has been in the ten years ending 1904 an increase of but 21 per cent in mileage, but the most impressive fact is that railroad building has, within a generation, fallen off just as the demand upon trackage has increased. At this moment, when that demand is greatest and the whole country is clamoring for relief, it is the smallest in years. These are the figures:

	Total mileage.	Increase. *		Increase
		Amount.	Per cent.	per an- num.
1870	52, 398 93, 671 163, 597 213, 904 220, 000	40, 773 69, 926 50, 307 6, 250	77 74.6 30.75 2.9	Per cent. 7, 7 7, 46 2, 19 1, 45

The limit of service of a common carrier has been reached when it has moving at all times over its system as many cars as can be run upon its tracks with safety, and transferred and dispatched from its terminals and junction points without unreasonable delay. Beyond that point increase of business can not be handled by increasing cars and engines. The disparity between the growth of traffic and the additions to railroad mileage and the extension of terminals, shown by new mileage of less than 1½ per cent a year since 1904, to take care of a traffic increase averaging 11 per cent a year for ten years past, presents and explains the real problem.

The best judgment of many conservative railroad men in the country is that an immediate addition of not less than 5 per cent per annum to the railroad trackage of the country for, say sive years, should be made

to relieve the situation and put an end to unreasonable delays in the transaction of business.

transaction of business.

Investigations recently made by public officials, and facts accessible before those investigations, disclose that the rallroads of the country have been endeavoring to meet the growing demand upon them. In order to handle this enormous addition of 110 per cent in business with only 21 per cent more track, they have utilized as never before the carrying capacity of each mile. Not only were there 35 per cent more locomotives and 45 per cent more cars in service in 1905 than in 1895, but each engine and car did much more work. The passenger-miles traveled per locomotive increased from 1,218,967 to 2,043,553, or more than 68 per cent, and the ton-miles per freight locomotive from 4,258,821 to 6,690,700, or more than 57 per cent. Trains run faster, cars are larger, locomotives are more powerful, and methods of handling the business have so improved as to increase the general efficiency. Only by these improvements has the disparity between trackage and business done been prevented thus far from creating widespread suffering and loss. Only thus has the country been enabled to do a growing work with an almost stationary machine.

prevented thus far from creating widespread suffering and loss. Only thus has the country been enabled to do a growing work with an almost stationary machine.

But the trouble of business grows and deepens. It is not confined to any section of the country. And it is in the great centers that the inadequacy of terminal facilities makes the pressure most severe and prevents the free flow of traffic. The Great Northern Railway Company
has thirty-four switch engines in use in the Twin Cities, while it uses
only twenty-eight engines in hauling freight into and out of the same.

No additions to equipment and no increased efficiency in operation can
take the place of the imperatively required new trackage and terminal
facilities. The country must have, as rapidly as it can be built, additional tracks and terminal facilities, of which it stands in such need
to-day. Suppose that only 25 per cent additional track with necessary
terminals and equipment is to be built during the next five years; for
with less, the country can not escape severe distress and business depression, can not conduct promptly the volume of business depression, can not conduct promptly the volume of business even now
in sight. Our total railroad mileage is about 220,000 miles. A 25 per
cent increase would mean the building of 55,000 miles of new track,
much of which would be additional tracks to existing lines; and if five
years were allowed for the work it would be necessary to build 11,000
miles each year. But that is not all. One-third would have to be
added to this amount for terminal and passing tracks. Add 33 per
cent to 55,000 miles, and the total is 73,333 miles; or, say, before the
end of five years, in round numbers, 75,000 miles of track as the requirement for the country to meet immediate needs. As most of this additional track would be built where traffic is heaviest, for double-tracking
existing lines, it must be expensive work. Grades should be lowered,
curvature reduced, and highway and other bridges built and expensiv terminals created.

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No practical man would accept a contract for furnishing the facilities required, including additional equipment and terminal facilities, for less than \$75,000 per mile. The question of terminals alone is almost prohibitive. Terminals now in use were acquired when property was cheap and can be enlarged only by heavy outlay. In many cities it is not even a question of cost, since the area necessary to handle railroad business properly is not to be had at any price; does not exist within the business section where terminals must be located, unless the business itself were destroyed to make room. The new work, then, would amount to \$5,500,000,000 in round numbers, or a yearly average of \$1,100,000,000. That is the sum which should be spent before the commerce of the country can be moved properly. It is just twice the total amount of the bonded debt of the United States after the close of the civil war. It is more than twice the entire currency in circulation in the country, and only a little less than twice the deposits in all the savings banks in the United States put together. That is the money that should be raised somehow, and that within the next five years if the business of the country is to escape prostration.

Almost all the complaints made to-day, either by shippers or by operating railroad men, of obstacles and dangers in transportation service are due to deficient trackage. The defect can be corrected only by building more track.

are due to deficient trackage. The defect can be corrected only by building more track.

The movement of freight cars is more unsatisfactory to the railroads than it can be to their customers. The average speed of a freight train is from 12 to 15 miles per hour. The average distance traveled by each freight car is about 25 miles per day. That is, the entire freight equipment of the country is employed to the fair limit of its capacity but two hours out of the twenty-four. On single-track lines freights must wait on sidings while passenger trains have the right of way; cars stand for days or weeks in yards or at transfer points awaiting their turn.

It has come to pass also that the inadequacy of trackage takes heavy

must wait on sidings while passenger trains have the right of way; cars stand for days or weeks in yards or at transfer points awaiting their turn.

It has come to pass also that the inadequacy of trackage takes heavy toll of life and limb. In 1895 the number of passenger miles traveled for every passenger killed or injured was 4,789,173; in 1905 it was 2,184,830. The ton-mileage for each nonpassenger killed or injured was 2,278,438 in 1895 and 2,201,011 in 1905. Yet during this time cars were being equipped everywhere with safety devices, and all the railroads were exhausting ingenuity in guarding against accident. The terrible increase of casualties in proportion to passenger and freight mileage is part of the price the public pays for crowding business so that it can be moved only at some sacrifice of safety. The situation appeals to all the traveling public as well as to every shipper and to every man connected with the operation of railroads in this country.

Our population is now increasing at the rate of more than 2,000,000 per annum, and the growth will soon be 2,500,000. The demand upon the transportation systems of the country grows accordingly. Almost everything that ministers to human necessity, except such products of the farm as are consumed on the farm, must be carried by the railroad for a longer or shorter distance. The total value of farm products themselves doubled in the thirty years after 1870, and is now estimated at almost twice the figures of five years ago. In the last ten years the output of petroleum has more than doubled, that of pig iron increased 150 per cent, and the value of manufactured products of the country rose from \$9,372,437,283, in 1890, to \$13,039,279,566, in 1900. All the additions to our imports and exports, every activity in every department of industry, means just so much more work for the carrier systems of the country. And they, as to available trackage, are little better than at a standstill. For of the 4,000 or 5,000 miles that are built in a year, the greater pa

expansion of old ones, the development of the country as measured by the increased business of the l'ostal Department, all indicate the vol-ume of the burden placed upon the railroads. The following figures, compiled from Poor's Manual of Railroads, show the intense activity of the last five years as compared with the decline in railroad con-struction:

	1900.	1905.	Increase.
Miles of railroad operated Passenger mileage Freight mileage	191, 861 16, 313, 284, 471 141, 162, 109, 413	215, 506 23, 906, 420, 668 187, 375, 621, 537	Per cent. 12,3 46.5 32,7

The number of passenger miles traveled in this country for each mile of railroad in it, according to these figures, has increased 30 per cent in the five years, and the number of ton-miles for each mile of track has grown 18 per cent. As these percentages are calculated on the actual number of miles of road existing at the beginning and the end of the period, respectively, they measure the additional burden on every foot of track. It is no wonder that, with this extra work to do per mile, a work not equally distributed, but in some sections rising to a far higher ratio, the limit of effective operation has been reached. The highest direction and the best economy is to have trackage, equipment, and other facilities properly adjusted to the volume of business, and then keep moving it in a harmonious and useful way. To any such system, by which alone present distress can be relieved and future disaster averted, more trackage is the first and most indispensable condition.

aster averted, more trackage is the first and most indispensable condition.

The problem and the necessity are enormous. At 140 tons to the mile, it would require 2,000,000 tons of steel rails every year to furnish the 15,000 miles of track required. This is nearly two-thirds of the product of all the rolling mills in the United States. It would call for the labor of 200,000 men in grading, besides track layers, bridge builders, and others. Labor even for such extraordinary extensions and improvements as are now being made is not to be had in sufficient quantities on any terms. And it demands, as has been seen, the investment in permanent railroad plant of \$1,100,000,000 a year for five years to provide the railroads of the country with means to handle properly the business already in sight, not allowing for future growth. This is the real railroad problem of the United States; and it is one which people have been singularly slow to perceive and reluctant to realize, although it is written on every page of industrial statistics and calls to the passer-by from every signal tower, every siding, and every railroad yard from the Atlantic to the Pacific. To all appearances, the commerce of the country has touched a barrier which is almost insurmountable. surmountable

raincad yard from the Atlantic to the Facinic Available in surmountable.

Two remedies must be found. The prohibitory expense now attached to enlargement of terminals at many points, and the absolute lack of available space at any price, may be met by a decentralization of traffic. There must be more points for export, more interior markets. A 15-foot canal or channel from St. Louis to New Orleans would go further to relieve the entire Middle West and Southwest than any other work that could be undertaken. With such a depth of water a single powerful towboat would carry from thirty to forty trainloads. Terminal troubles admit of a more general diffusion of business, permitting transfers to take place and forwarding to be done where land can be secured in adequate quantities and at more reasonable prices. To this the traffic system of the country must be adjusted. The heavy transfers must be made away for the larger cities.

The construction account, however, is the first consideration. It is not by accident that railroad building has declined to its lowest within a generation, at the very time when all other forms of activity have been growing most rapidly. The investor declines to put his money into enterprises under ban of unpopularity, and even threatened by individuals and political parties with confiscation or transfer to the State. The withdrawal of capital from this field is one of the bottom causes of the great decline in railroad building at the very time when the growth of the country in other respects has been most marked. There has been no time since 1893 when there was more difficulty in raising money for railroad purposes than at present. This feeling must be removed and greater confidence be mutually established if any considerable portion of the vast sum necessary is to be available for the work.

siderable portion of the vast sum necessary is to be available for the work.

First, there must be a realization by the country of the embargo upon business and of the fact that the cause is insufficient railroad trackage. This fact has, strangely enough, come upon the public by surprise. Even now, and even among those who should be most alert and best informed, there is little apparent comprehension of the desperate need that business already feels and that is expressed in delayed freight, car shortages, and all the discomforts and injuries voiced by the complaints of shippers. Then there must be a fair, intelligent, and loyal cooperation on the part of the whole people in what is for them a vital movement to make traffic facilities equal to the demands. Nothing compares with this in magnitude or importance since the close of the war of the rebellion. It will take time, patience, and the expenditure of an enormous amount of money. The task of providing even modestly for the future is a colossal one. It not only involves gigantic physical and financial operations, but it is conditioned upon a rational, just, and patriotic attitude upon the part of the whole people. It will require the best thought and the best effort of this generation to avert the evil that now casts its shadow upon farmer, manufacturer, and merchant to arrest the progress of the paralysis that is laying its grip upon the heart of commence, and to restore the wholeseme circulation, without which there can not be life and growth in either individual or the Commonwealth.

The great States bordering on the Mississippi Valley are in

The great States bordering on the Mississippi Valley are in earnest. Their people are aroused. They will demonstrate the untruth of the assertion made on the floor of this House that no public sentiment exists for this great improvement. Everybody living in every State bordering on the Mississippi Valley favors this project. The State legislature of Illinois and the legislature of the State of Missouri have passed resolutions representing the sentiment of the people of these States. They favor appropriations for this improvement. They not only want this deep waterway from the Lakes to the Gulf, but they favor the systematic improvement of all the waterways in the Mississippi Valley, including the Missouri, the Ohio, the Mississippi, and all other navigable rivers in the country. I have the figures showing the difference in cost of transportation by water and by

MISSISSIPPI RIVER, LAKES, AND GULF CONNECTION-GREAT LAKES, Effects of water rate east on land rate—Rates by lake and canal compared with rates by rail, Chicago to New York, for twenty years, 1886 to 1905, by years."

Year.	Wheat per bushel, Chi- cago to New York, by lake and canal.	Wheat per bushel, Chi- cago to New York, by rail.
	Conta	Conta
1886	Cents.	Cents.
	0.00000	16.50 15.74
		14, 50 15, 00
	7,000,000	
		14.31
1891		15.00
1892	751.02	14.28
1893		14.70
1894		12.88
1895		12.17
1896		12.00
1897		12.32
1898		11.55
1899		11.13
1900		b 9, 98
1901		b9.92
1902		b10.60
1903		b11.33
1904	4.71	b11.11
1905		b11.20

^a From reports of the New York Produce Exchange. ^b Rate for domestic consumption.

These figures are a complete answer to any argument against the systematic improvement of the natural highways of commerce, and prove conclusively that appropriations made for such a purpose are productive of results beneficial to all the people. [Loud applause.]

The CHAIRMAN. How much time does the gentleman from

Missouri desire?

Mr. SHACKLEFORD. About twenty-five minutes.

The CHAIRMAN. The gentleman is recognized for twentyfive minutes

Mr. SHACKLEFORD. Mr. Chairman, it is not often that a more important question comes before Congress than that which is now claiming the attention of this House. The life of commerce is transportation. And certainly the country has never been more in need of increased transportation facilities than at I believe that a false opinion has existed in the present time. Congress as to what should be done with the waterways of our country. It has been the idea of most of the Representatives that we should depend upon the railroads to carry our commerce and expend all of our energies in the improvement and deepening of harbors which constitute the terminals of the railroads. I believe, Mr. Chairman, Members of this House should begin to feel, as their constituents at home long have felt, that we should develop not only our harbors, but our inland waterways as well. My friend, the gentleman from Louisiana [Mr. Rans-DELL], has advanced the idea that there should be annual instead of biennial appropriations for the purpose of improving our rivers and our harbors. In that view I most heartily concur. Every year should see a large appropriation passed for the improvement and for the extension of our waterways. It should not be a niggardly appropriation. I have received letters from my constituents, in great number, asking me to favor an annual river and harbor bill carrying \$50,000,000. I for one am ready to vote for an annual appropriation of \$50,000,000, and if others will be as progressive as I think I am we will vote double that amount, and say that every year shall see a river and harbor bill carrying \$100,000,000.

I do not belong to that number of this House, quite considerable, who think that to improve our rivers and harbors it is necessary to take away from the Government revenues that are now being devoted to other proper objects. I would improve our rivers and our harbors as amply as their importance demands. but I would not take it from the naval appropriation bill; I would not take it from the agricultural appropriation bill; I would not take it from the other necessities of the Government. I believe our revenues are ample for all these purposes if frugality is exercised.

I believe, Mr. Chairman, that I am expressing the views of the people of the United States when I advocate this large appropriation for our waterways. I believe that the Members of this House who are afraid to support large appropriations for this purpose do not fully understand the sentiment of the people whom they represent.

I was impressed yesterday, in listening to the gentleman from Louisiana [Mr. Ransdell], when he differentiated between the two kinds of river and harbor improvements that are being made—one, the deepening of our harbors, which of necessity amounts to increasing the terminal facilities of the railroads. This is a proper work and in all proper cases shall have my support. But, Mr. Chairman, there has been a disposition to lag behind in the improvement of our interior waterways, the only means at the command of the people for furnishing competition in transportation rates. I have in my possession a table compiled by the secretary of the Interstate Commerce Commission, showing the difference in rates which prevail be-tween inland points and those that have water competition. For instance, take my own State. From the city of St. Louis to Norfolk, Va., the rate on first-class freight is 88 cents per hundred, while from St. Louis to Guthrie, Okla., it is \$1.30 per From St. Louis to New Orleans the rate is 90 cents per hundred. From St. Louis to Little Rock, only half the distance, the rate is 100 cents a hundred pounds. Half the distance to New Orleans pays a larger freight rate than the whole distance. Why? Because the Mississippi River serves as a competitor for the railroads in carrying the products of the Mississippi Valley to the Gulf. All of this has been accomplished in spite of the obstructions in the neglected channel of

We know that the number of schemes that are pressed upon Congress, all worthy in themselves, is so great that it is a difficult task to take care of them all rapidly. We have heard a number of them discussed here yesterday and to-daythem the waterway between the drainage canal from Chicago to St. Louis and from St. Louis to the Gulf.

We all favor that proposition. But, Mr. Chairman, I believe I choose to count myself with that number who favor it as a whole. I believe if you intend to have a waterway from the Lakes to the Gulf it should be undertaken as a unit and put through as a unit. Complete surveys and estimates should first be had, so that we may know just what it is we are undertaking and what it will probably cost. If 14 feet of water from Chicago to the mouth of the Mississippi River is desired, I will give it my support. If a greater depth is desired, I will vote for it. I am in favor of a liberal appropriation for the improvement of the Mississippi River between St. Louis and Cairo. deed, I believe that is the key to the situation of all of the Mississippi Valley above the mouth of the Ohio River. I believe the drainage-canal proposition depends for its success upon the completion of that portion of the Mississippi River between the mouth of the Ohio and the mouth of the Missouri. The same is true of the Missouri River and its tributaries

Mr. Chairman, in the little time that I shall claim the attention of this House I want to address myself to a project which, considering its importance, has been neglected more than any other. I allude to the improvement of the Missouri River. It happened that when the explorers started out on this continent they first came to the Mississippi River above its junction with the Missouri, and to that accidental circumstance is due the fact that it is called the Mississippi River. The main stream is the Missouri River, rising in the Rocky Mountains, passing on to the Gulf, with the Mississippi simply its tributary. The Missouri River, from its source to its mouth below New Orleans, is the greatest waterway in the world. [Applause.] If it were properly improved, ocean-going vessels could load at

Sioux City and unload at Liverpool.

The water is there. All that is needed is the improvement. The gentleman from Iowa [Mr. Hepburn], who always speaks interestingly if not encouragingly upon this subject, said it had been estimated that to improve the Mississippi and the Missouri rivers so that they would have a definite channel and carry the commerce which waited for them would cost a hundred thousand dollars per mile. What of it? Mr. Chairman, there are railroads in this world that cost more than a hundred thousand dollars a mile to build them, and yet their construction were profitable enterprises. If we could build a waterway from Sioux City to the Gulf of Mexico at a hundred thousand dollars a mile it would be a cheap investment for this Govern-Think of the vast commerce that comes out of the Mississippi Valley. Why, Mr. Chairman, think of the vast commerce that comes out of the Missouri Valley. Think what it would mean to that commerce, to the producers of that commerce, if this water transportation could cut in two the rates of freight which they now pay. We have heard it said here that we are not in possession of the revenues for these great enterprises. Mr. Chairman, I say that we are. Let us take the money that is being poured into the Philippine Islands, let us take the money that is being poured into the public-building bill, let us take the money that is being poured into the unnecessary extravagances of this Government and we can make that the greatest waterway on the face of the earth.

The Missouri River has been kept in the background so long, it has been neglected so long, that this House is not as familiar with the conditions there as it should be. We were told in Congresses gone by that that river had been taken off the map; when we went into the Rivers and Harbors Committee room to look at the map of the waterways of this Republic, the Missouri River was not to be found.

It is very natural under such conditions that we along the banks of that stream are a little uncertain as to the policies we should adopt. I am not here to raise a quarrel with anybody who differs from me as to what should be done. At the beginning of the last Congress and again at the beginning of this I introduced a bill providing for the improvement of the Missouri River by the expenditure of \$5,000,000 a year for a period of twenty years. It seemed to some that my proposition was extravagant; but, Mr. Chairman, a private corporation would undertake the building of a railroad through such a country as that, with such a commerce as is there, and consider it a moderate proposition.

Now, Mr. Chairman, I was saying that we along the Missouri River have not been certain as to how we would again begin to get the Missouri River back on the map and provide for its improvement. I introduced the bill to which I have referred. My colleague from Missouri [Mr. Ellis], who is as ardently in favor of the improvement as I and who is a member of the committee, had a more conservative view.

He thought that the better thing to do was to get any sort of recognition the River and Harbor Committee would give to us. The River and Harbor Committee has reported the appropriation in line with the recommendation of my colleague, Mr. Ellis. He got precisely what he asked for. I thought that he ought to have asked for more, and I think yet that he ought to have asked for more; but, Mr. Chairman, he, being on the committee, was charged with more responsibility than I, and he asked for the smaller and more modest sum, and it has gone on the appropriation bill. At the proper time I shall offer an amendment to increase that sum, but if it should not be increased I shall, for one, refrain from any criticism of the Rivers and Harbors Committee upon that subject. I do not mean to say by that that I am content with the appropriation we have received for that great stream, but I am thankful that the committee has concluded to again place it upon the map of those streams that are to receive appropriations for their improvement.

In this connection I want to say, for the chairman of that great committee, that man whom I believe is more capable than any other Member of this House to handle this great bill, that he has shown a willingness to change the views he has heretofore entertained in regard to the navigability of our river. He has shown a disposition to be just and to give us the exact sum for which our representative on that committee has asked, and to assure us that if we can develop commerce he is willing to progress in the magnitude of the appropriation which we are to receive. Many of us are sorely disappointed that our sections have not received the appropriations to which they were entitled, but I believe there is not a Member of this House who has not unbounded confidence in the ability, fairness, fidelity, and disinterested patriotism of the chairman of the committee [Mr. Burron].

There are two streams in my territory concerning which I desire to make some remarks.

The first is the Gasconade River, which carries a commerce of 29,837 tons—in round numbers, 30,000 tons. It traverses a portion of our State where there are not many railroads. It affords the only means of transportation for a large number of people who live in my district and the districts of my colleagues, Mr. Clark and Mr. Murphy. It is the only means they have of getting their products to market. It is not in good navigable condition, but it may be made so. My colleague, Mr. Clark, and I conferred about this matter, and after a conference I introduced a bill asking for a small sum for its maintenance and for its survey. The committee has been kind enough to give us both. With a small expenditure the tonnage of that stream can be multiplied tenfold in the space of one or two years. [Applause.]

Another stream in my district is the Osage River. Before the war the State of Missouri undertook to provide for the improvement of that stream, and I believe at one time spent \$70,000 in that enterprise. There was a time when Governor McClurg maintained a fleet of boats on that stream that carried the commerce from the Missouri River that supplied all the southwestern portion of our State. There was not then simply a boat but a fleet or line of boats constantly engaged in transportation. What was done then can be done now. If

commerce was carried then at an expenditure on the part of the State of \$60,000 or \$70,000, what could be done now if that stream was improved as it ought to be by the General Government?

The General Government has jurisdiction of the stream; it belongs to the General Government; it is one of the streams the Government should improve for the benefit of the country not of Missouri alone, but for all the people of the land. It is a highway that should be kept up, a free highway, a Government-owned highway, operated in the interest of the people without any embargo laid upon its tonnage. [Applause.] the Government of the United States was willing, and if it were a proper thing to do, to turn that river over to private capital, it would carry thousands of tons of freight under such improvement as private capital would be willing to put there. If private capital could develop that river into a great highway carrying commerce of the country, earning a handsome return, why could not the Government which taxes the people keep that highway in repair for the benefit of the people? [Applause.] You are willing to pour multitudinous millions of dollars into the harbors of Galveston, New Orieans, Norfolk, Mobile, Philadelphia, Boston, and New York, and other railroad terminals. Then, sir, why not make similar appropriations for the internal waterways that the people may have relief from the extortion of the railroads? [Applause.]

When we show a willingness to vote appropriations for these harbors I think that other parts of the country ought to show a willingness to come to the aid of the Mississippi Valley and give us that greatest of rate regulation, water transportation. From the White House down to the country post-[Applause.] office agitation has been going on in favor of the regulation of railroad rates. Has it been done? I have just quoted rates showing you that for more than 1,200 miles distant from St. Louis to Norfolk, Va., first-class freight is 88 cents a hundred, and that from St. Louis out to our neighboring town of Guthrie, Okla., the rate is \$1.30-nearly twice as much for less than half Okla, the rate is \$1.50—nearly twice as much that? Does the distance. Does your rate regulation correct that? Does the distance Commission give relief? No. There is only one means, Mr. Chairman, by which we can regulate the railroads as long as they remain private property, and that is by putting the waterways in competition with them. plause.] I believe there is no man here so unfamiliar with the conditions as to make it necessary that I should make a comparison of rates between water points and nonwater points, but I will ask the indulgence of the House while I take some figures from the speech of my friend the gentleman from Mississippi [Mr. Humphreys]. Here are three towns in Mississippi equidistant from St. Louis-virtually so-and all reached by the same two railroads, viz: Greenville, Greenwood, and Winona,

Greenville is on the Mississippi River, Greenwood is on the Yazoo River, and Winona is not on any river. From St. Louis to Greenville the rate is 90 cents, from St. Louis to Greenwood the rate is 96 cents, and from St. Louis to Winona the rate is \$1.14. The difference between Greenville and Winona is 24 cents a hundred, quite an item in itself to pay for transportation. It is enough of itself to pay the transportation; the excess that Winona pays is as much as the whole rate ought to be. Why is it that Greenwood and Greenville enjoy that special advantage over Winona? It is because they are situated upon the lines of water transportation, and the people there get the benefit of it. Then, if that is true where the Mississippi River carries transportation below St. Louis it would be equally true if the Gasconade, if the Osage, and if the Missouri were put into such position that they could afford competition in transportation to the railroad companies.

"Oh," somebody says, "water transportation is too slow." Mr. Chairman, my home city is 125 miles from St. Louis. I knew freight to be loaded onto the cars in St. Louis this summer that required ninety days to bring it 125 miles. It was ninety days after that freight had been loaded into the cars in St. Louis before it was delivered. A boat could have brought it at half the rate charged for it and could have delivered it within twenty-four or forty-eight hours. There is no valid argument which can be presented against the improvement of our rivers, and, Mr. Chairman, we shall fall short of our duty to our constituents if we higgle about the amounts of the appropriations that are to be made for that purpose. Let every man in this House be true to his constituency. Let us stand shoulder to shoulder with the gentleman from Louisiana [Mr. RANSDELL] and bring into this House a large annual appropriation for the betterment of these waterways. [Applause.]

Mr. GRAFF. Mr. Chairman, I am well aware of the difficul-

southwestern portion of our State. There was not then simply a boat but a fleet or line of boats constantly engaged in transportation. What was done then can be done now. If this great rivers and harbors bill, carrying as it does authorization.

tions of varying degrees of merit to the extent of \$83,000,000, to be distributed in different parts of the United States.

I am also aware of the implied obligations which are upon Members whose communities have received even trivial contributions from the grand total sum. I am not here to deny there are numerous worthy projects contained in this bill, and that the great majority of them may be entirely worthy of recommendation, but I am here to seriously and emphatically criticise the failure on the part of the Committee on Rivers and Harbors to recognize in a sufficiently substantial way the great project of river improvement creating a ship canal from the Great Lakes to the Gulf of Mexico.

The distinguished chairman of the Committee on Rivers and Harbors yesterday remarked on the floor that it had not been considered sufficiently to warrant a conclusion; that practically it had not been before the committee excepting for a few months. If there has ever been a question which has received the thorough consideration of the people for almost a century without abatement of interest it has been the project of a deep waterway from the Lakes through the Chicago River, thence by canal to the Des Plaines River, on to the Illinois River, and thence through the Mississippi River, and finally to the Gulf.

As early as August 1, 1674, Joliet found the sources of the Chicago and the Des Plaines rivers in a common pool of water, and wrote to his friend, Father Dablin, as follows:

A very important advantage, and one which some, perhaps, will find it hard to credit, is that we could quite easily go to Florida in boats, and by a very good navigation. There would be but one canal to make—by cutting only one-half a league of prairie—to pass from the Lake of Illinois (Lake Michigan) into the St. Louis River (the Des Plaines River). The route to be taken is this: The bark should be built on Lake Erle, which is near Lake Ontario. It could easily pass from Lake Erle to Lake Huron, from which it would enter the Lake of Illinois. At the extremity of this lake would be the cut or canal of which I have spoken, to have a passage to the St. Louis River, which emptles into the Mississippi. The bark having entered this river, could easily sail to the Gulf of Mexico.

Again, in 1817, Samuel A. Storrow, Judge-Advocate in the United States Army, to a letter of Major-General Brown, wrote

Before the Chicago River enters Lake Michigan its branches unite, the one proceeding from the north, the other from the southwest, where it takes its rise from the very fountain of the Plein (Despiaines), or Illinois, which flows in an opposite direction. The source of these two rivers illustrates the geographical phenomenon of a reservoir on the very summit of a dividing ridge. In the autumn they are both without any apparent fountain, but are formed within a mile and a half of each other by some imperceptible undulations of the prairie, which drain it and lead it in different directions. In the spring the space between the two is a single sheet of water, the common reservoir of both, in the center of which there is no current toward either of the opposite streams. This circumstance creates the singular fact of the insulation of all of the United States except Louisiana, making the circumnavigation of them practicable from the Gulf of St. Lawrence to that of Mexico, with the single hindrance of the Falls of Niagara. The situation of the Chicago and De Plein rivers should not escape national attention. The ground between the two is without rocks, and with little labor would admit of a permanent connection between the waters of the Illinois and Lake Michigan.

On August 6, 1814, Niles's Register, of Baltimore, reflected

On August 6, 1814, Niles's Register, of Baltimore, reflected the condition of public sentiment on this great subject, which was at that time being discussed in the United States Congress. It said:

By the Illinois River it is probable that Buffalo may be united with New Orleans by inland navigation through Lakes Erie, Huron, and Michigan, to the Illinois River, and down that river to the Mississippi. What a route! How stupendous the idea! How dwindles the importance of all the artificial canals of Europe compared with this water communication !

In 1821 the State of Illinois caused a partial survey of the entire route to be made for the purpose of demonstrating the practicability of the undertaking

Then followed the grant by Congress to the State of 200,000 acres of public land to be disposed of for the benefit of work of construction, and Illinois passed a law for the construction of the Illinois-Michigan Canal in 1829, but it was not begun until 1836 and completed in 1848, connecting the Chicago River with the Des Plaines River, and furnishing the missing link of con-nection with a depth of 6 feet. In its day and generation the Illinois-Michigan Canal was of great commercial value to the State not only by the actual tonnage carried and tolls collected, but by its influence on railroad rates after that means of transportation came into existence, and even to-day it is claimed by shippers in that State that a preceptible difference is manifest in railroad rates in seasons when this old canal can still be used to some extent and when it is not available in any degree by reason of ice or other causes.

Mr. CAMPBELL of Kansas. May I ask, Is there any commerce at all on the canal from the port of Chicago?

Mr. GRAFF. I am talking of the Illinois and Michigan Canal. There is, of course, the Chicago Sanitary District

Canal; that is the one that is proposed to be used in this enterprise.

Mr. CAMPBELL of Kansas. I understand that.

Mr. GRAFF. And it is now completed, except they have not yet got ready to open it for navigation. They are still at work, and they have about got ready to make complete connections for navigation.

Mr. CAMPBELL of Kansas. I understand the canal has been completed from Chicago down to Joliet. Mr. GRAFF. To below Lockport.

Mr. CAMPBELL of Kansas. Is there any commerce on the

Mr. GRAFF. They can not travel on the Sanitary District Canal at all yet.

Mr. CAMPBELL of Kansas. You are simply indulging in

hope?

Mr. GRAFF. Oh, no; I am talking about the Illinois and Michigan Canal at this time. The Chicago River composes a part of this canal, and there is simply an enormous commerce on that part of the canal.

Mr. CAMPBELL of Kansas. What is the depth at the mouth of the Chicago River?
Mr. GRAFF. Thirty-six feet.

Mr. CAMPBELL of Kansas. And that runs as far as Joliet?

Mr. GRAFF. Yes, sir.

Mr. CAMPBELL of Kansas. And you say there is no commerce on that now?

Mr. MADDEN. It runs up against a stone wall.
Mr. GRAFF. It is not now open, because there is a stone wall that shuts up the end of the canal; but the channels, I was just informed by my colleague, have been opened up.

Mr. CAMPBELL of Kansas. Is it open up now so as to ad-

mit of commerce?

Mr. GRAFF. The bridges have been now arranged so that it will permit the passage of boats. These bridges were opened on the 17th of January

Mr. CAMPBELL of Kansas. How far from the mouth of that canal is it to where the canal would empty into the Mississippi?

Mr. GRAFF. From the mouth of the Sanitary District to the end of the canal is 327.28 miles, from the end of the Illinois River and the Sanitary District and the Chicago River, which is part of it, is 38 miles long, so that the distance is about two hundred and eighty-odd miles.

Mr. CAMPBELL of Kansas. The distance that is to be covered and has not yet been touched would be in the neighborhood of 280 miles?

Mr. GRAFF. It is about 280 miles, which it is purposed to deepen 200 feet wide and 14 feet deep from the end of the Sanitary District to Grafton, which is the mouth of the Illinois River, and the estimated cost of that is \$23,000,000. the board of engineers—

Mr. CAMPBELL of Kansas. You base that estimate of cost on the cost of the drainage canal down to Joliet?

Mr. GRAFF. Oh, no; it would not be based upon that, because the expensive portion of this work has already been done by the people of Chicago, because the difficult part of the work is the rocky section, and that is the section through which the sanitary channel passes, and Chicago has spent \$50,000,000 for this purpose. When the Chicago Sanitary District was charfor this purpose. When the Chicago Sanitary District was chartered by the legislature of the State of Illinois there was incorporated in their charter the provision that the channel should be constructed for a ship canal as well as for sanitary purposes, otherwise the people of the State of Illinois would not have granted the charter. This estimate of \$23,000,000 is the result of the survey and report of the board of Army engineers under the act of June, 1902. The gentleman from Kansas asked me the distance from the mouth of the sanitary canal to the mouth of the Illinois River.

Mr. CAMPBELL of Kansas. Or to where you would expect

to connect with the Illinois River or with deep water.

Mr. MADDEN. Sixty miles.
Mr. GRAFF. Sixty miles to the Illinois River. You see there is the Des Plaines River, and then that flows into the Illi-The Des Plaines is a branch of the Illinois River.

Mr. CAMPBELL of Kansas. From the mouth of the canal

you go into the Des Plaines River.

Mr. GRAFF. Yes. Mr. CAMPBELL of Kansas. And from the Des Plaines River into the Illinois.

Mr. GRAFF. Yes.

Mr. CAMPBELL of Kansas. And then you follow the Illinois into the Mississippi.

Mr. GRAFF. Down into the Mississippi, and we would have, under the survey and plans, a canal 14 feet deep and 200 feet

wide, which runs from below Alton, on the east bank of the Mississippi River, a distance of 18 miles and comes out into the Mississippi River just opposite St. Louis. The cost of the canal from Alton to St. Louis is \$6,553,880; the cost of the waterway, 14 feet deep and 200 feet wide, from Lockport to Grafton is \$23,543,582, with \$1,376,000 additional if the locks to be built be increased to 20 feet in depth, according to the report of the Board of Engineers of the War Department. The proposition of deepening the river after you leave the sanitary district is not difficult, with the exception of a small, rocky section, and after that is passed the sharp declivities in the river cease and it is almost level from that point down to Grafton, and it is a simple proposition of excavation, with no engineering difficulties pre-

In addition to that, the report of the engineers from the War Department, made several years ago, when another survey of the Illinois River was made, declared that the Illinois River preserves its banks better than any other river in the United There are no difficulties regarding silt. There are no difficulties about washing and about changing the channel of the river

The Illinois River is some 800 or 900 feet wide. After this rocky section is passed there is only a fall of 29 feet the whole distance of some 300 miles to Grafton, and it is a simple proposition of dredging.

Now, I desire to advert to a matter that occurred yesterday when I interrogated the gentleman from Ohio [Mr. Burton] concerning the reasons why the Hennepin Canal was built.

It was stated at that time that it was built primarily and chiefly because my old friend, Gen. Thomas J. Henderson, from that section, happened to be chairman of the committee; but I did not want to be understood as saying that the Hennepin Canal is valueless and that Congress made a mistake at that time. While I was not then a Member and had no responsibility connected with it, I want to state the testimony given me to-day by Mr. Charles Deere, of Moline, who is president of the Deere Plow Company, I believe, and interested in the Sylvan Steel Company, of Moline, Ill., to the effect that the Hennepin Canal will have a tremendous influence upon freight rates, and that it will be actually utilized in transmitting blooms and steel and iron from Chicago down to the cities of Rock Island, Moline, and Davenport, and, in his judgment, will reduce freight rates one-And I furthermore want to say that I do not wish to be understood as entertaining any other than the highest opinion of the gentleman from Ohio [Mr. Burton]. I have confidence in his ability, and I have just as much confidence in his integrity, and I must at this time give him due credit for the obtaining of a half million dollars to complete this self-same Hennepin Canal, chiefly at my instance, two years ago.

It was placed under the contract system about eight years it was supposed that the amount authorized would ago, and complete it; but it turned out, when they reached the point where the money was all expended about two years ago, that there remained incomplete work which would necessitate an appropriation of half a million dollars, and the River and Harbor Committee, principally through the courtesy of its chairman, gave us that amount, and the result is that the Hennepin Canal will be completed next year and will be a valuable part and parcel of this scheme of waterways.

Mr. DAVIDSON. Will the gentleman state the depth of the

Hennepin Canal?

Mr. GRAFF. Seven feet. It was begun fourteen years ago and dragged its weary length along in process of construction through all those years, until about eight years ago it was placed under contract system and then more speedy progress was made.

River conventions have been held throughout the State, until some twenty years ago public opinion crystallized in favor of a

depth of 14 feet from Chicago to St. Louis.

This was clearly and definitely known through organized commercial bodies, river improvement associations, and resolutions and statutory enactments passed from time to time by the legislature in our State. On May 29, 1889, the State legislature passed a charter enactment of the Sanitary District of Chicago, authorizing them to construct and operate a drainage and ship canal from Lake Michigan, through the Chicago River, connecting by an artificial channel with the Des Plaines River, and extending from the Chicago River to Lockport, with the following significant sections contained in said law:

If at any time the General Government shall improve the Des Plaines or Illinois rivers, so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property, so as to save harmless the said district from all liability therefrom, then such sanitary district shall within one year thereafter enlarge the entire channel leading into

said Des Plaines or Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet per minute, with a current of not more than 3 miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than 18 feet throughout said channel, and shall have a width of not less than 160 feet at the bottom.

24. When such channel shall be completed and the water turned therein, to the amount of 300,000 cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the General Government shall improve the Des Plaines and Illinois rivers for navigation, to connect with this channel, said General Government shall have full control over the same for navigation purposes, but not to interfere with tis control for sanitary or drainage purposes.

When it is fully completed it will have a capacity, according

When it is fully completed it will have a capacity, according to the report of the board of engineers of the United States Army upon the project which we are now advocating, of about 10,000 cubic feet per second flowing at a low velocity. constructed, it has a maximum depth of 36 feet and a minimum depth of 22 feet, which it is proposed to increase to the maximum depth. It has a general width of 160 feet in the rock section and 202 feet in the dirt section. It constitutes a navigable channel for the largest vessels now navigating the Great With the 6 miles of the Chicago River and the 2 miles extension, it provides a wide and deep channel for 36 miles from Lake Michigan, and the cost when completed some \$55,000,000.

The balance of the State are proud of her great city of Chicago, containing two-fifths of our entire population, and the State at large is willing to grant any proper concession to her great city which is reasonable in its character, but it is exceedingly doubtful if the legislation which was passed at the time the original charter of the Sanitary District of Chicago was passed or the subsequent legislation amending the charter could have been prevented had the provisions for the construction of the channel not been provided for a ship canal as well as the needed outlet for the drainage of the metropolis. Right well has Chicago constructed this great engineering feat of severing the divide through the rocky sections of the route, and amply has she constructed the channel for navigation purposes.

January 2, 1900, the Sanitary Channel and Ship Canal was sufficiently finished to begin its use and the waters of the Chicago River were reversed in their current, and fifteen days later the gates at the lower end were opened, and for the first time in centuries the waters of the lake began to flow in a great stream toward the Gulf of Mexico, resuming what geologists all unite in claiming to have been their former course. This stimulated the interest of the people of the State of Illinois and of the neighboring States in their advocacy of the deep waterway cause, and to-day there is no doubt of the universal support of the people of our State of this measure and of its great commercial advantage not simply to the State, but to the entire Mississippi Valley. I was surprised at the statement of the gentleman from Ohio, the distinguished chairman of the Committee on Rivers and Harbors, when he said yesterday that he had not heard of this enterprise except within the last six If he has not heard of this enterprise, he has certainly been oblivious to the actions of his own committee.

The act under which the survey and estimates were made for this 14-foot channel from the end of the sanitary district of Chicago to St. Louis was passed in June, 1902—over five years ago—and it was not acted upon by the Committee on Rivers and Harbors without a thorough hearing upon the subject, and that hearing was directed to the advisability of the project before the appropriation of the act of 1902 was made, of \$200,000, directing a survey and an estimate of the cost, and the chairman of the committee, the gentleman from Ohio, courteously gave the people of the State of Illinois who were interested in this enterprise a hearing in the lobby of the House of Representatives before the entire committee, and before that committee appeared the Illinois Valley Association and Chicago representatives. Chicago has had many thousands of people interested in this enterprise formed into organizations. The Illinois Valley Association is composed of people representing the remaining three-fifths of our State, which is composed of 6,000,000 people. Illinois has borne her share of the political, the commercial, and the moral burdens of the people of this Republic. Illinois has a history which warrants her not in asking from this House an unmerited appropriation, but Illinois is at least entitled to consideration.

And the representatives from Illinois, Chicago organizations, and the Illinois Valley Association in 1902 appeared before the Rivers and Harbors Committee here, represented by one of the most distinguished engineers in the great West, I had the honor to submit a few remarks at that time, as did other members of the Illinois delegation, in behalf of the 14-foot project, and I remember distinctly while that hearing was not taken down and printed and preserved as a document,

that the gentleman from Ohio asked Mr. Lyman E. Cooley, supposing the further improvement of the great Mississippi River from St. Louis to the Gulf was found afterwards impracticable. the present enterprise from the end of the Sanitary District to St. Louis would be justifiable, and Mr. Cooley entered upon a discussion of that project alone, standing alone upon the supposition that these sequent improvements, which were considered a part of it from St. Louis to New Orleans, were never carried out. Mr. Cooley stated the kind of crafts which were practicable in a channel of 14 feet in the river, -showing, while 14 feet would not be sufficient for all the vessels of the Great Lakes on our northern boundary, within the boundaries of the channel of a river like that of the Illinois large barges could be constructed and could be utilized for the carrying of traffic which would enter upon that river, and it was after a consideration of the very questions which were submitted at that session of Congress to the board of engineers that the Committee on Rivers and Harbors concluded to recommend to incorporate in the river and harbor appropriation bill the provision which brought out the subsequent survey and estimate on the 14-foot channel from Chicago to St. Louis

Now, then, what period of time elapsed after the action of the Committee on Rivers and Harbors and the House and the Senate, not taken without consideration, and the time when the matter came before the Rivers and Harbors Committee for consideration again? A period of over five years. And does the gentleman from Ohio criticise the advocates of this great public improvement because they do not appear before his committee and press the claim of our improvement during the time that the survey was in progress of completion? I should think not. The survey was finally made. What did the law of June 13, 1902, provide? It provided that the War Department should determine the feasibility and cost of the enterprise; whether it was an engineering practicability, and if so, how much would the total cost be, and the War Department proceeded in obedience to the instructions of that law, and they filed in Congress in February, 1905, as complete a survey as ever has been made by the engineers of the United States Government. length of the proposed canal from Chicago to St. Louis will be The distance of the other project, which, we say, 365.28 miles. we hope will follow, from St. Louis to New Orleans, is something like 1,200 miles.

The amount of the business done upon the Chicago River is a forecast of what will follow if an adequate channel is given in the further development of this great water highway through the heart of the continent. But the gentleman from Ohio stated yesterday that hereafter he did not propose to consider in the Rivers and Harbors Committee, so far as he was concerned, any project which did not bear in addition to a favorable report as to its engineering feasibility a report from the engineering board of the War Department as to its advisability. Then, if that is true, Congress proposes to abdicate its functions. What other matters of consideration can there be thought of in connection with a great public work like this save its cost; its engineering feasibility; its commercial advisability? If there be anything left for the House to determine, I would like to know what that would be. It seems to me that the testimony in favor of the desirability of this great waterway in the various generations that have lived and died through almost a century of the history of Illinois ought to have some force with practical men. Ah, but we are dreamers of dreams and we are seers of visions. Why, the achievements of to-day were the dreams of yesterday. If men had first to demonstrate with mathematical accuracy the outcome of new projects never before having a realization in experience the world would halt its advance.

There is something else besides mathematical demonstration that enters into sound judgment. Cold, careful, practical men look into the future and attempt to exploit fields which have been untrodden before, and come to that judgment with a large measure of faith and imagination placed in the combination to arrive at the result. Edison dreamed of his triumphs of electricity long before they were a realization. Suppose that the measures contained in this great rivers and harbors bill were held up to that sort of a test, including \$4,000,000 expended upon the Ohio River; how much tonnage would have actually exist upon which to base a safe calculation by a member of the Committee on Rivers and Harbors when determining as to the merits or demerits of a proposition? If there had to be a mathematical proof of the commercial profit of the great enterprises in which the governments have placed their millions, what would have become of the proposition for the Sault Ste. Marie Where would have been the Suez Canal? Still the unrealized dreams of some philosopher.

Why, the Panama Canal has been a matter of speculation for half a century. Dreamers have written about it, essayists

have called attention to the fact that sometime the distant future would demand it, but finally this prosaic Congress is now in the midst of its construction. And what are the arguments presented? Is there any man living that can tell within millions of tons of the probable business to be done by Panama Canal when completed? It is true that generalities are indulged in about our oriental trade, but everybody knows that our oriental trade at present as compared with our European trade is absolutely insignificant. But it takes the dreamer that can see things that are not to be discerned by the eye, that can hear things the sound waves of which do not reach the drum of the ear, that have brought the practical triumph of this United States and all progressive people, which were afterwards turned into brick and mortar and stone.

Now, then, does anyone say that it is an impractical dream to unite the two greatest cities in this country, one having two and one-half millions of people and the other 600,000, by a waterway passing through the heart of a great State at present composed of 6,000,000 of people and already the center of civilization, destined in the future decades to have gathered there a denser population than there is in the most densely populated part of Massachusetts, endowed by nature with a wonderfully fertile soil, inhabited at present by one of the most progressive and prosperous and busy people on the face of the earth, along whose banks are untold wealth of hidden mines of valuable coal, existing, as we know from actual investigation, from Chicago clear down three-quarters of the length of the Illinois

Already there is a development there in the coal industry which has been unparalleled in the history of our State. Is it impractical to give an additional means of transportation when every man who thinks upon the subject of railroad transporta-tion sees that the amount of facilities for the transportation of all products at the present time with the present railroads through the country is short some 25 per cent? When practical men like James J. Hill call attention to that and speak of the development of the rivers and harbors as a way to meet the deficiency, is it an impracticable dream to further improve a line of rivers whose location and availability to-day can be marked on the schedules of railroads which actually go in their vicinity and would come in contact with their competition with the present facilities which they have?

In November last there met at St. Louis the greatest water-

way convention that has ever assembled in the United States, composed of 1,200 delegates from fifteen States in the Mississippi Valley, including large delegations particularly from the cities of Chicago, St. Louis, Peoria, and Pekin, Ill., devoted to the cause of the project which we are advocating to-day, and composed of leading men in all the avocations of life whose judgment as to the advisability of this project is far superior, in my opinion, to any body of men separated from competitive life and devoted to technical service under the United States Government as officers of the Army.

The governors of Louisiana, Missouri, Arkansas, and Illinois by their presence evidenced the opinion of the men making up the citizenship of all of those States, a valuable proof of the advisability of this project from a commercial standpoint. These men were there at their own expense and volition without hope of advantage save that which would arise for the common The legislatures of the States of Illinois and Missouri have voiced public sentiment in favor of this enterprise in the last few days. There is no doubt but the people of the Middle West believe in its virtues, and propose to continue in their demand for this improvement until it shall have been accomplished.

On January 23 of the present year, just a few days ago, the Illinois Society of Engineers and Surveyors met in their convention session at my home city of Peoria and addressed a memorial in favor of this measure to the Speaker of the House of Representatives, and took issue with the adverse finding of the board of engineers recently made as to its advisability from a commercial standpoint. These men are skilled in their profession and are capable of passing upon the technical features of the work, and have the additional advantage of belonging to civil life and are familiar with its burdens, its necessities, and its problems. I append that memorial to my remarks:

PEORIA, ILL., January 23, 1907.

Hon. Joseph G. Cannon,
Speaker of the House of Representatives,
and Members of Congress from Illinois,
Washington, D. C.

DEAR SIRS: We the undersigned members of the Illinois Society of Engineers and Surveyors in annual session assembled do hereby address the following memorial to you in expression of our deep conviction of the feasibility and practicability and the commerical utility (in comparison to its probable cost) of the proposed improvement of the Illinois River into a commercial waterway having a channel of not less than

14 feet in depth as a connection between the already nearly completed Sanitary and Ship Canal leading from Chicago to Joliet with the Mississippi River at or near St. Louis.

We are fully aware that this subject is at the present time before the House of Representatives for consideration, and we are reliably though not officially informed that the two boards, one of survey and one of investigation, of the United States Government have investigated by survey and inquiry into the question of the feasibility and commercial utility of this project and have made their reports to Congress; that the report of the first board of survey unqualifiedly commends the practicability and feasibility of the plan with an estimate of its cost; that the second board, while admitting the practicability and feasibility of the plan and not taking exception to the estimate of cost, has assumed that such cost was in excess of the value of the improvement to the nation from the standpoint of its commercial utility.

Now, therefore, we as practical men, interested only in the ultimate welfare of the State and nation, believe it to be our duty to express our doubt as to the correctness of the deduction of the latter board when viewed from the broad standpoint of the probabilities of the future as judged from the experience of the past. We firmly believe that statistics showing the amount of traffic now existing, or to immediately seek use of this commercial highway if completed, would not be broad enough to indicate the value of such a work to the State and nation. There is no question of the amount of traffic on the canal. There is no question of commercial success or failure of the work as a business enterprise. It is not such a toil route nor such a business enterprise.

As it appeals to us, the question is What will be the broader effect upon the business and prosperity of all the territory which is subject to its possible use or the possible effect upon the cost of freight as carried from one city to another over this great projecte

reach the Gulf, and a source of internal defense created by means of a properly constructed Navy that would be of greater value in case of emergency than many times the same amount of money expended on immense battle ships that could be of no value whatever for our internal defense.

We further represent that we believe such a judgment as is redered by this board, if it had been applied to the construction of the canals and locks at the Sault Ste. Marie, based upon statistics covering only the traffic known at that time, over the proposed route, would have prevented forever the construction of that most wonderful highway of commerce, and that the same argument would have prevented private enterprise from ever constructing any of the great transcontinental railroads, and would doubtless prevail against the construction of the Panama Canal, and would never have permitted England to have expended millions of dollars on the Suez Canal.

Finally, that nothing but the experience of the future and analogy with above cases can absolutely prove what we fully believe to be the fact, namely, that the completion of a 14-foot channel to connect the Lakes at Chicago with the Mississippi River at St. Louis will be not only a justifiable expenditure for the United States from the local standpoint of the State of Illinois, but from the standpoint of the future best welfare of the nation.

Respectfully submitted.

Dabney H. Maury, president; A. W. Gates, Monmouth, Ill.; Clark G. Anderson, Moline, Ill.; C. A. Prout, Wheaton, Ill.; Fred. W. Honens, Sterling, Ill.; Jos. A. Moore, Chicago, Ill.; T. L. Burkland, Peoria, Ill.; A. W. Bell, Bloomington, Ill.; D. H. Choagiand, Decatur, Ill.; J. E. Kemp, Kewanee, Ill.; Hugo Lucas, Peoria, Ill.; J. E. Kemp, Kewanee, Ill.; Hugo Lucas, Peoria, Ill.; J. G. Hare, Bloomington, Ill.; D. H. Roberts, Peoria, Ill.; J. G. Hare, Bloomington, Ill.; R. S. Wallace, Piccia, Ill.; J. W. E. Burkhalter, Peoria, Ill.; J. W. E. Burdick, Chicago, Ill.; S. T. Henry, Chicago, Ill.; P. C. Knight, Pontiac, Ill.; S

I also have received from the Promotion Club, an adjunct of the Creve Cœur Club, of the city of Peoria, Ill., an organization of its progressive citizens, resolutions in behalf of this project, and which I also make a part of my remarks:

PEOBIA PAYS ANNUALLY OVER \$30,000,000 INTERNAL REVENUE—ONE YEAR IS ALL WE ASK.

Whereas the reports from Washington advise that the rivers and harbors bill as reported from the Rivers and Harbors Committee under the leadership of Hon. THECOORE E. BURTON, its chairman, while providing for the expenditure of an unprecedentedly large amount of money during the coming two years upon various items of internal improvement of rivers and harbors, does not in any way recognize the Illinois

River as one of those objects which is worthy of the financial aid of the United States toward its permanent improvement as a waterway; and Whereas the State of Illinois has permitted the use of the Illinois River for the purpose of the protection of the health of the great city of Chicago by granting the right to turn a large volume of the waters of Lake Michigan down to the Mississippi River through this valley in the full expectation that this would result in affording a great ship canal for the public use to connect the Great Lakes with the Mississippi River, and in furtherance of this idea an extra expenditure of over \$30,000,000 has been made by the city of Chicago in order that the greatest obstacle to such a ship canal might be removed and the first and most expensive section of that great work be completed and offered as a free gift to the United States, and that in pursuance of an act of Congress calling for a survey of the Illinois River and estimate of the cost of its improvement, a board of competent engineers has reported upon the feasibility of the construction of such a waterway at a cost not to exceed \$31,000,000; and

Whereas, in order that the full benefits of such a work may be realized, the Mississippi River should be maintained at its highest efficiency; it should be improved according to the plan known as the "plan of 1881 between St. Louis and Cairo;" Therefore, be it

Resolved, That the citizens of Peoria, through their representatives, the Promotion Club, of said city, respectfully request that the Congressmen of Illinois, when the rivers and harbors bill is reported, shall introduce and favor two amendments thereto:

First. An amendment making an appropriation of \$1,000,000 per year for four years for the permanent improvement of the Mississippi River between St. Louis and Cairo, to continue the plan of 1881.

Second. An appropriation of \$3,000,000 to begin work on the deep waterway from the lakes to the Gulf.

Resolved, That the Promotion Club of Peoria requests all Representatives i

Peoria, Ill., is the second city in the State, midway between Chicago and St. Louis, with a population of 85,000, fourteen railroads, and a commerce of large proportions, the statistics of which for the year ending December 31, 1906, I append to my

Receipts and shipments at Peoria, Ill., for the year ending December 31, 1906.

		Shipments.	
Flour barrels.	1, 186, 620	1,179,630	
Wheatbushels	1, 203, 800	804, 484	
Corndo	15, 190, 900	8, 204, 900	
Oatsdo	18, 326, 000	19, 484, 930	
Ryedo	344, 300	101,800	
Barleydo	3,062,000	1,101,500	
Mill feedtons	22, 195	41,078	
Seedspounds	1,815,000	630,000	
Broom corndo	2,520,000	2, 208, 300	
Spirits and liquorsbarrels	139, 737	576, 984	
Starchpounds	12,068,400	21, 834, 050	
Cattlehead	53, 840	55, 856	
Hogsdo	406, 994	333, 315	
Sheepdo	5, 280	7, 140	
Lardtierces	1,210	5, 285	
Porkbarrels	560		
Bulk meatsdo	35, 420, 000	28, 176, 200	
Sirup and glucosedo	58, 840	64, 633	
Eggsdozenj	210,000	1, 232, 000	
Potatoesbushels	519,000	153,600	
Hides and peltspounds	12, 354, 000	1,078,500	
Tallowdo	450,000	1, 103, 700	
Haytons	38,580	7,913	
Agricultural implementscars	4,443	4,848	
Cooperagedo	2,203	2,070	
Lumber M feet	216,510	176,710	
Saltbarrels	34,556	14,600	
Oildo	144, 470	98,710	
Coaltons	1,513,400	907, 118	
Irondo	285, 335	166, 082	
Icedo	17, 365	7, 231	
Miscellaneous pounds Merchandise do	1,403,972,000	1, 113, 752, 900 493, 046, 000	

As will be seen, the internal-revenue receipts of the General Government for the single year paid at Peoria, III., would be sufficient to pay the total cost of the project from Chicago to

At the present session of Congress the Rivers and Harbors Committee of the House, notwithstanding the act of June 13, 1902, did not submit the question of advisability to the War Department or the board of engineers, requested a report from the board of engineers as to the advisability of the project from Chicago to St. Louis, and the essential features of the report of said board of engineers is as follows:

port of said board of engineers is as follows:

4. A 14-foot waterway between Chicago and St. Louis may be considered from two standpoints: First, with respect to its effect on the present and prospective commerce between these two cities, and, second, with respect to its value as a link in a deep waterway extending from the Great Lakes to the Gulf. Considered from the first standpoint, the board is of the opinion that the depth proposed is greater than is necessary for the river traffic that would probably use it, and not sufficiently great to extend lake navigation from the Great Lakes to St. Louis. In the report under consideration the tonnage and draft of the lake vessels visiting Chicago are given in considerable detail, and the opinion is expressed that the great bulk of future lake commerce will probably be carried in vessels of even greater draft and tonnage.

5. The advisability of constructing a 14-foot waterway depends on the probable amount of commerce that would use it, together with its incidental effect on the freight rates of all traffic passing east through St. Louis or south through Chicago. The accompanying report states

that during the fiscal year ending June 30, 1904, the quantity of freight moved by the three roads extending from Chicago to St. Louis was slightly over 1,000,000 tons. From other sources it is learned that the total tonnage in and out of St. Louis is about 39,000,000 tons. The saving that would accrue to the country at large by the construction of a 14-foot waterway is largely conjectural. In the opinion of the board such benefits would not be sufficient to warrant an expenditure by the General Government of \$30,000,000.

6. Considering the proposed waterway as a first step toward the construction of a 14-foot waterway from the Great Lakes to the Gulf, it is necessary to anticipate the probable cost of obtaining and the difficulties attending the construction of such a waterway down the Mississippi Valley below St. Louis. The present project for the improvement of the Mississippi River from St. Louis to Cairo contemplates a depth of 8 feet, and it is estimated that to secure it will require an additional expenditure of \$20,000,000, with \$400,000 annually for maintenance. From Cairo to New Orleans the present project contemplates a depth of 10 feet, and, while a depth of 9 feet has been practically secured, to maintain it calls for an expenditure of approximately \$300,000 a year. So far as known no estimate for increasing this depth to 14 feet has ever been made, but it is clear to the board that it would involve enormous expenditure and for a portion of the distance at least the construction of a lateral canal.

7. For these reasons the board believes that the construction of a 14-foot waterway between Chicago and St. Louis is not advisable; but it also believes that the commercial interests of the Great Lakes are entitled to an outlet to the Gulf of Mexico of as great a capacity as can be obtained at reasonable cost. This capacity is now limited by the projected depth between St. Louis and Cairo—that is, 8 feet—a depth that will not only suffice for a large amount of through commerce, but will be sufficient t

It seems to me, as I have already stated, that it is the function of Congress to pass upon the advisability of the Government entering upon an enterprise of this kind, leaving the technical questions, requiring professional skill, for the board of engineers. The people who inhabit the Illinois Valley understand its needs and the possibilities, from a commercial standpoint, of the proposed improvement, whether measured by the advantages of the 14-foot waterway from Chicago to St. Louis or whether the whole scheme of a ship canal from Chicago to the Gulf is considered. I look forward confidently to the day when the business judgment of the people of the entire Mississippi Valley will have been justified by the completion of this great waterway, draining the heart of the continent and carrying upon its bosom the fruits of our industry to the lands of every clime.

The CHAIRMAN. The gentleman from Texas [Mr. Shep-

PARD] is recognized for forty-five minutes.

Mr. SHEPPARD. Mr. Chairman, I desire to submit for the consideration of this and future Congresses certain data in reference to Cypress Bayou and Sulphur and Red rivers, all of which penetrate my district.

CYPRESS BAYOU.

The first survey of Cypress Bayou, the chain of lakes and passes, and Twelvemile Bayou, all composing the Jefferson-Shreveport waterway and known generally as "Cypress Bayou," Shreveport waterway and known generally as "Cypress Bayou," was ordered by the rivers and harbors act of July 11, 1870 (U. S. Stat. L., vol. 16, p. 226 et seq.). In January, 1871, Lieut. E. A. Woodruff, Corps of Engineers, proceeded to Jefferson, Tex., to commence the survey, but was prevented by high water. He did not complete the work until over a year later. On April 25, 1872, Lieutenant Woodruff made a report giving the results of the survey. The report began by showing that the lower section of the Jefferson-Shreveport waterway had been improved by the Government as early as 1854 and utilized by Red River boats as a means of passing around the Red River raft above Shreveport. Thereafter the lower section was subjected to the double use of navigation to Jefferson and navigation to points on Red River above Shreveport. At a certain point the boats intended for Red River would return to Red River through a connecting tributary above the raft, while the Jefferson boats would turn westward on the original waterway

The report then stated that its author, Lieutenant Woodruff, had been directed not only to survey the Jefferson-Shreveport waterway, but to examine the advisability of removing the raft in Red River. He said that the raft undoubtedly should be removed, and added the following concerning the effect of the

removal on Cypress Bayou:

removal on Cypress Bayou:

The only objection likely to be raised, except that of expense, is the anticipated injury to the lake and bayou navigation to Jefferson, Tex. The people of that city are naturally anxious to secure their present facilities and to improve them. Even if their apprehensions were well grounded they would form an insufficient reason for allowing the ruin caused by the backing up of the water above the raft to spread over the productive valley below Fulton; but it is susceptible of demonstration that the diversion of the water in the lakes caused by opening the main channel of the river must be very gradual and that the injury to navigation may be entirely counteracted by means not too expensive to admit of practical application.

Lieutenant Woodruff concluded his report by outlining a project for dredging and snagging and by making the following

specific recommendation:

If it be decided to remove the Red River raft, for building dam at foot of Soda Lake to contract waterway at low stages, \$70,000. (See Chief of Engineers' Report, 1872-73, vol. 2, pp. 568-573.)

The rivers and harbors act of June 10, 1872 (U. S. Stat. L., vol. 17, 370-376), made an appropriation of \$10,000 for the improvement of Cypress Bayou. Work was begun on December 18, 1872, the city of Jefferson tendering the Government free of charge a large dredge boat, which it had purchased at a cost of \$50,000, for use in the bayou. At that time the city of Jefferson was visited by 200 boats a year from Cincinnati, St. Louis, New Orleans, and all other important points of the Mississippi region. The city had spent large sums in improving the stream in addition to the purchase of the dredge. The rivers and harbors act of March 3, 1873 (U. S. Stat. L., vol. 17, 560-565), in further pursuance of Lieutenant Woodruff's report, made the following appropriation:

For the improvement of Cypress Bayou and construction of dams and dredging at the foot of Soda Lake, Texas, \$50,000.

Here we have an unqualified recommendation for a dam for \$70,000 and a distinct and unqualified appropriation of \$50,000 for that purpose and for the purposes of dredging and snagging which had been cared for in the former act of June 10, 1872, and yet no effort was made even to begin a dam.

From that day to this not a single step has been taken to carry out this solemn provision of the law for a dam on this waterway to counteract the injurious effect of the removal of the Red River raft. Captain Wooten, head of the Texas engineering district, who has just made an examination of Cypress Bayou under the last rivers and harbors act, advises me that it is still practicable to construct the dam at the foot of Caddo Lake, and that this, with only a little dredging, will give a navigable depth of at least 6 feet from Mooringsport to Jefferson throughout the year and will cause no increase in the submerged area. Captain Wooten's letter on this subject is as follows:

UNITED STATES ENGINEER OFFICE, FEDERAL BUILDING, Dallas, Tex., November 14, 1996.

Hon. Morris Sheppard, M. C., Texarkana, Tex.

Hon. Morris Sheffard, M. C.,

Texarkana, Tex.

Dear Sir: In response to your verbal request for certain information as to the cost of completely closing Ferry Lake by a weir such as described in my report on a survey of the waterways connecting Jefferson, Tex., and Shreveport, La., I would say that the weir therein mentioned was to be built in connection with a lock. Omitting the lock would increase the length of the weir by the space occupied by the lock and would correspondingly increase the cost. It is probable, though, that a complete weir similar to the one contemplated could be constructed at a cost of about \$\$85,000.

The weir for which the estimate was submitted was to have its crest at an elevation of 57 meters above the Cairo datum. This elevation would, with only a little dredging, give a navigable depth of at least 6 feet to Jefferson throughout the year and would cause no increase in the submerged area. The height of the dam would vary throughout its length, depending on the depth of the water, but would average between 3 and 4 feet.

Should it be determined later to improve the waterway below and place a lock in the dam, the only increase in cost over my original estimate would be the expense of tearing out the necessary length of the dam. This would not exceed \$1,000.

I am not prepared to give a complete answer to your question as to the value of the water power developed, as I have not all the data which I would require on entering into a study of that phase of the matter. The power available would, of course, be subject to fluctuations. It would be a minimum naturally during low-water seasons, and would also be reduced at times of high water in Red River, as the head would at those times be diminished and occasionally wiped out almost entirely. It would seem to me, however, that the power would have a decided value and might possibly be leased for a sufficient sum to materially reduce if not entirely meet the interest charges on the cost of the weir. However, I should require more data and fur

W. P. WOOTEN, Captain, Corps of Engineers.

The foot of Caddo Lake is about a mile below Mooringsport, where the Kansas City Southern Railroad, running from Kansas City, Mo., to Port Arthur, Tex., crosses Caddo Lake. Navigation from Mooringsport to Jefferson will therefore be especially valuable in that it will give Jefferson connection with a competing railroad to the Gulf. The waterway from Jefferson to Mooringsport is now navigable nearly all the year, but it is obstructed by an immense accumulation of snags. Snagging work has been begun on this section under the last rivers and harbors act, and navigation has been resumed on that part of the channel which has been partially cleared. This work has been done since June 30, 1906, and consequently does not figure in the reports for the last fiscal year. This dam was part of a project pronounced feasible by Captain Wooten for the permanent restoration of the entire waterway from Shreveport to Jefferson, but recommended unfavorably by him on account of the cost, which he estimated at \$525,000.

Unless this dam is constructed at some time in the not very distant future the falls, which are now working through the bed of Soda Lake and are now within a few miles of Caddo Lake, will within the next five years, perhaps, reach the foot of Caddo Lake and impair the present water level and decrease the depth from Mooringsport to Jefferson. Furthermore, when the falls shall have reached the foot of Caddo Lake they will have excavated a channel from Twelvemile Bayou to that point, the immediate dredging of which forms the most expensive and prominent feature of Captain Wooten's recent plan. Then it would require but the addition of a lock for the permanent restoration of the entire waterway from Shreveport to Jefferson and the cost would be reduced by almost two-thirds. Bear in mind, however, that the entire waterway is at present navigable in high-water seasons every year and that these seasons continue from three to six months almost every year. There has been no navigation, on account of the prevalence of stumps and snags, during the last decade. Assistant Engineer Walter H. Polk, who made the examination under the recent rivers and harbors act, recommends in his report of August 28, 1905, that the channel be cleared of snags and other obstructions and that the channel through the stumpy part of Soda

Lake be outlined by signs.

On May 15, 1873, a project of snagging, clearing, and dredging was outlined, and the work continued in accordance therewith. Some time after this and before October, 1873, Lieutenant Wood-ruff made another examination, and in his report recommended a lock and dam at Albany Point, and stated that this was absolutely necessary to prevent the gradual deterioration of navigation to Jefferson after the removal of the raft. At this time the raft was in process of removal. Captain Howell, head of the New Orleans district, which then included Cypress Bayou, ordered a further investigation, which was made early in 1874 by Asst. Engineer H. A. Leavitt, Lieutenant Woodruff having died. On the basis of Mr. Leavitt's examination and report, Captain Howell reported on October 5, 1874, suggesting a dam across the foot of Soda Lake and a cut thence to Red River as a means not only of preserving navigation to Jefferson, but of making the lake a reservoir for impounding the flood waters of Red River and thus lengthening the season of navigation on He estimated the cost at \$372,580. He made this recommendation on the condition that the entire amount be appropriated at once, and that the commerce would be found to justify the expenditure. On the latter point he expressed no opinion. He made estimates for continuing the snagging and clearing work. At that time \$35,873.96 had been expended in this form of improvement. Snagging, dredging, and straightening operations were continued during the following year, the balance on July 1, 1875, being \$4,259, \$20,166.36 having been expended during the fiscal year ending on that day. In reviewing the work of the previous year, Captain Benyaurd, who had succeeded Captain Howell, stated that the construction of the dam had not been begun because the amount of the appropriation was insufficient. This is certainly a remarkable statement. If at the present time there should be recommended a certain project at a total cost of \$70,000 and an initial appropriation of \$50,000 should be obtained, it would be considered quite an achievement. Captain Benyaurd, in this same report, announced that the raft in Red River had been removed, and that the removal had seriously affected the interests of Jefferson through the impairment of Cypress Bayou navigation.

During the fiscal year ending July 1, 1876, \$4,237.58 was expended in dredging and snagging. The rivers and harbors act of August 14, 1876, carried an appropriation of \$13,000 for continuing the work of dredging and removing obstructions in Cypress Bayou, Texas. (19 Stat. L., 132–139.) During the fiscal year ending June 30, 1877, \$3,121.37 was expended under the old project of dredging and snagging. The Texas and Pacific Railroad had been constructed to Jefferson, diverting a large part of Jefferson's trade from New Orleans to St. Louis, and Captain Benyaurd, in his report of July 2, 1877, stated that there was great competition between the steamboats and the railroads, showing the actual saving resulting to the people from navigation. He stated that when navigation was closed the railroad rate per bale of cotton from Jefferson to St. Louis was \$4; when open, \$3; that when navigation was closed the railroad rate per bale from Jefferson to New Orleans was \$4; when open, \$2.50. By steamboat from Jefferson to New Orleans it was \$1.50 to \$2 per bale. He further showed that the railroad rate from St. Louis to Texarkana, where there was no navigation, a distance of 480 miles, was \$105 per carload; from St. Louis to Jefferson, where there was navigation, a distance of 551 miles, \$75 per carload. He also stated that the citizens of Jefferson had expended over \$60,000 altogether in the improve-

ment of Cypress Bayou.

During the fiscal year ending June 30, 1878, \$9,854.32 had been expended mainly in the construction of a new dredge, the old dredge having sunk. The act of June, 1878 (U. S. Stat. L., vol. 20, 152-163), contained an appropriation of \$15,000 for improving Cypress Bayou, and the act of March 3, 1879 (Ib., 363-377), made an appropriation of \$6,000 for the same purpose. During the

fiscal year ending June 30, 1879, the amount expended in completing the dredge, in snagging, etc., was \$13,872.70, the total cost of the dredge being \$20,000. The dredge was put in commission January 20, 1879. During the fiscal year ending June 1880, the amount expended in snagging and dredging was In June, 1879, the dredge boat built expressly for \$2,824,67. Cypress Bayou at a cost of \$20,000, that amount being charged to Cypress Bayou, was taken to the mouth of Red River and put at work there. In January, 1880, it was taken to Shreveport to be returned thence to the mouth of Red River in June. The Chief of Engineers, in his annual report of October 16, 1880, briefly reviewing the entire work since 1872, says:

In many instances the work had been so imperfectly done, leaving projecting stumps, as to make navigation exceedingly dangerous.

Let me add that thousands of these projecting stumps may be seen along the waterway to-day. In view of the statement just quoted one would naturally wonder why the dredge was removed to Red River. The officer in charge, Captain Benyaurd, in his report of July 1, 1880, stated that up to that time the citizens of Jefferson had spent over \$70,000 on the waterway; that when navigation was open flour could be obtained in Jefferson at \$10 to \$12 per barrel, when closed the cost was \$25 per barrel. Let it be observed here that at this time Jefferson had had for several years the railroads she has to-day; that there were open and closed seasons of navigation then as there are to-day. Before the raft was removed there was navigation all the year round. The raft had been completely removed in 1875. In 1880, five years afterwards, the effect of the removal had fully developed and there were certain low-water seasons then, as there are to-day, when a child could cross the flats. It is the accumulation of snags and stumps during the last ten or twelve years that has obliterated navigation to-day and not the railroads or the condition of the flats in extreme low water.

During the fiscal year ending June 30, 1881, the amount charged to Cypress Bayou was \$1,549.04, although not a cent was expended on Cypress Bayou. Throughout this fiscal year the Cypress Bayou dredge was kept at work in Red River and "no actual work of improvement was carried on in Cypress Bayou," to quote the exact language of Major, formerly Cap-

tain, Benyaurd in his report of July 27, 1881.

During the fiscal year ending June 30, 1882, no work was done on the bayou, although \$225.22 was charged thereto. The dredge belonging to Cypress Bayou was still kept in Red River. During the fiscal year ending June 30, 1883, no work was done, although \$845.78 was charged to Cypress Bayou and the dredge belonging to Cypress Bayou was still kept in Red River. In his report for that fiscal year the officer in charge stated that Jefferson received during the year 100,000 bales of cotton, half of which had been shipped to New Orleans by water, and the figures presented showed that Jefferson's trade had been increasing since 1880. The truth is that the combined advantages of railroad and water transportation increased Jefferson's trade and improved her rate situation.

During the fiscal year ending June 30, 1884, \$932.31 was expended on Cypress Bayou, and the Chief of Engineers in his annual report of October 15, 1884, made the following state-

The first project for the improvement of Cypress Bayou consisted in cutting and dredging a channel through the lake and bayou, thus affording a good high-water channel from Jefferson, Tex. to Shreveport, La. This work was completed in 1880, but since then the timber has grown up again, and for the purpose of removing it the U.S. S. Thomas B. Florence made one trip to Jefferson, Tex., doing as much work as the high stage of water would permit.

Evidently this work of the Florence was unsatisfactory. The officer in charge, Major Miller, in his report for that fiscal year said of this trip of the Florence that-

On account of high water but little could be accomplished, only 149 leaning trees being cut down.

Nothing was said concerning the Cypress Bayou dredge. During the fiscal year ending June 30, 1885, \$775.34 was expended, and the Cypress Bayou dredge was still kept in Red

The rivers and harbors act of July 5, 1884 (U. S. Stat. L., vol. 23, 133-151), directed a resurvey to ascertain if permanent improvement of the stream could not be made in some other way than by a dam across Albany flats. An examination was made and report submitted recommending that the improvement be confined to straightening and marking the present channel, cutting stumps therefrom, and reopening the cuts by dredging, and stating that this would secure navigation to Jefferson for seven or eight months in the year. The cost of the project submitted was \$13,000. This report sustains my contention that dredging and snagging operations will reopen navigation for a considerable part of the year. In 1885 the raft had been removed for over ten years and the condition of the waterway was practically

what it is to-day. This report states that dredging was necessary. And yet the dredge which had been built six years before for the express purpose of being used in Cypress Bayou, which had been built at a cost of \$20,000 and the money taken out of a Cypress Bayou appropriation, had been kept in Red River dur-

ing practically all of the six years.

During the fiscal year ending June 30, 1886, \$31.15 was expended, and the Cypress Bayou dredge was still kept in Red River. The rivers and harbors act of August 5, 1886 (U. S. Stat. L., vol. 24, 310-335), contained an appropriation of \$18,000 for "improving Cypress Bayou and the lakes between Jefferson, Tex., and Shreveport, La." During the fiscal year ending June 30, 1887, \$5,606.39 was expended, and the report of the Chief of Engineers of October 22, 1887, as well as the report of the officer in charge, Captain Willard, show that this amount, as well as nearly all the rest of the \$18,000 appropriated August 5, 1886, had been and would be used in rehabilitating the Cypress Bayou dredge, which was still in Red River, and which now had to be rebuilt at the expense of Cypress Bayou money. Thus we see that this Cypress Bayou dredge, built at an original cost of \$20,000, this amount being taken out of Cypress Bayou money, had been used almost all its life in Red River and practically worn out there, and that it was now rebuilt at an expense of nearly \$18,000, this amount being also taken out of Cypress Bayou money. Thus Cypress Bayou was deprived of the use Bayou money. and benefit of by far the larger part of the appropriations of June, 1878, and March 3, 1879—that is, of an amount approximating \$20,000.

During the fiscal year ending June 30, 1888, \$12,393.61 was expended in dredging, etc. The rebuilding of the dredge had been begun in April, 1887. It was completed in July, 1887, and by far the larger part of the amount expended during the fiscal year ending June 30, 1888, was used in completing the dredge. In July, 1887, the dredge was towed from Shreveport to Jefferson, where the cabin was completed and the machinery fitted. The work was finished August 15, 1887, and was used for dredging work in Cypress Bayou until May, 1888. the dredge had been rebuilt by so large an expenditure of Cypress Bayou funds, this was the only dredging ever done on the Cypress Bayou waterway by the rehabilitated dredge, with the exception of about three months in the year 1889-90. In his report for this fiscal year Captain Willard, the officer in charge, strove partially to remedy this injustice by recommending that \$7,500 be allotted to Cypress Bayou from Red River funds. (See House Ex. Docs., 2d sess. 50th Cong., 1888–89,

vol. 4, 1345.)

During the fiscal year ending June 30, 1889, \$338.29 was ex pended; also there was expended \$1,755.45 of an appropriation of \$5,000 by the rivers and harbors act of August 11, 1888 (U. S. Stat. L., vol. 25, 400-433), under the following item:

Improving Red River, Louisiana and Arkansas: Continuing improvement from Fulton, Ark., to Atchafalaya, including completing the work at Alexandria, \$65,000, of which \$5,000, or so much thereof as may be necessary, to be used upon Cypress Bayou and the lakes between Shreveport, La., and Jefferson, Tex.

The money expended during this fiscal year was for removing The money expended during this iscal year was for removing stumps and a small amount of dredging. The dredging and snagging were not done by the Cypress Bayou dredge, which had again been removed to Red River, but by the Red River snag boat *Howell*. The report of the officer in charge, Captain Willard, showed that the work of the fiscal year, which improved the channel from Jefferson to Mooringsport, had resulted in an immediate reduction of about 60 per cent in competing railroad rates. During the fiscal year ending June 30, 1890, \$2,918.73 was expended in dredging, removing stumps, etc., the Cypress Bayou dredge, as well as the snag boat Howell, being employed from December, 1889, to March 6, 1890. The dredge was then again taken back to Shreveport.

On February 9, 1890, a resolution passed Congress calling on the Secretary of War for submission of plans for restoring per-manent all-year navigation between Jefferson and Shreveport. The matter was referred to Captain Willard, the officer in charge, who recommended that a survey be ordered for a dam at the head of Soda Lake and for dredging through Soda Lake to Twelvemile Bayou and Red River. This is almost the same plan suggested by Captain Wooten in his last report. Pending the completion of the survey, Captain Willard recommended that snagging and dredging continue, and asked for \$15,000 for these

purposes

The act of September 19, 1890 (U. S. Stat. L., vol. 26, 426-465) appropriated \$10,000 for the survey recommended above. No appropriation was made for dredging and snagging and no work of this kind was done in the fiscal year ending June 30, 1891. On the survey \$9,897.99 was expended and \$2,000 asked with which to complete it. In his report of June 30, 1891, Captain Willard, the officer in charge, merely reported progress

on the survey and asked for \$5,000 for snagging and clearing, in addition to the amount asked for the completion of the survey using this language:

Even if boats should not run between Jefferson and Shreveport on regular trips, the knowledge that there is a navigable channel for small boats at medium stages will be sufficient to keep railroad freight charges within reasonable limits, and thus benefit the people for whom Jefferson is the market and distributing point. (House Ex. Docs. 1st sess. 52d Cong., 1891-92, vol. 6, 1956.)

This statement exactly fits the situation to-day. fiscal year ending June 30, 1892, \$96 was expended and the dredge still kept in Red River, despite the reports of the past two years recommending snagging and dredging work.

The rivers and harbors act of July 13, 1892 (U. S. Stat. L., vol. 27, 88-116), contained an appropriation of \$5,000 for Cypress Bayou, as a part of the Red River appropriation, to be used for cleaning and dredging, and \$2,000 was provided by an independent Cypress Bayou clause for completing the survey.

During the fiscal year ending June 30, 1893, \$1,930.34 was expended in completing the survey. Of the \$5,000 appropriated July 13, 1892, for cleaning and dredging, not a cent was expended and the Cypress Bayou dredge remained in Red River. engineer in charge of the survey, H. M. Marshall, submitted his report, which proposed a plan for a dam with waste weir across Soda Lake and a connection with Red River through Cotton-wood Bayou by a lock with double gates at an estimated cost of \$375,000. In submitting this report, the Chief of Engineers in his report of September 19, 1893, said:

In view of the limited amount of commerce to be benefited, the cost of operating and maintaining, and the fact that the probable life of the improvement can not be estimated, it is doubtful whether the work should be undertaken.

In submitting Captain Marshall's survey and report, Captain Willard, the district officer, said:

Considering the needs of Jefferson alone, I should recommend improving the present bayou channel from Jefferson to the head of Twelvemile Bayou by removing the logs and cypress stumps, widening it by dredging, easing the curves, clearing the banks of the bayou of leaning timber, and marking the channel by clusters of piles, beacons, and

It will be observed that while lock and dam projects for permanent all-year navigation were never entered upon, projects for dredging, snagging, and cleaning, in order to preserve the six to eight months' navigation which always existed, were always recommended.

During the fiscal year ending June 30, 1894, \$1,682.83 was expended in removing stumps, etc., but there was no dredging. The rivers and harbors act of August 17, 1894 (U. S. Stat. L., vol. 28, 338–372), appropriated \$10,000 for dredging and removing obstructions and straightening channel between Jefferson, Tex., and Shreveport, La. Captain Willard, the officer in charge, in his report of July 30, 1895, stated that no dredging had been done during the previous fiscal year for the reason that the Cypress Bayou dredge was now illsuited to the work, and that he had some time before recommended the construc-tion of a new dredge; that this new dredge had been authorized to be purchased on June 18, 1895, and that it was the intention to use it on Cypress Bayou as soon as practicable. Thus the rehabilitated dredge, which had been built with Cypress Bayou funds at a cost of nearly \$18,000, had been practically worn out in Red River, and Cypress Bayou deprived of by far the larger part of the moneys expended in its construction. Let it be said further that of the \$5,000 appropriated July 30, 1892, for Cypress Bayou, the item of \$1,682.83 expended in the fiscal year ending June 30, 1894, was the only portion ever used for Cypress Bayou. Thus less than \$6,000 of Red River appropriations were used on Cypress Bayou, while two splendid dredges built out of Cypress Bayou funds and intended for Cypress Bayou, costing approximately \$38,000, were practically worn out in Red River.

To be specific, the first dredge was completed at a cost of \$20,000 of Cypress Bayou funds on January 20, 1879. It was used on Cypress Bayou for five months and taken to Red River in June, 1879, where it was used until 1887, and was by that time practically worn out. In other words, it was used five months in Cypress Bayou and nearly eight years in Red River. Let me here refer again to the fact that during the fiscal years ending June 30, 1881, and June 30, 1882, \$1,549.04 and \$225.22, respectively, were charged to Cypress Bayou, although no work was done thereon, and that in the fiscal year ending June 30, 1884, \$932.31 was expended on Cypress Bayou, with the result that only 149 leaning trees were cut down. The dredge was rebuilt in 1887 at a total cost of about \$18,000 of Cypress Bayou It was finished on August 15, 1887, and used on the bayou until May, 1888, and later from December, 1889, to March, 1890, or about a year altogether. During the remainder of its life it was used in Red River, and in July, 1895, pronounced unfit for work on Cypress Bayou. Thus it was used about a year on Cypress Bayou and about eight years on Red River. During the fiscal year ending June 30, 1895, there was no expenditure on the bayou. The dredge ordered for Cypress Bayou on June 18, 1895, came from the Government's Mississippi fleet

at Vicksburg and was simply transferred.

The rivers and harbors act of June 3, 1896 (U. S. Stat. L., vol. 29, 202-244), appropriated \$5,000 for continuing improvements on Cypress Bayou, Texas. During the fiscal year ending June 30, 1896, only 82 cents was expended on Cypress Bayou. The Chief of Engineers, in his report of September 29, 1896, stated that the 1894 appropriation of \$10,000 and the 1895 appropriation of \$5,000 had not yet been expended because there was no plant available and the cost of towing a dredge long distances to and from the work rendered the contract ihexpedient with the limited amount available, and that as soon as practicable it was intended to transfer the dredge brought from the Mississippi to this work; that no snagging or cleaning of any consequence had been done since 1892 and no dredging He did not state what had become of the Cypress since 1888. Bayou dredge, nor does it figure in any of the subsequent re-ports. He added that the commerce in the bayou had become insignificant, but "that the maintenance of the water route would act more as a check on freight rates than as a means of transportation." He did not state the real reason for the dwindling of commerce on the bayou, the lack of cleaning and dredging for many years and the consequent accumulation of snags and other obstructions.

During the fiscal year ending June 30, 1897, \$619.17 was charged to Cypress Bayou, but not a cent was expended thereon, although on June 24, 1896, Major Willard, the engineer in charge, submitted a definite project for the expenditure of the amounts appropriated in 1895 and 1896 in snagging and cleaning operations, a project which was finally approved by the Chief of Engineers. (H. Docs., vol 5, 55th Cong., 2d sess., 1892.) In his report of July 1, 1897, Major Willard stated that it was still intended to bring over the Mississippi dredge; that it had left Vicksburg on June 25, 1897, and on June 30 was near

Colfax, La., on Red River.

During the fiscal year ending June 30, 1898, \$3,525.57 was charged to Cypress Bayou, but not a cent expended thereon. The Chief of Engineers in his annual report of September 29, 1898, stated that the Mississippi dredge reached Shreveport July 5, 1897, but during the ensuing twelve months there was no stage of water high enough for the dredge to cross Albany Flats; that with the single exception of the fiscal year 1894-95 this was the first twelve months in the twenty-six years during which there had been gauge readings at Shreveport without a

rise sufficient to put the dredge across the flats.

In January, 1898, he says, after a rise had set in and there was reasonable probability of getting the dredge across the flats a small United States snag boat, the Columbia, was added to the plant at Shreveport as a tender for the dredge and that since then necessary repairs and alterations of the boats were made and they were not taken over during the rise. Why he waited six months before making necessary repairs and alterations on the dredge does not appear. He repeated what had been said in a former report about the smallness of commerce on the stream and added that its maintenance would mean more as a check on freight rates than as a means of transportation. He attempted no explanation for not taking the dredge to Jefferson in January, 1898, when the rise first appeared, and making the repairs The overseer in charge of the dredge and snag boat went over the Cypress Bayou route in a skiff in February, 1898, and said that if the dredge were at Jefferson it could do good work between Jefferson and Mooringsport, or on Cypress Bayou and The fact is that if the Cypress Bayou dredge Caddo Lake. boats of 1879 and 1887 had been kept at Jefferson they could have operated constantly over a greater part of the waterway over all that part above Albany Flats.

During the fiscal year ending June 30, 1899, \$3,577.92 was ex-

pended, a party equipped with tools, tackle, and explosives working over the route from August to November, 1899. The dredge was still kept at Shreveport, the Chief of Engineers stating in his annual report of September 28, 1899, that at no time during the preceding two years had the water been sufficiently high for the dredge to cross the flats. Evidently a considerable part of the amount expended during this fiscal year was charged to the maintenance of the dredge at Shreveport. The report of the officer in charge for this fiscal year, Major Willard, stated that the highest reading of the Shreveport gauge was 15.6 feet on January 24, 1899. My own observations, made on a skiff trip from Mooringsport to Shreveport on July 6, 1905, show that there must have been an ample depth at that time to permit the dredge to cross the flats—that is, there must have been a suffi-cient depth on January 24, 1899, when the Shreveport gauge read

15.6 feet. When I made the above trip, the Shreveport gauge showed 20.7, and there was nearly 7 feet of depth over the shallowest portion of the flats.

During the fiscal year ending June 30, 1900, \$843.30 was charged to Cypress Bayou, but not a cent was expended on it, this amount being used for the maintenance of the dredge at Shreveport. The Chief of Engineers stated in his annual report of September 28, 1900, that in the last three years the dredge could at no time get across the flats. During the fiscal year ending June 30, 1901, \$885.60 was charged to Cypress Bayou, but no work was done thereon. Evidently this amount was used for maintaining the dredge at Shreveport. The Chief of Engineers stated in his annual report of October 1, 1901, that during the last four years the water had never been sufficiently high for the dredge to be taken across the flats. The district officer, Major Casey, stated that the highest reading of the gauge at Shreveport was 16.4 feet on June 7, 1901. At this time both the district officer and the Chief of Engineers made the remarkable discovery that dredging would be of no use to navigation. If this were so, it was certainly very wrong to charge the bayou with the maintenance of the dredge.

During the fiscal year ending June 30, 1902, \$933.10 was charged to Cypress Bayou, but not a cent was expended thereon, this amount being used for the care of the dredge at Shreveport. The district officer stated that at no time during this year could the dredge be taken across the flats, the highest reading of the gauge at Shreveport being 17.6 June 13-18, 1902. During the fiscal year ending June 30, 1903, \$1,236.10 was charged to Cypress Bayou, but no work was done thereon, the amount being used for the keep of the dredge. This time the district officer said that it was impracticable to take the dredge to Cypress Bayou and return it to Red River after expending available funds, and added that at but one time in six years could the dredge have crossed the flats. It is certainly remarkable that after twenty-six successive years, in each of which, with one exception, the dredge could have crossed the flats, have followed six consecutive years in which, with the exception of one period, it could not do so. Either this Mississippi dredge drew more water than it should have done to work on Cypress Bayou, or the engineers were mistaken when they said that the boat could not be towed across the flats. From my own personal observation and knowledge, I affirm that when the Shreveport gauge is at 15 a boat drawing 2, $2\frac{1}{2}$, and (when there is a head rise also) even 3 feet can cross the flats. During the fiscal year ending June 30, 1904, no work was done nor was anything done during the fiscal years ending June 30, 1905, and

The rivers and harbors act of June 13, 1902, authorized a preliminary examination of the old plan for a dam at Albany Flats and a ditch to Red River. The report was made on December 1, 1902, and was, of course, unfavorable. The construction of levees along Red River had made such a plan utterly impracticable. The rivers and harbors act of March 3, 1905, directed a resurvey, with an examination of the falls at Little Pass. The report was made on December 23, 1905, and outlined a plan by which permanent navigation might be obtained through the erection of a lock and dam at the foot of Caddo Lake and the dredging of a channel thence through Soda Lake to Twelvemile Bayou, the cost being estimated at \$525,000. The recommendation was unfavorable on account of the engineer's belief that the commercial returns would not justify the expenditure. Captain Wooten's report showed that during the fiscal year ending June 30, 1905, despite the twelve or fifteen years that had elapsed since any effective snagging and cleaning work had been done on the bayou, two boats engaged in the river trade carried a freight of 5,897 tons, value \$32,320. Asst. Engineer W. H. Polk, who did the actual work of the survey ordered by the act of 1905, recommended that the channel be cleared of snags and other obstructions and marked by signs through the

stumpy part of Soda Lake.

June 30, 1906, respectively.

In endeavoring to show the Board of Engineers for Rivers and Harbors that Captain Wooten's plan should be favorably recommended, Senator Culberson and I presented data showing that the tonnage of eleven counties in Texas within a radius of less than 100 miles of Jefferson amounted in the year 1905 to over one billion and a half pounds of freight, and that a reduction of only 10 per cent in the freight rate on this amount would be a saving every year of over twice the amount estimated by Captain Wooten to be the cost of the proposed improvement. We showed that if Jefferson could get the rate from New York to Houston and Beaumont the average saving in less than carload lots would be 65 per cent, and in carload lots 36 per cent. We showed that by adding the Texas commission mileage rates from Jefferson to points in the eleven counties within a radius of less than 100 miles of Jefferson the average saving would

be from 16 to 26 per cent on carload lots and from 30 to 48 per cent on less than carload lots. We presented comparative rates from New York, St. Louis, Kansas City, and New Orleans to Shreveport, La., the eastern terminus of the Jefferson-Shreveport waterway, and a water point, and to Jefferson, which is not now considered a water point, showing a difference of from 50 to 200 per cent on carload lots against Jefferson. In addition we presented an unqualified statement from Hon. O. B. Colquitt, one of the Texas railroad commissioners, to the effect that if navigation could be restored to Jefferson the Texas railroad commission would use Jefferson as a water-basing point and that all north Texas rates would be reduced from 10 to 331 per cent. Commissioner Colquitt placed the saving which would result to north and northeast Texas from the restoration of navigation to Jefferson as easily equaling one-half million dollars per annum. It will perhaps be best to give here Railroad Commissioner Colquitt's exact statement regarding Cypress Bayou

Texas Railroad Commission,
Austin, Tex., March 19, 1906.

Hon. Morris Sheppard, M. C., Washington, D. C.

Dear Sir: Replying to your letter of March 15, beg to advise that the Texas and Pacific Railway, at my request, furnished the following statement showing amount of business done by that line from and to stations from Texarkana to Mineola; also on the year ending December 31, 1906:

From Texarkana to Mineola, inclusive: Inbound freight
Outbound freight
Transcontinental Junction to Paris, inclusive:
Inbound freight
Outbound freight 165, 667, 40 176, 741, 00

1, 211, 769, 95

I assume that with the navigation of Cypress Bayou up to Jefferson that the same rates would apply to Jefferson that now apply to Shreveport, La. Estimating the benefits accordingly, I think that 20 per cent of the freight charges between the points named above would be saved to the shippers, or a sum approximating \$250,000 per annum would be saved to the people of that section of Texas. With navigation up to Jefferson I am of the opinion that the traffic passing through that place and on the stations between those named on the Texas and Pacific would increase 20 per cent over the amount given in the figures above. I have not heard from the auditor of the Cotton Belt road, but think it safe to say that with the navigation of Cypress Bayou up to Jefferson, and with water rates applying to that point, the rates prescribed by the Texas rates would be reduced from 10 to 33½ per cent on those which now apply. The saving, in my humble judgment, would easily equal one-half million per annum to the freight payers of north and northeast Texas.

I can not urge upon you and the other Representatives in Congress

northeast Texas.

I can not urge upon you and the other Representatives in Congress too strongly the need of water competition within our borders.

I had intended making up a statement showing the number of bales of cotton produced in this radius, but the figures which the Texas and Pacific has furnished me include the earnings of that line on cotton shipments as well as other classes of freight.

If there is anything further you think of I can do to assist in securing the appropriation for Cypress Bayou, let me know.

Yours, very truly,

O. B. COLQUITT, Commissioner.

Despite this showing the Board of Engineers concurred in the unfavorable conclusion of Captain Wooten with reference to the dam, etc. Thus this lock and dam project was rejected, as have been all former lock and dam projects submitted in connection with this waterway. It appears from the reports of Captain Wooten and the Board of Engineers that the waterway is still navigable from Shreveport to Jefferson during high-water seasons, and that it is navigable during nearly all the year from Jefferson to Mooringsport. The rivers and harbors act of March 3, 1905, besides directing the resurvey, provided that the balance remaining from the appropriations of 1895 and 1896, which had been devoted almost entirely to the mainte-nance of the dredge at Shreveport, the balance being \$3,556.16, should be expended in snagging operations on Cypress Bayou, between Mooringsport and Jefferson. Thus from the rivers and harbors act of June 10, 1872, which appropriated \$10,000 for snagging and cleaning operations, to the act of March 3, 1905, the project of snagging, removing obstructions, etc., has been recognized and upheld. The work of expending this balance began in September of this year and has hardly yet been con-

On September 17 of this year a large Red River quarter boat, 70 feet long, 16 feet wide, and drawing about a foot, passed over the flats and rapids at one of the lowest water seasons of the year to begin the work between Mooringsport and Jefferson. I was on the boat as it passed over the rapids, com-monly known as the "falls," and flats. As this work began since the close of the last fiscal year nothing is said concerning it in the current engineers' reports which apply solely to that year. Although the resurvey was distinctly directed without any relation or reference to this unexpended balance, which was appropriated exclusively for snagging work, the engineers charged the expense of this resurvey to this balance. The cost

of the resurvey was \$613.05. I accompanied Assistant Engineer Polk when he made the resurvey, camping out in all sorts of weather, and acted as recorder in order to cut down the expense as much as I possibly could by lending my own efforts. I understand that the dredge at Shreveport was sold several years ago. The proceeds, whatever they were, have not been

credited to Cypress Bayou.

Since the work between Jefferson and Mooringsport began in September excellent results have appeared. The channel through Caddo Lake has been partially cleared, and Mr. F. L. Mundy, who has a sawmill on the lake about 10 miles above Mooringsport, has already put on a boat and barge and has commenced shipping lumber over this channel to Mooringsport. He expects to ship Immer over this channel to adorningsport. The expects to saperal millions of feet next year, besides shingles, telephone poles, etc., and if the work is continued and the river cleared to Jefferson he intends to put on another regular boat between Jefferson and Mooringsport. The clearing of the channel between Jefferson and Mooringsport will give Jefferson connection to the transfer of the Company Polland which prospect Code. with the Kansas City Southern Railroad, which crosses Caddo Lake at Mooringsport, and it will thus have connection with a competing railroad to the Gulf of Mexico. The town of Atlanta, Tex., about 30 miles above Jefferson on the Texas and Pacific, which also runs through Jefferson, has built a railrache, which also runs through Jenerson, has built a rairroad of its own in order to get connection with the Kansas City Southern at Bloomburg, Tex., about 30 miles above Mooringsport, at a cost of over \$80,000, and the saving effected on freight rates by this connection with a competing railroad to the Gulf equals every year the original cost of the connecting railroad. As no snagging or clearing work of any consequence has been done on Cypress Bayou in twelve or fifteen years, it is not surprising that there has been an accumulation of snags, timber, obstructions, etc.

By way of summary it may be said that while the various lock and dam projects since the law of March 3, 1873, providing for the construction of dams, which law was never carried out, have been reported unfavorably, still the projects for snagging, dredging, and clearing operations have been recognized and upheld from the act of June 28, 1872, to the recent act of March The effect of the removal of the raft had fully developed by 1880, and the two railroads which run through Jefferson to-day were in full operation in that year. Yet in 1883, of the 100,000 bales of cotton received at Jefferson, over half were shipped to New Orleans by water, and Jefferson's trade had begun to show an increase. Since the removal of the raft there have been open and closed seasons of navigation, and the condition of the stream to-day is physically what it was in 1880, with the exception of an enormous accumulation of snags. Commerce gradually disappeared from the stream after 1885 on account of the removal of the dredges intended for Cypress Bayou to Red River and the persistent neglect of snagging and dredging operations authorized in various laws. We find that the people of Jefferson had in 1880 expended over \$70,000 on the

waterway.

Let me add here that when the waterway was sufficiently cleared of obstructions to permit navigation during the open seasons railroad rates immediately would go down. The statement of Captain Willard in his report of June 30, 1891, is applicable to-day:

Even if boats should not run between Jefferson and Shreveport on regular trips the knowledge that there is a navigable channel for small boats at medium stages will be sufficient to keep railroad freight charges within reasonable limit and thus benefit the people for whom Jefferson is the market and distributing point.

In addition we have the statement of Railroad Commissioner Colquitt to the effect that when navigation is restored Jefferson will be made the water basing point for an immense section of

populous and productive territory.

In further review of the entire subject it may be said that not only was the greater part of the work on Cypress Bayou inefficiently done, but also large portions of appropriations specifically made for Cypress Bayou and sums charged to Cypress Bayou work have been diverted to other purposes. The Chief of Engineers in his annual report of October 16, said, after reviewing the entire work since 1872, on which about \$75,000 had been expended and which represents the longest period of continuous work ever done on the bayou, that-

In many instances the work had been so imperfectly done, leaving projecting stumps, as to make navigation exceedingly dangerous.

In his report of October 15, 1884, the Chief of Engineers

stated that the timber had grown up again. In the fiscal years ending 1881, 1882, and 1883 no work had been done, and the only work done in the fiscal year ending June 30, 1884, was one trip of the steamer Florence, with the result that only 149 leaning trees were cut down, and this at an expense of nearly \$1,000. During the twenty-two years from 1884 to 1906 the only years in which snagging and clearing work of any extent was done were 1885 (fiscal), 1889, 1890, 1894, and 1899, the amount expended in these five years being less than \$11,000. The only dredging from 1884 to 1906 was done in 1887-88 and in 1889-90. During the fiscal year ending June 30, 1881, \$1,549.04 was charged to Cypress Bayou, but no work was done thereon. In the following fiscal year \$225.22 was similarly charged and no work was done. In the following fiscal year, 1883, no work was done, although \$845.78 was charged to Cypress Bayou. Of the \$5,000 appropriated July 30, 1892, for Cypress Bayou, the sum of \$1,682.83 was expended in the fiscal year of 1894, and was the only portion of this appropriation ever used for Cypress Bayou. There is a just credit, therefore, from this appropriation of \$3,317.17 in favor of Cypress Bayou. The dredge which was built at a cost of \$20,000 of Cypress Bayou funds on January 20, 1879, was used on Cypress Bayou for but five months and taken to Red River in June, 1879, where it was used until 1887 and practically worn out. This dredge was rebuilt in 1887 at a total cost of \$18,000 of Cypress Bayou money.

During 1887-88 and 1889-90 it was used for about twelve months altogether on Cypress Bayou and was then taken to Red River and used until July, 1895, when it was pronounced unfit for work on Cypress Bayou. Certainly of the \$38,000 expended for these dredges Cypress Bayou is entitled to a credit of at least \$33,000. The rivers and harbors act of August 17, 1894, appropriated \$10,000 for dredging and removing obstructions and straightening channel between Jefferson, Tex., and Shreveport, La., and the rivers and harbors act of June 3, 1896, appropriated \$5,000 for continuing improvements on Cypress Bayou, About a year later a project for the expenditure of these appropriations in snagging and cleaning operations was outlined and approved. We have seen that a dredge was brought from Vicksburg to Shreveport in 1897, but that it never entered the Jefferson-Shreveport waterway. The greater part of the appro-Jefferson-Shreveport waterway. The greater part of the appropriations of 1894 and 1896 was used for the maintenance of this dredge at Shreveport and only in 1899 were snagging operations undertaken. The unexpended balance of these appropriations on June 30, 1905, was \$3,556.16. Thus \$9,443.84 had been expended out of appropriations expressly made for Cypress Bayou, almost all of which was used to maintain the dredge at Shreve-

The project contemplated snagging as well as dredging operations. Conceding that it was proper to use part of the funds for the reasonable maintenance of the dredge boat for a reasonable time, and conceding that the small party which made a snagging trip over the route in 1899 expended \$3,000, Cypress Bayou is certainly entitled to a credit of at least \$2,500 from these appropriations made originally for its exclusive benefit. If the dredge boat could have been gotten across the flats, which I assert could have been done during almost any year from 1897 to 1905, Cypress Bayou is entitled to reimbursement in a much larger sum. Finally, I submit that it was an injustice to take the cost of the last resurvey, which was \$613.05, out of the amount of the unexpended balance appropriated for snagging work by the act of 1905. I submit altogether that Cypress Bayou is entitled to a credit on account on these items of over \$42,000.

In view of the fact that the little work done since September had already shown the beginnings of a revival of commerce and in view of the facts and arguments herein submitted, I requested an appropriation of \$20,000 for the continuing improvement of Cypress Bayou through snagging, cleaning, removing obstructions, etc., and that an examination be directed as to the advisability of constructing a dam at the foot of Caddo Lake. I asked for this appropriation in pursuance of a project which had been recommended and upheld since the Government first took notice of the stream and which was recognized through the appropriation of the unexpended balance in the act of 1905. It will be observed that I requested less than half of the amount heretofore appropriated for Cypress Bayou but diverted to other purposes. I feel the deepest and most consuming interest in Cypress Bayou, and I asked only a small part of what I deemed to be the merest justice.

My predecessors, Representatives John C. Connor, W. P. McLean, David B. Culberson, John W. Cranford, and John L. Sheppard, my father, were all profoundly concerned with this question, and the last public act of my father, on the day before he was fatally stricken, was a long interview with Congressman Burron, the distinguished chairman of the Rivers and Harbors Committee, during which interview he pressed the many arguments in behalf of Cypress Bayou with the most intense earnestness. Since the beginning of my service I have devoted more time and study to this proposition than to any other, having personally inspected every foot of the waterway from Shreveport to Jefferson. I am confident that the resumption of snagging and cleaning operations will lead to a restoration of navigation for a large

part of each year and that this navigation will have a favorable effect on railroad rates, as was so notably the case from 1880 to 1885, long after the removal of the raft and the arrival of the railroads and when conditions were practically what they are to-day. The present rivers and harbors bill carries an appropriation of \$10,000 for Cypress Bayou and directs an examination as to the advisability of constructing a dam at the foot of Caddo Lake.

Before leaving Cypress Bayou let me say that the great ironore fields of northeast Texas find in Jefferson a logical point of conversion and transshipment. Large furnaces are already in operation at Jefferson, and pig iron of the finest quality has been turned out. It is stated by a geological expert of the United States Government, who recently examined these ore fields, that this ore would make as fine a grade of plowshares and car wheels as could be found anywhere.

SULPHUR RIVER.

Sulphur River traverses a large, productive, and rapidly developing territory, which is to-day without anything like adequate transportation facilities.

The country tributary to this river has undergone a great change within the last few years, its development and importance having increased at a marvelously rapid rate. The immigration to the section of country through which this river runs has been unparalleled in its history, the population at this time being estimated as practically one-third greater than it was three years ago. A part of this immigration may be rightly attributed to the fact that many of the larger landowners have cut their holdings into small tracts and disposed of them to the newcomers for potato, afalfa, corn, cotton, cabbage, and general farming Many of the larger holdings included vast areas of timber lands-especially is this true of the south side of the riverand these have been and are rapidly being cleared. The fame of the Sulphur River bottom lands has spread so rapidly that lands which could have been bought five years ago for \$1 an acre, having since been cleared and improved, are now being sold at from \$20 to \$40 an acre. This land is adapted to practically any farm product grown, being extremely rich and loamy. There are few if any sections in this country that can boast of more fertile lands.

Atlanta, Queen City, Bloomburg, and other towns would receive great and direct benefit from the navigation of this river. The citizens of Atlanta own and operate a railroad, which does not owe a dollar and which has money to its credit in the banks, to a point—Bloomburg—within a few miles of the river. All merchandise which now comes to Atlanta from Shreveport and New Orleans—and practically all the staple groceries and feed-stuffs come from those points—is delivered at Bloomburg by the Kansas City Southern Railway, thence hauled to Atlanta by the citizens' railway. This railroad has been the means of saving the citizens thousands of dollars in freight charges, and with Sulphur River made navigable and this railroad extended to some point thereon, as has already been decided on in case of navigation, this saving in freight would be marvelously increased and the entire population benefited thereby. The president of this railroad told me in person that it cost at present 83 or more per bale to haul cotton to Shreveport by rail from Atlanta. At Atlanta alone there are 12,000 bales or more marketed every year, and with Sulphur River navigation this cotton could be transported profitably by boat to Shreveport or New Orleans for \$1 per bale. This, however, would not be the extent of the river's cotton business, for navigation would undoubtedly soon be the cause of a compress being built at Atlanta or some neighboring point, which at a low estimate would bring at least 30,000 additional bales for shipment, to say nothing of what might originate in Texarkana or in the Sulphur River Valley westward from these two points. I glean from the offi-cial report of the Census Bureau the cotton yield of the counties composing the Sulphur River Valley, as follows

, County.	Year.	Bales.
Miller, Ark. Bowie Cass Delta. Franklin Hopkins Lamar Morris Red River	. 1904–5 . 1904–5 . 1904–5 . 1904–5 . 1904–5 . 1904–5	10, 62/ 21, 64/ 23, 39/ 29, 76/ 9, 93/ 40, 14/ 66, 64/ 9, 31/ 37, 394
Titus		264, 179

I think that a conservative estimate of the river's cotton business each season would be about 270,000 bales, making an

estimated saving of over \$500,000. I do not attempt to make any estimate of cotton that might originate outside of the valley

and find its way to New Orleans via this waterway.

I candidly believe, however, that the cotton business would constitute only a small part of the total tonnage. While hundreds of acres of land tributary to this river have been cleared, there yet remain thousands of acres of as fine timber as there is to be found anywhere. This is particularly true of the north side of the river. The timber is white oak, pine, gum, and hickory, the former as fine a stave and barrel wood as there is in the world. There are numerous barrel and stave factories in New Orleans and Shreveport which could use any quantity of this It is of especial value, and being situated right on the banks of the river it could be delivered at these factories at a nominal figure. There is practically no end to the quantity, and its quality is such as to make it a profitable market There is abundant tie timber in this region also, and navigation would furnish a cheap and convenient mode of transportation to the several railroads crossing the stream. The tie business has always been an extensive one in the Sulphur River bottoms, but not nearly so profitable as it would be were there any means by which the railroads could be conveniently and cheaply reached.

A further and most important argument in favor of this project is the greatly increased acreage in potatoes, cabbage, hay, and other feedstuffs in the territory tributary to this river. port is and has long been the accepted distributing point for the Atlanta section for products of this kind, and with cheap water rates to that point the saving in this line alone would amount to an enormous figure each season. Mr. F. M. Greene, of Atlanta, who has a plantation situated directly on Sulphur River, comprising 8,614 acres, states that of the several hundred acres which he has planted in potatoes he confidently expects a yield of from 200 to 300 bushels to the acre. Potatoes are worth on an average \$1 per bushel in this section, and he says with cheap water rates to Shreveport that, in the course of probably three years, the average yield for the country immediately tributary to the river will amount practically to 250,000 bushels a season. As there are spring and fall crops, between 400,000 and 500,000 bushels will be marketed every year. The present rate on pota-toes from Atlanta to Shreveport is 23 cents per 100 pounds, and the transportation of this crop alone, even as low as 10 cents per 100 pounds by water—a rate lower than any railroad could possibly make—would be profitable, in the opinion of Mr. Greene, who has had extensive experience in transportation matters. The acreage in cabbage is being rapidly multiplied throughout this section, as can be said of alfalfa and onions, all of which are as profitable as that of potatoes and for which there is always a ready market. The aggregate of these crops will amount in tonnage to probably more than the potato crop.

In addition to these unquestioned contributing agencies there is, beyond a doubt, just opening up an industry on Sulphur River which will rival in importance any of those which have already been enumerated. There lie on and near the banks of Sul-phur River, a short distance above the Texas and Pacific Railroad bridge, extensive beds of lignite coal. A company has already been organized to manufacture briquettes, and when their plans are completed Sulphur River will furnish the means of cheap transportation for their products to the iron furnaces at Jefferson, in case Cypress Bayou is again made navi-If not, however, these products could be transported to Shreveport, for the use of manufacturing concerns, on coal barges and would undoubtedly bring immense revenue, as the fuel problem has always been one of seriousness in this section. A preliminary survey by the United States Geological Survey has already demonstrated the fact that iron ore abounds along Sulphur River in extensive quantity. An official of the Department told me in person that the lack of cheap and convenient means of transportation is the chief cause of the undevelopment of this valued asset. If Sulphur River were made navigable, and it only requires a small amount of dredging and snagging to be made so, it would undoubtedly mean the development of resources which are necessary to the advancement of man-ufacturing industries in east Texas. There is being projected, and there is every reason to believe it will be built, a railroad direct from the coal fields of the Indian Territory, which will cross Sulphur River some distance above the Cotton Belt bridge, and when this shall have been done it will practically solve the problem of fuel for the lower Sulphur River section, even should the supply of lignite briquettes prove inadequate. Even if this railroad should not be built the coal of the Indian Territory and Oklahoma can be transported down Red River to the mouth of Sulphur and thence up Sulphur. Thus the opening of Sulphur will give a water route from the coal fields of the Indian Territory to the ore regions of Sulphur. This will bring about the development of resources which would cause the great-

est commercial activity this section has ever known. I wish to lay especial emphasis on this phase of the commercial possibili-ties of navigation on Sulphur River.

As to the physical practicability of the navigation of this river, there is not and has never been any doubt. Steamboats at one time plied this river between a point known as "Knights Bluff" and New Orleans, carrying large cargoes of cotton, and on return trips bringing supplies for the farmers living along the There are numbers of persons still living in Cass County, whom I know personally, and who saw these boats and made trips to and from New Orleans on them. This was in 1858, 1859, and 1860, and had any funds been expended in the betterment of the river, so I am told by river men competent to judge, this traffic would have continued and would have increased steadily in volume. But the river has been permitted to deteriorate and gradually to fill with large snags and other obstructions. I had a talk with Capt. D. W. Ray, who, some ten or twelve years ago, piloted a boat of 100 tons burden on regular trips from a point 70 miles above Sulphur Station to that station, where was located an immense lumber mill. Captain Ray is thoroughly familiar with Sulphur River, having lived near its banks for many years. He has seen boats plying the river on numerous occasions, and tells of the regular trips of the Buchanan and McDougall from points on Red River to points on Sulphur River. He remembers distinctly the landing of boats at Haggartys Landing, 20 miles above the Texas and Pacific bridge on Sulphur River, with cargoes of merchandise from New Orleans, and taking on for the return trip cargoes of cotton. He is enthusiastic over the benefits to be derived from the navigation of this stream and he is confident that it can be accomplished at a comparatively small cost.

I would not consider this statement complete without some

reference to Sulphur River's excellent banks and sound, hard river bed. Its banks are high and exceptionally firm, the river never having been known to change its course. Its bed is of fine gravel and hard mud, having no sand to form bars and catch drifts.

As to the prospect of steamboat service on the river, in case it should be made navigable, I have to say that Mr. F. M. Greene, president of the Atlanta and Bloomburg Railway, has already expressed his intention of placing in commission a boat or boats to operate between New Orleans or Shreveport and a point op-posite Douglassville or Sulphur Station. Mr. Greene, a wealthy and progressive citizen of Atlanta, states that the products of his farm, to which I have previously referred, will alone justify him in putting on the boats, to say nothing of other business.

The benefit to be derived from the navigation of this river

in the counties through which it runs would not fall exclusively to any man or set of men, however, but would be beneficial to the entire citizenship of both sides of the river. While the citizens of Atlanta and Texarkana seem more directly interested than those of any other city, Douglassville is so situated as to render navigation practically a necessity so far as its merchandise and produce shipments are concerned. Douglassmerchandise and produce shipments are concerned. Douglass-ville is situated only 3 miles from the river and is without rail-road facilities. The country intervening between it and the river is opened up and is in constant cultivation. There is an absolute necessity for some character of shipping facilities for this town and section, and Sulphur River is the natural agency. While these and other towns in this section are in a direct line for benefit, the navigation of the river would bring a commercial awakening to this entire section of the State. As will be seen from a glance at the map, the great and fertile section immediately tributary to Sulphur is almost entirely without railway facilities; consequently Sulphur River would serve as a great highway for an extensive territory.

In conversation with men who are in the fish business on

the river, I find that this industry has grown to considerable proportions. The industry brings a revenue of from \$40,000 to \$50,000 yearly to those engaged in it and is taking on re-

newed growth each year.

The rivers and harbors act of March 3, 1905, ordered an examination of Sulphur River. The result of that examination is to the effect that the river can be made navigable at a cost of only \$36,000 for a distance of 150 miles at such times as boats can enter it from Red River and that the river is worthy of improvement. (See House Doc. No. 870, 59th Cong., 1st Boats can enter Sulphur River from Red River practically throughout the year; certainly for at least ten months in every year. There will soon be two snag boats in operation in Red River above Shreveport, and one of these might be easily utilized. But, I submit, the most effective work can be done on Sulphur, so thick are the snags in many places, through the construction of one or more quarter boats, costing from \$1,200 to \$1,500. In view of the fact that at a cost of \$36,000 a large and productive area in Arkansas and Texas will be given for

the first time transportation facilities through the improvement of the stream in accordance with the recent report and estimate of the engineers, the Committee on Rivers and Harbors has in the present bill appropriated said amount for the purposes stated.

RED RIVER.

With proper care and improvement I believe most firmly that Red River will ultimately become one of the great rivers of the world and that it will become to the Southwest what the Mississippi and the Great Lakes highway are to their tributary sections. Red River is 1,200 miles long—400 miles longer than the Rhine, 300 miles longer than the Ohio, more than twice as long as the Seine and the Thames, a third as long as the Amazon, the Nile, and the Mississippi proper, and more than a fourth as long as the Mississippi and Missouri combined. In width and volume the comparison holds in corresponding degree. Its basin comprises almost 100,000 square miles and its tributary territory includes an additional 100,000 square miles. This section of 200,000 square miles is unsurpassed on either hemisphere for productiveness of soil and diversity of commodities. It is about equal to France in size and will produce a wider range of commodities than that great nation. It is easily capable of producing the present cotton and corn crops of the earth. It produces every fruit and grain and plant known to the temperate zone, and it is the statement of Atkinson, the famous statistician, that on one-twentieth of this area may be produced all the wheat that Great Britain now purchases from the United States.

Unlimited coal fields are on the Oklahoma side; vast deposits of iron ore are in the northern and eastern parts of the Texas side; oil and gas are being discovered in the Louisiana section. It is a safe assertion that over a million and a half bales of cotton are now produced in this territory and that it has a population of over a million people. It contains practically all of northeastern Louisiana, southwestern Arkansas, and large sections of the Indian Territory, Oklahoma, and Texas. The improvement of Red River and its tributaries, notably the Cypress and the Sulphur, will vastly increase the wealth, the population, and the general importance of the entire Red River area. It has been shown that six of the Texas counties bordering on upper Red River—Bowie, Red River, Lamar, Fannin, Grayson, and Cooke—comprising 6,000 square miles and being by no means entirely developed, have an annual farm tonnage of 36,000,000, an amount exceeded by few similar areas in the world. The Red River basin has a rainfall of only 5 per cent less than that of the entire Mississippi basin and the basins of

all its other tributaries combined.

The section traversed by upper Red River is oppressed to-day by the highest railroad rates in the Union, outside of the Rocky Mountain region. To illustrate the economic disadvantage of the high rates under which this section labors, and the say that in the best would be effected by water rates. I need but say that in

which would be effected by water rates, I need but say that in Texas the railway rate on grain for an average haul of 300 miles is 9½ cents per bushel, while the water rate from the ports on the Great Lakes to New York, an average haul of 1,200 miles, is 4½ cents per bushel, and from St. Louis to New Orleans, a distance of over 1,200 miles, 4½ cents per bushel. The railway rate on cotton per bale for an average haul of 165 miles from Houston, Tex., is practically \$3, while the water rate from Memphis to New Orleans, a distance of 713 miles by water, is 80 cents per bale, and from New Orleans to Cincinnati, 1,600 miles, \$1 per bale. The longest haul of cotton on Red River

miles, \$1 per bale. The longest haul of cotton on Red River and the Mississippi to New Orleans would not exceed 1,200 miles, while by far the greater amount of cotton and all other produce along Red River would be subjected to a haul decreasing from that distance to but little more than 200 miles.

The mouth of Red River in the Mississippi is about 200 miles from New Orleans by water.

The removal of the snags which have accumulated for decades in the channel of this river, especially the upper section; the clearing of timber from its banks, which are soft and alluvial and show quite a tendency to cave and break; the erection of training walls at proper intervals, and such other measures as the genius of the engineers may suggest, will concentrate its waters and make its navigation safe and permanent. On account of its peculiar physical characteristics the work of the Government must be continuous. And this brings me to the important point that the work under the appropriation of \$100,000 for upper Red River by the last rivers and harbors bill, in which the upper section received its first substantial recognition, should under no circumstances be permitted to lag. About \$50,000 of this initial appropriation has been expended in actual snagging and cleaning work by means of quarter boats with excellent results. The remainder of the appropriation has been devoted to the construction, care, and continued maintenance of a snag boat, which can only operate, of course, when the river is at certain mediate stages.

Quarter-boat work is the most effective, because the crews continue to work at all stages, and the snagging and clearing work of the quarter-boat crews should never stop. They have made a splendid start, and it would be a practical repudiation of the project for the Government to pause in the midst of this snagging and clearing work. If the work is not continued on the scale on which it was begun, the results already obtained will scon be neutralized and nullified and the moneys already expended rendered a practical waste. All the engineers' reports on Red River establish the fact that any work on this stream to be effective must necessarily be continuous. Snags have been accumulating in the upper section for decades, and unless the work of removing them is pressed most vigorously new accumulations are impossible of prevention. And this condition will exist until the entire upper section has been cleared completely of the accumulations of decades. When snagging work stops, the old snags that have not been reached serve as bases for new obstructions.

While the work done under the last appropriation has made navigation on certain stretches less dangerous, it has by no means made navigation safe for the section above Fulton. Nor do the engineers claim that this has been done. The secretary of the Board of Trade of Paris, Tex., the county seat of Lamar County, one of the largest counties bordering on Red River, writes me that a movement is on foot to form a navigation company for operation on the river as soon as it is put in shape

by the Government. He adds:

There is no question but that Red River will be used extensively if the Government will only put it in such shape that it will be practicable to use good boats on it; but until there is more money spent on it the people do not feel disposed to invest in this navigation.

Already, however, there has been an actual resumption of commerce on upper Red River. During the past year Mr. G. W. Young has put on two boats, which have operated between Arthur City and the mouth of the Kiamichi. A lumber company at Sawyer, on the Kiamichi, has had two boats plying on upper Red River for the purpose of bringing lumber to the mill at Sawyer.

The Ames Shovel and Tool Company, of Paris, Tex., has sent an agent to New Orleans to purchase two good boats to be used on Red River, and they intend also to build a lot of barges. Boats have also been in operation during the past year from Fulton for a distance of 40 or 50 miles upstream. A bona fide effort is being made to follow up the work of the Government with actual navigation, and when once the river has been put in permanently navigable shape I am certain that the results will

be of the most satisfactory nature.

Upper Red River offers the new State of Oklahoma practically the only water outlet for its immense and varied tonnage. Realizing this, the Oklahoma constitutional convention recently adopted a resolution, by unanimous vote, praying Congress to complete the improvement of upper Red River. The five Representatives in Congress whose districts border on upper Red River, namely, McGuire of Oklahoma, Stephens, Randell, and Sheppard of Texas, and Wallace of Arkansas, have all introduced bills calling for a liberal appropriation. Undoubtedly there is no project in the United States of sounder merit and more beneficent possibilities, and in recognition of this fact the present bill carries an appropriation of \$100,000 for continued work on upper Red River.

Mr. FRENCH. Mr. Chairman, the limited time at my disposal will not permit me to make more than a passing observation up-on a section of country and its need of water communication with the markets of the world. The great inland empire of northern Idaho, eastern Washington, and eastern Oregon comprises an area larger than the combined area of the New England States. It has been talked of as a land of promise, and the natural waterway which God gave that region has been mentioned for years for its varied and magnificent scenic beauty. Nor are we of the Northwest insensible to this homage. all that has been said for it and it is more. The tremendous development that has gone on within the last ten years and the almost unparalleled increase in population serve but to emphasize the fact that the land of promise has become the land of realization, and that the rivers of beauty will not serve their purpose by remaining longer the mere models for the artists to copy and therewith adorn railroad pamphlets, waiting rooms of depots, and the guide-books of the Northwest. The time has come when more than ever we demand that the Columbia River, the Snake River, and their tributaries shall be made to serve the useful purpose of arteries of trade.

We talk of the regulation of railroad rates. We place laws upon our statute books for the equalization of the charges made. We accomplish splendid results through the vigilance of our Interstate Commerce Commission; but, sirs, that which, in my judgment, would avail more than all the laws we could pass and all the commissions we could appoint for the regulation

of railway rates would be the adopting of a broad, comprehensive system for the development of the waterways of our land

and the speedy execution of that policy.

Look our country over and it will be apparent that rates upon our railways are lower over those lines where water transportation furnishes a competitor. It matters not whether the freight is hauled in the slow-moving barge drawn by the weary mule or whether it is carried in the steamer of 2 or 4 or 10 foot draft, it is the same. Water competition drives down the rate. The reason why freight between Chicago and New York is hauled at one-fourth or one-seventh the price that is charged for carrying the products of the producers of northern Idaho a relative distance is because the Great Lakes, the Erie Canal, and the Hudson River furnish a means of water transportation. The reason why the railroads that serve Idaho charge two to five times as much for like freight service as do the lines paralleling the great waterway of the Middle States is because we have no other alternative than to pay the price that is asked for handling our freight. It will not do to say that we must pay more because the business is small and the railroads must charge an additional rate to insure fair profit on the capital invested. This will not do, because the business of the railroads of the Northwest at this moment is congested. They have more than they can do. Their rolling stock is on the move. They, in fact have a dearth of cars. The railroads can not supply the needed cars to furnish coal or deliver wood. They have not been able to handle our grain or our lumber. They have not been able to keep up with the output of our mines and deliver the ore to the A recent message tells me that one of the largest mines in my State has been closed down temporarily because it can not ship its ore. Yet for this service, sirs, these same railroads charge prices that are plainly out of all proportion to the work performed.

The greatest work that up to the present has been done toward the navigation of either the Columbia or Snake rivers was the construction of the canal and locks at the Cascades. The effect of this improvement was so striking that I shall give you the charges made by the railroads for handling our freight before and after the project was completed. The figures appear in a memorial addressed to this Congress by the legislature of the State of Washington and applied to rates between Portland and

Articles.	Before.	After.
Salt Sugar Canned goods Nails Grain	\$5, 20 6, 20 6, 20 6, 20 2, 70	\$1.50 2.00 2.00 2.00 2.00 1.50

The result, in fact, was marvelous.

Now, let me give you another illustration of the effect of water competition even in the Northwest. For years something has been done from time to time on the Columbia River and on the Snake River. Stretches upon both these rivers for many miles have been navigable for many years. Yet so long as a river or river system is not navigable its entire length the fact that it is navigable in parts avails little.

Only a few years ago public-spirited citizens evolved the idea of constructing a portage railway around the Celilo Rapids in the Columbia River between the States of Oregon and Washington. The legislature of Oregon appropriated \$190,000 for this It was not sufficient, and some \$40,000 additional was added in 1905, and, I may say, added by private subscription. It was the object of the portage railway to handle the freight of river craft between the stretch of navigable water above the falls and the waters below. The railway was completed and for two seasons has handled a portion of the trade, with this marked result:

In the first place, it successfully did much business itself, although working under the great disadvantage of being required to handle its freight above the Portage Railway and again below it—two handlings that should be removed.

In the second place, it did what laws or commissions had not done: It scaled down the charges of the railroads between the points tributary to the river and the city of Portland. In line with this statement, I desire to include in my remarks a statement prepared by Mr. Frank J. Smith, superintendent of the Open River Transportation Company, and addressed to the company's president and board of directors:

PORTLAND, OREG., December 31, 1906.

The president and board of directors of the Open River Transportation
Company.

GEXTLEMEN: In reply to your request for a statement of results obtained by the opening of the upper Columbia River through the con-

struction of the Portage Railway and the operation of boats on the river, I herewith submit the following report for your consideration:

RIVER RATES AND GENERAL BENEFITS.

RIVER RATES AND GENERAL BENEFITS.

During the present season of the fall of 1906 the Open River Transportation Company handled considerable grain at a rate ranging from 30 to 40 cents per ton less than rates in effect on rail line.

Merchandise was transported to river towns and also to interior points that were reached by wagon haul. The consignees at river points received their shipments at a saving of from 30 tq 50 per cent below rail rates to the same point. Interior towns have used the water haul for over 250 miles and hauled by team 20 miles inland at a saving over rail rates.

The farmer and merchant on the banks of the river have received large benefits. It has enabled them to not only market their produce locally, but to procure supplies promptly and at reasonable prices. Unused land that has been in pasturage for years is now being farmed since the boats have given the purchaser means of transportation. A number of new towns has been started along the banks of the river at points where wagon roads reach out to the farm lands of the interior. Old towns that have retrograded since the early steamboat days have been inspired with a new lease of life.

ELECTRIC LINES.

ELECTRIC LINES.

Electric lines from the interior reaching to the Columbia and Snake rivers have been organized, and in many cases much of the right of way has been freely given.

The open river movement has been directly responsible for these projects. The names and locations of roads are as follows:
Spokane Inland Railway, from Spokane to the Snake River.
Walla Walla and Columbia Electric Railway, from Dayton to Wallula, on the Columbia.
Bickelton and Northern Railway, from a point near Mount Adams to Alderdale, on the Columbia.
The Columbia and Northern Railway has surveyed a line from Hardman, through Gilliam and Morrow counties, to Blalock and some right of way secured.
A line has also been surveyed from Prosser, on the Yakima River, through the noted Horse Heaven wheat belt, reaching the Columbia at Patterson, opposite Irrigon.

After the Portage Railway was built and just before steamers were placed in operation, a reduction of 40 cents per ton was made on wheat from Arlington. Wheat was secured from Washington points by rail line, despite the fact that the river tariff was 25 cents per ton less than that published by rail, and a crossing charge of 50 cents per ton. In other words, a 75-cent per ton differential was met.

Condon, 45 miles in the interior, on the Arlington-Condon branch, took up the matter of shipping by river to Arlington and by the set of teams secure their shipments at a lesser rate. Following a visit of a representative of the river line to that city in April of this year a reduction was made by the rail line of from \$1 to \$3 per ton.

During the present year grain that was promised from some sections failed to appear on the river bank, and after a careful investigation of the case it was found that the farmer received benefits from the opening of the river in the way of price from buyers and accommodations from competing lines that prior to the operation of the river boats he was unable to secure.

At all landings wheat has brought a higher price per bushel than at points the same distance from market that had no river competition.

OREGON RAILROAD AND NAVIGATION TABLES EFFECTIVE TAYLOR A.

OREGON RAILROAD AND NAVIGATION TARIFF EFFECTIVE JANUARY 1, 1907. OREGON RAILROAD AND NAVIGATION TARIFF EFFECTIVE JANUARY 1, 1907. That the river line has proven a factor which can not be overlooked by the rail lines in making rates is indisputably shown by the new tariff issued by the Oregon Railroad and Navigation Company, effective January 1, 1907, in which sweeping reductions have been made. To show the sweeping nature of the reductions, I have prepared the following table showing the reductions at prominent points reached by steamer and to inland points where electric communication is contemplated:

Classes reduced, per ton.

Miles.	Station.	1.	2.	3.	4.	5.	A.	В.	C.	D.	E.	Horses, per car.
100	Celilo						\$1.40				\$0.60	\$5. 20
126	Quinton	.80	1.20	1.60	1.40	\$0.60	2.20	1.40	\$0.20			4, 70
133	Blalock	. 60					2.00					3.80
141	Arlington						1.80			. 60	. 40	1.80
179	Irrigon						1.40			.40		10.10
186	Umatilla	1.00	3.20	2.00	1.80	2.20	1.20			.40		8. 10
213	Wallula	2.60	2.80	1.40	1.40	1.80		1.20			. 20	11.00
230	Pendleton	1.40	1.80	.60		1,20		.80	.40	. 20	. 20	10
244	Walla Walla	1,00	1.60	.40	.80	1.40						12,00
272	Waitsburg	1.20	2.00	1.00	.80	. 40		. 40				6.00

No changes of any moment have been made in rates to Snake River points, a territory that as yet has not been invaded to any material extent by steamer lines.

Excess of vail rates over steamer rates, per ton

Station.	1.	2.	3.	4.	5,	Salt.
Celilo	\$0.80	\$0.60	\$0.90	\$0.70	\$0.70	\$0.20
Rufus	1.90	1.80	1.00	1.10	1.10	. 30
Blalock	3.40	1.40	1.80	2.40	1.80	1.90
Arlington	4.00	2.00	2.20	2.80	1.80	2, 20
Heppner Junction	4.00	2.00	1.00	2.60	1.60	1.90
Castle Rock	5.00	2.60	1.60	3.00	2.00	2.50
Covote	5.60	3.00	2.00	3.40	2.40	2.90
Irrigon	6.60	3.80	2.60	4.00	2.80	3.30
Umatilla	7.00	4.20	3.00	4.20	3.00	3.50
Wallula	7.40	5.20	4.60	4.60	4.20	3, 50
Hovera	7.40	5, 20	4.60	4.60	4.20	3.50
Kennewick	5.40	3, 20	2,60	2.60	2.20	1.40
Riparia	8.00	6.00	5.60	4.00	2.00	1.20
Lewiston	8.00	7.00	6.00	5.00	3.00	1.20

Further reductions must be made by the rail line in order to meet river rates, which are still below the rail rates as reduced.

It must be apparent to the most casual observer that the Portage Railway is responsible for the reduction made and that the State is amply repaid for its investment, and its continued maintenance and extension abundantly justified.

Moreover, it will be observed that the reductions made by the Oregon Railroad and Navigation Company only apply to points affected by competition with the steamers of the Open River Transportation Company, made possible by the use of the Portage Railway. The charges made beyond river points show how far-reaching the benefits resulting from water competition extend.

GRAIN RATES.

But few changes have been made as yet by rail lines on grain, but the rate will undoubtedly be reduced, as the river rate is much lower, and will sooner or later have to be met. Although handicapped by operating a through line, over a portion of which we had no control, the high price of fuel, and other disadvantages, the Open River Transportation Company has proven not only a rate factor, but that the Columbia River is a navigable stream.

With a relatively small expenditure compared with the benefits which would result therefrom, the Columbia and Snake Rivers could be safely navigable for steamers of large capacity the entire year from Cello to Priest Rapids and to Lewiston. It is quite probable the legislature of Washington will aid in this work to the extent of \$350,000 the approaching session.

The extension of the Portage Railway to The Dalles will be of inestimable benefit in both lowering rates and expediting handiing the traffic.

FRANK J. SMITH. Superintendent.

I shall make another comparison to emphasize the necessity of water transportation and shall avail myself of figures furnished in the memorial addressed to this Congress to which I recently referred. After the Cascade Canal and locks were completed, The Dalles had splendid water communication with Portland and the lower Columbia. The Celilo Falls being just above The Dalles, the vast territory above, including the Lewiston country and the Walla Walla country, were denied this advantage. The Portage Railway has caused a recent modification of the freight tariff touching the immediate stretch of country above Celilo tributary to the Columbia River, which I have already pointed out. Before this modification, however, the difference in freight charges made may be gathered from the following table:

Rates per ton in carload lots.

	Miles.	Salt.	Sugar.	Canned goods.	Grain.
Portland to The Dalles, water competi- tion	88	\$1.50	\$2.00	\$2.00	\$1,50
petition	187	7.50	10.20	10.20	3.00

Could any figures be more remarkable and striking to illustrate the outrage in freight rates perpetrated upon the people of the inland empire than those I have here shown you?

The only remedy for this injustice is the improvement of our waterway from the mouth of the Columbia to Lewiston, Idaho, and to the upper Columbia, in the State of Washington. Later improvements will follow, but this is our imperative need.

We want the Celilo project completed, and it will require a little more than \$3,500,000, according to the engineer's report, to do that work. We then want obstructions in the upper Columbia River and the Snake River removed. We want water communication established between the heart of the great inland empire to the Pacific Ocean, and results more striking than those disclosed by the completion of the Portage Railway at Celilo must surely follow. This inland empire is distant from our nearest coast market from 200 to 700 miles. To haul our grain to this market the railroads charge us something like 14 cents per bushel, or from 4 to 5 cents per bushel per 100 miles. On the Mississippi River, between St. Louis and New Orleans, the rate per bushel per 100 miles is a little less than 1 cent. In other words, we are compelled to pay from three to four times as much for freight as we would need to pay could we have water transportation. And think what a saving this would mean to the producers of the inland empire. We ship to coast points about 40,000,000 bushels of wheat every year. Could we save on this shipment 10 cents per bushel every year we could still be paying rates higher than those paid for like shipments upon the Mississippi River, yet it would equal a sum greater than that required to complete this waterway. Could we save but half that, or 5 cents per bushel, our farmers would be better off to the extent of \$2,000,000 every year. Could we save a proportionate amount on all our other products and on the freight that is brought from the coast points for home consumption, the benefit would be almost as great again. Now, let me give you a brief idea of the wealth and productiveness of the country for which I speak.

The area of tillable land within the counties within close proximity to the rivers is 10,000,000 acres, of which nearly

5,000,000 acres are being cultivated, and vastly more would be were freight rates lower. During the last ten or fifteen years this region has produced from 35,000,000 to 60,000,000 bushels of grain annually, about nine-tenths of which was wheat and one-tenth oats, barley, rye, and other grains. The same counties have produced annually for years almost 100,000 horses and cattle and about one-half million head of sheep and hogs. produce annually for shipment about \$3,000,000 to \$3,500,000 worth of fruits and vegetables, about \$3,000,000 worth of hay, and \$7,000,000 worth of dairy products. They have produced some \$2,000,000 worth of wool and hides annually for years, and immense wealth of minerals. The Coeur d'Alène mines alone last year produced about \$25,000,000 worth of ore. Vast copper mines await better transportation facilities and are contiguous to the Snake River between Lewiston and Pittsburg Landing. It is estimated that the white pine in northern Idaho alone would scale 2,700,000,000 feet, and it covers 270,000 acres of land. It is said by lumbermen to be the finest body of white pine in the United States to-day. In eastern Oregon there is a vast forest of yellow pine, which, it is estimated, would scale 2,500,000,000 feet, and which covers 250,000 acres. Tributary to these rivers, in Idaho, Oregon, and Washington, are other tracts of valuable timber awaiting the means to reach the markets of the world.

The population of this region is to-day not far from 600,000 people and the wealth \$1,000,000,000. And so I could continue. but I do not have the time.

I do not urge a policy that is selfish. In contending for greater relief for the Northwest I do not forget the other sections of our country. I believe in a policy that will be broad and general and that will include every section. I have called especial attention to this policy as applied to a limited area because this is my home and I am familiar with it. I have referred to it not only to urge the needs of those I represent, but also for an illustration of what water communication and the development of our waterways would do for our whole country.

You say that a policy that I urge would be an expensive policy. In a sense, yes; but not so expensive as to continue under the policy of the past. I have shown that the people would be saved much of the outrageous rates they are now com-I nave shown that the saving in one year on the freight handled for the people of the inland empire would net almost \$4,000,000, or more than that for which we of the Northwest ask for this great work. Expensive! Not in comparison with what it would save. More than this, it is an expense that is an investment. All the money that our Government wisely expends in the improving of our waterways will be worth throughout the years to come 100 per cent on the invest-ment. It is not an expense that exhausts itself. It is an investment that will require the minimum of care and will yield the maximum of profit, and the investment should be made now, There are many reasons why it should be made now.

Our railroad lines are overworked and our waterways should be developed to furnish adequate means of transportation. The present rates are excessive, and the waterways should be built now that our produce might be handled at reasonable rates. Again, the waterways should be provided now because it is true here, as it is true in every line of construction, that delayed construction is the most expensive kind. By making appropriations by piecemeal, by doing a little work here and a little work there, to be followed another year by only a small amount of work additional, while some good results follow, much of the work must be done over again with the funds of each new appropriation. By trying to be economic we are following in truth the most expensive policy. What we want then is a comprehensive policy, a broad policy, and a liberal appropriation for the development of our waterways. And what is more, we want the policy approved and inaugurated now

Mr. MAHON. Mr. Chairman, I represent one of the districts in the great State of Pennsylvania. We have in that State, in the city of Philadelphia, probably more manufacturing and textile workers and more industries than there are in the same area in any other State, and they are all interested in getting this 35foot channel. But the chairman of the Committee on Rivers and Harbors and that committee have decided on a 30-foot channel. I want to say briefly that I do not think that since we have had a Congress we have had a more capable chairman, a man who knows his business better than does the gentleman from Ohio, the present chairman of that committee. Taking everything into consideration, what he has recommended in this bill and what the committee has voted to put into the bill, I think the bill should pass. I am satisfied that the committee has done the best it could and that this bill ought to pass without any more conflict.

Mr. CANDLER. Mr. Chairman, this bill pending before the

House in round numbers appropriates \$83,000,000 for the improvement of the rivers and harbors of this country. glad that the committee saw proper to increase the appropriation for this purpose in this bill. It is also a source of gratification and pleasure to me to know that we are at last going to begin in earnest the improvement of our rivers and harbors on a larger scale, and to take care of them rather than spending the revenues of the Government in improving our foreign possessions and looking after the affairs of people who have little interest, as has been demonstrated by their actions, in this which has so long been taking care of them.

The conditions existing in the country at this time imperatively demand a larger appropriation for our rivers and for our harbors. We know by observation and by experience that the means of transportation in this country are already congested, and that they are unable to meet the necessities and the requirements of our developing commerce and trade. There is no railroad throughout this land but what to-day has more business than it can transact. They need more tracks, they need more freight cars, they need more passenger cars, they need more engines, in order to meet the demands which are daily made upon them.

When that is true, then certainly it is of the greatest importance that we should turn to the natural means of transporta-tion which has been furnished to us by the Giver of every good and perfect gift, and proceed to improve the rivers of this country, in order that we may have the benefit which would naturally flow from their improvement, and relieve, as far as possible, the congestion of trade and commerce with which the other means of transportation are unable to deal. [Applause.]

I desire to call attention to an address delivered a short time

ago in Washington, by Mr. Richard H. Edmunds, editor of the Manufacturers' Record, at the rivers and harbors convention in Washington, on December 7. He stated the conditions existing at this time with more clearness and with greater force than I could possibly hope to do, and hence I shall adopt his words:

than I could possibly hope to do, and hence I shall adopt his words:

Overwhelmed by the magnitude of the country's expanding fraffic our transportation facilities are proving unequal to the strain. Our material development has already far outgrown our railroads. Unless our advancement is to be halted by the lack of machinery necessary for carrying on business—that is, the lack of the facilities for handling freight—at least \$5,000,000,000 must be expended during the next ten years in the extension of the railroads of this country. This would mean that within that brief period we must increase by at least 50 per cent our entire railroad facilities. Really they should be very nearly doubled, for in all probability traffic will double. It is practically certain that ten years hence our iron production will have advanced from the 25,000,000 tons of to-day to an annual output of nearly if not quite 50,000,000 tons of to-day to an annual output of nearly if not quite 50,000,000 tons of to-day to an annual output of nearly if not quite 50,000,000 barrels six years ago to 40,000,000 barrels, must, with the increase of concrete construction, double and quadruple within ten year. In sky years the value of our farm and quadruple within ten year. In sky years the value of our farm property has risen from \$20,400,000,000 to \$28,000,000,000.000. This gain in the last six years in the value of farm property is equal to about 60 per cent of the total capital invested in all the manufacturing interests of the country. It is more than two-thirds as much as the total deposits in all the banks—national. State, private, and savings banks—and loan and trust companies throughout the land. The value of our manufactured products, \$3,000,000,000 and agriculture nearly \$7,000,000,000.000. This makes a total of \$27,000,000,000, against \$18,800,000,000,000. This makes a total of \$27,000,000,000,000 ayards \$18,800,000,000,000. This in the development of business during the last ten years, the future holds out far greater potentialties. Lin

of the country. It is the one weak spot in the business outlook, and more than anything else endangers our prosperity.

These facts enable us to form some conception of the need of far more rapid expansion of transportation facilities than has yet been taken into account. Even though they should stretch to the utmost limit their ability to provide money and be able to add to their investiment \$5,000,000,000 within the next ten years, it is questionable whether the raliroads would then measure up to the imperative needs of the times. Our foreign commerce is now \$5,000,000,000 000 a year. In a few years it will be \$5,000,000,000 or \$6,000,000,000. Our harbors must be made ready for this doubling of their trade. Given adequate facilities our river trade will expand still more rapidly. Even now steel barges are being built at Pittsburg which, when loaded with coal, will not break cargo until they unload at Habana and other Cuban ports. The coal traffic of Panama and South America and the West Indies is within our grasp whenever we are ready to furnish the facilities needed to take it.

Shall American development be halted because of our inability to provide the facilities for the trade that awaits the activities of our people? To help meet this problem it is incumbent upon the National Government to begin a policy of the fullest utilization of the great rivers and waterways with which nature has so abundantly provided us. With an expenditure in the next ten years upon rivers and harbors of \$500,000,000,000 as against the \$5,000,000,000 or more which the railroads must undertake to provide for their work, we can so improve river transportation as to make it possible to lessen the burden upon the country due to inadequate transportation facilities. Nature has blessed us with great highways upon which to carry on a commerce which could be made worth untold millions to the country, but we have almost ignored and counted as of no value this priceless gift. It is as though we had been given tens of thousands of miles of

profit alike of the country and the roads. Can we imagine that a great corporation, with limitless resources at its command, owning thousands of miles of railroad track, would be so indifferent to its own future as to be unwilling to remove the few rocks or the sand that, through some upheaval of nature, had here and there covered a few miles of its of the very suggestion is in itself absurd. Such a course would not, however, be more absurd economically than has been the policy of the American people with reference to their rivers and harbors. The time has come in the history of American development when every possible means which can be provided for the handling of traffic must be utilized, and utilized promptly. The condition which we face to-day is one of supreme importance. It is one upon which the unchecked progress and prosperity of the country depends. For this reason, if for no other, it is incumbent upon the American people, through the National Congress, to spend money with no niggardly hand to improve all of our great waterways, both filand and coastwise. These lines are not one of the provide the money for their studies utilization. Money so spent would not be wasted. It would not be scattered to the winds. On the contrary, it would be an investment which would yield to the whole country a larger percentage of profit than any other within the range of man's knowledge. Five hundred million dollars spent within the range of man's knowledge. Five hundred million dollars spent within the range of man's knowledge. Five hundred million dollars spent within the range of man's knowledge. Five hundred million dollars, which could be made to yield over \$500,000,000 of farm provements would certainly yield an annual profit to the business interests of the country far in excess of that amount. The nation has sanctioned the spending of the Ohio and its tributaries would furnish transportation facilities for the vast but congested traffic of the world's iron and stell contex. Which we have a conserved with the pr

domination of this great industry, such as no other country holds on any industry worthy to be counted in such a cataloguing of natural resources. Of wheat and corn we produce 3,500,000,000,000 for all Europe. But why attempt to enumerate our resources? The very cream of the good things of earth as the foundation for man's highest development and the mightiest expansion of human activities has been given with a lavish hand to this country. It is within our power to so utilize these resources as to immeasurably add to the wealth and happiness of the world. As we have the area and the resources sufficient to sustain a population of hundreds of millions of people, so we have with these advantages the opportunity of becoming the world's greatest leader in the betterment through the arts and sciences of humanity rather than destruction through war. As an essential part of this programme, the time has come when the American people should utilize to the fullest extent their rivers and harbors, the improvement of which will enable us as a nation to realize upon our boundless resources.

The world has entered upon a period of expansion in industry, in commerce, and in wealth such as man never saw before. Not in the United States alone, but everywhere are seen evidences of the great burst of activity which is taxing the energy and the transportation facilities of all the leading nations of earth. We justiy boast of the vast expansion under way in this country and of the increase of our foreign commerce to the point where imports and exports now aggregate over \$3,000,000,000. But though the United Kingdom has only half of our population, its foreign trade during the first eight months of this year exceeded that of the United States by \$900,000,000. If our foreign trade in proportion to our population were as great as that of the United Kingdom, our exports and imports, instead of reaching \$3,000,000,000. But though the United Kingdom has only half of our natural resources and of the advantages for domestic and foreign tra

Mr. Chairman, taking into consideration these marvelous facts and figures which I have presented to you from this address, there is no justification which can be offered for a failure upon our part to improve our rivers and harbors. It is not only demanded by our necessities, but I believe that the improvement of every river capable of improvement to such an extent as to furhish the commerce to justify the expenditure will be indorsed by the people of America. I have received recently numerous letters from my constituents calling upon me to support the appropriations made for this purpose, and everywhere that you hear a voice from one end of this country to the other it is crying out for an improvement of the rivers and the deepening of the harbors, in order that this congestion of commerce may be re-lieved and in order that the prosperity of the country may be kept pace with by handling the products presented to the transportation companies for shipment. While this bill makes an appropriation in round numbers of \$83,000,000, I believe that it falls short to a certain extent of making the appropriation it should I believe that the necessities of the country and the conditions existing demand a larger appropriation than that made in this bill. I believe that the people of the country would indorse with enthusiasm and with great unanimity an appropriation of at least \$100,000,000, making it \$50,000,000 each year, not only for this and next year, but for the years even ahead of us, until the rivers and harbors of this country are made navigable and are utilized for the purposes of trade. While I indorse the pending bill, as far as it goes-and, as I said in the outset, I am glad to see the appropriation made-I know this bill falls short in one instance of doing that which in my judgment it ought to do.

I believe there should be an appropriation made of \$2,500,000

for the most beautiful river in all this country. It is not necessary, I am sure, to mention its name, for everybody knows it is the Tombigbee. [Applause.] That appropriation of \$2,500. 000 is not in this bill, and the river is only given a small appropriation of \$14,000 for maintenance from Demopolis to the city of Columbus. With the additional appropriation of \$2,500,000, which was requested and which was desired for the improvement of this great artery of commerce, there would then have been a total appropriation carried by the bill of \$85,500,000. The bill would then have been practically perfect, I will say to my good friend Mr. LAWRENCE, a member of the committee who sits before me. But because of the fact that this appropriation is not made in this bill to that extent it is incomplete, and it ought to be put in the bill before it becomes the law of the land. [Applause.] It ought to be done in the interest of commerce; it ought to be done for the glory of the

American people; it ought to be done for the good of this country; it ought to be done because it would make the men and women and the little girls sing songs of praise in your ears, which would make you glad and make you rejoice in all the years that are to come, and in your declining years, when you should be turning your face toward the setting sun you would have those songs which would come from joyful and happy hearts to reward you for a work well done and for a duty dis-charged in accord with the best interests of the country and for the glory and welfare of all the people. [Great applause.] As a member of the Rivers and Harbors Committee, my friend, I want you to help me in this important matter.

I secured in the last river and harbor bill a survey for this The engineer reported that the improvement was entirely feasible, and I will ask permission to insert that report in the RECORD. All the way through it, up to the very last clause, the report will be found from beginning to end to be of a most favorable character, but, unfortunately for us who are interested in this great river, the last paragraph in it left us without the hope which had before encouraged our hearts and inspired our lives. The engineer reported that the commerce did not justify the necessary expenditure, and in view of that fact the committee, I presume, did not see proper to include

the necessary appropriation in this bill.

But I am going to put into this record statistics and facts to demonstrate and to show that the commerce will amply justify the improvement of this river, that all we need on the face of the earth is that the channel shall be deepened until we can have year-around navigation, and that when we can obtain yeararound navigation we can furnish the tonnage, because it is there to be furnished for transportation upon the rippling waves of this beautiful river. The engineer in his report says that one-fifteenth of the cotton crop of the United States is produced in the Tombigbee Valley. Grasp for a moment what that means when he says that one-fifteenth of the cotton crop is produced in this fertile valley.

That means the production of \$40,000,000 can be found within the limits of this valley which would float upon this river if the transportation was furnished. The trouble is that we only have navigation about six months in the year, beginning in December, and with the uncertain navigation which we have there is to-day upon the river, as shown by the actual facts and figures, a tonnage of 140,000 tons. I want to call attention to the fact that the distinguished chairman of the Rivers and Harbors Committee [Mr. Burton of Ohio] once said in a speech that any river that could furnish a tonnage of over 100,000 tons was entitled to consideration looking to its improvement. I have the highest regard for him personally. I have the greatest respect for his judgment and for his opinion. I believe that he knows more about rivers and harbors than any man in the United States of America and that he knows as much or more than any man in the world on that subject. Therefore when he expresses the opinion that a river that can furnish 100,000 tons of freight is entitled to consideration looking to its improvement, it means a great deal, coming from the source from which it emanates.

I can demonstrate and show, and I will put the facts and figures in this record to demonstrate and show, that there is upon this river, with the uncertain navigation which now exists, a hundred and forty thousand tons of freight each year. Improve the river and give us certain all the year round navigation, and we can furnish, in my judgment, over 500,000 tons to be transported in the vessels which would immediately enter this inviting field just as soon as they knew that they had a channel which they could traverse the year round. But with the uncertainty of the channel, with the fact that by reason of the conditions existing they do not know when they can get in and out to secure the trade, the steamboats do not seek the trade as they would if they knew the channel would be open and they could travel it the year round. There would be no trouble from any other source because there is no place where the sun shines more beautifully and where the moon glows with her silvery rays with greater grandeur than along this beautiful There is no reason on earth indeed why these steamers should not run all the year round except the necessary money to be added to the appropriations in this bill to furnish this channel and open this river to the trade. Why, my friends, this river has been sought for far and wide by those seeking that which was beautiful and that which was grand. They have sought it because of the fact it furnished an invitation to admire the beauties of nature, because along it from one end to the other the grandeur and sublimity of Almighty God's creation shines forth with a degree of perfection that is scarcely reached in any other country in the world. [Loud applause.] We have heard distinguished gentlemen upon this

floor talk about the Mississippi River. I love the Mississippi, because there is no Commonwealth in all this broad land that gets closer to my heart and my affections than the Mississippi.

Oh, that beautiful name that we treasure, which we love, and to which we cling! The little ones around the fireside in our homes are taught to sing its praises and to speak forth its virtues. I love that name, and I am glad that the great "Father of Waters," the Mississippi River, that furnishes the marvelous means of transportation from the Lakes to the Gulf, has the same name as the State within which I live and which I have the honor in part to represent; but the Mississippi, my friends, sinks into insignificance in its grandeur and its beauty in comparison with the Tombigbee. [Applause.] I have heard Members talk about the Missouri River—and I love old Missouri, too, with all my heart. Yes; grand she is in her history and grand she is in her productions. We heard to-day upon this grand she is in her productions. We heard to-day upon this floor one of her brilliant and gifted sons, whom I love and admire [Mr. Clark], speak forth words of truth and words of beauty, and he spoke of certain interests that lie near the hearts of the Missourian. But I will tell you, my friends, that it is a fact that the Missouri River, and even the other rivers which are closely connected, by interest or otherwise, can not be compared in any way to this beautiful river that a kind Providence presented to the people of the country in which I live as one of the best gifts that has ever fallen from His hands. [Applause.]

If I should talk here until my time expired—and it soon will expire—in fact, if I should continue until the "wee small" hours of the morning, I could not portray to you anything like its beauties, anything like its importance, anything like the facts

and the figures that necessitate its improvement.

The CHAIRMAN (Mr. Butler of Pennsylvania in the chair)

The time of the gentleman has expired.

Mr. CANDLER. May I have a few moments more? My heart yearns to tell a little more about this important river. [Applause.]

Mr. LAWRENCE. Mr. Chairman, I ask unanimous consent that the gentleman—

The CHAIRMAN. For what purpose does the gentleman

from Massachusetts rise?

Mr. LAWRENCE. The "gentleman from Massachusetts" rises to ask unanimous consent that the gentleman from Mississippi [Mr. Candler] may be permitted to continue his remarks for five minutes.

for five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LAWRENCE] asks unanimous consent that the gentleman from Mississippi [Mr. CANDLER] may be permitted to continue for five minutes. Is there objection? [After a pause.] The Chair is pleased to say there is no objection. [Applause; cries of "Go on! Go on! Tell us more about your river!"]

Mr. CANDLER. My heart goes out in gratitude to my distinguished friend from Massachusetts [Mr. LAWRENCE] and also to the Members of the House for this great favor. I am sure that it is prompted by the interest in this great river about which I am talking, because we all know that it appeals to the heart of every American citizen throughout this broad land; and the regret that they have to-day, and they have expressed that regret to me often, is that it has been so long neglected. I have heard its murmuring waves as they went singing their beautiful song toward the Gulf since the early days of my childhood, and they have continued to sing along the pathway of my life and have given me inspiration to love the beauties of pathway and the continued to sing along the pathway of my life and have given me inspiration to love the beauties of nature and admire those grandeurs and those glories that come alone from the kind creative hand above. [Applause.] Members have talked here, as I said a moment ago, about the Mississippi, and about the Missouri, and numbers of other rivers, and about the necessity for improvement. Other friends of mine have discussed their projects and have presented to the consideration of this House the rivers which they desired to see the hand of the National Government aid and the hand of the National Government deepen and widen.

ational Government deepen and widen.

The Tombigbee River does not need any widening. It is wide

The Tombigbee River does not need any widening. That is all enough. It just simply needs a little deepening. That is all that is necessary, and with the deepening that should come from the aid that ought to be bestowed upon it by "Uncle who has always given with bountiful hand to his children, there would come added beauties and benefits to the beauty and commercial importance that already exist that would strike the American people with such dazzling grandeur and sublime interest as to illuminate not only the Tombigbee territory, but would travel beyond the confines of that territory and add added glories even to our marvelous oceans and to all our waterways. [Applause.] It would furnish a bouquet of grandeur and glory that would justify the Committee on Rivers and Harbors to bring in a bill appropriating every dollar "Uncle

Sam" could spare for the improvement of the rivers and harbors of this country, and all it would be necessary to do would be for my esteemed friend Mr. Burton to stand on the floor of this House and present it, and the Representatives of the people would rise up and demand that it be passed at once without amendment, in order that the beauties obtained in the perfection of such legislation might not be lost. [Applause.]

The Mississippi was never known in song, the Missouri and these other rivers have never inspired the poet; but the Tombigbee has appealed to him and to the composer of beautiful song. I have a song here and I intended to sing it, although I am not a singer. [Great applause and cries of "Sing it, 'Tombigbee,' sing it! Let us hear you sing it!"]

If there ever was a time when I longed to be able to sing, it is now. In that respect my education was neglected. My good mother—God bless her—at one time wanted me to take music lessons, but I did not see the necessity for it. But I did not know that the day would come when I should stand here in the House of Representatives of the United States advocating the Tombigbee River.

If I had, I would have taken lessons from the best music teacher I could have found, and then I would have been prepared to sing this song, and when I should have sung it I am satisfied you would have said: "Take your \$2,500,000, because your river is worth it, and worth more." [Loud applause.]

But, unfortunately, my friends, I can not sing. I wish I could. My soul panteth now for that accomplishment as "the hart panteth for the water brooks;" but it is impossible, because my voice is husky and I am fearful that I could not carry the tune. But I am going to read it to you, because I want the country to realize that this is one among a limited few rivers in the United States of America that has brought forth weak resulting the country for some converged in this beautiful some forth such sentiments as are expressed in this beautiful song.

Mr. RAINEY rose.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. CANDLER] yield to the gentleman from Illinois [Mr. RAINEY]?

Mr. CANDLER. Always with pleasure. Mr. RAINEY. I want to ask the gentleman how about the

Wabash River in Illinois?

Mr. CANDLER. I am going to tell about that in this song.

Mr. TOWNE. How about the Suwanee River?

Mr. CANDLER. It is also mentioned in this song. woman-God bless them, in their kindness they are always willing to help us-secured this song for me, and it was composed by Hub Smith and dedicated to a beautiful woman, Mrs. Noyes. Entirely natural and proper to compose a beautiful song about this lovely river and dedicate it to God's sweetest creation-woman. [Great applause.] woman. [Great applause.]

Now listen, for here it is. How I wish I could sing! [Applause.] It is entitled "The Dear Old Tombigbee."

In the dear old sunny South,
Where the sweet magnolias bloom
And the joyous songs of countless birds
Dispel all thoughts of gloom;
'Neath the shade of fragrant trees,
Where the gentle breezes blow,
There the dancing waters of
The old Tombigbee flow.

[Applause.]

It was on thy mossy banks
As a boy I used to play
With the comrades of my youth who now,
Alas, have passed away.
Ev'ry shady nook we knew,
And how oft our childish glee
Waked the echoes on the shores
Of dear old Tombigbee.

[Laughter and applause.]

CHORUS:

CHORUS:
The Mississippi's wide and grand,
The Suwanee's famed in song;
The waters of the Wabash, too,
Flow merrily along.
But all their beauties pale and fade
And have no charm for me,
For I have known since childhood days
The dear old Tombigbee.

[Laughter and great applause.]

My friends, I appeal to you to take care of the Tombigbee. Never forget it! Never forget it! As I said once before on the floor of this House, that while I honor my name because I am named for the man I love better than any other man in all the world, my honored father, but in order to see justice done to this river, in order to see the appropriation made which I believe ought to be made, I would be willing, not to give up my name, but to have added to it "Tombigbee," and be known hereafter as "Tombigbee Ezekiel Samuel Candler, Jr." [Loud and pro-Ionged applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER. As a part of my remarks I append the report of the engineer in reference to the Tombigbee, the statement of Mr. I. H. Sykes, and "An answer to Document 334."

PRELIMINARY EXAMINATION OF TOMBIGBEE RIVER FROM DEMOPOLIS, ALA., TO COLUMBUS, MISS.

PRELIMINARY EXAMINATION OF TOMBIGBEE RIVER FROM DEMOPOLIS, ALA.,
TO COLUMBUS, MISS.

ENGINEER OFFICE, UNITED STATES ARMY,
Mobile, Ala., December 9, 1905.

GENERAL: In compliance with directions contained in Department letter dated March 23, 1905, I have the honor to submit the following report upon a preliminary examination of the "Tombigbee River, from Demopolis, Ala., to Columbus, Miss., with a view to securing a continuous channel 4 feet deep."

Previous examinations and surveys.—The first survey of this section of river was made in 1871, and report thereon is published in the Annual Report of the Chief of Engineers for the same year, page 573. The project provided for removing obstructions and building wing dams, and was adopted in 1872. It was modified in 1879 so as to provide for a low-water channel of navigable width and 3 feet deep by removing obstructions, building wing dams, and closing island chutes. This project was not completed.

Preliminary report upon a survey of Warrior River below Tuscaloosa, the Tombigbee River from its mouth up to Vienna, and from Vienna up to Walkers Bridge is published in the Annual Report of the Chief of Engineers for 1888, part 2, page 1227. Report of a survey and estimate for 6-foot navigation on Warrior River, Alabama, from Tuscaloosa to Demopolis; Tombigbee River from its mouth to Vienna, and Tombigbee River between Vienna and Cotton Gin is published in the Annual Report of the Chief of Engineers for 1890, part 2, page 1719. The improvement was recommended and the project was adopted by the river and harbor act of September 19, 1890, and provided for securing the proposed 6-foot channel by snagging, tree cutting, bank revetment, bar improvement, and the building of dams with pneumatic gates at an estimated cost of \$779,400 for this section. In 1897 the estimate was changed so as to provide \$2,000,000 for the construction of ten locks and dams between Demopolis, Ala., and Columbus, Miss. A blueprint of the map made from the survey upon which the 6-foot project was base

Locality,	Depth in feet.	Bottom.
Bar below G. & A. Pacific Railroad bridge	2.5	Gravel.
	0.0	Gravel on rock.
Bar No. 1, head of Tenmile shoal.	2.0	Gravel.
Bar No. 2		Do.
Bar No. 3		Do.
Bar Nos. 4 and 5.	2.5	
Bar No. 6.		Do.
Bar No. 7.		Do. Do.
Bar No. 8.		Do.
Bar No. 9	2.4	Do.
Bar No. 10		Do.
Bar No. 11	1.6	Do.
Bar No. 12		
Bar No. 13		Do.
Bar No. 14	3.0	Do.
Bar No. 14. Bar Nos. 15 and 16.	2.0	Do.
Bar No. 17.	2.3	Do.
Bar No. 18		Do.
Bar No. 19.		Do.
Bar No. 20.		Do.
Bar No. 21	2.6	Do.
Bar No. 22.		Do.
Bar No. 23.		Do.
Bar No. 24	3.0	Do.
Bar No. 25.		Do.
Bar No. 26		Do.
Bar No. 27	1.4	Do.
Bar No. 28		Do.
Bar No. 29	2.3	Do.
Bar below Jim Creek	2.5	Do.
Ray below Ellis Crook	2.9	Do. Do.
Bar below Ellis Creek Bar below Pumpkin Creek and Coal Fire shoals	3.0	Do.
Pickensville	2.9	Do.
Bar at Pickensville, lower landing	1.9	Do.
Bar bolow Nanove Forey	1 9	Do.
Bar below Big Creek Bar above Ringolds Bluff.	1.9	Do.
Bar below Rig Creek	3.0	Do.
Bar above Ringolds Bluff	2.0	Gravel on rock.
Turnip Seed shoals	2.3	Do.
Beaver Creek	2.6	Do.
Owl Creek	3.0	Do.
Wallaces Creek	1.3	Do.
Cedar Creek		Do."
Fairfield		Do.
Below Newport	4.0	Do.
Lubbub Creek	1.3	Do.
Ballards Lake Bend	1.5	Do.
Hancook shoals	2.5	Do
Muscle shoals	2.5	Do.
Windham bar	1.5	Do.
Cuba Landing	3.5	Rock.
Vienna bar	2.0	Gravel on rock.
Vienna Island	2.0	Do.
Sipsey Island	2.3	Do.
Bar south of Sipsey	1.9	Do.
Pleasant Ridge bar	2.9	Do.
Above Williams	3.0	Rock.
Little Island	2.9	Gravel.
Carpenters bar	1.4	Do.
Above Warsaw	2.9	Do.

	Marie .									
a	N	01	t 1	D.	ri	n	t	e	d	

Do.

Locality.		Bottom,		
China Bluff bar	1.9	Gravel.		
Clentons Landing	2.5	Do.		
Clentons LandingBelow Old Taylors Landing	2.3	Do.		
Bracketts bar	1.9	Do.		
Blend shoals	1.3	Do.		
Jpper Chicken Cock bar and Lower Chicken Cock bar.	2.0	Do.		
		Do.		
Chambers	2.0			
	2.0	Do.		
)swalt		Do.		
Voxubee		Do.		
ainesville	2,0	Do.		
Cherry Bluff	3.0	Do.		
olgans Island	2.5	Do.		
miths		Do.		
tube Creek	1.3	Do.		
Ioward	2.0	Do.		
roft Landing	3.0	Do.		
trush har		Do.		
Brush barbove Clay's wood yard	3.5	Do.		
Slays bar	2.0	Do.		
rends bar		Do.		
oms bar		Do.		
ubbs Creek		Do.		
ack Toms Landing	3.5	Do.		
Iays Ferry.	2.3	Do.		
lales Island	1.5	Do.		
pps bar	3.0	Do.		
tock shoals	2.3	Do.		
ar above Jones Bluff	2.0	Do.		
ones Creek	3.5	Do.		
Iillmans Island	2.5	Do.		
hilitos Camp		Do.		
Belfast Chute		Do.		
Iartins Ferry.				
		Do.		
hillips shoal		Do.		
Ioustons Island		Do.		
old Spring bar	2.3	Do.		
luffport	1.9	Do.		
pring Bluff	2.0	Do.		
fuscle shoal	2.0	Do.		
urdens bar	2.9	Do.		
hompsons Island	2.0	Do.		
attlesnake and Blacksnake	2.0	Do		
irkpatrick	1.9	Do		
sirdines	1.5	Do		
oles		Do.		
Iaunted Point	2.0	Do.		
Arrington		Do.		
reenes bar		Do.		
Bee Tree Island		Do.		
The Rocks	2.7	Gravel on rock.		
Hancocks bar	3.0	Gravel.		
Cutts bar	4.3	Do.		

A few borings made indicate that the bed of the river over almost the whole distance covered by the examination is composed of blue rock or rotten limestone. In nearly all places the surface was found to be of sand and gravel. Probably, however, the limestone or blue rock is underneath throughout. The nature of this rock is such that when exposed to the air it hardens, but when submerged it is soft, so that in place it is easy to excavate. At nearly, all points along the river there are high steep bluffs, the concave bank being lime rock and the convex bank flat and soft. Tenmile shoals (so called from their length) is about the only place where there is no bluff. Here the river meanders between low alluvial banks of light sandy soil and unstable material, which yields readily to the eroding action of the river. The banks of this soil are from 8 to 12 feet above low water, and in most places are overgrown with willows and underbrush. In the limited time available it was not possible to obtain any reliable data as to current observations, but it is apparent that the discharge of the Tombigbee River is much greater than that of the Black Warrior River and that there will be an abundance of water for canalization.

Previous improvement.—Work on this section of Tombigbee River has heretofore been confined to the removal of logs, snags, and other obstructions from the channel and overhanging trees from the banks, building and repairing jetties, and excavating rock, gravel, sand, and clay. Work of this nature is needed every year to remove obstructions brought into the stream during freshets, as these freshets reach a height of between 40 and 60 feet above low water. The work done has resulted in affording a channel navigable for the light-draft boats plying this section, on a 2-foot rise above mean low water, for a period of four or five months per annum.

Geographical location.—Columbus, the upper limit of the improvement, is the country seat of Lowndes County, Miss., and is located in the eastern part of the State

during a freshet.

Resources and commerce.—The principal farm products of the country are cotton and corn, the yield being from one-half to one bale of cotton to the acre, and from 25 to 40 bushels of corn to the acre. Cotton is the chief crop, about one-fifteenth of the total yield of the United States being grown here. The cotton-seed oil, oil cake, meal, and hulls will about equal the value of the cotton lint itself. Much of the country along the river and adjacent thereto is heavily timbered with pine, oak, cypress, sweet gum, and sycamore. The making of staves is at present in active operation, and with additional transportation facilities this would most likely become a staple industry. The

lime-rock producing area is considerable, but it will probably never be made an article of extensive trade without cheap river transportation. Another rock found in the formation of the river bank, called "Tombigbee rock." yields a Portland cement which has stood the analytical test. With the river open the year round there is no reason to doubt that cement factories would multiply in this region.

No commercial statistics could be obtained at the time of examination, though efforts were made in that direction. Statistics for the calendar year ending December 31, 1904, showed that cotton, cotton seed, logs, breadstuffs, fertilizers, farm supplies, provisions, and general merchandise to the amount of 20,000 tons and the value of \$600,000 were handled during that year.

Improvement considerations.—The only tributaries of any importance between Columbus and the junction of the Tombigbee and Warrior rivers, just above Demopolis, are the Sipsey and Noxubee rivers, both of them small streams. A study of the section under consideration makes it clearly evident that the only method of making much improvement is by canalization. This will require the construction of ten locks and dams, at an estimated cost of \$2,500,000. The banks being generally a rock bluff on one side and fairly stable on the other, they are unusually favorable for this class of structure. At or near each lock site there would be an abundance of stone, gravel, and sand for the masonry and for riprapwork.

Conclusions.—No further survey is considered necessary, the records of this office being sufficient for the purpose of preparing a prellminary estimate of cost.

I do not recommend the upper Tombigbee River as being worthy of locks and dams, because apparently, the amount of business would not justify expending the amount of money.

Respectfully submitted.

W. E. Craighill, Major, Corps of Engineers.

W. E. CRAIGHILL, Major, Corps of Engineers.

STATEMENT OF I. H. SYKES, SECRETARY PROGRESSIVE UNION, COLUMBUS,

Statistics covering resources of the six countles—Lowndes and Noxubee, in Mississippi, and Pickens, Greene, Sumpter, and Marengo, in Alabama—show their past and present commercial importance, as well as the estimated increase were the Tombigbee River opened to navigation the year round from Demopolis, Ala., to Columbus, Miss.

While other counties adjacent to the above would materially feel the benefits derived by the opening of the Tombigbee, your statistician feels that the crying demand of the six counties named, all of which, being touched by many miles of river frontage, is sufficient to warrant the expenditure that would be required by the National Government in opening to year-round transportation this important waterway.

AREA-POPULATION-PRESENT COTTON PRODUCTION.

By the census of 1900 we find the area in square miles in the counties named to be 4.655, with a population of 179,550. By reference to map No. 1 herewith, we find two-thirds of the area of these six counties (the Tombigbee River running through the center) to be wholly and entirely dependent on the Tombigbee for transportation facilities, since no line of railway crosses the Tombigbee in this area and only one paralleling it from north to south and that coming no nearer at any point than 20 miles, thus leaving 3.104 square miles, or 1,986,560 acres, of the most valuable alluvial lands to be found wholly dependent for transportation facilities on a river navigable, at best, not exceeding six months in the year.

Since cotton is the principal product of the area lying in the counties named, I beg leave to submit the production in bales of 500 pounds in these counties for the years indicated:

County,	1900.	1901.	1902.	1903.	1904.
Noxubee Pickens Greene Sumpter Marengo.	20, 907 23, 928 21, 485 24, 017 31, 906 38, 392	21, 224 24, 000 19, 375 22, 167 29, 637 37, 504	21,500 26,751 17,161 21,647 26,295 35,682	22, 776 29, 474 16, 478 20, 502 24, 560 34, 931	30, 161 30, 284 23, 710 27, 667 28, 477 37, 232
Total	160,635	152, 107	149,036	148, 721	177, 581

Average yield in one year, taking above as a basis, 157,606 bales. With a river navigable the year round the saving to the planter in freights incident to the marketing of his crop of cotton alone on present average production, to say nothing of the increase made possible by open river, would be \$1 per bale, or \$157,606 annually.

ASSESSED VALUATION.

ASSESSED VALUATION.

An examination of the tax records of the counties named shows that the assessed valuation of all properties in the six counties for the year 1891 was \$13.685,101, and that properties in these same counties are assessed for this year, 1906, at \$23,178,156, or an increase in fifteen years of the assessment rolls by \$9,493,055, or a little over 70 per cent. As shown on another sheet in these statistics, under the heading of timber, were the Tombigbee opened to navigation the year round a timber acreage of 993,280 acres would be placed under the plow, and when this has been done these acres would at once command on the market \$25 per acre, or a total of \$24.832,000, a little more in actual value than the present assessed valuation of the six counties.

From another standpoint, this timber land is assessed on an average of \$1 per acre, while cultivated lands adjacent to the river are assessed at \$6 per acre.

Taking the assessed value of these timber lands when cultivated \$5,559,680, and from that deduct the present assessed valuation of these same acres, \$993,280, we have at once an increased assessment of \$4,966,400.

By personal investigation and from letters received from reliable.

of \$4,966,400.

By personal investigation and from letters received from reliable parties in the several counties named the average annual per cent of increase in the assessment rolls of these counties, were the Tombigbee opened to navigation the year round, would be 46 per cent, or a total annual increase in the rolls, from a dollars-and-cents standpoint, of \$10,661,951.

BANKS.

Map No. 2 a shows that in the area under consideration there are twenty banks; fifteen years ago there were only seven banking institutions in the counties referred to. Of these twenty banks, exclusive of the cities of Columbus, Miss., and Demopolis, Ala., we find only one on the banks of the Tombigbee, that at Gainesville, Ala.

It is a well-established fact that banks never seek a location where transportation facilities are limited to a few months of the year. It therefore stands to reason were the Tombigbee opened to navigation the year round banks would be established along this waterway at many points now offering good openings except for proper transportation facilities.

many points now offering good openings except for proper transportation facilities.

OIL MILLS.

By reference to map No. 1 herewith it will be seen that in 1891 there were only two oil mills located in the counties referred to, while to-day these same counties have ten large oil mills within their borders, and, notwithstanding the immense quantities of cotton seed produced in the area tributary to the Tombigbee River from Columbus to Demopolis, exclusive of the above-named cities, we find only one oil mill on the banks of the Tombigbee, at Epes, Ala.

Your statistician is informed by local oil-mill men that owing to the uncertain stage of navigation, even during the winter months, on the Tombigbee, many hundred tons of cotton seed rot along the banks of the Tombigbee each year. Now it stands to reason that were this river made navigable the year round oil mills as well as other factories would spring up along its banks, thereby enhancing the values of all lands in this rich section as well as placing in the pockets of the planter many thousands of dollars from the sale of his seed that now rot on the banks of the river waiting for the waters to rise sufficiently to market one of the chief products of his year's toil.

COAL.

COAL.

One of the greatest commercial industries in this section, if not in the world, is the mining and shipping to interior and port markets of coal for domestic as well as steam purposes. The National Government has expended large sums of money at the port of Mobile, Ala, that ocean-going vessels might make that harbor and load for the ports of all foreign markets. The owners and operators of mines in the coal fields of Alabama have likewise spent vast sums in the endeavor to economically deliver their product at the various ports. They have tried Greenville and Vicksburg, Miss., as well as Memphis, Tenn., but owing to the long haul by rall from the mines to these Mississippi River points, coupled with the great distance to New Orleans by barge, their efforts have proven unprofitable. Not a few of these large mining companies, the Corona Coal Company predominating, have acquired large and valuable river frontage at Columbus, Miss., believing that some day the National Government would be compelled by the constant demands made upon it to open to navigation the year round the Tombigbee River, thereby furnishing them by short rail and river haul access to the markets of the world through the port of Mobile.

See map No. 3.º Distance, Corona to Columbus by rail, 69 miles; Columbus to Mobile, air line, 189 miles.

TIMBER.

TIMBER.

Taking the census report of 1900, we find in the six counties named an area in square miles of 4,655. The tax records of these counties show two-thirds of this land open, the other one-third in virgin forests of oak, hickory, walnut, gum, cypress, and pine, making a forest impossible to develop without proper navigation on the Tombigbee of 993,280 acres, that, at the low estimate of 4,000 feet per acre, would produce in lumber approximately 4,000,000,000 feet, worth at the least calculation \$10 per thousand, leaving after timber has been cut an acreage of 993,280 in lands that would readily bring \$25 per acre, or a total value of \$24,832,000.

If this same land were cultivated in cotton, to the growth of which it is peculiarly adapted, the annual increase in the production of cotton in these six counties would be, on a basis of one-third bale to the acre, 331,070 bales, or an annual increase in dollars and cents, at the present value of \$50 per bale, of \$16,553,500; 165,535 tons of cotton seed from above cotton, at the low estimate of \$12 per ton, \$1,986,420; total, \$18,539,920.

THE CEMENT RESOURCES OF THE TOMBIGBEE RIVER DISTRICT.

The above being a question that has been passed on by geological experts in the employ of the Government, I beg only to call your attention to a few pertinent facts as laid down by these experts, but would suggest that in passing on this very important phase of the matter you read carefully Senate Document No. 165 of the Fifty-eighth Congress, third session. The Hon. Charles D. Walcott, Director United States Geological Survey, in his report, as per above document, makes the following statement:

statement:

"Determining the possible value for Portland cement manufacture of a deposit of raw material is a complex problem, depending upon a number of distinct factors, all of which must be given due consideration. The more important of the factors are:

"First. Chemical composition of the material.

"Second. Physical character of the material.

"Third. Amount of material available.

"Fourth. Location of the deposit with respect to transportation routes.

"Third. Amount of material available.

"Fourth. Location of the deposit with respect to transportation routes.

"Fifth. Location of the deposit with relation to fuel supplies.
"Sixth. Location of the deposit with respect to markets."

Your statistician begs to call your attention to the fact that Document No, 165, referred to, shows conclusively that from every stand-point save one, and that transportation, the deposit of high-grade Portland cement material, through, you might say, the center of which flows the Tombigbee, is the most valuable to be found anywhere.

Now, it is this avenue of transportation, making accessible to the markets of the world this inexhaustible supply of Portland cement material, that we pray your honorable body to furnish by the opening, as asked for, of the Tombigbee River.

Were this means of transportation available to-day there would be saved to the National Government many times the cost of the improvement asked for in the cost of the one item alone of Portland cement now being used in the isthmian canal construction.

While it is true that there is now a large cement plant on this river at Demopolis, this creates only limited competition, but were navigation extended up the river the cement industry along the valley of the Tombigbee would equal, if not in a few years outstrip, in tonnage as well as in money valuation the enormous cotton crop now annually produced in this territory.

Anot printed.

a Not printed.

TONNAGE.

Reports from the several steamers named below give the tonnage handled by them on the Tombigbee between Columbus and Demopolis, season 1904 and 1905:

	Tons.
Vienna, from Columbus to Demopolis, six months' season, 2 trips per week, 48 trips of 500 tons	24, 000
City of Camden (of Mobile), January to April, four months' season, 1 trip a week, 16 trips of 900 tons	14, 400
trip a week, 16 trips of 800 tons. City of Mobile, January to April, four months' season, 2 trips	12, 800
a week, 32 trips of 600 tens	19, 200
Ouachita (Mobile), December to May, five months' season, 1 trip a week, 20 trips of 500 tons	10,000
W. J. Bethea, January to April, three months' season, 1 trip a week, 12 trips of 700 tons	8, 400
Stone, 32 trips of 800 tons each	25, 600
to and including May The river report shows that other boats making irregular trips	5, 760
carry from this territory annually	20, 000

Total annual tonnage handled on now imperfect state of navigation_

tons.

Quoting from a letter under date of October 29, 1903, from the United States engineer's office at Mobile, Ala., to a citizen of this city:

"I am sorry you did not arrange to make the trip down the river with us. I found the river larger than I expected, and its physical conditions appear very favorable for improvement by locks and dams. The valley of the river is immensely fertile and productive, and is urgently in need of better transportation facilities. It would seem that the saving in freight rates on the annual amount of cotton that would be influenced by river transportation would pay a reasonable interest on the investment required for the improvement."

"The Tombigbee River from Demopolis, Ala., to Columbus, Miss." An answer to Document 334, Fifty-ninth Congress, second session, House of Representatives. Referred to the Committee on Rivers and Harbors December 20, 1906, and ordered to be printed. "The improvement of the waterways is the only solution of the congestion of the railroads. The railroad people themselves admit that they are ten years behind the development of the country." Columbus, Miss., January 28, 1907.

[Editorial from the Columbus (Miss.) Dispatch on the engineer's report.]

[Editorial from the Columbus (Miss.) Dispatch on the engineer's report.]

MAJOR CRAIGHILL'S REPORT.

The Dispatch devotes considerable space this morning to the report of Major Craighill, the Government engineer under whose direction the survey of the Tombigbee was made, and we want every reader of this paper to peruse it carefully. This is the opinion of the engineer as to the feasibility of the work. It will be seen that after making a careful survey of the stream from this city to Demopolis he reports favorably upon every physical obstacle encountered. He shows that the waterfall is not too great to be overcome by a system of locks; he estimates the number of locks and their probable cost; he calls attention to the stable and safe foundations that can be secured, the bottom of the canaliseling blue rock and limestone; he shows that the banks are high and steep, composed of limestone, affording favorable location for the character of the improvements contemplated; he states that the volume of water is large, much larger than that of the Black Warrior, and that there is ample water for canalization; he reports that there is an abundance of stone, gravel, and sand at all lock sites for the masonry and riprap work; in fact, his report as to the feasibility of the project from an engineering standpoint could not be more favorable. The only surprising paragraph of his report is the last section, in which he advises against the improvement because "apparently the amount of business done would not justify expending the amount of money."

To say that this conclusion is inconsistent with the previous report is placing the case mildly. Mr. Craighill reports that the project is an admirable one from an engineering standpoint, and then knocks it because "apparently" the volume of business done would not justify the expenditure. But let's see what he says about the country through which the river runs, the volume of business adone would not justify the expenditure. But let's see what he says about the country through whic

But further he says: "Much of the country along the river and adjacent thereto is heavily timbered with pine, oak, cypress, gum, and sycamore. The making of staves is at present in active operation, and with additional transportation facilities this would most likely become a staple industry." Again he says: "The lime rock producing area is considerable, but it will probably never be made an article of extensive trade without cheap river transportation." Again he says: "Another rock found in the formation of the river bank, called 'Tombigbee rock,' yields a Portland cement which has stood the analytical test. With the river open the year round there is no reason to doubt that cement factories would multiply in this section."

Major Craighill states that no commercial statistics could be obtained at the time of the examination, although every effort was made to secure them.

Now, in view of his own figures given above, showing conclusively that the section through which the river runs is rich in undeveloped resources of every kind, after considering his own estimate that one crop of this section alone is worth \$80,000,000 annually now after contemplating the marvelous possibilities of this section as indicated from his reports as to the timber and cement resources, we would like for Major Craighill to explain how he arrives at the conclusion that "apparently" the volume of business to be done on this river would not justify the expenditure of \$2,500,000 for its permanent improvement. His conclusion is inconsistent, his report is contradictory, he reverses himself from his own statement of facts.

The more thoroughly the report of the engineers upon the Tombigbee project is assimilated, the more carefully it is analyzed, the more it is understood, the more firmly fixed is the conviction that there has been some "influence" at work to discredit this project. And this being true, the more determined should become the people of this city and section to combat this influence and to secure for them what is rightfully

A STATEMENT BY CITIZENS OF COLUMBUS.

A STATEMENT BY CITIZENS OF COLUMBUS.

The report of the United States engineer makes cost of necessary locks and dams to be \$2,500,000. Interest on this at 2 per cent would be \$50,000, and add the same for annual care and working the locks, the total yearly charge would be \$100,000.

The estimate of I. H. Sykes, secretary of the Columbus Progressive Union, of tonnage for the season of 1904-5 is 140,000 tons. If one-half of this is cotton and cotton products, to say 70,000 tons, we have the equivalent of 280,000 bales of cotton. The saving in freight on cotton by river against rall is \$1 to \$1.25 a bale, so that on this item there is a saving of \$280,000. The other 70,000 tons is miscellaneous freight, all carrying a higher rate than cotton; but allowing the same rate, the saving there is \$280,000, or a total saving on the whole 140,000 tons of \$560,000, more than 20 per cent of the cost of the improvements.

Columbus alone handles an average of 45,000 bales of cotton, on which there would be a saving of \$45,000; and on its other freights there would be more than an equal amount, to say altogether \$90,000 a year. This estimate is made on a six months' uncertain river. Indeed, the tonnage carried on the river any year only represents that which the people have been unable to haul to the railroads. The river is seldom navigable before the middle of December—the rains that make it so make the roads impassable. The crops are ready and begin to move in September, so that the river farmer hauls his crop to market before December while the roads are good. That taken by boat is the surplus that could not be hauled, and varies violently according to the seasons.

The figures of I. H. Sykes of 1904-5 are disputed by Mr. Kennerly, an "inspector" of the United States engineer's office at Mobile, but Major Jervey, his superior officer, concedes that the tonnage may have been 52,000 tons. At a saving of \$4 a ton on this extremely low tonnage, the saving was \$208,000, an excess of \$108,000 over interest and maintenance, suffic

maintenance, sufficient to warrant the investment.

This tonnage was derived in five months' operation, uncertain river, and a lot of boats running from the middle of December to the middle of May.

Neither Major Jervey nor Mr. Sykes takes any account of the lumber and stave business done by gasoline boats, barges, and rafting, a business that constitutes a very large part of the export trade of Mobile. Were the river navigable the whole year it would reduce freights at an equivalent of \$1 a bale on cotton, and in the same ratio on all commerce in the Tombigbee Valley, whose annual total is valued at \$80,000,000. How? If the farmer living on or in wagon reach of the river can ship his cotton to Mobile at \$1 a bale, it would all go to the river, as 50 cents a bale will move cotton 20 miles. The railroads would at once meet the competition and reduce their rates accordingly, so that the farmer on the other side of the railroad for, say, 20 to 30 miles would get the benefit of the river competition. The same results would accrue on the east. Thus the commerce of the whole Tombigbee Valley, worth \$80,000,000, is affected by this improvement.

One railroad that partakes of this commerce made for the year ending June 30, 1905, after paying all expenses, including rentals and interest on its bonds, net, over 16 per cent on its capital stock. Its earnings up to January 31, 1906, indicated, net, for the year ending June 30, 1906, over 26 per cent. These figures are taken from a banker's statement, handling the securities of the railroad company.

So that a reduction in rates brought about by river competition would not bankrupt the railroads tapping the Tombigbee River. Indeed, the freight rates are practically the same now when the cotton crop is 13,000,000 bales as they were when the crop was 5,000,000 bales.

Laws have been made to protect everything north, east, and west. Vast sums appropriated to dig out their harbors and canalize their rivers, while so little has been done for this section. We are an agricultural

the products of American pean gold.

The Government has listed the Tombigbee as its own, a navigable stream. We can not bridge it without an act of Congress. The Government will not improve it, nor will it give a lease to an aggregation of local capital to improve it, nor may we harness its thousands of

wasting horsepower to help the struggling people on its banks. If this be a sample of "government ownership," a thousand times better were it for the people that all public utilities be within private or corporate

it for the people that all public utilities be within private or corporate control.

For twenty-five years have our people appealed to Congress to improve this river; have traveled its long reaches to get together in conventions, have spent time, money, and energy in this behalf, and now, when the Government's own engineer has given in the most conservative language an estimate of the resources of the country it would serve, showing that it produces one-fifteenth of the cotton crop of the United States, affording commerce of the value of \$80,000,000, with enormous possibilities, we are again remitted to the waiting list. We have been smitten in Mobile, the house of our friends, riven by the hand of an engineer's clerk, charged with "furnishing information which was not correct" because, forsooth, we are "interested parties." Being thus tipped off in sweeping generalities by his clerk, Major Jervey falls into the error of creating the impression that the steamer Vienna was wrecked about a year ago from the date on which he was writing, and therefore not in the trade as noted by Mr. Sykes; and that the Hary and City of Camden were wrecked in September, 1906, whereas, in fact, the Vienna was not wrecked until the middle of February, 1906, and Sykes's report, which he is trying to discredit, is for the season commencing December, 1904, and ending June, 1905. These dates seem to have been overlooked by the whole bunch of Mobile knockers. Sykes makes report of the tonnage for the season commencing in December, 1904, and ending about June 1, 1905. The engineers come along and try to discredit it, because some of the boats carrying the tonnage were wrecked the year following. One is' tempted to say there are "interested parties" opposed to the improvement, who have been so careless of dates as to state facts which, in the language of Inspector Kennerly, "is not correct." It is due Major Jervey to say he was a new man, just come into the case, writing about a river he had never seen and making a report on data furnished

Some Mobile statistics as to cotton.

Year.	Mobile re- ceipts.	Total crop United States.	Proportion Mobile receipts.
1857-58	522, 364 704, 406 330, 000	3, 257, 339 4, 018, 914 13, 565, 000	Over one-sixth, Do, About one twenty- fourth.
1905-6	250,000	11, 315, 000	About one twenty second.

During the period 1857, 1858, and 1859 practically all of Mobile's cotton arrived by river and went out by sea.

The Engineer says "that one-fifteenth of the cotton crop now is raised in the Tombigbee Valley." With a river every day of the three hundred and sixty-five the rate on cotton within 250 miles of Mobile, north and northeast, which embraces the Tombigbee River, would be \$1.25 per bale less than now. So that it would save the people approximately \$1,000,000, and the "port receipts" of Mobile, instead of being as now from 250,000 bales to 350,000 bales, would be nearer 1,000,000 bales. Mobile is the natural port of this section of the country, and with the river the railroads would find it hard to make a rate to any other port in competition with Mobile on account of the distance and service performed, and therefore could not divert the cotton from this port. Then Mobile would come into "her own."

Taking the figures of one of her commercial bodies, the exports of Mobile in 1894, when her harbor had a depth of 17 feet, were only \$3.476,000; but in 1906, with a depth of 22 feet, the value was \$26,575,000, practically all of which was cotton, its products, and lumber coming out of the Tombigbee and Alabama river valleys. Three-fifths of the South's cotton is exported. Why should not that of the Tombigbee Valley go again via Mobile, as it did prior to 1860? Rates to Mobile on cotton by river have almost always been \$1 per bale, whereas rates by rail have almost always been about \$2.25 per bale. The result has been that when the boats were put out of the running the cotton has been diverted from Mobile and gone to other ports. In this way the Tombigbee River has been made to run upstream, while the railroads carried commerce from Mobile and gone to other ports.

The increase in 1804 to \$3.476,000, the equivalent of about 70,000 bales of cotton. If the river had been kept in the running by improvements, so that lines of steamboats could have been established to run the year round, Mobile would to-day be handl

sympathy with the struggling thousands back of her in the interior. The increase in population and enormous increase in products have overtaken and overcropped all the railroads of the United States, and congestion prevails everywhere. The cotton crop a few years back was only 5,000,000 bales, whereas to-day it is 13,000,000. In a greater ratio has the country otherwise multiplied its products. The railroads can not do the business, and the sentiment is universal that Congress should improve the waterways of our country rather than check the prosperity which is dependent upon transportation.

What Captain Craighill, United States engineer, wrote of the Tombigbee Valley in 1903, was true then; its development is more important to-day. Here is his letter:

ENGINEER OFFICE, UNITED STATES ARMY.

ENGINEER OFFICE, UNITED STATES ARMY, Mobile, Ala., October 29, 1903.

Mr. John P. Mayo, Columbus, Miss.

Yours, truly,

Columbus, Miss.

Dear Sir: I have just received your letter of the 27th. I am sorry you did not arrange to make the trip down the river with us. We had line weather and were pleasantly entertained along the route.

I found the river larger than I expected, and its physical conditions appear very favorable for improvement by locks and dams. The valley of the river is immensely fertile and productive, and is urgently in need of better transportation facilities. It would seem that the saving in freight rates on the average annual amount of cotton that would be influenced by river transportation would pay a reasonable interest on the investment required for the improvement, although this feature of the case is one that requires, for a definite determination, more time than I have been able to give to it.

Yours, truly,

W. E. Craighille,

W. E. CRAIGHILL, Captain, Corps of Engineers.

But, all this quibble over figures and surplusage of statistics aside, the question is not whether the tonnage of the river is satisfactory now in its present half-year, uncertain navigation, but whether the people of the Tombigbee Valley are to have an outlet, not so much for its cotton at reduced rates, but for its undeveloped resources of lime, lumber, and cement, which it now holds locked up in inexhaustible quantities—commodities which the world needs, but which can not be marketed for lack of cheap and certain transportation.

C. A. Johnston, E. R. Sherman, John P. Mayo, P. W. Maer, I. H. Sykes, Walter Weaver, Comm Committee.

The CHAIRMAN. How much time does the gentleman from ennessee wish?

Mr. GARRETT. I think fifteen minutes will do.

The CHAIRMAN. The gentleman is recognized for fifteen

Mr. GARRETT. Mr. Chairman, if the ancient mound builders had exercised their activities along the banks of the Mississippi River from the mouth of the Ohio down to the Gulf of Mexico and had piled as much earth along that stream as they did in various other sections of these United States, the present age would be under much greater obligations to them than it usually confesses itself to be; the mystery of why they did it would not be so perplexing, and perhaps the keen desire to know who they were would permeate the breasts of others besides archæologists and ethnologists. Since, however, those ancient denizens of this fair domain failed to seize that opportunity for making later peoples their debtors, it has been left to a more modern and, it is hoped, a more historic race to perform a work which has about it equally as much of "that poetic mist which shrouds the mounds scattered by the ancients in Ohio valleys" as have they, and in addition thereto has a practical, materialistic phase which, if possessed by the hillocks constructed by those mysterious people of the past, is shrouded in a for much denser than the poetic clouds. The levees and in a fog much denser than the poetic clouds. The levees and improvements of the Mississippi River are poetically materialistic or materialistically poetic, just as your paradox hunter may choose, but the material aspect is probably most interesting to most people.

The construction of levees along the Mississippi River for protection against high waters has been under way for nearly or quite two-thirds of a century. In parts of Louisiana it may have begun farther back than that. The early work was carried on wholly by the States or communities bordering on the stream, the money for the purpose being raised in different ways. A good many thousands of good dollars have been expended on projects which subsequently had to be abandoned on account of the shifting of the current or channel, but usually even the temporary protection afforded has more than repaid all such expenditures

It was not until after 1879 that the Federal Government began to lend aid to the work—in fact, but little aid for protective purposes was given until after 1890. The General Government began the work for the purpose of improving the navigation of the stream, the theory being advanced that by the construction of levees, wing dams, and jettles, so as to give direction to the current and restrain the waters in times of flood within a narrow space, the additional force given by the weight of the waters would scour the channel and prevent the formation of bars by the deposit of sediment. This theory had been suc-cessfully applied by Capt. James B. Eads in opening and keeping open a deep channel through the South Pass of the Mississippi River from the head of that pass to the Gulf. This distinguished engineer, born in Indiana in 1820, became a clerk on a steamboat running on the Mississippi River in 1839. many years he studied engineering problems, particularly those

relating to navigation on that river.

From 1867 to 1874 he was engaged in the construction of the great steel-arch bridge that bears his name which spans the river at St. Louis. After successfully completing this magnificent structure he turned his attention to the matter of providing a ship channel from New Orleans to the Gulf. This project was receiving the attention of the Federal Government, and at the first session of the Forty-third Congress (in 1874) the appointment of a commission of engineers to make surveys and report a plan and probable cost of its consummation was authorized. This report was made to the second session of that Congress. In the meantime Captain Eads had been studying the problem for himself, and he appeared at this session and proposed to accomplish the work for considerably less than the amount estimated by the commission, and proposed to do it at his own risk—that is, to receive no pay unless he succeeded. By act of March 3, 1875, his proposition was accepted, and he was author-

ized to proceed. This he did, and succeeded to the full extent of his expectations. It was the crowning engineering feat of his life—one of the greatest of the century. His success in that un-dertaking led to the question being propounded, Why could the theory not be successfully applied to the entire river? Eads declared that it could. This opinion, coming from one who had so abundantly proven his faith by his works, naturally had great weight, sufficient, in fact, to determine Congress to under-The first step taken was the creation of a permanent commission, to be known as the "Mississippi River Commission," this being done by act of June 18, 1879. It consists of seven members, "three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers."

It was made the duty of the Commission in the act creat-

ing it-

To take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service.

The actual execution of the work has been provided for from time to time in the bills making appropriations therefor.

The bill creating the Commission met with but slight opposition in Congress, only eleven votes being east against it in the House and four in the Senate. One of the advocates of the bill in the House was the Hon. James A. Garfield. His brief speech in support of it deserves to rank with any of his efforts for pure, chaste English and eloquent phrase. He pointed out the fact that it was to secure control of the Mississippi River that Jefferson strained his conceptions of the Constitution to purchase Louisiana from France and stated that if there had been no other reason for the Northern Army doing battle against the Southern Confederacy the importance of having freedom of navigation over the lower Mississippi River would have compelled them to it. One paragraph of the speech is as follows:

I believe that one of the grandest of our national interests—one that is national in the largest material sense of that word—is the Mississippi River and its navigable tributaries. It is the most gigantic single natural feature of our continent, far transcending the glory of the ancient Nile or of any river on the earth. The statesmanship of America must grapple the problem of this mighty stream. It is too vast for any State to handle; too much for any authority less than the nation itself to manage. And I believe the time will come when the liberal minded statesmanship of this country will devise a wise and comprehensive system that will harness the powers of this great river to the material interests of America, so that not only all the people who live on its banks and the banks of its confinents, but all the citizens of the Republic, whether dwellers in the central valley or on the slope of either ocean, will recognize the importance of preserving and perfecting this great natural bond of national union between the North and South—a bond to be so strengthened by commerce and intercourse that it can never be severed.

It should be borne in mind that prior to this time, with the exception of the work of Captain Eads, practically nothing had been done by the Federal Government for the improvement of the Mississippi River, particularly what is called "the lower river;" that is, from the mouth of the Ohio down.

Proceeding on the Eads theory two levees were constructed. One was in Lauderdale County, Tenn., known as the "Plum Point reach levee," extending from the town of Ashport to near Old Fort Pillow, famed in the war of secession as the scene of many military exploits, chief of which was its capture by the Confederate General Forrest with his cavalry in 1864. The other was the Lake Providence reach levee, above Vicksburg, in Mississippi. The results obtained from these were entirely satisfactory to the Commission, but about the time of their completion an event occurred which put an end to general levee construction for keeping channels open. This was the invention of the hydraulic dredge, which first proved its efficiency in the harbor at San Francisco. After experiments had demonstrated the utility of this method, the Commission, acting under authority given by Congress, had a number of these modern dredge boats constructed, and they have since been utilized, levees being constructed merely to preserve the banks and revetment and riprap work to prevent caving.

In the meantime sentiment had been growing for participation by the Federal Government in levee construction for the protection of lands from floods or overflow. It was insisted that the river belonged to the Government, was wholly subject to its control, and that the Government might very properly keep its property off that of the people. This sentiment received the indorsement of Congress, and since 1890 allotments have been made by the Commission, subject to approval by the Chief of Engineers of the War Department, to local levee boards. appropriation for specific projects are made by Congress (except occasionally a survey is specifically ordered), but a lump sum is appropriated and turned over to the Commission for allotment. The usual amount for several years past has been \$2,000,000 per annum, of which ordinarily one million has been devoted to channel work and one million to protective levees.

The Commission has permanent headquarters at St. Louis, Mo., and usually two inspection trips are made each year from that point to New Orleans—one in the spring and one in the fall. Notice of these trips is sent out in advance to officials of the State or local levee boards, and these officials meet the Commission at various points along the river and present their claims for allotments. The basis of these allotments, to quote the statement of Col. O. H. Ernst, president of the Commission, is "their (that is, the local levee projects) needs largely, and a little bit according to their desire to help." The Commission has never initiated any protective levee. State or local boards must first take up the matter and begin the work, and the Commission, if it deems it worthy, will then give aid.

For convenience in administration the river is divided by the Commission into four engineer districts. These divisions are with reference to the channel work. For the protective levy work the engineer districts are subdivided into levee districts, and in letting contracts for construction these latter are further subdivided into sections. All United States levee work is under the general control of the engineer in charge of the engineer district in which located. The grade of the levees varies according to the topography and drainage of the sections they are designed to protect. The Mississippi River Commission grade is 2 feet above the highest water mark, with a base three times the width of the crown, technically called a slope of 3 on 1. In the system as outlined and projected to the close of the fiscal year, June 30, 1906, there were included 1,5101 miles of levee. When completed this system will contain 277,271,250 cubic yards of earth. Up to May 1, 1906, 205,877,020 cubic yards had been Of these probably about 60 per cent was placed by local in some districts more and in others much less. May 31, 1906, contracts had been let by various local boards for the placing of 3,698,238 cubic yards and by the United States 4,000,219 cubic yards, a total of 7,698,457 cubic yards. Much of this has been since completed, but exact figures are not available. The year 1905-6 was exceedingly unfavorable to levee construction by reason of the excessive rainfall and the quarantine during the yellow-fever epidemic, but little more than a third as much being built in that year as in 1904-5. The average cost of construction is 17 cents per cubic yard, the work being let by contract.

The total-amount expended on levees by the Federal Government below Cairo from July 1, 1879, when the Commission began its work, to July 1, 1906, is \$20,612,317.06. This includes the expenditures for the early levees designed for navigation rather than protective purposes. The area of country protected by this system is approximately 27,000 square miles, or about 117,000,000 acres. The soil of the protected area is alluvial and very productive. Its actual value now is from thirty to sixty dollars per acre, and with the completion of the system it will be still further enhanced. Of course, large portions of these lands were in cultivation before levees were constructed, but practically all of them were subject to overflow, and millions of acres were wholly untillable. One of the largest and probably richest sections redeemed by the work is that of the St. Francis River Basin in Missouri and Arkansas, about 4,200 square miles, or more than two and one-half million acres. Very little of this was tillable prior to the levee work. It was swampy, marshy, and subject to overflow for 50 miles inland. With the construction of the levees, the basin has become a theater of bustling activity. Valuable timber in almost unheard-of quantities was rendered attainable and the exceeding fertility of the soil has Valuable timber in almost unheard-of quantities was made it one of the most valuable agricultural sections in the

So far only the longer stretches—that is, the larger basins and those which could be most easily cared for-have been leveed. Sections filled with tributary rivers and creeks present an exceedingly difficult engineering problem—one that at many places can doubtless be solved only by constructing wing or lateral dikes along such tributaries. The expense of this will be very great, of course, and that work will hardly be undertaken until the increase of population is such as to render the land absolutely necessary. There has been more or less agitation during the past few years of the matter of the Federal Government taking entire control of the levee systems and keeping it in repair. This may be some time done, but it is not at all probable until the system shall have been completed, if then. [Applause.]

The following tabulated statements, made up from various reports of the Mississippi River Commission, may be of interest to those who desire detailed information:

Mississippi River Commission district.

Levee district.	State.	Bank.	Miles below Cairo.
Upper St. Francis	Missouri Kentucky and Tennessee.		0 to 70 36 to 60
Lower St. Francis Upper Yazoo White River	Arkansas Mississippi Arkansas	East	79 to 298 244 to 365 306 to 385
Lower Yazoo Upper Tensas	Mississippi	East West	365 to 592 402 to 606
Lower Tensas	Louisiana	do	764 to 885 764 to 885 885 to 960
BaratariaPonchartrainLake Borgne	do	East	980 to 1, 048 835 to 956 868 to 1, 047

State and local districts.

District.	State.	East	Miles below Cairo.	
Levee district No. 1. Reelfoot St. Francis, of Missouri St. Francis, of Arkansas. Yazoo Mississisppi delta Laconia Mississippi Red Fork Desha Chicot Tensas Fifth Louisiana Atchafalaya Ponchartrain	Kentucky and Tennessee Missouri Arkansas Mississippi Arkansas do Mississippi Arkansas do Louisiana do Louisiana do do		0 to 37 to 79 to 128 to 243 to 306 to 335 to 385 to 402 to 442 to 520 to 765 to 834 to 9 962 to 6 b 968 to 6 b 968 to 6 b 968 to 768 to 768 to 6 b 968 to 6 b 968 to 768 t	455 58 128 298 365 385 580 427 442 520 764 886 982 982
and frame and a second or a second or a second or a			(0 960 to	972
Lake Borgne	do	do	972 to 1 1,019 to 1 1,020 to 1	,052

a No front on river.

b On west.

c On east.

The following table shows the number of miles in each Mississippi River Commission district, the square miles protected, contents May 1, 1906, and estimated final contents:

District.	Miles in sys- tem.	Area pro- tected.	Contents, May 1, 1906.	Estimated final contents,	State.
Upper St. Francis Reelfoot	58, 00 20, 00	Sq. miles. 700 318	Cubic yards, 1, 218, 411 1, 068, 761	Cubic yards. 5, 462, 548 2, 305, 414	Missouri. Kentucky and
Lower St. Francis Upper Yazoo White River Lower Yazoo Upper Tensas Lower Tensas	210, 00 124, 00 74, 00 188, 60 190, 20 142, 76	3,500 3,281 910 3,367 2,875 2,080	19, 450, 716 23, 429, 577 9, 975, 469 38, 206, 292 33, 742, 091 20, 265, 284	24, 497, 681 27, 668, 581 16, 638, 218 51, 486, 093 48, 998, 306 31, 870, 733	Tennessee. Arkansas. Mississippi. Arkansas. Mississippi. Arkansas. Arkansas and
Atchafalaya Ponchertrain Lafourche Lake Borgne Barataria	128, 46 125, 64 82, 16 77, 07 71, 88	6,085	21, 370, 269 17, 113, 544 8, 945, 302 3, 771, 223 3, 222, 141	25, 722, 737 21, 709, 024 11, 404, 596 5, 124, 973 4, 382, 396	Louisiana. Louisiana. Do, Do, Do. Do.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor appropriation bill, and had come to no resolution thereon.

WOMAN AND CHILD LABOR.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to submit the following resolution

and ask for its present consideration.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Appropriations, submits the following resolution, with a request for its present consideration. The Clerk will report the resolution.

The Clerk read as follows:

Whereas Congress has passed an act "To authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of women and children in the United States;" and Whereas Congress is called upon to appropriate money to carry out said act; and

Whereas bills are pending in the Congress having for their object the regulation and control of the employment of children in factories and mines and to prevent abuses therein; and

Whereas in appropriating money to execute the act aforesaid and

in consideration of the aforesaid bills it is important that the House be fully advised as to the jurisdiction of Congress over the subject of woman and child labor, and to what extent Congress has power to enact such legislation as would tend to do away with the abuses thereof and to ameliorate the condition of women and child laborers: Therefore, be it

*Resolved**. That the Judiciary Committee be, and it is hereby, directed to immediately investigate and report to the House at this session the extent of the jurisdiction and authority of Congress over the subject of woman and child labor, and to what extent and by what means Congress has authority to suppress abuses of such labor or to ameliorate conditions surrounding the employment of such laborers.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

FREE ALCOHOLA

Mr. HILL of Connecticut. Mr. Speaker, I ask that there may be a reprint of the report on House bill 24816, with reference to free alcohol.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

UNITED STATES COURTS, MIDDLE DISTRICT OF TENNESSEE.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25034) to change the time of holding circuit and district courts of the United States for the middle district of Tennessee.

The bill was read, as follows:

Be it enacted, etc., That the term of the circuit and district courts of the United States for the middle district of Tennessee, held at Nashville, shall commence on the first Monday in April each year instead of the third Monday in April, as now provided by law.

Mr. MOON of Tennessee. Mr. Speaker, I offer an amendment to the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Sec. 2. That the terms of the circuit and district courts of the United States for the eastern district of Tennessee, held at Chattanooga, shall commence on the first Monday in May of each year instead of the first Monday in April, as now provided by law.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed. ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1185. An act granting a pension to Josiah C. Hancock; H. R. 7211. An act granting a pension to James C. Southerland:

H. R. 7551. An act granting a pension to Daniel Robb;

H. R. 8732. An act granting a pension to Ellen S. Gifford; H. R. 9100. An act granting a pension to Nancy C. Paine;

H. R. 9113. An act granting a pension to Elizabeth Cleaver;

H. R. 9673. An act granting a pension to Oliver H. Griffin;

H. R. 9921. An act granting a pension to Ann Lytle;

H. R. 10760. An act granting a pension to Libbie A. Merrill; H. R. 13201. An act granting a pension to Sarah A. Jones;

H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton:

H. R. 14046. An act granting a pension to Jimison F. Skeens;

H. R. 14263. An act granting a pension to Fidelia Sellers

H. R. 15202. An act granting a pension to Henry Peetsch; H. R. 15630. An act granting a pension to Sarah Kizer;

H. R. 16002. An act granting a pension to Theodore T. Bruce;

H. R. 17988. An act granting a pension to Edward G. Hausen;

H. R. 18791. An act granting a pension to Michael Bocoskey;

H. R. 19490. An act granting a pension to Estelle I. Reed; H. R. 20292. An act granting a pension to Howard William Archer

H. R. 20327. An act granting a pension to Elizabeth A. Downie:

H. R. 20725. An act granting a pension to Hope Martin;

H. R. 637. An act granting an increase of pension to William H. Bone;

H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor;

H. R. 725. An act granting an increase of pension to George E. Smith; H. R. 742. An act granting an increase of pension to James

Wintersteen;

H. R. 1144. An act granting an increase of pension to Franklin

H. R. 1150. An act granting an increase of pension to Emma J. Turner;

H. R. 1252. An act granting an increase of pension to Mary E. Mathes

H. R. 1337. An act granting an increase of pension to James B. Evans

H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds:

H. R. 1693. An act granting an increase of pension to Joseph

H. R. 1717. An act granting an increase of pension to George M. Fowler

H. R. 1723. An act granting an increase of pension to Rutson J. Bullock

H. R. 1937. An act granting an increase of pension to Joseph B. Williams;

H. R. 2055. An act granting an increase of pension to Joanna

H. R. 2056. An act granting an increase of pension to Lucas Longendycke;

H. R. 2175. An act granting an increase of pension to James

W. Bliss, alias James Warren;
H. R. 2286. An act granting an increase of pension to Jacob

H. R. 2399. An act granting an increase of pension to Charles

H. R. 2421. An act granting an increase of pension to Daniel S. Mevis:

H. R. 2726. An act granting an increase of pension to John C. Keach;

H. R. 2764. An act granting an increase of pension to George L. Robinson:

H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;

H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;

H. R. 2826. An act granting an increase of pension to Samuel Prochel;

H. R. 3226. An act granting an increase of pension to John E. Leahy

H. R. 3740. An act granting an increase of pension to John G. H. Armistead;

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;

H. R. 4149. An act granting an increase of pension to Thompson Wall;

H. R. 4151. An act granting an increase of pension to John W. Howard;

H. R. 4166. An act granting an increase of pension to John G. V. Herndon;

H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling

H. R. 4351. An act granting an increase of pension to George A. Johnson;

H. R. 4670. An act granting an increase of pension to Edward

H. R. 4673. An act granting an increase of pension to Samuel

H. R. 4692. An act granting an increase of pension to Levi Welch;

H. R. 4719. An act granting an increase of pension to Mary J. Trumbull:

H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;

H. R. 5063. An act granting an increase of pension to William

H. R. 5172. An act granting an increase of pension to Milton

H. R. 5173. An act granting an increase of pension to Jacob Henninger

H. R. 5174. An act granting an increase of pension to Patrick Turney H. R. 5187. An act granting an increase of pension to Robert

John:

H. R. 5200. An act granting an increase of pension to John F. McBride;

H. R. 5209. An act granting an increase of pension to Edward R. Dunbar

H. R. 5595. An act granting an increase of pension to Elisha

H. R. 5648. An act granting an increase of pension to William Hand;

H. R. 5729. An act granting an increase of pension to Norman

H. Cole; H. R. 5776. An act granting an increase of pension to Priscilla

H. R. 5801. An act granting an increase of pension to Algernon E. Castner

H. R. 5803. An act granting an increase of pension to Edwin L. Roberts

H. R. 5829. An act granting an increase of pension to George Anderson:

H. R. 6057. An act granting an increase of pension to Emery Crawford:

H. R. 6060. An act granting an increase of pension to Lorenzo

H. R. 6088. An act granting an increase of pension to James R. Chapman;

H. R. 6145. An act granting an increase of pension to Parris J. Latham H. R. 6165. An act granting an increase of pension to Nelson

Everson H. R. 6189. An act granting an increase of pension to Arthur

H. R. 6424. An act granting an increase of pension to George

H. R. 6493. An act granting an increase of pension to Eli Boynton; H. R. 6519. An act granting an increase of pension to Samuel

W. Whybark

H. R. 6524. An act granting an increase of pension to Amos Snyder

H. R. 6537. An act granting an increase of pension to William Jackson

H. R. 6705. An act granting an increase of pension to William

H. R. 6894. An act granting an increase of pension to Daniel O. Corbin

H. R. 6920. An act granting an increase of pension to Simon Millison

H. R. 7247. An act granting an increase of pension to Lorenzo

H. R. 7378. An act granting an increase of pension to John L. Brown; H. R. 7393. An act granting an increase of pension to Ferdi-

nand David; H. R. 7411. An act granting an increase of pension to Tobias

Fisher H. R. 7417. An act granting an increase of pension to Gibson Helms:

H. R. 7544. An act granting an increase of pension to Gus-

tavus F. E. Raschig; H. R. 7555. An act granting an increase of pension to John S.

H. R. 7581. An act granting an increase of pension to Emile

H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey H. R. 7804. An act granting an increase of pension to John

Frett, ir. H. R. 7834. An act granting an increase of pension to Joseph

Amos: H. R. 7912. An act granting an increase of pension to James

M. Lawder H. R. 8136. An act granting an increase of pension to Joseph

A. Scroggs H. R. 8159. An act granting an increase of pension to Charles

Leathers H. R. 8247. An act granting an increase of pension to Sarah J. Littleton

H. R. 8312. An act granting an increase of pension to Abram Sours:

H. R. 8335. An act granting an increase of pension to John T. H. R. 8338. An act granting an increase of pension to Isaac S.

Doan;

H. R. 8373. An act granting an increase of pension to Patrick Weir H. R. 8553. An act granting an increase of pension to Thomas

E. Avlsworth: H. R. 8667. An act granting an increase of pension to Andrew

Larick

H. R. 8668. An act granting an increase of pension to Stephen H. Rogers

H. R. 8683. An act granting an increase of pension to William

H. R. 8915. An act granting an increase of pension to Susan Woolley; H. R. 8925. An act granting an increase of pension to Chester

Simpson;

H. R. 8958. An act granting an increase of pension to David

H. R. 9024. An act granting an increase of pension to Lewis

H. R. 9090. An act granting an increase of pension to Amasa B. Saxton;

H. R. 9218. An act granting an increase of pension to William T. Blanchard:

H. R. 9250. An act granting an increase of pension to Obediah B. Nations ;

H. R. 9278. An act granting an increase of pension to Melville A. Nichols

H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst

H. R. 9403. An act granting an increase of pension to Kate E. Hanna: and

H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle.

FORT BERTHOLD MILITARY RESERVATION, N. DAK.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24473) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That all patents heretofore issued on entries and selections made without fraud under any of the laws providing for disposal of the public lands on lands formerly within the Fort Berthold Indian Reservation, in North Dakota, which were opened to settlement by the President's proclamation dated May 20, 1891, pursuant to the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," approved March 3, 1891, shall have the same effect, and all pending entries, selections, or filings embracing such lands made prior to December 1, 1906, shall be disposed of in the same manner and under the same restrictions and limitations, as if the lands included in such patents, entries, selections, or the public-land laws.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to have an explanation of this.

Mr. GRONNA. Mr. Speaker, this bill was introduced at the request of the Department. The Fort Berthold Reservation was opened under the act of March 3, 1891, by a proclamation made by President Harrison on the 20th of May, the same year. The provisions of that law are these: The lands in question represents to extrement and entry under the harmstead laws. were open to settlement and entry under the homestead laws only; that when commutations are made under the homestead laws the price of \$1.50 per acre should be paid. At this time the lands were unsurveyed, but after the surveys were made and approved, when the tract books were opened for recording, no notations were made by the Department, and they failed to instruct the local land office that \$1.50 per acre should be paid instead of the price of \$1.25 an acre under the general law. Now, they have been permitted to go on, and a number of proofs have been made and in many cases patents issued, and a great many entries and patents are suspended, and this bill is simple to convect the mistake made by the Downton. ply to correct the mistake made by the Department.

Mr. PAYNE. It is to allow the patents to issue at \$1.25 per

acre instead of \$1.50 per acre?

Mr. GRONNA. Yes. Mr. PAYNE. Is it recommended by the Secretary of the Interior and the Land Office?

Mr. GRONNA. Yes.
Mr. PAYNE. Is it a unanimous report of the committee?
Mr. GRONNA. It is a unanimous report of the committee,

and we have letters from the Secretary of the Interior and the Commissioner of the General Land Office recommending it

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Gronna, a motion to reconsider the last vote was laid on the table.

LORENZO F. HARMON.

The SPEAKER laid before the House the following Senate concurrent resolution.

The Clerk read as follows:

Senate concurrent resolution No. 45.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1879) entitled "An act granting an increase of pension to Lorenzo F. Harmon."

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The Senate concurrent resolution was agreed to.

LEAVE OF ABSENCE.

Mr. Kline, by unanimous consent, obtained leave of absence for four days on account of important business.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the vice-president of the Georgetown and Tennallytown Railway Company, transmitting the report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting the report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the City and Suburban Railway of Washington, transmitting the report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Brightwood Railway Company, transmitting the report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Washington Railway and Electric Company, transmitting the report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the East Washington Heights Traction Railway Company, transmitting the report for the year ended December 31, 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig Sally, John V. Villett, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Patents, a copy of the decisions of the Commissioner and of United States courts in patent cases for the year 1906-to the Committee on Patents, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of project for interior waterway from the Rio Grande to the Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, reported the same with amendment, accompanied by a report (No. 7111); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS, from the Committee on the Territories, to

which was referred the bill of the House (H. R. 25184) to relieve the Tanana Mines Railroad in Alaska from taxation, reported the same without amendment, accompanied by a report (No. 7112); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24046) to incorporate the Hungarian Reformed Federation of America, reported the same with amendment, accompanied by a report (No. 7105); which said bill and report were referred to the House Calendar.

Mr. BRICK, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25032) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, reported the same without amendment, accompanied by a report (No. 7106); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Inter-

state and Foreign Commerce, to which was referred the bill of the House (H. R. 24817) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, reported the same without amendment, accompanied by a report (No. 7107); which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Interstate and For-eign Commerce, to which was referred the bill of the House (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, reported the same with amendment, accompanied by a report (No. 7108); which said bill and report were referred to

the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24988) to authorize the Pike Rapids Power Company, a Minnesota corporation, its successors or assigns, to construct a dam across the Mississippi River in Morrison County, Minn., reported the same with amendment, accompanied by a report (No. 7109); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25043) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia, reported the same without amendment, accompanied by a report (No. 7110); which said bill and report were referred to the House Calendar.

Mr. HIGGINS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 23720) to aid the Council City and Solomon River Railroad Company, reported the same without amendment, accompanied by a report (No. 7114); which said bill and report were referred to the House

Calendar.

Mr. BRANTLEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16479) to make spirituous, malt, vinous, and intoxicating liquors of all kinds, in interstate commerce, a special class in such commerce, and to regulate in certain cases the transportation and sale thereof, reported the same with amendment, accompanied by a report (No. 7115); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the House (H. Res. 795) requesting the Secretary of Commerce and Labor to investigate the price of cotton, etc., reported the same with amendment, accompanied by a report (No. 7116); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the

Whole House, as follows:

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11060, reported in lieu thereof a resolution (H. Res. 804) referring to the Court

of Claims the papers in the case of Jacob C. Barkley, accompanied by a report (No. 7104); which said resolution and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 5352) for the relief of William H. Osenburg, reported the same without amendment, accompanied by a report (No. 7113); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the fol-

lowing titles were introduced and severally referred as follows: By Mr. PARSONS: A bill (H. R. 25290) for the relief of claimants who have paid money into the United States Treasury under the compulsion of an unconstitutional statute-to the Committee on the Judiciary.

By Mr. KINKAID: A bill (H. R. 25291) pertaining to the public lands in Nebraska described and affected by an act approved April 28, 1904—to the Committee on the Public Lands.

By Mr. NORRIS: A bill (H. R. 25292) to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district-to the Committee on the Judiciary.

Mr. TAYLOR of Ohio: A bill (H. R. 25293) to authorize the towns of Takoma, Md., and Chevy Chase, Md., to connect their water systems with the water system of the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 804) referring to the Court of Claims the bill H. R. 11060—to the Private Calendar.

By Mr. BURTON of Ohio: A resolution (H. Res. 805) to pay James H. Cassidy, clerk to the Committee on Rivers and Harbors, the sum of \$1,000 as compensation for additional services rendered-to the Committee on Accounts.

Also, a resolution (H. Res. 806) to pay Joseph H. McGann, assistant clerk to the Committee on Rivers and Harbors, the sum of \$600 as compensation for additional services rendered-

to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows

By Mr. ANDREWS: A bill (H. R. 25294) granting an increase of pension to Maria C. Lopez-to the Committee on Inva-

By Mr. BELL of Georgia: A bill (H. R. 25295) granting an increase of pension to Mary M. Evans—to the Committee on Pensions.

By Mr. BRANTLEY: A bill (H. R. 25296) granting a pension to Marcus A. Moses—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 25297) grant-

ing an increase of pension to Samuel F. Jarvis-to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 25298) granting an increase of pension to Edgar Knapp—to the Committee on Invalid Pen-

By Mr. FOSTER of Indiana: A bill (H. R. 25299) granting an increase of pension to David Whitter—to the Committee on Invalid Pensions

Also, a bill (H. R. 25300) granting an increase of pension to

Also, a bill (H. R. 25300) granting an increase of pension to Zachary J. Burns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25301) granting an increase of pension to Cornelius McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25302) granting an increase of pension to James F. Thurman—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 25303) granting an increase of pension to Adeline Brown—to the Committee on Invalid Pensions. sions.

By Mr. FULKERSON: A bill (H. R. 25304) granting an increase of pension to Chauncey H. Graves-to the Committee on Invalid Pensions

By Mr. HAMILTON: A oill (H. R. 25305) granting an increase of pension to Edgar A. Stevens-to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 25306) granting a pension to Paul Kerr—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25307) granting a pension to Charles Van Allstrom—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 25308) granting an increase of pension to George D. Williams—to the Committee on Invalid

By Mr. LAMB: A bill (H. R. 25309) granting an increase of pension to Joseph Casavaw-to the Committee on Invalid Pen-

By Mr. MINOR: A bill (H. R. 25310) granting a pension to Margret Harris—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 25311) for the relief of the Council of Zion Evangelical Lutheran Church, of Williamsport, Md.—to the Committee on Claims.

By Mr. SAMUEL: A bill (H. R. 25312) granting an increase of pension to Minor Hartman—to the Committee on Invalid

Also, a bill (H. R. 25313) granting an increase of pension to William R. Johnson—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25314) for the relief of James M. Sharp—to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 25315) to correct the military record of David Campbell—to the Committee on

Military Affairs.

By Mr. THOMAS of Ohio: A bill (H. R. 25316) granting an increase of pension to Richard W. Jones—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: A bill (H. R. 25317) granting an increase of pension to Susie F. Harrison-to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 25318) for the relief of John S. May-to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12349) granting an increase of pension to Edgar Barber-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23732) granting an increase of pension to Rosanna Kaogan-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25288) granting an increase of pension to Minna Y. Field—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows

By the SPEAKER: Petition of legislature of Illinois, for approval of War Department to act granting consent for the construction of a bridge across Hamburg Bay, Calhoun County, Ill.—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means. By Mr. BANKHEAD: Paper to accompany bill for relief of

John H. Cummins and Daniel Carroll-to the Committee on War Claims.

By Mr. BARCHFELD: Petitions of citizens of Lyons, Iowa; Philadelphia, Pa., and Pueblo, Colo., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of the Grand Army Association of Philadelphia and Vicinity, against abolition of the pension offices—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: Paper to accompany bill for relief of Marcus A. Moses—to the Committee on Pensions.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, for an amendment of the free-alcohol law—to the Committee on Ways and Means.

By Mr. BURTON of Delaware: Petition of railway telegraph operators, for an eight-hour law-to the Committee on Labor.

By Mr. BUTLER of Pennsylvania: Paper to accompany bill for relief of John A. Torrell (previously referred to the Com-

mittee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of E.

Ross Smith—to the Committee on War Claims.

Also, petition of Fidelity Lodge, No. 109, Brotherhood of Railway Trainmen, for bill H. R. 9328 (the Gilbert anti-injunction bill)—to the Committee on the Judiciary.

Also, petition of Fidelity Lodge, No. 109, Brotherhood of Railway Firemen, of Logansport, Ind., for bill S. 5133-to the Committee on Interstate and Foreign Commerce.

Also, petition of U. S. Grant Post, No. 72, Grand Army of the Republic, favoring restriction of immigration (S. 4403)—to the

Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill for the regulation of commerce)—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of the National German-American Alliance of the United States, against bill H. R. 13655 (the Littlefield bill)-to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, for a

dual tariff—to the Committee on Ways and Means.

By Mr. DAVEY of Louisiana: Petition of Crescent City

Lodge, No. 399, Brotherhood of Locomotive Firemen, of New Orleans, La., for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the National German-American Alliance, against the enactment of bill H. R. 13655 (the Littlefield bill for the regulation of commerce)—to the Committee on the Judiciary. By Mr. ESCH: Petition of the American Protective Tariff

League, for a dual tariff-to the Committee on Ways and Means. By Mr. FOSTER of Indiana: Petition of Bricklayers' Benevolent Protective Union No. 1, of Evansville, Ind., favoring the

extension of the writ of habeas corpus in certain cases (relative to the Moyer and Haywood case) -to the Committee on the Judiciary

By Mr. FULLER: Petition of the Sanders Brothers Manufac-

turing Company, of Ottawa, Ill., against the undue restriction of immigration-to the Committee on Immigration and Naturalization.

Also, petition of the Grand Army Association of Philadelphia and Vicinity, against abolition of the pension agencies—to the Committee on Invalid Pensions.

By Mr. GILMAN: Petition of the Alliance of German Societies, of Fort Wayne, Ind., against the Lodge-Gardner bill-to the Committee on Immigration and Naturalization.

By Mr. GRAFF: Petition of Peoria Division, No. 79, Order of Railway Conductors, for bill S. 5133 (the sixteen-hour bill)-to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of the Council of Jewish Women, for a commission to investigate the entire question of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Protective Tariff League, for a dual tariff-to the Committee on Ways and Means.

Also, petition of McKees Rocks Division, No. 201, Order of Railway Conductors of America, for bill S. 5133-to the Commit-

tee on Interstate and Foreign Commerce. Also, petition of citizens of Allegheny County, Pa., for increase of salaries of post-office clerks and carriers-to the Committee on the Post-Office and Post-Roads.

Also, petition of the National German-American Alliance, against the Littlefield bill (H. R. 13655)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Weil & Thorp, of Pittsburg, Pa., against restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Paper to accompany bill for relief of William Green—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the Grand Army Association of Philadelphia, against abolition of pension agencies—to the Committee on Invalid Pensions.

Also, petition of the California Bankers' Association, for an amendment to the railway rate bill to provide for a uniform bill of lading-to the Committee on Interstate and Foreign Commerce.

Also, petition of the Fruit Growers' Convention of California, for such modification of the Chinese-exclusion act as will permit the enactment of laws making possible restricted immigration of laborers irrespective of nationality-to the Committee on Foreign Affairs.

By Mr. HILL of Connecticut: Petition of Barnett Burman and others, of New Haven, Conn., against restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. HUMPHREY of Washington: Paper to accompany bill for relief of heirs of Francis Griffin-to the Committee on War Claims.

By Mr. KAHN: Petition of George J. Finn and 16 other residents of San Francisco, against employment of Asiatics on the canal—to the Committee on Foreign Affairs.

By Mr. LACEY: Paper to accompany bill for relief of Charles L. Simmons—to the Committee on War Claims.

By Mr. MANN: Paper to accompany bill for relief of Wil-S. Frost-to the Committee on Invalid Pensions,

By Mr. MOORE of Pennsylvania: Petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill for the regulation of commerce)—to the Committee on the Judiciary.

Also, petition of Robert Miller et al., citizens of Philadelphia, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET of Indiana: Petition of the Alliance of German Societies, State of Indiana, against the Lodge-Gardner bill-to the Committee on Immigration and Naturaliza-

Also, petition of the Brotherhood of Railway Trainmen, Fidelity Lodge, No. 109, for the anti-injunction bill-to the Committee on the Judiciary.

Also, petition of the Brotherhood of Railway Trainmen, Lodge No. 109, of Indianapolis, Ind., for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill)—to

the Committee on the Judiciary.

By Mr. REYNOLDS: Papers to accompany bills for relief of Richard C. Weir and Robert M. Musser—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of District Grand Lodge No. 1, B'nai B'rith, of New York City-to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, against bill H. R. 13635 (the Littlefield bill for the regulation of commerce)—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Jose Manuel Jarmillo—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of P. S. Friday et al., to amend the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WHARTON: Petition of the National German-American Alliance of the United States, against bill S. 4403-to the Committee on Immigration and Naturalization.

By Mr. WILEY of Alabama: Paper to accompany bill for relief of John S. May-to the Committee on Military Affairs.

SENATE.

SATURDAY, February 2, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DECISIONS IN PATENT CASES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a letter from the Commissioner of Patents and accompanycopy of decisions of the Commissioner of Patents of the United States courts in patent cases for the year 1906; which, with the accompanying paper, was referred to the Committee on Patents and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION BAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Company of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Cornelius F. Terrill, Cordelia I. Terrill, and Vira R. Terrill-Harper, heirs of Richard Terrill, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. CLARKE of Arkansas presented the credentials of Jefferson Davis, chosen by the legislature of the State of Arkansas a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham;

H. R. 24374. An act to fix the boundaries of lands of certain landowners and entrymen adjoining the Coeur d'Alene Indian

H. R. 24473. An act to define the status of certain patents and ending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota;

H. R. 24989. An act to provide for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma

H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee; and

H. R. 25041. An act to provide for the creation of additional land districts in the district of Alaska.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Affiliated Business Men's Association of St. Louis, Mo., praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf; which was referred to the Committee on Commerce.

He also presented a petition of the Association of Pattern Makers of District A, in the State of Massachusetts, praying for the enactment of legislation to provide for an increase in the

salaries of Government employees; which was referred to the Committee on Appropriations.

He also presented petitions of the Woman's Christian Temperance Unions of South Bend, Mooresville, Marion, Hebron, Holton, Salem, Eagletown, Hartsville, Monrovia, Carmel, Plainfield, College Corner, Bath, Anderson, Redkey, and Economy, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. CULBERSON. I present as a memorial, by request, a

series of resolutions adopted at the tenth annual convention of the American Live Stock Association, held at Denver, Colo., January 22-23, 1907, relative to car shortage. I ask that the resolutions be printed in the Record and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

[Resolution adopted at the tenth annual convention of the American National Live-Stock Association held at Denver, Colo., January 22 and 23, 1907.]

Resolution adopted at the tenth annual convention of the American National Live-Stock Association held at Denver, Colo., January 22 and 23, 1907.]

Whereas many of the railroads have failed to supply themselves with sufficient facilities to perform their duties as common carriers in receiving and transporting freight throughout the western half of the United States, where live-stock raising and feeding and shipping is a most extensive and important industry, and have failed to furnish cars in which live stock could be shipped to market to such an extent that tens of thousands of cattle and sheep could not during the past season be marketed, and have failed to supply cars for such great length of time after orders have been given therefor that a large proportion of the live stock marketed were so much delayed, generally for weeks and in many instances for months, that they lost seriously in flesh and condition, and after cars were supplied and live stock loaded have moved the same at such slow rate of speed and otherwise delayed shipments as to seriously damage such live stock; and *

Whereas this treatment of the live-stock industry of the country has been growing worse year by year and has cost the producers millions of dollars, reaching the appalling condition during the past season of forcing many shippers practically out of business, probably bankrupting some and seriously injuring and demoralizing the entire live-stock business, particularly in the Southwest; and

Whereas there are, as a whole, more stock cars and have been fewer shipments the past season than heretofore, and it is our belief from observation, experience, and from what we can ascertain that there has been a reckless indifference of the railroad management in the localities where this disastrous condition has existed in supplying themselves with stock cars or in utilizing what they have been able to obtain to transport live stock, either permitting the cars to stand idle, as has often been the case, or using them in transporting other traff

Whereas the refusal of railroads to permit cars to go off their own line and to deliver cars to other lines has to a great extent impaired the efficiency of the cars which should be available and placed it beyond the power of many railroads to secure cars or a return of cars or exchange of cars, and in this way demoralized the railroad stopped and the power of many railroads to secure cars or a return of cars or exchange of cars, and in this way demoralized the railroad stopped and the secure cars.

whereas it is our earnest belief, concurred in by all those who investigate the subject, that the free exchange of cars and the thorough and rapid transportation of live stock is the only way in which this unbearable condition can be relieved; and Whereas we believe that if left to themselves the railroads will not better conditions, at least not relieve them, in absence of some law which compels a free exchange and interchange of cars to enable each road to get back empty cars for loaded cars delivered to its connection, and a law which fixes penalties to compel the furnishing of cars to shippers and the exchange and interchange as between railroads; and

to shippers and the exchange and interchange as between railroads; and

Whereas there has been introduced in the Senate of the United States by the Hon. C. A. Culberson. United States Senator from Texas, a bill (S. 7887) declaring it to be the duty of railroads subject to the act to regulate commerce to provide sufficient facilities to perform with dispatch their duties as common carriers in furnishing cars and transportation for shipment of all freight, including live stock, and to promptly transport same and to exchange loaded and empty cars and otherwise to provide sufficient facilities, fixing penalties for failure of such duties and giving to the shipper the right to recover in any court of any State or Territory having jurisdiction his damages and attorney's fees, and in case of failure to furnish cars for shipping live stock double the damages sustained, and also empowering the Interstate Commerce Commission to enforce penalties for violation of the act and to make rules and regulations with respect to the time and manner of giving notice for cars, furnishing cars, exchange and interchange of cars, and all needful rules and regulations in the administration of such law and to compel its observance, and providing rules applicable to the different classes and kind of freight and the varying circumstances and conditions of shipment; and

Whereas we believe that the enactment of said bill into law will speedily remedy the deplorable conditions herein set forth, and that some such measure is imperatively necessary: Now, therefore, be it Resolved by the American Live Stock Association in convention assembled at Denver, Colo., January 22 and 23, 1877, That we heartily indorse said bill and recommend to our Senators and Congressmen from all of the Western States, from which this association draws its membership, that the same be passed; and further be it

to each of the western Senators and Congressment with the request that the same be read in both the Senate and House of Representatives as the expression of this convention; and be it further Resolved, That a copy thereof be sent to President Roosevelt as the expression of this convention, with the request that he submit to Congress a special message urging an enactment of such a law; and further be it

be it Resolved, That said bill be printed by the secretary of this association and furnished the members thereof, with the request that they write their respective Senators and Members of Congress urging the enactment thereof.

actment thereof.

I hereby certify that the above is a true copy.

T. W. Tomlinson, Secretary.

Mr. CULBERSON presented a petition of sundry citizens of Atlanta, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CARMACK presented a petition of sundry citizens of Whiteville, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union of Haddonfield, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the New Jersey State fish and game commission, remonstrating against the enactment of legislation for the abolishment of the Bureau of Biological Survey in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented the petition of Jerry M. White, of the State of Kansas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented petitions of sundry citizens of Downs, Holton, and Arkansas City, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. ANKENY presented memorials of sundry citizens of Milton, Oreg., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the faculty of the State Normal School, Cheney, Wash., praying for the enactment of legislation permitting the entry free of duty of works of art; which was referred to the Committee on Finance.

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of East Rochester, N. H., and a petition of sundry citizens of Rochester, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the petition of Miles C. Cochran, of Merrimack, N. H., praying for the enactment of legislation to regulate the employment of child labor; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of East Jaffrey and Dover, in the State of New Hampshire, and of sundry citizens of Washington, D. C., praying for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry citizens of Drayton, N. Dak., and a petition of sundry citizens of Thompson, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I present resolutions of the general assembly of the State of Connecticut, relative to the enactment of legislation for the establishment of forest reserves in the White Mountains. I ask that the resolutions be read and lie on the

There being no objection, the resolutions were read, and ordered to lie on the table, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY GENERAL ASSEMBLY,
January Session, A. D. 1907.
[Resolution concerning forest reserves in the White Mountains.]

Resolution concerning forest reserves in the White Mountains.]

Resolved by this assembly, Whereas there is now pending before the House of Representatives of the United States a bill providing for the establishment by purchase of Federal forest reserves in the White Mountains of New Hampshire and the southern Appalachian Mountains: Be it

Resolved, That it is the sense of the general assembly of Connecticut that the establishment of these reserves is wise public economy, and that it is the opinion of this body that the interests of the State of Connecticut will be furthered by the protection of the forests at the

headwaters of the Connecticut River, and that this general assembly urge upon Congress to pass the bill.

Passed House of Representatives January 16, 1907. Senate concurs

January 16, 1907.

STATE OF CONNECTICUT, OFFICE OF THE SECRETARY, 88:

I hereby certify that the foregoing is a true copy of record in this

In testimony whereof I have hereunto set my hand and affixed the al of said State at Hartford this 31st day of January, A, D. 1907.

[SEAL.] THERDON BODENWEIR, Secretary.

Mr. BRANDEGEE presented a petition of the executive committee of the Inter-Church Conference on Federation of Protestant Churches, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a memorial of Maier Zunder Lodge, No.

572, Independent Order of B'nai Brith, of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Metal Polishers and Buf-Local Union, No. 8, American Federation of Labor, of Meriden, Conn., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of sundry citizens of Center Sandwich, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of Dr. Samuel S. Maconnell, of Walpole, N. H., and a petition of the Inter-Church Conference on Federation of the Protestant Churches, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

Mr. DEPEW presented petitions of the Twelfth Ward Woman's Christian Temperance Union, of Rochester; of the Wo-man's Christian Temperance Union, of Mount Vernon; of the congregation of the Buffalo Street Methodist Episcopal Church, of Jamestown, and of sundry citizens of Crawford, Lakewood, and Gorham, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Adams Center, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the

Committee on the District of Columbia.

Mr. SCOTT presented a petition of the West Virginia Live
Stock Association, praying for the passage of the so-called "parcels post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of Isaiah H. Baker, of the State of Maine, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on

He also presented sundry petitions of citizens of Lebanon, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were re-

ferred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of sundry citizens of Hockessin, Del., and a petition of sundry citizens of Newcastle County, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

BURKETT presented a petition of sundry citizens of Dorchester, Nebr., and a petition of the congregation of the Congregational Church of Alma, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a paper to accompany the bill (S. 883) granting an increase of pension to T. A. Willson; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22756) granting an increase of pension to Levi E. Curtis

A bill (H. R. 22749) granting an increase of pension to Della S. Easton;

A bill (H. R. 22748) granting an increase of pension to Willard P. Fisher;

A bill (H. R. 22734) granting an increase of pension to Michael Maier

A bill (H. R. 22718) granting an increase of pension to Wil-

A bill (H. R. 22711) granting an increase of pension to Jacob

A bill (H. R. 22710) granting an increase of pension to Nel-

son Cornell;
A bill (H. R. 22706) granting an increase of pension to William Smoker

A bill (H. R. 22651) granting an increase of pension to Sarah E. Cadmus :

A bill (H. R. 22624) granting an increase of pension to Louisa

A bill (H. R. 22605) granting an increase of pension to John R. Hargrave;

A bill (H. R. 22602) granting an increase of pension to John H. Passon:

A bill (H. R. 22551) granting an increase of pension to Wilson Siddell

A bill (H. R. 22528) granting an increase of pension to Daniel Fuller ;

A bill (H. R. 22506) granting an increase of pension to James

A bill (H. R. 22502) granting an increase of pension to Oren D. Haskell; and

A bill (H. R. 22501) granting an increase of pension to Austin B. Truman.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. Ankeny on the 10th ultimo, proposing to appropriate \$750 to reimburse John M. Hill, late register of the United States land office at Walla Walla, Wash., for clerk hire paid by him, etc., intended to be proposed to the sundry civil appropriation bill, asked to be discharged from further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands, reported it with amendments.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5888) authorizing the President to place James Carroll on the retired list with the rank of major, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7238) authorizing the President to place James Carroll on the retired list with the rank of lieutenant-colonel, reported adversely thereon, and the bill was postponed indefinitely

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 24603) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 8213) to authorize the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, to construct a bridge across the Mississippi River, reported it without amendment, and submitted a report thereon.

MISSOURI RIVER BRIDGE NEAR KANSAS CITY, KANS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24367) to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans., to report it favorably without amendment.

Mr. LONG. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LONG. I ask that Senate bill 7917, a bill similar to this, which has already passed the Senate, be recalled from the House with a view to its indefinite postponement.

The VICE-PRESIDENT. Without objection, it is so ordered.

MONONGAHELA RIVER BRIDGE.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24361) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, to report it favorably without amendment.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill just reported.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. KNOX. I move that the bill (S. 7894) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, which is on the Calendar, be indefinitely postponed.

The motion was agreed to.

YELLOWSTONE NATIONAL PARK LEASES.

Mr. CARTER. From the Committee on Public Lands I report back without amendment the bill (S. 8063) to amend an act entitled "An act to amend an act approved August 3, 1894, entitled 'An act concerning leases in the Yellowstone National Park," and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act entitled "An act to amend an act approved August 3, 1894, entitled 'An act concerning leases in the Yellowstone National Park,'" approved June 4, 1906, so as to authorize the Secretary of the Interior to lease, according to the other terms of said amended act, for a period not exceeding twenty years.

The bill was reported to the Senate without amendment.

Mr. SPOONER. What is the term of the lease? Mr. CARTER. The present time limit of the lease is ten It calls for the construction of certain expensive buildyears. ings, and the parties think they ought to have more time. In fact, they can not make their financial arrangements without more time.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 8275) to bring about the gradual readjustment of rank throughout the several lines of the artillery, cavalry, and infantry of the Regular Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 8276) granting an increase of pension to Daniel J. Fox; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 8277) providing for stated leaves of absence to entrymen under the homestead laws; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CURTIS introduced a bill (S. 8278) granting an increase of pension to Calvin Herring; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NIXON introduced a bill (S. 8279) granting a pension to Edward Dunscomb; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 8280) granting an increase of pension to Ira H. Thurber; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8281) granting a pension to Anna Omweg; and A bill (S. 8282) granting an increase of pension to Edward D. Barker.

Mr. KNOX (for Mr. Penrose) introduced a bill (S. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. SPOONER introduced a bill (S. 8284) for the establishment of a light-house and fog-signal station at the easterly end of Gull Island, Apostle Group, westerly end of Lake Superior, Wisconsin; which was read twice by its title, and, with the ac-

companying paper, referred to the Committee on Commerce.

Mr. CLAPP introduced a bill (S. 8285) to amend an act en-

titled "An act for the relief of the Mission Indians in the which was read twice by its title, and State of California;" referred to the Committee on Indian Affairs.

He also introduced a bill (S. 8286) to provide for the management and sale of the coal and asphalt lands and deposits in the Choctaw and Chickasaw nations, Indian Territory, segregated by written order of the Secretary of the Interior on March 24, 1903, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FULTON introduced a bill (S. 8287) to correct the military record of William R. Owen; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PILES introduced a bill (S. 8288) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 8289) for the relief of Lucile P. Carroll; which was read twice by its title, and re-

ferred to the Committee on Claims.

Mr. DICK introduced a bill (S. 8290) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended and reenacted by an act approved August 13, 1888; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to

Mr. KITTREDGE submitted five amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and or-

dered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. DANIEL submitted an amendment intended to be proposed by him to the omnibus claims bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

AGRICULTURAL BANK IN THE PHILIPPINES.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands; which were ordered to lie on the table and be printed.

REPORT OF FIRST ASSISTANT POSTMASTER-GENERAL.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed at the Government Printing Office, for the use of the Post-Office Department, 5,000 copies of the report of the First Assistant Postmaster-General for the fiscal year ended June 30, 1906.

CAR SHORTAGE.

On motion of Mr. Kean, it was

Ordered, That 2,500 additional copies of Senate Document No. 233, Fifty-ninth Congress, second session, relating to "car shortage," etc., be printed for the use of the Senate.

JOHN H. POTTER-WITHDRAWAL OF PAPERS.

On motion of Mr. FRYE, it was

Ordered, That the papers accompanying Senate bill No. 3574, for the relief of John H. Potter, may be withdrawn from the files of the Senate, no adverse report thereon having been made.

EXTENSION OF ALBEMARLE STREET NW.

Mr. GALLINGER. Yesterday the bill (S. 7795) for the extension of Albemarle street NW. was passed by the Senate. I move to reconsider the votes whereby the bill was ordered to be engrossed, read the third time, and passed, and that the bill be recommitted to the Committee on the District of Columbia.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The Senator from New Hampshire moves that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

JOHN C. LYNCH.

I ask unanimous consent for the consid-Mr. CULBERSON. eration of the bill (H. R. 12560) for the relief of John C. Lynch.

The Secretary read the bill; and there being no objection, the
Senate, as in Committee of the Whole, proceeded to its considera-

tion. It gives the Court of Claims jurisdiction and authority to inquire into and finally adjudicate the claim of John C. Lynch, a resident of Shackelford County, Tex., for property taken or destroyed by Indians, and provides that for the purpose of this action it shall be assumed he was a citizen of the United States at the time of the injury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOSA RIVER BRIDGE.

Mr. CLAY. I ask for the present consideration of the bill (H. R. 24603) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama, which was reported this morning from the Committee on Commerce.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. STINER & SONS.

Mr. CULBERSON. By the courtesy of the Senator from Minnesota [Mr. Clapp], I ask unanimous consent for the present consideration of the bill (H. R. 5167) for the relief of William

H. Stiner & Sons. It is a very short bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury, all regular duties having been paid, to remit the penal or additional duties, amounting to \$781.20, incurred under section 32 of the tariff act approved July 24, 1897, growing out of the appraisement of certain 100 packages of palm-leaf hats consigned to William H. and Martin E. Stiner, composing the copartnership of William H. Stiner & Sons, imported at New York on or about August 10, 1903, from Veracruz, Mexico, on board the steamship Vigilancia, on and for the account of Messrs. Longini & Bernheim, of San Antonio, in the State of Texas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 24374. An act to fix the boundaries of lands of certain landowners and entrymen adjoining the Coeur d'Alene Indian

Reservation; H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota; and

H. R. 24989. An act to provide for the commutation for townsite purposes of homestead entries in certain portions of Oklahoma.

The following bills were severally read twice by their titles,

and referred to the Committee on the Judiciary

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham; and H. R. 25034. An act to change the time of holding circuit

and district courts of the United States for the middle district

of Tennessee.

H. R. 25041. An act to provide for the creation of additional land districts in the district of Alaska, was read twice by its title and referred to the Committee on Territories.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for

other purposes, for the fiscal year ending June 30, 1908.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amend-

ments. Mr. CLAPP. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be acted upon as they are reached.

The VICE-PRESIDENT. The Senator from Minnesota asks that the formal reading of the bill be dispensed with; that the bill shall be read for the consideration of amendments, and that Without obthe committee amendments be first considered. jection, it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, under the head of "General provisions," on page 2, after line 3,

COURT OF CLAIMS.

COURT OF CLAIMS.

Jurisdiction is hereby conferred upon the Court of Claims to hear and report findings of fact to Congress in all cases where a claim is made upon the United States based upon an act of Congress diminishing or providing for the sale of any part of an Indian reservation.

Where said claim is made in behalf of an Indian reservation.

Where said claim is made in behalf of an Indian tribe it may be prosecuted in the name of such tribe.

Proceedings brought before said court, under the provisions hereof, may be instituted by filing a petition in the Court of Claims setting forth in a plain and concise manner the alleged claim against the United States, and such petition shall be verified by an attorney appearing for the claimant or claimants: Provided, That where an attorney appears for a tribe of Indians he shall, at the time of filing the petition, file the contract of his employment, after the same has been approved by the Secretary of the Interior.

Before filing such petition, the claimant or claimants shall, by themselves or through an attorney, file with the Attorney-General of the United States a statement or notice to the effect that the petition, a copy of which shall be attached to such notice or statement, will be filed in the Court of Claims, and said notice or statement shall state when such petition will be filed, and such statement, the service thereof being verified by the claimant or attorney, shall be filed with the petition, and upon the filing of said petition and affidavit of service of notice and petition will be filed, and such statement, the service thereof being verified by the claimant or attorney-General as above set forth, the Court of Claims shall have jurisdiction to hear said cause and report its findings of fact to Congress; that immediately upon filing said petition, the clerk of said court shall notify the Attorney-General that the same has been filed, and the United States shall have sixty days after such notice in which to make answer to said petition, and the su

Mr. KEAN. Mr. President, I desire to raise a point of order against this amendment. I will withhold it if the Senator from Minnesota desires to explain the provision.

I did not hear the Senator from New Jersey. Mr. KEAN. I make a point of order against the amend-Of course, if the Senator desires to explain it I will withhold it for an explanation. It is clearly out of order. Mr. CLAPP. Well, we will see.

Mr. KEAN. I withhold the point of order for an explanation.

Mr. CLAPP. I doubt whether it would be out of order in this bill to authorize Indians or Indian tribes to go into the Court of Claims. Of course, that would meet perhaps with an objection that it would hardly be in conformity with the Constitution to put it in that form. So instead of designating Indians and Indian tribes we provide that the claims shall be based upon treaties or upon laws which diminish reservations, which of late years have taken the place of treaty provisions in the diminishing and the sale of Indian reservations.

This matter came to the chairman's notice through the request of the senior Senator from Alabama [Mr. Morgan], who for some years has been insisting that there should be a provision of this kind enacted. There are a great many old claims pending in Congress, and the idea was simply to give the Indians an opportunity to go to a court. They would get no judgment, but they would get a finding of fact which would present their matters in concrete form before the committees and before the two Houses of Congress.

Mr. CURTIS. I should like to ask the Senator from Minne-

sota a question.

Mr. CLAPP. Certainly. Mr. CURTIS. Has the Committee on Indian Affairs of the Senate ever refused to permit any tribe to go to the Court of

Claims where a proper showing has been made?

Mr. CLAPP. I do not know that it has, but when these claims come before the committee now they are in a chaotic state; it is difficult to ascertain the facts. If the Senate is willing on the recommendation of the committee to send a claim to the Court of Claims for a finding of fact, I certainly can see no objection to a general provision of this character.

It is a matter that I care nothing about one way or the other. At the request of the Senator from Alabama it was brought in here. The first thought was the creation of another court for the purpose, but on reflection and inquiry it seemed better to leave it to the court which we now have and simply give it jurisdiction of these claims.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

I understood that the Senator from New Jersey Mr. LONG.

made a point of order against it.

Mr. KEAN. I made a point of order against the amendment.

The VICE-PRESIDENT. He withdrew it.

Mr. KEAN. I withheld it for a moment.

Mr. SPOONER. Let the Senator make it and reserve it. Mr. KEAN. I did reserve it, in order that the Senator from Minnesota might explain the amendment.

Mr. HALE (to Mr. KEAN). Make it now. Mr. KEAN. I make it now.

Mr. KEAN. I make it now. Mr. CURTIS. If the Senator from New Jersey does not renew the point of order, I shall do so. Mr. KEAN. I renew it, Mr. President.

The VICE-PRESIDENT. What is the point of order?

Mr. KEAN. The point of order is that it is general legisla-

Mr. CLAPP. I do not care what is done with the amendment. I desire to submit that it is not general legislation. It certainly applies to cases resting upon treaty claims or laws which have taken the place of treaties diminishing and providing for the sale of Indian reservations. If it is not appropriate in a bill to provide for fulfilling treaty stipulations, I hardly know what would be germane to such a bill. If the Senate does not want it that is another matter, and that I do not care to discuss.

The VICE-PRESIDENT. The Chair is inclined to think that the point of order is well taken. The Chair sustains the point of

the point of order is well taken. The Chair sustains the point of

order.

The Secretary continued the reading of the bill. The next amendment was, under the subhead "Secretary," on page 4, line 25, after the words "Secretary of the Interior," to in-"And the employment of such Indians and the hiring of their property, in connection with the construction of any irrigation project under the Reclamation Service, shall be exempt from the provisions of sections 3709 and 3744, Revised Statutes; " so as to make the clause read:

Statutes;" so as to make the clause read:

That no purchase of supplies for which appropriations are made herein, exceeding in the aggregate \$500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding \$3,000 at any one purchase: Provided, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: Provided further, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. And the employment of such Indians and the hiring of their property, in connection with the construction of any irrigation project under the Reclamation Service, shall be exempt from the provisions of sections 3709 and 3744, Revised Statutes.

Mr. LODGE. I wish to ask the chairman of the committee

Mr. LODGE. I wish to ask the chairman of the committee what the purpose of that special exemption is? Section 3709 exempts personal services from the general rule affecting public contracts, so that the employment of Indians for labor would not be interfered with. But when it comes to the hiring of their property, the exemption of section 3744 relieves the Reclamation Service from making any contracts with them at all. I should like to know why that exemption should be made in regard to property.

Mr. CLAPP. The idea was that there was so little of it. and it was the suggestion of the Department, if I recall, that that exemption should be made not only as to the personal employment, but also as to the property. On page 6 of the report there will be found a communication from the Interior Department. I will read it if the Senator cares to hear it. Mr. LODGE. No; it is all right. I merely wanted to in-Department.

quire about it.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert:

The next amendment was, on page 7, after line 4, to insert:

That rights of way in the nature of easements may be granted to any citizen, association, or corporation of the United States by the Secretary of the Interior, in his discretion, under such rules and regulations as he may prescribe, through any Indian reservation, or through any lands held by an Indian tribe or nation, or through any lands held by an Indian tribe or nation, or through any lands held by an Indian tribe or nation, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian Service, for sites for mills and other industries, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for canals, ditches, pipes, and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying or the manufacturing or cutting of timber or lumber or the supplying of water for domestic, public, or any other beneficial uses, to the extent of the ground occupied by such sites, canals, ditches, flumes, tunnels, reservoirs, or other water conduits, or water plants, or electrical or other works herein authorized, but not to exceed 50 feet on each side of the center line of such pipe lines and electrical lines, together with the rights to the beneficial use of the water from any spring, stream, lake, natural reservoir, or other source of water supply located on such lands.

Before any grant of right of way hereunder shall become effective full compensation therefor, including all damage to improvements and adjacent lands, shall be made to the Secretary of the Interior for the benefit of the tribe or nation, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe.

Mr. HALE. Mr. President, I make the point of order that

Mr. HALE. Mr. President, I make the point of order that this provision, which is very important and which enacts legislation of great moment, is not proper upon an appropriation bill, it being general legislation.

Mr. CLAPP. If the Senator will pardon me, my attention was diverted for the moment. What was the Senator's remark?

Mr. HALE. I make the point of order on the amendment, be-

ginning in line 4, on page 7, in reference to rights of way through Indian reservations.

Mr. CLAPP. All I have to say to that is that it is recom-mended by the Interior Department. It provides only for the granting of rights of way through Indian reservations. The Secretary of the Interior could not grant any rights of way through allotments. So we eliminated allotments and reported the provision as recommended by the Secretary of the Interior.

Mr. HALE. It may be, Mr. President, that it would be proper legislation in the proper place—I do not go into that—but it is legislation on the general proposition of giving rights of way through reservations. I think there can be no doubt about that. The VICE-PRESIDENT. Does the Senator from Minnesota

desire to be heard in opposition to the point of order.

Mr. CLAPP. Mr. President, I do not care to be heard. wish only, however, to make this statement to correct some feelwish only, however, to make this statement to correct some reging in the committee, where I am criticised somewhat for not resisting these points of order. It is no earthly interest to me whether these various amendments remain in this bill or not. They were prepared mostly under the direction of the Interior Department and then inserted in the bill. I am not going to stand here and contest them. I submit the question to the decision of the Chair.

The VICE-PRESIDENT. The Chair has examined the amendment reported by the committee and is clearly of the opinion that it is out of place on an appropriation bill. The chair, there-

fore, sustains the point of order.

Mr. CLAPP. Mr. President, I rise to inquire whether this is the proper time to submit amendments which the Department has asked to have inserted in the bill?

The VICE-PRESIDENT. If the Senator refers to a commit-

tee amendment, it is now in order.

Mr. CLAPP. I do. Then I desire, on page 7, after line 4, to

have inserted what I send to the desk.

Mr. HALE. In accordance with the general rule, as we have not had an opportunity to examine the amendment, I suggest to the Senator from Minnesota that he defer offering it for the present until the bill is completed, and then let it come in.

Mr. CLAPP. Very well. Then I will ask that the amendment

lie on the table for the present.

Mr. HALE. And let it be printed.
Mr. CLAPP. It has been printed as reported from the committee having charge of the bill.
The VICE-PRESIDENT. The amendment will lie on the ta-

ble and be printed.

Mr. CLARK of Wyoming. I desire to inquire as to what amendment the point of order was made by the Senator from Maine [Mr. HALE]?

The VICE-PRESIDENT. It was as to the amendment begin-

ning on line 5, page 7.
Mr. CLARK of Wyoming. And extending how far?

Mr. HALE. To the entire amendment. Mr. LODGE. To the end of line 10 on page 8.

The next amendment of the Committee on Indian Affairs was, on page 8, after line 10, to insert:

That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease or accident, his or her share of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe: Provided, That this authority shall not apply to any fund against which the United States has advanced money to be reimbursed from such fund, until such reimbursement has been made.

The amendment was agreed to.

The next amendment was, under the subhead "Commissioner," on page 8, after line 23, to insert:

In any case where the restrictions as to alienation have been removed with respect to any Indian allottee, or as to any portion of the lands of any Indian allottee, and such allottee as an individual, or as a member of any tribe, has an interest in any fund held by the United States beyond the amount by law chargeable to such Indian or tribe on account of advances, the Commissioner of Indian Affairs is hereby authorized, prior to the date at which any penalties for the nonpayment of taxes would accrue under the laws of the State or Territory in which such land is situated, to pay such taxes and charge the amount thereof to such allottee, to be deducted from the share of such allottee in the final distribution or payment to him from such fund: Provided, That no such payment shall be made by said Commissioner where it is in excess of the amount which will ultimately be due said allottee.

The amendment was agreed to.

The next amendment was, on page 10, line 8, before the word "thousand," to strike out "twenty-five" and insert "forty;"

and in the same line, after the word "dollars," to insert "of which \$15,000 shall be immediately available;" so as to make the clause read .

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, \$40,000, of which \$15,000 shall be immediately

The amendment was agreed to.

The next amendment was, on page 11, line 2, after the word "training," to strike out "under arrangements in which their proper care, support, and education shall be in exchange for their labor, seventy," and to insert "seventy-five;" so as to read:

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, \$75,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to insert:

The next amendment was, on page 12, after line 11, to insert:

That hereafter white children may, under rules and regulations prescribed by the Commissioner of Indian Affairs, be admitted to any Indian day school: Provided, That the tuition fees charged for such
children shall in no case exceed the tuition fees allowed or charged by
the State or county in which such school is situated for the children admitted in the common schools of such State or county: And provided
further, That all tuition fees paid for white children enrolled in Indian
day schools shall be deposited in the United States Treasury to reimburse the funds out of which the schools last mentioned are maintained.

Mr. LODGE Mr. President I have no desire to compose that

Mr. LODGE. Mr. President, I have no desire to oppose that amendment, but I do not quite understand its purpose. I should be very much obliged if the Senator from Minnesota [Mr.

CLAPP] would explain it.

Mr. CLAPP. The amendment came from the Department to meet this condition: That as we open these reservations unallotted lands are sold, and some allotments of land are sold to white settlers who settle among the Indians. There is a notable instance of it in our State. The Commissioner, while he has allowed the white children to go to the Indian school on the reservation, has no authority really to do so, and he felt that he ought to have explicit authority rather than to allow a continuance of the system without it.

Mr. LODGE. It does not after the schools in any way? Mr. CLAPP. No; it does not affect the schools. It si Mr. CLAPP. No; it does not affect the schools. It simply allows the child of the white settler to go there and pay the

same as he pays in the white schools in the State.

The amendment was agreed to.

The next amendment was, on page 13, line 1, after the word "necessary," to strike out the following proviso:

Provided, That while absent from Washington under such detail they shall receive in addition to their regular salaries an amount not exceeding \$3 per day, to be fixed by the Commissioner of Indian Af-

Mr. CURTIS. I desire to call attention to the proviso on page 13, from line 2 to line 5. If clerks of the Department are to be detailed to different States for the purpose of visiting various reservations to look after the interest of the Department, they should be paid at least their reasonable expenses, and it seems to me that \$3 per day is not an unreasonable allowance.

Mr. CLAPP. This provision does not go to the expenses of the clerk. This is in addition to his regular salary. He would receive his expenses as the matter now stands. I will say, in that connection that the Commissioner was of the opinion that such clerks should have extra compensation. The committee, on the other hand, was rather of the opinion that clerks confined in the Department here would not object seriously at times to taking a trip under special instructions to investigate matters; and if we pay their expenses, there is no reason why we should pay them an additional salary. So the committee reported in favor of striking out the additional salary.

Mr. CURTIS. But no additional allowance? Mr. CLAPP. Ob, no; not at all.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 13, after line 5, to strike

That hereafter all schools for whose support specific appropriations are made in any annual Indian appropriation act shall be classified according to the number of pupils appropriated for therein, as follows: Class 1, where such number is less than 100; class 2, where such number is not less than 100, but not more than 200; class 3, where such number is more than 200, but not more than 400; class 4, where such number is more than 400. The pay of the superintendents of said schools shall be fixed by the Commissioner of Indian Affairs on a scale corresponding to the classification hereinbefore directed, as follows: Superintendents of schools of class 1, not to exceed \$1,200 per annum; superintendents of schools of class 2, not to exceed \$1,600 per annum; superintendents of schools of class 3, not to exceed \$2,000 per annum;

superintendents of schools of class 4, not to exceed \$2.500 per annum: Provided, That the foregoing provision as to pay of superintendents shall not apply to the school at Carlisle, Pa., as long as said school remains under the superintendency of an active Army officer: And provided further. That the pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding \$300 per annum.

Mr. CLAPP. Mr. President, I desire to call attention to the fact that the Commissioner of Indian Affairs has asked for the retention of the provision as it passed the House of Representatives. His reasons for this are given on page 10 of the report, and it is only due to him that attention should be called to his views in this respect and to the reasons which he has given. Briefly summed up, the provision will enable him to make, in his judgment, a better classification of the teachers; but the committee, after considering the matter, decided, notwithstanding his reasons, to continue the old policy of Congress regulating the matter. I call the attention of the Senate to it so that they may have the benefit of the Secretary's views upon the subject.

The amendment was agreed to.

The next amendment was, on page 14, after line 21, to insert:

The next amendment was, on page 14, after line 21, to insert:

That the Commissioner of Indian Affairs is hereby authorized and directed to send a special Indian agent, or other representative of his Office, to visit the following-named Indian tribes: Choctaw, Pottawatomie (Kansas), Senecas of New York, Six Nations of New York, Pawnees, and the Sacs and Foxes of the Mississippi, for the purpose of conferring and negotiating and entering into a written agreement with each tribe for the commutation of the perpetual annulties due them under treaty stipulations; and the Commissioner of Indian Affairs shall transmit to Congress at its next regular session said agreements with such recommendations as he may deem proper.

The amendment was agreed to.

The next amendment was under the subhead "Miscellaneous," on page 15, line 13, after the word "employees," to insert "and all other expenses connected therewith;" in line 15, after the word "rates," to strike out "and all other expenses connected therewith; "so as to read:

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian Service, including inspection and pay of necessary employees, and all other expenses connected therewith: advertising, at rates not exceeding regular commercial rates, and for telegraphing and telephoning.

The amendment was agreed to.

The next amendment was, in the same clause, on page 15, line 22, before the word "thousand," to strike out "three hundred and fifteen" and insert "two hundred and ninety;" so as to

And for transportation of Indian goods and supplies, including pay and expenses of transportation agents and rent of warehouses, and warehouses for the receipt, storage, and shipping of goods for the In-dian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco, \$290,000.

Mr. CLAPP. Mr. President, at the suggestion of the Commissioner of Indian Affairs, I do not insist on that last amendment, and I take the liberty of moving that the House provision be restored.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. KEAN. Then the amount remains at \$315,000? Mr. CLAPP. Yes; it remains at \$315,000.

The next amendment was, under the subhead "Indian agents-Proviso," on page 20, after line 4, to insert:

No Indian agent shall be an Army officer.

Mr. KEAN. Mr. President, that is a very old matter to be in an Indian appropriation bill, and I make the point of order that it is general legislation.

The VICE-PRESIDENT. The Chair is clearly of the opinion that the amendment is obnoxious to the rule, and sustains the point of order.

Mr. CLAPP. Inasmuch as we have got rid of them, I do not care.

I offer an amendment, to come in on page 20, between lines 18 and 19, and ask that it be printed and lie on the table.

The VICE-PRESIDENT. The amendment proposed by the

Senator from Minnesota will be printed and lie upon the table.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 20, line 6, after the word "The," to strike out "appropriations herein or here-after made for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any active officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies hereafter named; and the;" so as to make the clause read:

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the

superintendent upon whom such duties devolve shall give bond as other Indian agents.

Mr. LODGE. Mr. President, the amendment of the Senate providing that Army officers shall not be Indian agents having gone out on a point of order, are not the lines now proposed to be stricken out necessary?

Mr. CLAPP. I think the suggestion is well made and that the House provision should be restored. I move that the amend-

ment be disagreed to.

The amendment was rejected.

The next amendment was, on page 20, after line 18, to insert:

That the pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding \$300 per annum.

The amendment was agreed to.

The next amendment was, on page 20, after line 23, to insert:

The next amendment was, on page 20, after line 23, to insert:

That section 10 of the act of March 3, 1875 (18 Stat. L., p. 451), be, and it is hereby, amended so as read as follows:

"Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservations by said agent, but shall be safely kept and handed over to his successor: Provided, That should any agent knowingly make any false entry in said books as herein prescribed, he shall be deemed guilty of a miss demeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than \$500 now more than \$1,000, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under this act."

The amendment was agreed to.

The next amendment was, under the head of "Arizona," on page 22, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to proceed and continue to allot lands in severalty to the Indians of the Moqui Reservation in Arizona, in such quantities as may be for their best interests: Provided, That the allotment hereunder made shall otherwise be subject to the provisions of the act of March 2, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and the amendments thereto.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "Fort Mojave School," on page 22, line 21, after the word "Arizona," to insert "\$33,400;" and in line 23, before the word "dollars," to strike out "thirty-five thousand" and insert "one thousand six hundred;" so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, Ariz., \$33,400, and for pay of superintendent, \$1,600.

The amendment was agreed to.

The next amendment was, under the subhead "Phoenix School," on page 23, line 6, after the word "Arizona," to insert "\$116,900;" and in line 9, before the word "hundred," to strike out "one hundred and nineteen thousand four" and insert "two thousand five;" so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., \$116,900, and for pay of superintendent, \$2,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to insert the following proviso:

Provided, That the Secretary of War is hereby authorized and directed to cause to be issued to the Indian school at Phoenix, Ariz., upon the request of the Secretary of the Interior, sixty Springfield cadet rifles, or other similar rifles, with the necessary equipment therefor, for the instruction of the pupils of the shool.

The amendment was agreed to.

The next amendment was, under the subhead "Truxton Canyon school," on page 23, line 24, after the word "Arizona," to insert "\$18,470;" and on page 24, line 2, before the word "dollars," to strike out "nineteen thousand nine hundred and seventy" and insert "one thousand five hundred;" so as to make the clause read:

For support and education of 110 pupils at the Indian school at Truxton Canyon, Ariz., \$18,470, and for pay of superintendent, \$1,500.

The amendment was agreed to.

Mr. CLAPP. Mr. President, I offer an amendment, to come in on page 24, between lines 10 and 11, and ask that it be printed and lie on the table.

Mr. KEAN. Let it be read.

Mr. CLAPP. Very well; it may be read at this time.
The VICE-PRESIDENT. The Secretary will read the amendment intended to be proposed by the Senator from Minnesota.

The Secretary. On page 24, after line 10, it is proposed to insert:

That the Secretary of the Interior may, in his discretion, use such part of the \$300,000 heretofore appropriated for an irrigation system

for the Pima Indians in the payment of such Indians' proportionate part of the construction of the Salt River project, and such funds may be transferred to the reclamation fund, to be expended by that Service in accordance with its rules and regulations, the Indians to receive a credit upon the reclamation charge assessed against their lands under the Salt River project for the amount so transferred.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Sherman Institute," on page 24, line 18, after the word "California," to insert "\$83,750;" and in line 21, before the word "dollars," to strike out "eighty-six thousand" and insert "two thousand two hundred and fifty;" so as to make the clause read:

For support and education of 500 Indian pupils at the Sherman Institute, Riverside, Cal., \$83,750, and for pay of superintendent, \$2,250.

Mr. CLAPP. Mr. President, the Commissioner of Indian Affairs has called my attention to the fact that the amendment proposed by the Senate committee as to the Sherman Institute ought not to be made, and that we ought to restore the House provision. On conference with him I think that is correct. I therefore ask that the amendment be disagreed to.

The amendment was rejected.

Mr. LONG. I call the attention of the Senator from Minnesota to the fact that the latter amendment provides for the salary of the superintendent, and should be agreed to.

Mr. CLAPP. It is my mistake. I thought the Secretary was reading on page 25. That amendment should be agreed to.

The VICE-PRESIDENT. Without objection, the amendment

is agreed to. Now, the amendment at the top of page 25, beginning with line 1 and ending in line 6, I think, on conference with the Commissioner, ought not to stand. We ought to re-

store the House provision, and I move that we do so.

The VICE-PRESIDENT. Lest there be a misunderstanding, the Chair will call the attention of the Senator from Minnesota to the amendments on page 24, under the subhead "Sherman Institute.

Mr. CLAPP. The amendment of the Senate on page 24, lines 18, 19, and 20, ought to stand. I move that the vote by which it was rejected be reconsidered, and that the amendments be agreed to.

The VICE-PRESIDENT. Without objection, the vote by which the amendment was disagreed to will be reconsidered.

Without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, at the top of page 25 to strike out:

For addition to laundry, \$2,000; For additional farm buildings and improvements, \$8,000; For two employees' cottages, \$6,000; For cement walks, curbing, and guttering, \$5,000.

Mr. CLAPP. I move that the amendment be disagreed to. Mr. McCUMBER. Inasmuch as the committee proposed to

strike out that provision, I should like the Senator to give an explanation why it should be reinserted now.

Mr. CLAPP. The Commissioner has submitted a very lengthy

report upon that matter, found on pages 12 and 13 of the committee's report. It would seem from his statement that we had made a mistake in striking out the provision, as the buildings are needed. It occurred to me that it would be perfectly proper

to accede to the suggestion and let the provision stand.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Indian Affairs.

The amendment was rejected.

The next amendment of the Committee on Indian Affairs was, on page 25, line 8, to reduce the total appropriation for the support and education of 500 Indian pupils at the Sherman In-

stitute, Riverside, Cal., from \$120,500 to \$99,500.

Mr. McCUMBER. Mr. President, it seems to me that if we disagree to the amendment on lines 1 to 6, then we ought to disagree to the amendment on line 8.

Mr. CLAPP. Certainly. I supposed my motion included that, The VICE-PRESIDENT. The question is on the amendment on page 25, line 8.

The amendment was rejected.

The next amendment of the Committee on Indian Affairs was, on page 26, after line 2, to insert:

For payment to the Indians of the Round Valley Indian Reserva-tion, in such manner as the Secretary of the Interior may direct, \$503.50 for 402.80 acres of land, at the rate of \$1.25 per acre, which lands were erroneously entered by homestead and other claimants while they were a part of the Round Valley Reservation.

The amendment was agreed to.

The next amendment was, under the head of "Colorado," on page 26, after line 10, to insert:

That legal and equitable jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear, determine, and render

final judgment, with right of appeal as in other cases, in a certain cause entitled "The White River Utes, the Southern Utes, the Uncompangre Utes, the Tabeguache, Muache, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado, against the United States," being Congressional, No. 11248, pending in said court by reference under Senate resolution dated December 11, 1903; and in rendering said judgment the court shall embrace therein the value of all lands whereof disposition has been made for cash, and also for lands which have been withdrawn from the public domain and set apart as public reservations or for forest or timber land reserves or for other public uses under existing laws or proclamations of the President of the United States, and for all sums due to the Confederated Bands of Ute Indians, the complainants in said cause of action, under the terms of the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same;" said action shall proceed under its present title and pleadings filed, with right of amendment, and shall be conducted by the attorney of record now appearing in said cause or by any attorney by him specifically authorized to appear, and the Attorney-General shall continue to appear and represent the United States, and in rendering final judgment the court shall fix the compensation of the attorneys on behalf of plaintiffs, not exceeding 15 per cent of the amount of said judgment, which compensation shall be awarded for said attorneys who have rendered actual services in conducting the said cause, upon a quantum meruit, in the name of the attorney of record in said cause, or any attorney by him specifically authorized, and shall be paid to him from the proceeds of said judgment by the Secretary

Mr. LODGE. Mr. President, the amount of money involved in this suit extends from nine to twenty-five million dollars, according to the statement of the Commissioner; that is, an award of from nine to twenty-five millions may be made. It is therefore a pretty serious amendment.

Mr. CLAPP. Will the Senator from Massachusetts pardon

me?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Certainly.
Mr. CLAPP. This is an amendment which the senior Senator from Colorado [Mr. Teller] pressed with a good deal of insistence. He is not able to be here to-day, and I would suggest that we pass it over.

Mr. LODGE. I am perfectly willing that it shall be passed over, of course. But I was going to call attention to the fact that the compensation of the attorneys, as arranged by this amendment, it is provided, shall be paid out of the Treasury of the United States without reference to the award, afterwards to be reimbursed from the Indian funds, and that the attorneys could get 15 per cent of this claim.

Mr. KEAN. Mr. President—
Mr. LODGE. I do not care to go into the matter further at this time, but will let the amendment be passed over.

Mr. KEAN. Let me ask the Senator a question. If it is to be paid out of the Treasury of the United States, the amendment is clearly subject to the point of order?

Mr. LODGE. Absolutely.

Mr. KEAN. But I do not make it now.

The VICE-PRESIDENT. The amendment will be passed over at the request of the Senator from Minnesota.

Mr. CLAPP. I will-state that it is noted on my memorandum to call the attention of the Senate to the reasons which the Commissioner gives why this ought not to be allowed, and his reasons are printed in full in the report.

Mr. LODGE. Perhaps it might be well to have printed in the RECORD what the Commissioner says on page 14.

Mr. PATTERSON. What page?

Mr. CLAPP. On page 14 of our report. There is stated the Commissioner's objection to the amendment.

Mr. LODGE. Let the objection as stated by the Commissioner on page 14 be printed in the Record at this point.

The VICE-PRESIDENT. It will be inserted in the Record.

The matter referred to is as follows:

The matter referred to is as follows:

The case concerned is pending in the Court of Claims, which was Instructed by Senate resolution No. 52, Fifty-eighth Congress, second session, to proceed as directed and report to the Senate.

If this proposed legislation prevails, the findings of the court will be morally binding upon the Congress, and an appropriation will have to be made to meet its judgment. But this item proposes to give authority to the attorney of record, J. M. Vale, to control the conduct of the suit and employ other attorneys for the plaintiffs, and authorizes the court to fix the compensation, not exceeding 15 per cent of the judgment, which shall be awarded to the attorneys "who have rendered actual services in conducting the said cause upon a quantum meruit," and the Treasury is to be reimbursed "from the funds of the Confederated Bands of the Ute Indians."

Now, Mr. Vale is not attorney for the confederated Utes, but only for certain bands. Other attorneys obtained similar contracts from other bands, and all appear to have "pooled their issues" so that each might be interested in every contract.

In the request for findings of facts and arguments submitted to the court the eleventh finding asked for shows four contracts, the attorneys being J. M. Vale, C. C. Clements, William C. Shelley, Kie Oldham, Adair Wilson and W. S. Peabody, and says: "The services so rendered to each of the said bands of Indians are identical, and the compensation moving from each thereof should be the same. There is allowed and set apart to the said attorneys 12½ per cent of the amount awarded to the said Indians in these findings of fact, which is the minimum compensation named in the said contracts." This item, however, proposes to raise the award to 15 per cent and let in other attorneys.

Furthermore, this bill proposes to pay the attorneys out of moneys in the Treasury, without regard to whether the Indians ever obtain anything or not. As the amount involved is from \$9,000,000 to \$25,000,000, it can be seen clearly that the attorneys will fare very well, no matter what happens to the Indians. The entire business should, in my judgment, be suspended till the case in the Court of Claims has been determined.

The reading of the bill was resumed.

The reading of the bill was resumed.

The reating of the bin was residued.

The next amendment of the Committee on Indian Affairs was, on page 28, line 11, after the word "Colorado," to insert "\$33,400;" and in line 13, before the word "hundred," to strike out "thirty-five thousand one" and insert "one thousand seven;" so as to make the clause read:

For the support and education of 200 Indian pupils at the Indian school at Fort Lewis, Colo., \$33,400; and for pay of superintendent, \$1,700.

The amendment was agreed to.

The next amendment was, on page 28, line 20, after the word "Colorado," to insert "\$33,400;" and in line 22, before the word "dollars," to strike out "thirty-five thousand" and insert "one thousand six hundred;" so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., \$33,400, and for pay of superintendent, \$1,600.

The amendment was agreed to.

The next amendment was, under the subhead "Fort Hall Indians (treaty)," on page 30, after line 1, to insert:

For nineteenth of twenty installments, as provided in agreement with said Indians approved February 23, 1889, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, \$6,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 14, to strike out:

For nineteenth of twenty installments, as provided in agreement with said Indians approved February 23, 1889, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, \$6,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 20, to insert:

The amendment was agreed to.

The next amendment was, on page 30, after line 20, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to acquire by purchase or condemation on behalf of the United States all land in townships 4, 5, 6, and 7 south, range 40, 41, and 42 east. Boise meridian in Idaho, that he shall deem necessary in constructing a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Indian Reservation and those ceded by the Indians of the said reservation, and also the lands, rights, and property which he may determine to be necessary to the success of any pian or project for the said purpose; or he may cause the enlargement to be made of any irrigating system in accordance with the laws of Idaho that circumstances may require.

Upon acquiring the site, as herein provided, the Secretary may cause the system determined on to be constructed by contract or otherwise, in sections or as a whole, as he may determine, and may sell the water right for lands in private ownership at not exceeding \$6 an acre, but no such right shall permanently attach until all payments therefor are made. The amount at which such water rights shall be sold shall be payable in five equal annual installments, to be paid to the receiver of the local land office, and the failure to make any two payments shall work a forfeiture of the right acquired by the puchaser, and he shall lose the money previously paid and the water right for the land, but it may be purchased by another person who shall thereafter acquire the land in question at such price and on such conditions as the Secretary of the Interior may determine, but not less than the cost originally determined. In addition, the same fee shall be paid to the register and receiver as though the land was entered as a part of the public domain at \$1.25 an acre; the money so paid, less the fee, shall reimburse the United States for the expenditures made thereunder.

The land susceptible of Irrigation under the system herein pro

which shall be reimbursed the United States from the moneys obtained from the sale of water rights, and the Secretary of the Interior shall have full power to do all acts or make all rules and regulations necessary to carry out the provisions of this act relating to the foregoing irrigation system.

The amendment was agreed to.

The next amendment was, under the head of "Indian Territory," on page 34, after line 16, to strike out:

To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, \$25,000: Provided, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.

And insert:

On and after July 1, 1907, all restrictions upon the alienation, leasing, or encumbering of the lands, except homesteads, of all allottees of Indian blood in the Indian Territory, and all restrictions upon the alienation, leasing, or encumbering of all the lands of allottees not of Indian blood are hereby removed.

Mr. LONG. I desire to ask the chairman of the committee if-it will be agreeable to pass over the amendment beginning in line 17, on page 34, striking out the House provision and inserting the amendment down to the end of line 4, on page 35. It will probably produce considerable discussion.

Mr. CLAPP. In view of the discussion that it will precipitate, and it being Saturday and many Senators absent, I intended to suggest that it should go over. The two amendments should go together, because if the Senate does not adopt the Senate amendment then the House provision should be restored.

The VICE-PRESIDENT. The proposed amendment will lie over.

Mr. CLAPP. At this point I desire to offer an amendment coming from the Department. I move to insert, on page 34, between lines 16 and 17, what I send to the desk. I ask that the amendment be printed and lie on the table. It will be neces-

sary if we reject the Senate amendment.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The Secretary. On page 34, after line 16, insert the follow-

That the act of May 8, 1906 (34 Stat. L., pp. 182-183), entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," be, and the same is hereby, amended by inserting the words "of the Five Civilized Tribes" between the word "Indians" and the word "in" in the last line of the third proviso; so that this proviso shall read:

shall read:

"And provided further, That the provisions of this act shall not extend to any Indians of the Five Civilized Tribes in the Indian Territory"

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 35, after line 4. to insert:

Ten thousand dollars, or so much thereof as may be necessary, to be immediately available, in the payment of indebtedness already incurred, necessarily expended in suppressing the spread of smallpox in the Indian Territory during the fiscal year ended June 30, 1901, all accounts to be first examined and approved by the Secretary of the Interior as just and reasonable before being paid.

The amendment was agreed to

The next amendment was, on page 36, after line 4, to strike out:

The Attorney-General be, and he is hereby, authorized to make all necessary arrangements for the transfer from the clerks of the United States courts in the Indian Territory and their deputies in their capacities as clerks and as ex officio recorders, to the proper State or county officials of the State of Oklahoma when organized, all records, papers, and files now in the custody of said clerks and their deputies, and he is authorized to pay the necessary expense incident thereto out of the excess of emoluments earned by said clerks and their deputies whether as clerks and deputy clerks or as ex officio recorders of deeds and other instruments during the calendar years 1906 and 1907, notwithstanding the act of February 19, 1903. (32 Stat. L., p. 842.)

And insert:

That to enable the clerks and deputy clerks of the United States courts in Indian Territory who are ex officio recorders to complete their records they shall be allowed to retain 50 per cent of the fees earned by them for filing and recording deeds and other instruments in addition to the compensation now provided by law.

Mr. CURTIS. Mr. President, I hope the House provision will

be retained in the bill and that the Senate amendment will be rejected, because I am satisfied from a careful investigation that if 50 per cent of the fees collected are allowed, the clerks will be paid and permitted to retain a very much larger sum of money than is necessary to do the work.

The House provision simply provides that the Attorney-General shall pay out of the fees collected the expense of preparing the records to be turned over to the State authorities.

Mr. LONG. Mr. President-

The VICE-PRESIDENT. Does the junior Senator from Kansas yield to the senior Senator from Kansas?

Mr. CURTIS. I do.

Mr. LONG. I move in the amendment, in line 23 on page 36, that the word "fifty" be stricken out and the word "twenty-

The VICE-PRESIDENT. The senior Senator from Kansas proposes an amendment, which will be stated.

The Secretary. In the committee amendment, on page 36, line 23, before the words "per centum," it is proposed to strike out "fifty" and insert "twenty-five."

The VICE-PRESIDENT. Is there objection to the amend-

ment? Mr. LODGE. There is no objection to it.

The VICE-PRESIDENT. If not, the amendment is agreed to. Mr. LODGE. I wish to be heard on the amendment. I do not want to interrupt the Senator from Kansas.

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. CURTIS. Certainly.

Mr. LODGE. No; I do not desire the Senator to yield. I will

speak when he is through.

Mr. CURTIS. I still insist that the House provision is the better of the two, and I hope it will be retained and that the Senate amendment will be rejected. I think it is sufficient to provide that the Attorney-General shall pay the expense out of the fees collected.

Mr. CLARK of Wyoming. Mr. President-

Mr. CURTIS. I might say further, if the Senator from Wyoming will pardon me, that I have gathered statistics showing the amount of the fees collected last year. I have a letter from one of them wherein it is stated that the amount col-I have a letter lected by him last year was about \$6,000; of this he was paid \$1,800 for doing the work, and this year he states the receipts will amount to about \$15,000 for that one office. It would be too much to permit the clerk to retain one-half or even 25 per

cent of \$15,000.

Mr. CLARK of Wyoming. I wish to make an inquiry of the Senator from Kansas or from the Senator from Minnesota in regard to the basis for any action of this sort. I understand it to be the case that the recorders in the Indian Territory are very greatly behind in their work and that it is impossible, with the allowance made at this time, to bring their work up to date; that there will have to be additional help employed in their offices if the records are to be made complete for transfer to the new State officials. In the House text-I have not paid attention to it before-there is no provision for the performance of There is nothing provided for the employment this extra work. of extra help to bring the work up to date.

Mr. CURTIS. The Senator will observe that the House pro-

vision reads:

The Attorney-General be, and he is hereby, authorized to make all necessary arrangements for the transfer from the clerks of the United States courts in the Indian Territory and their deputies in their capacities as clerks and as ex officio recorders, to the proper State or county officials of the State of Oklahoma when organized, all records, papers, and files now in the custody of said clerks and their deputies, and he is authorized to pay the necessary expense incident thereto out of the excess of emoluments earned by said clerks and their deputies whether as clerks and deputy clerks or as ex officio recorders of deeds and other instruments during the calendar years 1906 and 1907, notwithstanding the act of February 19, 1903 (32 Stat. L., S42).

He is authorized to use for that purpose the money that may

be collected.

Mr. CLARK of Wyoming. I know, but that does not authorize the Attorney-General to employ additional help to complete the records. It allows the Attorney-General to transfer the unrecorded documents, while the purpose of the amendment, as I understand, is that the unrecorded documents may all be recorded and that the work of the offices shall be complete and finished at the time when the transfer is made. If I am wrong,

I desire to be corrected.

Mr. CLAPP. The correspondence on this subject will be found on pages 25 and 26 of the report. It appears from this correspondence that the clerks there were obliged to employ additional help; and the letter of Mr. Sponsler, deputy employ the United States court, is found on page 26. The matter was submitted to the Department, and while the Commissioner of Indian. Affairs, as will be found on page 26, does not particularly champion the provision, he says that he sees no objection to it. On the strength of the correspondence and conference with him the clause was put in here. I think the senior Senator from Kansas is quite familiar with the subject.

Mr. LODGE. Mr. President, this, too, is an old friend. It appeared last year. It was very fully discussed by the Senate and, as I recollect, was thrown out. It seems to me that if it is necessary merely to bring up the records, it is perfectly easy—

if there is any doubt about the House provision—to give the Attorney-General authority to employ additional clerks in order to complete the records.

Mr. CURTIS. That is what I desire to do. I was just pre-

paring an amendment of that sort.

Mr. LODGE. I think that will cover it entirely.

Mr. CURTIS. I suggest that the Senator from Massachusetts

submit an amendment to that effect.

Mr. LODGE. I would rather the Senator would do so. He is more familiar with the subject. The provision offered by the Senate committee makes a very large gift to these clerks. We had precisely the same effort on the part of the clerks last year. I do not blame them. There is no reason why they should not try to get as much money as they can. But that does not bind us to give it if we do not think it is proper to give it to them.

I should think the amendment suggested by the Senator would cover the point and make the records good, and then we could abandon this proposition to give a bonus to the clerks for

doing their work.

Mr. LONG. I believe it is necessary, and I think the Senator from Massachusetts will agree with me when he understands the situation, that there should be additional compensation to the clerks and deputy clerks, so that they may prepare their records for transfer to the State authorities, who will take charge of them on or about the 1st of July of this year. The House provision does not adequately provide for them, and for that reason the committee reported this provision. There should

be only adequate compensation.

Mr. LODGE. I see the force of the Senator's proposition, to bring the records up to the proper point, and I have not the least objection to providing for it; but I think the way to provide for it is to include the necessary phraseology—that the Attorney-General be authorized to employ such assistants or such clerks as may be necessary to bring the records up before their transfer—and not put in a clause giving the clerks outright a large sum of money, which may be—and certainly in the in-stance cited by the junior Senator from Kansas would be—very largely in excess of the value of the labor to be performed.

Mr. CLAPP. I suggest that we pass this matter over momentarily, while the Senator prepares his amendment.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment of the Committee on Indian Affairs was, at the top of page 37, to insert:

at the top of page 31, to lineert:

The clerks of the United States courts in Indian Territory, and their deputies, shall be required to record all leases of Indian lands in Indian Territory, for whatever purpose leased, which require the approval of the Secretary of the Interior when such leases are offered for filing and record to such clerks or deputies, notwithstanding they may be offered for such filing and recording prior to their approval, and if said lease is approved such approval may be recorded. If such lease is disapproved, such disapproval shall be recorded by the Secretary of the Interior, and in such case the previous record of such lease shall be of no force or effect.

I desire to call attention to the fact that the Mr. CLAPP. Commissioner has reported adversely to this provision, and his report will be found on page 26 of the committee report. He is of the opinion that this ought not to be enacted into legisla-I am rather inclined to think that it ought to be, perhaps, tion.

Under existing law, a lease may be made, and it has to be sent for approval. In the interim the allottee may make appli-cation to have his restrictions removed, and it may be that the latter application is disposed of by the Department before action on the application for the approval of the lease. There being no record of the lease, the rights of the lessee, of course, under the lease are lost if the removal of the restrictions is approved and the record of a sale made prior to the record of the lease.

Mr. CURTIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. If the lease is filed with the Indian agent, under the rules and regulations of the Department, is not that notice to the world?

Mr. CLAPP. Mr. President, I do not know. tion I am going to discuss before this bill is finished—as to how far the Department of the Interior by rules and regulations can affect property rights. I doubt very much whether the record of that lease affects property rights recorded in the office of the Indian agent at Muskogee. I know of no law that makes that a public record throughout the Indian Territory. If it does, that will settle the question.

Mr. CURTIS. May I interrupt the Senator from Minnesota? Mr. CLAPP. Certainly.

Mr. CURTIS. The Supreme Court has decided that formal proof of the rules and regulations of the Department is not nec-The court will take notice of them; and if the court essary. takes notice of them, then the world must take notice of them.

Mr. CLAPP. Undoubtedly the court will take notice of the rules and regulations of the Department, so far as the administration of the law by the Department is concerned, but when it comes to fixing the rights of people in real estate, on the question whether a record or not is a notice, I doubt very much whether any rule or regulation of the Department can defeat a man in his legal rights in property or give property to a man who has no legal right thereto. If the lease is recorded and it is not approved, by the terms of the proposed act it becomes null and void. It is a matter I care nothing about except for One condition in the Indian Territory to-day that is affecting the Indians as well as the white people is the instability, the uncertainty as to title to property and property rights there

Mr. CURTIS. May I interrupt the Senator from Minnesota?

Mr. CLAPP. In one moment. For that reason it seemed to me wise to fix it beyond any question. That is all I care to say about it.

Mr. CURTIS. Does the Senator from Minnesota think it

would be wise to record unapproved leases?

Mr. CLAPP. Certainly, if the law provides that if those leases are not approved they shall be null and void. If they are approved, then no subsequent act of the lessor, no act of the Department here in passing on the application for the removal of restrictions subsequent to the approval of the lease, can defeat the lessee's rights under the lease, and if the Department rejects the lease and refuses to approve it, it falls of its own weight.

Mr. CURTIS. Unless the Senator desires to complete the amendment at this time, I hope it will be passed over. I am ready, so far as I am personally concerned, to go on at this I hope the amendment will not be agreed to.

Mr. CLAPP. I have no objection to passing it to a fuller Senate. I think any matter that is to be voted on should be

considered when there is a larger attendance.

The VICE-PRESIDENT. The amendment will be passed

Mr. HALE. I was not here when this question was raised. The amendment as discussed, I understand, covers only the text on page 37, down to and including line 12.

The VICE-PRESIDENT. That is correct.

Mr. HALE. It does not at all refer to the subsequent matter? Mr. CLAPP. Oh, no.

Mr. KEAN. That legislation is necessary on account of statehood.

Mr. HALE. The next?

So the Commission says. Mr. KEAN.

Clearly the next provision is legislation. It may Mr. HALE. be so desirable that no Senator will make a point of order, and I will not make the point of order if the Senator from Minnesota can show that it is really an indispensable provision.

Mr. CLAPP. I will make a statement concerning it.

not yet been read.

The VICE-PRESIDENT. The Secretary will state the amendment.

The next amendment of the Committee on Indian Affairs was, on page 37, after line 12, to insert:

That no election for city, town, or municipal officers authorized by the laws now in force in the Indian Territory shall be held under and in pursuance of said laws in the year 1907; and all persons heretofore elected to any of said offices now serving and performing the duties thereof shall continue to serve in their respective offices and perform all the duties thereof, with all the power and authority conferred upon them by the laws now in force in said Territory, until such offices are terminated by the laws of the State of Oklahoma or until the officers provided for under the constitution of said State are duly elected and qualified: Provided, That in case no constitution is adopted and ratified in accordance with the provisions of an act for the admission of Oklahoma and Indian Territory into the Union as a State, approved June 16, 1906, then said officers shall continue to discharge the duties of their respective offices until their successors are duly elected and qualified.

Mr. STONE. Mr. President, I have received yesterday and to-day some rather vigorous protests from the Indian Territory against this provision. I have not been able to examine them, and I simply suggest to the Senator from Minnesota that it might be well to let the amendment be passed over for to-day.

Mr. CLAPP. There is no question, of course, but that this provision is subject to a point of order. It simply shows that one mistake may lead to the necessity for another. Last winter on an appropriation bill, where it had no place whatever, there was a provision similar to this relating to Oklahoma, but by inadvertence Indian Territory was omitted. The result will be that unless some such provision as this is enacted into law they will have to hold all their local elections there this spring, and will have to hold all their local elections there this spring, and the adoption of the constitution, to be followed by statehood, will practically make that seem a useless ceremony. At the should be some legislation on the subject, but the objection I

suggestion of the Commission to the Five Civilized Tribes this amendment was inserted. There will undoubtedly be objection to it, because there are a good many people there who probably would like to be elected to an office between now and statehood; but whatever advantage it may give them, the Commission called my attention to the fact that we did this precise thing in reference to Oklahoma. I think it was done on the urgent defi-ciency appropriation bill. For that reason it was brought in and submitted to the Senate. Unquestionably it is subject to a point of order if the point is made.

Mr. HALE. I remember the debate that took place here on this matter, and so far as I am concerned I will not insist upon the point of order. Occasionally it happens that upon appropriation bills considered in the last days of a session provisions are so clearly in the public interest that no objection is made to their being incorporated in those bills. They are subject, if the question is raised, to a point of order, but in emergencies the Senate has always, under such conditions and under such admissions as have frankly been made by the Senator in charge of the bill, incorporated legislation into an appropriation bill. Recalling what took place at the last session, so far as I go I see the force of the proposition now, and I will not insist upon the point of order at this time. I have no objection to its going over.

Mr. STONE. I simply desire to have it go over.
Mr. CLAPP. I have no objection to its going over.
The VICE-PRESIDENT. The amendment will be passed over.

Mr. CLARK of Wyoming. I ask unanimous consent to return to line 20, on page 36, what we were speaking about a moment ago, in regard to the clerks, and to submit an amendment to the Senate committee amendment beginning at line 20; so as to make it read:

That to enable the clerks and deputy clerks of the United States courts in Indian Territory who are ex officio recorders to complete their records they shall be allowed to retain for such purpose a sufficient per cent of the fees earned by them for filing and recording deeds and other instruments in addition to the compensation now provided by law, the amount so to be allowed and retained to be determined and approved by the Attorney-General of the United States.

Mr. LONG. I think that amendment covers the point and is satisfactory. I believe it is better than the House provision,

which the Senate committee reported to strike out.

Mr. CLARK of Wyoming. I think it is better in this respect.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Before the words "per cent," in line 23, it is proposed to strike out the word "fifty" and insert "for such purpose a sufficient;" and to add at the end of the paragraph, in line 25:

. The amount so to be allowed and retained to be determined and approved by the Attorney-General of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.
The next amendment was, under the subhead "Five Civilized Tribes," on page 38, after line 22, to insert:

An act of Congress approved April 26, 1906 (34 Stat. L., p. 137), entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in Indian Territory, and for other purposes," is hereby amended by striking out on line 13 the words "And the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date" and inserting the words "And the Secretary of the Interior shall have jurisdiction after said date to adjudicate any and all cases then pending "in lieu thereof.

Mr. LONG. Lock that the appropriate hereof.

Mr. LONG. I ask that the amendment be passed over.

Mr. LONG. I ask that the american be passed over.

The VICE-PRESIDENT. It will be passed over.

Mr. CLAPP. Under the bill which we passed last year we provided that the roll should be completed, and not only the work in the Territory completed, but we provided that the Secretary should have no authority after the 4th of March to approve any roll. The chairman took it up with the Commissioner of the Five Civilized Tribes, and he states that he can complete his work before the 4th of March. The chairman then took it up with the Department as to whether they would be out of the way with their work, and it was at their suggestion that this amendment was put in.

Mr. CURTIS. Was the amendment prepared by the Department?

Mr. CLAPP. No, sir; it was prepared by the chairman, I think.

Mr. CURTIS. It seems to me that it is very broad.

Mr. HALE. If the Senator will allow me, it is clearly subject to a point of order. On the face of it, it shows that we passed general legislation last year to a certain effect, and this year it is proposed to declare precisely the contrary to be the law. I will not make the point of order if the Senator from

have is to the language of the amendment. I think possibly it can be perfected.

Mr. CLAPP. That is quite likely. I hope the point of order will not be made, because in some form there ought to be some authority given. This may not be the proper form, but there certainly should be some authority to the Secretary to deal with this matter after the 4th of March, because the Department can not get through by that time.

Mr. LONG. I think that is true.

Mr. HALE. I do not make the point of order now. The amendment will go over.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 39, after line 8, to insert: That the Secretary of the Interior, or his accredited representative, shall at all times have access to any books and records of the Choctaw, Chickasaw, Cherokee. Creek, and Seminole tribes, whether in possession of any of the officers of either of sald tribes or any officer or custodian thereof, of the future State of Oklahoma.

The amendment was agreed to.

The next amendment was, on page 39, after line 14, to insert:

CHOCTAWS.

CHOCTAWS.

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due. Said judgment, if any, in favor of the heirs of Garland, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.

Mr. HALE. As the law stands now there is no enthority to

Mr. HALE. As the law stands now there is no authority to the Court of Claims to consider this matter. A provision is incorporated here giving the court that authority. Of course that is a matter of general legislation. Unless the Senator has some special reason to show why this ought to be done, I shall be constrained to make the point of order against it.

Mr. McCUMBER. Mr. President, I wish to say a word on the

point of order.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. Certainly.

Mr. McCUMBER. This question of a point of order on every one of these provisions is constantly being raised or at least threatened, and I do not know but that it is just as good a time now as any other in the consideration of this bill to understand the force and effect of the point of order.

The Senator from Maine raises the point of order that it is general legislation, but he gives as a reason for sustaining his point of order that it is new legislation. I understand that the point of order can only be raised in a case where it is general legislation in the Senate. The House, I understand, has a rule that pertains to new legislation, but here it is general leg-

Then the question naturally arises, What is general legislation? Do we not understand general legislation to mean that which applies generally over the United States? It may in its application strike only specific subjects and subjects that are lo-cated in only one section of the country, but in order to be general legislation it must be of that nature that it will apply to the subject whenever and wherever it may be. The fact that it is new legislation, it seems to me, does not come under this

rule.

We are dealing here with the relation of the Government to We are dealing here with the relation of the Government to Indian tribes. Almost every line in this bill is something that pertains to the Indians or to the Indian tribes. For instance, I call the attention of the Chair to the objection that was sustained by the Chair a short time ago, without any debate at all upon the subject, in which general power was given under an amendment for any members of the tribe to appear before the Count of Chairs and assert their rights. Court of Claims and assert their rights. We have again and again placed such a provision heretofore in these bills, and I understand it has been sustained as against the objection that it was general legislation. We have provided that the Indian having a claim against the Government may seek redress in the Court of Claims.

Mr. President, that is not general legislation, it seems to me. If we can provide by specific legislation that one member of a tribe may bring an action in the Court of Claims, does it cease to be special legislation when we say that a dozen members of the tribe may bring the action, or that every member of the tribe may bring the action? This, which relates to that tribe only, can not be general legislation, because it is directed specifically toward that tribe and to that alone.

I certainly want to understand on what ground the Senator bases the objection that every amendment that is new legisla-

tion will come under the objection which is provided in our rule as against any general legislation upon appropriation bills.

Mr. HALE. Mr. President, I am glad the Senator has asked the question, and I will tell him what I think is the scope and effect of this rule of general legislation. General legislation covers almost everything that is not covered by private legislation. General legislation may be only applicable to a certain case, but if it is a change of the general law, it is general legislation. We do not use the term "new legislation," but "general legislation."

Suppose, for instance, that on an appropriation bill relating to the judiciary the Committee on Appropriations should incorporate in their report a provision that one judge in a single State should hereafter receive a salary not of \$6,000, but of \$10,000. While that is narrow in its scope and only applies to one judge, just as this applies to one tribe, it is general legislation, because it interferes with the general law and changes the general law.

The point that if any legislation applies only to a particular case it is not general legislation applying to the whole country is not good, and it has never been held by the Chair, in my recollection, that it is not general legislation. It is not the question whether it applies only to one tribe or one person, but whether it is a change of the general law, and I think my illustration We could not on an appropriation bill raise the salary of one judge on the ground that it does not apply to all the judiciary but applied to only one judge. It would be general legislation because it changes the general law.

The VICE-PRESIDENT. The hour of 2 o'clock having ar-

rived, the Chair lays before the Senate the unfinished business,

which will be stated by the Secretary.

The Secretary. Senate resolution No. 214, by Mr. Carter, that a duly qualified entryman is entitled to a patent for land,

Mr. CARTER. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily

laid aside. Without objection, it is so ordered.

Mr. McCUMBER. Mr. President, I am not prepared at this time to go so far as to admit that any law which affects general legislation is of itsef general legislation. If that were true, we could scarcely put anything into an appropriation bill other than the mere appropriation and nothing else. Every provision that adds an appropriation—that even adds to the salary of one individual-would fall under the same objection, that it is changing the general law, because it does not contain all of a class. the Senator refers to a case that is in no wise parallel to the one against which he urges his objection. He premises with a statement that there is at present no law on that subject. If there is at present no law on the subject, then I should like to have the Senator tell me how it changes the present law, there being none upon the subject. But looking at the amendment itself, we find the following:

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of Samuel Gar-land, deceased, etc.

There is no law on the subject-no general law, no special law. It adds to, it changes, no possible general law, and it specially applies to the single claim of one individual. Now, how that can be contorted into a meaning of general legislation is certainly beyond my comprehension.

Mr. SPOONER. May I ask the Senator a question?
Mr. McCUMBER. Certainly.
Mr. SPOONER. Not disagreeing with the Senator's view, is it not out of order under subdivision 4—
Mr. McCUMBER. I have not considered that at all.
Mr. SPOONER. As a private claim on a general appropria-

tion bill?

Mr. McCUMBER. There may be other objections to the amendment, but the objections that have been urged right along to these provisions have been upon the ground that they were general legislation.

Mr. SPOONER. I think a great many of the objections are sustained on that ground.

Mr. McCUMBER. Pessibly. Mr. SPOONER. But is not this amendment subject to the following rule:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Surely it is a private claim. There is no appropriation in the bill for it. It has no business in the bill under the rule. It is

simply a proposition to confer jurisdiction upon a court to hear and determine a private claim.

Mr. McCUMBER. I had not examined that rule to see if it has application to this amendment. I was simply objecting to the construction that was placed upon the words "general legislation" by the Senator from Maine in his objection to this particular provision.

The VICE-PRESIDENT. Does the Senator from Minnesota ask that the amendment be passed over?

I ask that it be passed over

The VICE-PRESIDENT. Without objection, the amendment will be passed over. The next amendment will be stated.

The next amendment of the Committee on Indian Affairs was, on page 40, after line 2, to insert:

on page 40, after line 2, to insert:

That the Court of Claims is hereby authorized and directed to hear, consider, and render final judgment, with the right of appeal as in other cases, in the matter of the claims against the Mississippi Choctaws of Chester Howe and Chauncey E. Richardson, or either of them, their associates and assigns, on behalf of themselves or as attorney in fact for services rendered, moneys and supplies furnished and expenses incurred for transportation, subsistence, clothing, and so forth, in the matter of perfecting the claims of the Mississippi Choctaws to identification and citizenship in the Choctaw Nation, as well as for moneys advanced to said Indians for board, clothing, drugs, medical attendance, teams, farm machinery and implements, seeds, improvements on allotments, to pay old debts in Mississippi, and other expenses of said Indians in getting established and self-supporting on their allotments. Said court is authorized to render separate judgments thereon on the principle of quantum meruit in such amount or amounts as may appear equitably or justly due therefor, which judgments, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. In determining the amount of such compensation for such services and expenditures, the court may consider all contracts or agreements entered into by said Indians with said petitioners. Notice of such suit shall be served on the governor of the Choctaw Nation, and the Attorney-General shall appear and defend the said suit on behalf of said Choctaws.

Mr. CURTIS. Mr. President, I make a point of order against

Mr. CURTIS. Mr. President, I make a point of order against that amendment.

Mr. CLAPP. Before the Senator presses his point of order, I desire to call the attention of the Senate to the fact that the Commissioner, on page 28, makes his protest against the claims.

Mr. HALE. On page 28 of the report? Mr. CLAPP. Page 28 of the report.

VICE-PRESIDENT. The Senator from Kansas will

state his point of order.

Mr. CURTIS. The amendment is general legislation, has no right upon this bill, and directly repeals an act of Congress passed several years ago which prohibited the Mississippi Choctaws from entering into any agreement of any kind or character providing for their removal from Mississippi. Congress also provided in the appropriation act of 1903 a sufficient amount of money to remove the Mississippi Choctaws from the State of Mississippi to the Indian Territory. This is a claim, and therefore general legislation, and it has no place upon this bill.

Mr. McCUMBER. It seems to me that the objection could be

well taken under subdivision 4 of Rule XVI:

No amendment, the object of which is to provide for a private claim, shall be received.

But it does not appear to me that it is an appropriate objec-

tion to state that it is general legislation.

Mr. CURTIS. Mr. President, I am perfectly willing to add the objection suggested by the Senator.

Mr. HALE. I understood the Senator from Kansas to include that in his objection, that it is also a claim.

Mr. SPOONER. He does now.

The VICE-PRESIDENT. The Chair is of the opinion that the proposed amendment is obnoxious to the fourth subdivision of Rule XVI, and sustains the point of order.

The next amendment was, under the subhead "Choctaws (treaty)," on page 42, after line 13, to insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Choctaw tribe of Indians the sum of \$390,257.92, balance due said tribe under articles 10 and 13 of the treaty of June 22, 1855 (11 Stat. L., 611), and the same shall draw interest at 5 per cent per annum.

Mr. LONG. I should like to have the chairman of the committee explain the purpose or object of the amendment and the

Mr. CLAPP. On page 29 of the report will be found a long communication from the Department of the Interior that covers the Potawatomies, Choctaws, Winnebagos, Sac and Fox, Seminoles, Kickapoos of Kansas, and Senecas of New York, in which he recommends that these sums be capitalized and be put in the Treasury and that provision be made that the sums shall draw interest. As each of them is reached in the index to the report, the reference is back to page 29, where the correspondence is found. The correspondence came before us in the form of a letter from the Secretary of the Treasury including the correspondence of the Interior Department, in which these capitalizations are recommended and the amount estimated in each

case. If there is any further objection I will refer to that correspondence. It applies, however, I will say at this time, to all these tribes.

Mr. LONG. I have no objection to the amendment.

The amendment was agreed to.

Mr. CLAPP. At this point I desire to offer an amendment, on page 42, between lines 13 and 14. I ask that it be read and printed and lie on the table.

The VICE-PRESIDENT. The Senator from Minnesota pro-

poses an amendment, which will be read.

The Secretary. On page 42, between lines 13 and 14, insert:

That upon the passage of this act tribal courts of the Choctaw and Chickasaw nations shall be abolished and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for the same; and all civil and criminal causes then pending in any such court in said nation shall be transferred to the proper United States court in said Territory by filing with the clerk of the court the original papers.

The VICE-PRESIDENT. The amendment will lie on the table and be printed.

Mr. BRANDEGEE. Mr. President, I am informed by the secretary of the Senator from Wisconsin [Mr. La Follette] that the Senator from Wisconsin left the city last night, not knowing that this bill was to come up to-day. The Senator's secretary tells me that the Senator from Wisconsin desires to have an opportunity to speak upon several points in the bill, especially as to those provisions relating to asphalt and coal lands in the Indian Territory, the removal of restrictions, and the question of the freedmen being entered upon the rolls.

Mr. CLAPP. If the Senator from Connecticut will pardon me, I intended as soon as the amendments to which the Senator refers were reached to ask that they go over, and shall, of course, do so, especially in view of the consideration which he

has stated.

Mr. LONG. Mr. President, what was done with the amendment stated a moment ago from the desk?

Mr. CLAPP. That amendment was ordered to be printed and lie over.

Mr. LONG. Very well.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota [Mr. Clapp] will be printed and lie upon the table.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 42, line 23, after the word all, to strike out "thirty thousand and thirty-two dollars and eighty-nine" and insert "four hundred and twenty thousand two hundred and ninety dollars and eightyone;" so as to read:

In all, \$420,290,81,

The amendment was agreed to.

Mr. HALE. That amendment, I suppose, is intended to conform the bill to the amendment just adopted.

Mr. CLAPP. It is. Mr. HALE. I un I understand that all these debatable amendments which follow, relative to coal lands, go over.

Mr. CLAPP. Yes; they go over. The VICE-PRESIDENT. Beginning on page 43, and going

to the middle of page 51?

Mr. CLARK of Wyoming. Beginning with line 17, on page 45.

Mr. CLAPP. The amendment as to the surface lands only extends to line 16, on page 45. The next amendment as to town sites ought to go with it, undoubtedly.

Mr. CLARK of Wyoming. I think they should be con-

sidered as two amendments.

Mr. CLAPP. Yes; and they should both go over.
Mr. CLARK of Wyoming. Yes.
The VICE-PRESIDENT. They will be both passed over.

Mr. CLAPP. The committee amendment on page 47, line 4, is the next amendment in order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 47, after line 3, to

That the city of McAlester, Ind. T., may legally issue, in addition to its present outstanding indebtedness, bonds to the amount of \$175,000 for the purchase of sites and the erection of schoolhouses thereon, notwithstanding any provision of any law of the United States put in force and made applicable to the Choctaw and Chickasaw nations, Indian Territory, limiting the aggregate indebtedness of any municipal corporation therein to a fixed per cent of its taxable property: Provided, That such bonds shall be issued in all other respects in accordance with section 55 of the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes."

Mr. HALE. Mr. President, this amendment affords a particular instance in the line of the contention which I have made,

that such a provision is general legislation. If the theory of the Senator from North Dakota [Mr. McCumber] be true, it is not subject to objection, because it only relates to one city or one town issuing bonds. There is a general law that is recited in the amendment which forbids the issuance of any bonds of this kind; and that is the law to-day. Now, it is sought here to change that law, to substitute another law, authorizing a single city to issue bonds; and I suppose the Senator would say that it is not general legislation because it applies to only one town. I make the point of order on the amendment.

Mr. LONG. This paragraph is very important and very necessary. I hope, therefore, the Senator from Maine will with-hold his point of order and let the paragraph go over for to-day.

Mr. HALE. Certainly, Mr. President, I withhold the point of order and will allow the amendment to go over.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 47, after line 18, to insert:

That there shall be assigned to the several members of the tribes of Indians known as the Creeks, Cherokees, Chickasaws, and Choctaws, respectively, who have not heretofore accepted allotments, 160 acres of land, which said land so assigned shall include such land, if any, as the said Indians have, respectively, lived upon, occupied, cultivated, improved or inclosed, or have used as their homesteads, respectively: Provided, This provision shall not conflict with allotments heretofore made.

That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. CLAPP. I move to strike out the last two lines of that amendment.

The VICE-PRESIDENT. Is there objection to striking out the last two lines of the amendment to which the Senator from Minnesota [Mr. Clapp] directs attention? The Chair hears none, and they are stricken out. The question now is on the adoption of the remainder of the amendment.

Mr. LONG. I should like to inquire what is the purpose of

this provision?

Replying to the query of the Senator from Mr. CLAPP. Kansas [Mr. Long], I will say that the object of this amendment is to meet the case of some of the Indians down there. They have refused to accept their allotments. They are about closing up the question of final allotments, and it was felt that it was only justice to them—without any reflection, I may say that they are perhaps the less well informed among the Indians—to assign to them their allotments before the balthe Indians—to assign to them their allotments before the balance of the property should be treated as communal surplus, to be disposed of under the law. The matter was submitted to the Indian Office. The only objection of the Commissioner was that in the original form of the act it provided that these allotments should be made notwithstanding other allotments had been made, and where the other allotments had been made, including improvements which Indians who refused to take allotments had made, the provision as it was at first to take allotments had made—the provision as it was at first framed and introduced by the junior Senator from Vermont [Mr. Dillingham] allowed those allotments to be disturbed. As the Commissioner says, that would lead to interminable confusion, and in view of that the provision was changed so as to provide that it shall not conflict with allotments heretofore made.

Mr. LONG. Mr. President, as I understand, the intermarried white citizens of the Cherokee tribe are members of the tribe. The Supreme Court of the United States, however, has recently decided that they are not entitled to share in the lands

belonging to the tribe.

I will ask the Senator from Minnesota whether, under this

amendment, it would not give to each of those intermarried white citizens 160 acres of land?

Mr. CLAPP. I am very glad the Senator has called attention to that point. I took the amendment as it was drafted by the Senator from Vermont [Mr. DILLINGHAM], and simply struck out the part of the amendment that would lead to possible confusion. As I am not clear that it would lead to the result the Senator indicates, I would suggest that the amendment be passed over for further consideration.

Mr. LONG. It should be passed over, as it is very important

that it should be thoroughly understood.

Mr. CLAPP. Certainly. The general idea as to those Indians ought to be carried out.

Mr. LONG. I have no objection to that, but I think the amendment as drawn is entirely too broad-

Mr. CLAPP. That may be.
Mr. LONG. And that it would include the allotment of land to the amount of 160 acres to each intermarried white citizen of the Cherokee Nation, when it has just been determined by the Supreme Court that they are not entitled to any share in the tribal lands.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 48, after

That the Secretary of the Interior is hereby authorized and directed to transfer from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations the name of any person who is of Choctaw or Chickasaw Indian blood on the side of either parent, as appears from the examination records prepared by the Commission to the Five Civilized Tribes under the act approved June 28, 1898, or any tribal roll, or any field card prepared by the Commission or the Commissioner to the Five Civilized Tribes, and other evidence shall be taken only in cases where the identity or Indian blood of such person is denied by the tribal authorities.

Mr. HALE. Mr. President, the amendment that has just been reached covers a subject to which the Senator from Massachusetts [Mr. Lodge], who is not just now present, has given much attention, and upon which he desires to make a point of order.

ask, therefore, that it be passed over.

Mr. LONG. I hope that the point of order will not be made against this amendment until it has had thorough discussion in the Senate. It is a very important amendment, which I opposed in committee and will oppose in the Senate. For the information of Senators who desire information on the subject, I call attention to Senate Document No. 257, of this session of Congress. It contains much information on this amendment as to its purpose, and the result of its adoption. I join the Senator from Maine [Mr. HALE] in the request that the amendment may go over.

Mr. HALE. That will be entirely satisfactory.

Mr. CLARK of Wyoming. Mr. President, there are two or three other matters in this proposed amendment.

Mr. PATTERSON. Will the Senator from Wyoming yield to me a moment?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. CLARK of Wyoming. I do.

Mr. PATTERSON. I should like an understanding that the last amendment which went over will not be called up until Monday; that it go over for to-day.

Mr. HALE. That is the understanding.

Mr. PATTERSON. It was not mentioned how long it would go over.

The VICE-PRESIDENT. The amendment will go over for

the day.

Mr. CLARK of Wyoming. Mr. President—

Mr. LONG. Will the Senator from Wyoming yield to me for a moment?

Mr. CLARK of Wyoming. I think I shall have to make my

request, and then I will yield.

In connection with the request just made, there are two or three matters that are kindred to this which have been made subject to a point of order. The provisions from line 5 on page 48—the amendment which has just been reached—to the end of line 9 on page 52 in that respect are open to probably the same objections, and I ask that they all be passed over for the present.

Mr. McCUMBER. Mr. President, while I have no objection to the amendment going over, if we are going to take the entire time in reading the bill, I can see no objection to its being discussed at this time. There are perhaps at least five or six Senators here who will wish to discuss that provision. I am myself opposed to it. I voted against it in committee, and gave notice at the time that I should oppose it upon the floor of the Senate. There are other Senators who will do likewise. While I hope the amendment may go over until Monday without being voted upon, still, if we get through with the reading of the bill and

have time to discuss it, I hope we may take it up this afternoon.

Mr. LONG. I think that the amendment should go over for to-day.

Mr. CLAPP. Certainly. Mr. LONG. There are several Senators interested in the amendment who are not present and who understood it would not be called up to-day.

The document to which I referred has only within the last hour come into the document room of the Senate, and several Senators who are interested in this amendment desire an opportunity to examine the document before taking up the amendment. But, before it is passed over, I desire to have printed in the RECORD, without reading, a letter from a Choctaw Indian

relating to this amendment.
The VICE-PRESIDENT. The VICE-PRESIDENT. The Senator from Kansas asks that the communication submitted by him may be printed in the Without objection, permission is . RECORD without reading. granted.

The letter referred to is as follows:

THE BUREAU OF CATHOLIC INDIAN MISSIONS, Washington, D. C., February 1, 1907.

Hon. CHESTER I. LONG, . United States Senate.

My Dear Senator. On page 48, beginning with line 5, of the Indian appropriation bill, just reported to the Senate, is an item which has only recently come to my notice. I inclose a letter in reference to this item which I have to-day received from Mr. Victor M. Locke, jr., one of the prominent young men of the Choctaw tribe, who is residing temporarily at Muscogee. It seems to me that Mr. Locke's contention is well founded, and I herewith inclose a copy of this letter, believing that it merits the attention of those who are to decide as to whether or not the item in question shall become a law.

Very sincerely, yours,

WM. H. Ketcham, Director.

WM. H. KETCHAM. Director.

MUSCOGEE, IND. T., January 28, 1907.

Muscoger, Ind. T.,

January 28, 1907.

My Dear Father Ketcham: I read a few days ago, with no little consternation, that an attempt was to be made by certain Members of Congress, or a committee thereof, to place the whole of our freedmen on the regular Choctaw roll. In the event of which, they would give our negroes equal rights with us bona fide Choctaws. I have no idea what you would think of this proposition, but I hope you hold the same opinion as myself—that is, that it would be outrageous. I can not conceive of such an injustice. I don't know anything about law, and I have studied very little the various treaties our people have entered into with the Government, but of the little I do know there is nothing that gives Congress the right to barter away our property in this fashion. Certainly there is no more riggered hours of a candary which is much more than the Government forced on the southern people after the war, and not only that, but our people have always allowed the freedmen privileges they never enjoyed elsewhere. We have always treated them as hundred times sooner look to us Indian people for compassion than from the ignorant and prejudiced from the States. We give them the friendship they do not get from the white people in this country, and they have been content. They themselves have made no further demands. If it is said that they have employed legal assistance, it is a white man's scheme from beginning to end. In that part of the country in truch I have the rear are more freedmen than any-roperty is to be arbitrarily held up and a portion of it divided among a people who have no right on God's green earth to the ownership thereof.

It is mine by right of an unbroken inheritance which reaches quite back into savage America. No man's title can be better than mine, can be so good, and I'll tell you it goes hard to be held up and affecced, and at the same time not to be able to help myself. In possession of my pro-rata part of my Choctaw inheritance I can hold my own here in Okiahoma and have a

Mr. CLAPP. I desire to call the attention of Senators to the amendments upon which we have deferred action for the present, and to say that in the report will be found the data for and against these amendments, together with the views of the Commissioner of Indian Affairs, who objects to several of the amendments. I simply make that statement so that Senators who desire may examine it.

Mr. STONE. Mr. President, I desire to inquire whether a

Mr. STONE. Mr. President, I desire to inquire whether a point of order has been reserved in any way against the amendment from line 5 to line 16 on page 48?

The VICE-PRESIDENT. A point of order was interposed, and the amendment was passed over.

Mr. STONE. Is the point of order pending?

The VICE-PRESIDENT. The point of order is pending.

Mr. CURTIS. If the suggestion of the Senator from Wyonical agreed to I followed by a point of the senator from Wyonical agreed.

ming is agreed to, I desire to make a point of order against the other amendments.

Mr. CLARK of Wyoming. I assumed that the point of order would be made, and to afford an opportunity to examine the report as to these particular propositions I asked that they go over.

The VICE-PRESIDENT. The amendments beginning in line 5, on page 48, and including pages 49, 50, and 51, down to line 13, on page 51, will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 51, after line 12,

to insert:

That the Court of Claims is hereby authorized and empowered in the suit involving the claim of the intermarried white persons in the Cherokee Nation to share in the common property of the Cherokee people, and to be enrolled for such purpose (being Nos. 419, 420, 421, and 422 on the United States Supreme Court docket for October term, 1905) to hear and report to Congress its findings of fact as to the amount which should be paid the attorney and counsel of record for the Cherokee Indians by blood in said suit, in reimbursement of necessary expenses incurred in such proceedings and as reasonable compensation for services rendered in said proceedings, said compensation not to exceed 10 per cent of the values in land and money saved to said Cherokee Indians, said values to be determined by said court. Such court shall further designate the persons, class, or body of persons by whom such payment should equitably be made, and the fund or funds held by the United States out of which the same shall be paid; and enter a decree for the amount so found.

Mr. CLARK of Wyoming. I intended to include that amend-

Mr. CLARK of Wyoming. I intended to include that amend-

ment also in my request.

Mr. CLAPP. The Senator from Wyoming also intended to include the amendment, on page 52, beginning in line 10, in regard to the loyal Creeks, did he not?

Mr. CLARK of Wyoming. I intended to include all amendments where the proposition is to send claims to the Court of

Claims.

Mr. KEAN. May I ask the Senator if they are cases already pending in the Supreme Court?

Mr. CLARK of Wyoming. None of them are pending in the Supreme Court. One of the cases, I believe, is pending in the court of the district, and is held up pending action by Congress or the adjournment of Congress without action.

Mr. CLAPP. I think all these amendments down to the word "Quapaws," on page 54, ought to go over until there is a fuller attendance in the Chamber, and I make that suggestion. Let it be understood that none of those matters will be brought up this afternoon.

Mr. HALE. All down to and including line 10, on page 54? Mr. CLAPP. Yes. Mr. HALE. That is right.

The VICE-PRESIDENT. The committee amendments from line 5, on page 48, to line 11, on page 54, will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Seminoles (Treaty)," on page 55, after line 14, to insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Seminole tribe of Indians the sum of \$570,000, being in full for the amounts due them under the eighth article of the treaty of August 7, 1856 (11 Stat. L., p. 669), \$500,000; and third article of the treaty of March 21, 1866 (14 Stat. L., p. 755), \$70,000; in all, \$570,000, and said amount shall draw interest at 5 per cent per annum.

The amendment was agreed to.

The next amendment was, on page 56, line 3, before the word "thousand," to strike out "twenty-eight" and insert "five hundred and ninety-eight;" so as to read:

In all, \$598,500.

The amendment was agreed to.

The next amendment was, on page 56, line 8, before the word Indian," to insert "insane;" so as to make the clause read:

For the care and support of insane persons in Indian Territory, to be expended under the direction of the Secretary of the Interior, \$35,000, or so much thereof as may be necessary: Provided, however, That Insane Indian citizens in said Territory shall be cared for at the asylum in Canton, Lincoln County, S. Dak.

The amendment was agreed to.

The next amendment was, under the subhead "Sac and Fox School," on page 56, line 14, after the word "Iowa," to insert "\$13,560;" and in line 17, before the word "dollars," to strike out "fourteen thousand five hundred and sixty" and insert "one thousand;" so as to make the clause read:

For support and education of eighty Indian pupils, at the Indian school on the Sac and Fox Reservation, Iowa, \$13,560, and for pay of superintendent, \$1,000.

The amendment was agreed to.

The next amendment was under the subhead "Haskell Institute," on page 56, line 25, after the word "Kansas," to strike out "and for pay of superintendent;" and on page 57, line 4, before the word "dollars," to strike out "one hundred and thirty-seven thousand seven hundred and fifty" and insert "\$135,250, and for pay of superintendent, two thousand five hundred;" so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for transportation of pupils to and from said school, \$135,250, and for pay of superintendent, \$2,500.

The amendment was agreed to.

The next amendment was, on page 57, after line 6, to insert: For electrical plant, \$10,000,

The amendment was agreed to.

The next amendment was, on page 57, line 9, to increase the total appropriation for support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., etc., from \$62,750 to \$72,750.

The amendment was agreed to.

The next amendment was, under the subhead "Kickapoo Indian School," on page 57, line 13, after the word "Kansas," to insert "\$13,360;" and, in line 16, before the word "dollars," to strike out "fourteen thousand six hundred and sixty" and insert "one thousand three hundred;" so as to make the clause read:

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kans., \$13,360, and for pay of super-intendent, \$1,300.

The amendment was agreed to.

The next amendment was, under the subhead "Iowas (treaty)," on page 58, line 10, before the word "and," to strike out "and said sum shall draw interest at 5 per cent per annum;" and in line 12, after the word "tribe," to insert "entitled thereto;" so as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Iowa tribe of Indians the sum of \$57,500, the amount due the tribe under the ninth article of the treaty of May 17, 1854 (10 Stat. L., 1069), and the Secretary of the Interior is authorized to pay per capita to the members of the Iowa tribe entitled thereto the said sum in the same manner as provided by the act of April 21, 1904 (33 Stat. L., 201).

The amendment was agreed to.

The next amendment was, under the subhead "Kickapoos in Kansas (treaty)," on page 58, after line 16, to strike out:

For interest on \$64,865.28, at 5 per cent per annum, for educational and other beneficial purposes, per treaty of May 18, 1854, \$3,243.26.

The amendment was agreed to.

The next amendment was, on page 58, after line 22, to insert:

The next amendment was, on page 38, after line 22, to insert:

That the Secretary of the Treasury is hereby authorized and directed
to place upon the books of the Treasury to the credit of the Kickapoo
Indians in Kansas the sum of \$64,865,28, the balance due them under
the second article of the treaty of May 18, 1854 (10 Stat. L., 1078), and
the Secretary of the Interior is authorized to pay per capita to the
members of the tribe entitled, the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act
of April 21, 1904 (33 Stat. L., 201).

The amendment was agreed to.

The next amendment was, under the subhead "Pottawatomies (treaty)," on page 60, after line 19, to strike out:

For interest on \$230,064.20, at 5 per cent, in conformity wit visions of article 7 of treaties of June 5 and 17, 1846, \$11,503.21.

And insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Pottawatomie Indians in Kansas the sum of \$230,064.20, being the unappropriated balance of the sum of \$850,000 due the Pottawatomie tribe under the provisions of article 7 of the treaty of June 5 and 17, 1846 (9 Stat. L., 853), and the Secretary of the Interior is authorized to pay per capita to the members of the Pottawatomie tribe of Indians in Kansas the said sum, under such rules and regulations as may be prescribed by him and in the same manner as provided by the act of April 21, 1904 (33 Stat. L., 201).

Mr. HALE. Mr. President, I call the attention of the Senator in charge of this bill to the provision stricken out at the bottom of page 60 and the substitution therefor of the provision on page The House provision followed the course that has been pursued heretofore of the payment of interest on this fund. In this case, and in some others in the bill, the Senate committee has reported a proposition for paying over and distributing to the tribes, not simply the interest, but the principal itself. I wish the Senator would tell the Senate what are the reasons that moved the committee to this change of the policy that has been pursued heretofore. I do not know but it is right, but why now, instead of paying the annuity or the interest, divide the whole principal?

Mr. CLAPP. Mr. President, the reason for that is this: These three items relating to the Potawatomies, the Iowas, and, I think, the Osages, covered comparatively small amounts that were left and the distribution of the interest in many cases would not amount to what it would cost an Indian to go and get it. In the general process and policy of the Department of gradually clearing up these accounts, the committee, first of its own motion, without conference with the Commissioner, took these three matters-none of them involving large amounts, the largest, I think, relating to the Potawatomies and embracing \$200,000, one \$68,000, and the third, I think \$90,000—and provided for the distribution of the fund without any qualification. Afterwards I called the attention of the Commissioner to what we had done. He thought it would be all right, but that we

ought to have the restrictions that are contained in the act of April 21, 1904, which leave the Department some control over They would not pay them over to an Indian if they were satisfied he was incompetent to handle the money. So in these three cases, on the Commissioner's suggestion, we inserted that provision, leaving a sort of control over it, but still leaving the general policy to distribute, or giving authority to do so.

Mr. HALE. This cleans up all of them? Mr. CLAPP. This cleans up those three. The others that are

submitted, I believe, have been capitalized.

Mr. SPOONER. This places the accounts on the Treasury books and cleans out the Indians.

Mr. CURTIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.
Mr. CURTIS. As I understand the Senator from Minnesota, it is not the intention of the amendment to direct the Secretary of the Interior to pay the Potawatomies this amount of money. If it is the purpose to require him to pay the money to the members of the tribe I desire to say there are some of the Pota-watomies who are not qualified to handle their share, while some of them are perfectly able to transact their own busines

Mr. CLAPP. I may state further, for the benefit of the Senator from Kansas and also the Senator from Maine, that our first provision was a direction to pay this money. On conference with the Commisioner we struck out the word "directed" and left the word "authorized." Then we made it subject to the provisions of the act of April 21, 1904, which the Commissioner assured me would be sufficient protection and leave the Department in sufficient control. I do not happen to have that in It was simply an informal conference we had on that writing. subject.

Mr. McCUMBER. As I understand, the amount that would be received by each of these Indians would be less than 60 cents.

Mr. CLAPP. In some instances; in others, it would be more. Mr. CURTIS. That can not be the case as to the Potawatomies and the Kickapoos, for they have quite a large amount of money paid them each year.

Mr. McCUMBER. I have reference, Mr. President, to the in-

terest on the sum of \$230,000, which would amount, in many instances, to less than one-half dollar to the individual Indian.

Mr. CLAPP. I think, Mr. President, with the provision striking out the word "directed" and leaving the word "authorized" and the reference to the statute, that the provision is a good one. At any rate it met with the approval of the Commissioner.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 61, line 16, after the word "all," to strike out "twenty thousand five hundred and forty-one dollars and eleven" and insert "two hundred and thirty-nine thousand one hundred and two dollars and ten;" so as to make the clause read:

In all, \$239,102.10.

The amendment was agreed to.

The next amendment was, under the subhead "Sacs and Foxes of the Missouri (treaty)," on page 62, line 10, after the words "five hundred and forty," to strike out "and said sum shall draw interest at the rate of 5 per cent per annum;" in line 12, after the word "authorized," to insert "and directed;" in the same line, after the word "the," to insert "members of;" and in line 13, after the word "tribe," to insert "entitled thereto;" so as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Sac and Fox Indians of the Missouri the sum of \$100,400, the balance of the amount due the tribe under the second article of the treaty of October 21, 1837 (7 Stat. L., 540), and the Secretary of the Interior is authorized and directed to pay per capita to the members of Sac and Fox Indians of the Missouri tribe entitled thereto the said sum in the same manner as provided by the act of April 21, 1904 (33 Stat. L., 201).

The amendment was agreed to.

The next amendment was, on page 62, after line 16, to insert:

Rachel Cross is hereby authorized to sell lot 4, section 25, township 25 north, range 3 east, in Kansas, subject to the approval of the Secretary of the Interior, for cemetery purposes.

The amendment was agreed to.

The next amendment was, under the subhead "Mount Pleasant School," on page 62, line 24, after the word "Michigan," to insert "fifty thousand four hundred dollars;" and in line

26, before the word "hundred," to strike out "fifty-two thousand one" and insert "one thousand seven;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., \$50,400, and for pay of superintendent, \$1,700.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," on page 63, after line 6, to insert:

For pay of Indian agent at White Earth, \$1,800.

The amendment was agreed to.

The next amendment was, on page 63, line 9, after the word "all," to strike out "\$1,800" and insert "\$3,600;" so as to read:

In all, \$3,600.

The amendment was agreed to.

The next amendment was, on page 63, after line 10, to insert:

The amendment was agreed to.

The next amendment was, on page 63, after line 10, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, with the consent of the Indians of the White Earth Reservation, in Minnesota, to be obtained in such manner as he may direct, to set apart the southwest quarter of the southwest quarter, the east half of the southwest quarter, and the west half of the southeast quarter of section 23, township 142 north, range 41 west, fifth principal meridian, on the White Earth Reservation, in the State of Minnesota, for town site, and to cause the lands described to be surveyed and platted into suitable lots, streets, and alleys, and to dedicate said streets and alleys and such lots and parcels as may be necessary to public uses, and to cause the lots to be appraised at their real value, exclusive of improvements thereon or adjacent thereto, by a board of three persons, one of whom shall be the United States Indian agent or superintendent of the White Earth Reservation, one to be appointed by the Secretary of the Interior, and one selected by the White Earth bands of Chippewa Indians, who shall receive such compensation as the Secretary of the Interior shall prescribe, to be paid out of the proceeds of the sale of lots sold under this act, and when so surveyed, platted, and appraised, the President may issue patents for such lots upon the payment of the appraised value, on such terms as may be approved by the Secretary of the Interior, and the net proceeds of such sales shall be placed to the credit of the said White Earth bands of Chippewa Indians, and those now owning permanent improvements there shall have the preference right for six months from the date such lots shall be offered for sale within which to purchase tracts upon which their improvements are situated, but no lots shall be sold for less than the appraised value on such terms as may be approved by the Secretary of the Interior: Provided further, That the patents to be issued shall co

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 65, line 11, after the word

"Minnesota" to insert "\$25,150;" and in line 14, before the
word "dollars," to strike out "twenty-six thousand six hundred
and fifty" and insert "one thousand five hundred;" so as to make the clause read:

For the support and education of 150 Indian pupils at the Indian school, Morris, Minn., \$25,150, and for pay of superintendent, \$1,500.

The amendment was agreed to.

The next amendment was, on page 65, line 22, before the word "hundred," to strike out "thirty-nine thousand five" and insert "thirty-seven thousand nine;" and in line 24, before the word "dollars," to insert "one thousand six hundred;" so as to make the clause read:

For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., \$37,975, and for pay of superintendent, \$1,600.

The amendment was agreed to.

The next amendment was, on page 66, line 1, before the word "thousand," to strike out "four" and insert "six;" so as to make the clause read:

For warehouse, \$6,000.

The amendment was agreed to.

The next amendment was, on page 66, line 2, to increase the total appropriation for support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., etc., from \$46,075 to \$48,075.

The amendment was agreed to.

The next amendment was, on page 66, after line 16, to insert:

That the lands withdrawn by the Secretary of the Interior under the provisions of chapter 3504, Fifty-ninth Congress, first session, approved June 21, 1906, authorizing a drainage survey of the lands ceded by the Chippewa Indians, shall be subject to entry in the same manner as other lands so ceded, subject to the condition, however, that the entrymen shall be required to pay any charges which may hereafter be authorized by act of Congress for the drainage or reclamation of such lands.

The amendment was agreed to.

The next amendment was, on page 67, after line 15, to insert:

The next amendment was, on page 67, after line 15, to insert:

To carry out and complete the survey provided for in the act of Congress approved June 21, 1906, of the lands ceded by the Chippewa Indians in the State of Minnesota under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and an act entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," approved February 20, 1904, which remain unsold, and are wet, overflowed or swampy in character, with a view of determining what portion thereof may be profitably and economically reclaimed by drainage, the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying for the expense of said survey: Provided, That said amount shall be reimbursable from any funds in the Treasury belonging to said Indians and derived from the sale of the lands under said act. The said survey shall be continued under the direction of the Secretary of the Interior.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 68, after line 11, to insert:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1907, out of the funds belonging to said band.

The amendment was agreed to.

Mr. CLAPP. I desire to offer an amendment, to be inserted on page 68, between lines 11 and 12. I ask that it be read, printed, and lie on the table.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 68, after line 11, it is proposed to insert the following:

MINNESOTA.

MINNESOTA.

That all restrictions as to sale, incumbrance, or taxation for allotments within the White Earth Reservation in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the Department for such allotments are hereby declared to pass the title in fee simple, or such mixed bloods, upon application, shall be entitled to receive a patent in fee simple for such allotments; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs, and in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application.

The VICE-PRESIDENT. The proposed amendment will be

printed and lie on the table.

Mr. CLAPP. I offer an amendment to be inserted on page 68, between lines 18 and 19. I ask that it may be read, printed, and lie on the table.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 68, after line 18, it is proposed to

That the homestead settlers on all ceded Indian reservations in Minnesota who purchased the lands occupied by them as homesteads be, and they hereby are, granted an extension of one year's time in which to make the payments now provided by law.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 69, after line 2, to insert:

To enable the Secretary of the Interior to complete the survey, allotment, classification, and appraisement of the lands in the Flathead Indian Reservation, Mont., \$30,000: Provided, That this sum shall be reimbursed the United States from the proceeds of the sale of the surplus lands after the allotments are made.

The amendment was agreed to.

The next amendment was, on page 70, after line 19, to insert: That the Secretary of the Interior is hereby authorized and diserted to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

the limits of the Blackfeet Indian Reservation, in the State of Montana.

That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation. That there shall be allotted to each member 40 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes; or, at the option of the allottee, the entire 320 acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, \$300,000, \$100,000 of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservations: Provided, That such irrigation system shall be constructed and completed, and held and operated, and water therefor appropriated under the laws of the State of Montana, and the title thereto, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: And provided further, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: And provided further, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an account sufficient to

pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid: Provided further, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding 280 acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: Proceeded, That there is hereby granted 280 acres each to the Holy Family Mission on Two Medicine Creek and the mission of the Methodist Episcopal Church near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon. provements thereon

provements thereon.

That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one representative of the Indian Bureau, and one resident citizen of the State of Montana.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed \$5 per day.

organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed \$5 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, the mineral land not to appraised.

That said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such of said lands as shall have been classified as timber lands, and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which se

of the lands to settlement: Provided, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of \$1.25 per acre.

That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occup, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: Provided, That the rights of honorably discharged Union soldlers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes. as amended by the act of March 1, 1901, shall not be abridged, but no entry shall be allowed under section 2306 of the Revised Statutes. Provided further, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than \$1.25 per acre for agricultural and grazing lands and \$5 per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have compiled with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: Provided, That he shall make his final proofs in accordance with the homestead

Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: *Provided*, That not more than 640 acres of land shall be sold to any one person or

That not more than 640 acres of land shall be sold to any one person or company.

That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

That lands classified and returned by said commission as timber lands.

the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under scaled bids, to the highest bidder for cash at not less than \$5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury, realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary; the funds thus allotted and ap

prescribe therefor: Provided, That so long as the United States shall hold the funds as trustee for any member of the tribe the Indian beneficiary shall be pald interest thereon annually at the rate of 4 per cent per annum.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$65,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of \$1.25 per acre; also the sum of \$75,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be relmbursable out of the funds arising from the sale of said lands.

That nothing in this act contained shall in any manner bind the United States to Durchase any part of the land herein described, except sections 16 and 36, or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the Intention of this act that the United States shall act as trustee for said Indians to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands and to expend and pay over the proceeds received from the sale thereof only as received.

That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 80 acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the p

Mr. LODGE. I have no objection to the amendment embraced within line 20 to line 23, on page 70, but what follows after that, covering some ten or twelve pages, is an entire law, an elaborate piece of legislation, new legislation. I certainly,

for one, could not undertake to pass on its merits by hearing it read from the desk without an opportunity to examine it. s open, of course, to the point of order that it is general legislation of the most extensive kind.

Mr. KEAN. It is ten pages long. Mr. LODGE. It is twelve pages long.

Mr. FRYE. Does its length make it general legislation?

Mr. LODGE. No; but it is an elaborate law for dealing with an entire Indian reservation, allotting it, distributing it, appraising the land that is left, dividing it, and selling it out to persons who may desire to buy. It seems to me general legislation of the most obvious kind. I make the point of order.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly.

Mr. CARTER. I suggest to the Senator from Massachusetts that a bill has passed the Senate at the present session identical with the provisions of which the Senator speaks.

Mr. LODGE. That, of course, as the Senator is well aware,

does not make general legislation in order.

Mr. CARTER. I understand the fact to be that this is special legislation relating to a particular object and in no sense general legislation. The proposed legislation, even if subject to the point of order, which I do not at all concede, is of such great importance to the Indians and all the interests involved that the Department has repeatedly urged the opening of this reservation to settlement. It is the desire of the Indians that this legislation shall be had, and it is of very great moment to the northern part of the State of Montana that this vast region, the headwaters of the chief streams of that country, should be opened to settlement. The Indians are now leading a sort of nomadic life over broad areas, for which they have no special use. They fully realize that it is desirable that they should cease to be dependent and become settled upon allotments and attempt to become self-sustaining.

The amendment makes ample provision for the survey of the reservation, and that survey must of course precede the allotment to the Indians. The amendment allows each Indian 320 acres of land, 40 of which may be of irrigable land. For every man, woman, and child on the reservation this provision is made. There is no objection anywhere to the amendment, but

a clear, often-expressed demand for its enactment.

I call the Senator's attention to the fact that in recent years no reservation upon which Indians resided has been opened to settlement, save and except through legislation incorporated in the appropriation bills from time to time. During the very last session we opened to settlement two reservations, I believe, and made the provisions in detail, as this amendment makes provision, for the final disposition of the land after the Indian allotments shall have been set apart.

In the light of what has become a custom in the Senate, to legislate on this class of questions in this way, considering the importance of this particular case, the Senator from Massachusetts, I am quite sure, upon reflection will not press any point of order upon this particular matter. I would prefer that he withdraw the point of order, with a view to renewing it later if, in his judgment, after a discussion of the merits it appears

to him in the interest of good legislation that he should press it.

Mr. LODGE. I have no desire to press the point of order at this time if the Senator from Montana wishes to discuss the question further. As to the point of general legislation, I de-sire to say a single word. It makes no difference what the object is. If the legislation is a change of existing law or an addition to the laws of the United States, it comes under the head of general legislation. It has been so ruled repeatedly.

But, moreover, this amendment makes a charge upon the Treasury which is not estimated for, and it is liable to the point of order on that ground also. But I do not desire to press the point of order at this time if the Senator from Montana wishes to discuss the amendment, or if he would like to have it go over I will make no objection at all. I dare say the bill which has passed the Senate, to which the Senator from Montana alluded, is all right, and I have no doubt this is perfectly proper and a desirable thing to do, but I do not think it is a good way to legislate to put it on this bill. It seems to me a great deal better to put such bills on their passage on their merits, as the bill for this purpose has been passed, as the Senator says. I think it opens the door to a great deal of dangerous legislation if we load the appropriation bills with everything that there is.

Mr. CARTER. As I suggested, this clause of legislation has been passed by the Senate for years and years, without question as to the propriety, on appropriation bills, and if the Senate upon this bill concludes to reverse its uninterrupted policy, it shall be by a vote of the Senate to that effect. I do not wish to draw

forth a vote this afternoon, because I apprehend it would inconvenience Senators to appear here in sufficient numbers. But before the matter is finally disposed of, I shall ask the Senate to determine whether at this time and place a policy heretofore unchallenged shall be reversed. I therefore suggest that the

matter go over until Monday.

The VICE-PRESIDENT. The amendment will be passed over. The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 83, line 1, to insert as a subhead "Nebraska."

The amendment was agreed to.

The next amendment was, on page 83, line 4, after the word "Nebraska," and insert "\$50,400;" and in line 6, before the word "dollars," to strike out "fifty-two thousand one hundred" and insert "one thousand seven hundred;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., \$50,400, and for pay of superintendent \$1,700.

The amendment was agreed to.

The next amendment was, on page 83, after line 9, to insert:

The amendment was agreed to.

The next amendment was, on page 83, after line 9, to insert:
That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount due said Omaha tribe from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said Omaha tribe against the United States and to enter judgment thereon, and to enter judgment in favor of the attorneys of said Indians for proper attorneys' fees, which said award shall be paid by a separate warrant. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitations, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of said act, and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians, under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to the existence of such facts, and no other stateme

Mr. CLARK of Wyoming. That is another of those jurisdictional matters, which I ask may be passed over with the others.

Mr. BURKETT. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming

yield to the Senator from Nebraska?

Mr. CLARK of Wyoming. I will say to the Senator from Nebraska that I am making no point of order upon the amendment. I simply ask that it be passed over, as it falls within

the class of amendments which have already been passed over.

Mr. BURKETT. I call the attention of the Senator from
Wyoming to the fact that it is not exactly like the others.

This is simply for the adjustment of a treaty matter.

Mr. CLARK of Wyoming. I am not speaking of the subjectmatter, but it is one of the amendments conferring jurisdiction on the Court of Claims.

Mr. BURKETT. If the Senator from Wyoming wants it to go over, I have no objection.

Mr. CLARK of Wyoming. I think this case is very merito-

The VICE-PRESIDENT. The amendment will be passed

Mr. CLAPP. On page 83, between lines 9 and 10, I desire to offer an amendment, which I ask to have read, printed, and lie on the table.

The VICE-PRESIDENT. The Senator from Minnesota offers an amendment, which will be stated.

The Secretary. On page 83, after line 9, it is proposed to insert:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Raynolds, or his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$2,290.49, for and on account of two United States Indian vouchers in the amount of \$1,382.51 and \$907.98, issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Raynolds, and allowed for payment by the United States Government on the 2d day of May, 1877, and afterwards refused

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

The reading of the bill was resumed. The next amendment

of the Committee on Indian Affairs was, under the subhead "Winnebagoes (treaty)," on page 85, after line 3, to strike out:

Withlebagoes (treaty), on page 35, after line 3, to strike out:

For interest on \$804.909.17, at 5 per cent per annum, per fourth article of treaty of Novémber 1, 1837, \$40,245.45; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians, to be expended in such manner and to whatever extent that he may judge to be necessary and expedient for their welfare and best interest;

For interest on \$78,340.41, at 5 per cent per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, \$3,917.02; In all, \$44,162.47.

And insert:

And insert:

And insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Winnebago tribe of Indians the sum of \$883,249.58, being the balances of the unappropriated amounts due said tribe under the fourth article of the treaty of November 1, 1837, to wit, \$804,999.17 (7 Stat. L., p. 544), and the act of July 15, 1870, \$78,340.41 (16 Stat. L., p. 355), and said sum shall draw interest at 5 per cent per annum; and the Secretary of the Interior is authorized to pay per capita to the members of the tribe the said sum under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

In all, \$883,249.58.

Mr. HALE: This amendment relates to the Winnebago In-

Mr. HALE. This amendment relates to the Winnebago Indians. The sum involved is much larger than was covered by the other provisions for other tribes, the policy being that submitted by the committee of paying the principal and distributing it rather than paying the interest. Is the Senator from Minnesota satisfied that the conditions of the tribe, the number and everything relating to them, are such that they should come within the rule adopted by the committee, and that the whole amount should be paid now rather than the interest?

Mr. CLAPP. With the change that we made, that seemed

to be the sense of the Commissioner, and I myself saw no reason why it should not be done.

Mr. HALE. It is about \$800,000. Does the Senator know

how large this tribe is?

Mr. CLAPP. No, I do not. As a rule I think they are pretty well advanced. However, if the Senator from Maine feels, in view of what we are doing in that respect at this session, that perhaps it would be well not to go too fast, I have no objection at all to striking out this provision.

Mr. HALE. I am entirely willing to leave it to the discretion of the Senator. He knows more about it than I do.

Mr. CURTIS. There are about 2,000 members of this tribethe Winnebagoes.

Mr. HALE. Are they in a fairly civilized condition? Mr. CURTIS. Some of them are, but I think there are quite a number of them who are not qualified to manage their own

Mr. HALE. What does the Senator-it is in his neighborhood-himself think about the advisability of now distributing

all this large sum?

Mr. CURTIS. I think it would be a mistake to pay the money out, but if it could be placed in the Treasury to the credit of the tribe, and then be paid out at the discretion of the Secretary of the Interior, I do not think any mistake would be made. I think these Indians are about in the same condition as the Indians in Kansas—the Pottawatomies—all of whom are not qualified to properly handle money paid to them, but many of whom are men who could manage their own affairs.

Mr. HALE. The Senator believes that if it is left, according

to the provisions of the amendment, discretionary with the Secretary, it will be entirely safe?

Mr. CURTIS. I should think so. Mr. BURKETT. I want to say to the Senator-

Mr. CLAPP. I desire to call attention to one thing that I overlooked. I failed to move to strike out the words "and directed" from this particular amendment. I move to strike out those words in line 24 on page 85.

Mr. CURTIS. I understood they had been stricken out.
Mr. CLAPP. I supposed they had been.
The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment to the amendment, which will be stated.

The Secretary. On page 85, line 24, it is proposed to strike

out the words "and directed."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. I desire to inquire of the Senator in charge of the bill whether he is willing to have it laid aside for the remainder of the day, so that we may have a brief executive session?

Mr. CLAPP. That course will be agreeable to me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, communicated to the Senate the

intelligence of the death of Hon. WILLIAM H. FLACK, late a Representative from the State of New York, and transmitted resolutions of the House thereon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President: S. 7760. An act to authorize the Albany Railroad Bridge Com-

pany or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River; H. R. 6417. An act for the relief of T. J. H. Harris;

H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;

H. R. 7014. An act to provide American registers for the steamers Marie and Success;

H. R. 9131. An act for the relief of the legal representatives of Charles D. Southerlin; and

H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE WILLIAM H. FLACK.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be

> IN THE HOUSE OF REPRESENTATIVES February 2, 1907.

Resolved, That the House has heard with profound sorrow of the death of Hon. William H. Flack, a Representative from the State of New York.

Resolved, That a committee of fifteen Members of the House, with such members of the Senate as may be joined, be appointed to attend

such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The Speaker announced the appointment of Mr. Sheeman, Mr. Littuer, Mr. Kaapp, Mr. Deaper, Mr. Driscoll, Mr. Farsett, Mr. Duight, Mr. Ryan, Mr. Fitzgerald, and Mr. Goulden, of New York; Mr. Grosvenor, of Ohlo; Mr. Minor, of Wisconsin; Mr. Watson, of Indiana; Mr. Howell, of New Jersey, and Mr. Reynolds, of Pennsylvania, members of the committee on the part of the House.

Mr. DEPEW. Mr. President, I ask for the adoption of the resolutions which I send to the desk.

The resolutions were read, and unanimously agreed to, as

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

Resolved, That a committee of six Senators be appointed by the Vice-President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the

Resolved. That the Secretary communicate these resolutions to the House of Representatives.

The VICE-PRESIDENT appointed as members of the committee on the part of the Senate under the second resolution Mr. PLATT, Mr. DEPEW, Mr. KEAN, Mr. BULKELEY, Mr. DUBOIS, and Mr. NEWLANDS.

Mr. President, I move, as a further mark of Mr. DEPEW. respect to the memory of the deceased, that the Senate do now. adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, February 4, 1907, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1907.

PROMOTIONS IN THE NAVY.

Lieut. Edward H. Campbell to be a lieutenant-commander in the Navy from the 11th day of December, 1906.

Assistant Paymaster Neal B. Farwell to be a passed assistant paymaster in the Navy from the 3d day of August, 1906.

POSTMASTERS.

ILLINOIS.

William M. Checkley to be postmaster at Mattoon, in the county of Coles and State of Illinois.

Peter Thomsen to be postmaster at Fulton, in the county of Whiteside and State of Illinois.

and

June 27, 1902;

free-delivery offices;

proved June 27, 1906;

Charles Gauntlett to be postmaster at Milan, in the county of Washtenaw and State of Michigan.

NEW JERSEY

A. Henry Doughty to be postmaster at Haddonfield, in the county of Camden and State of New Jersey.

NEW YORK.

Howard G. Britting to be postmaster at Williamsville, in the county of Erie and State of New York.

Samuel H. Palmer to be postmaster at Ogdensburg, in the county of St. Lawrence and State of New York.

Emil A. Peterson to be postmaster at Falconer, in the county of Chautauqua and State of New York.

Everett I. Weaver to be postmaster at Angelica, in the county of Allegany and State of New York.

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Charles R. Crum to be postmaster at Forest, in the county of Hardin and State of Ohio.

Edward A. Mullen to be postmaster at Marysville, in the county of Union and State of Ohio.

Delmar M. Starkey to be postmaster at Freeport, in the

county of Harrison and State of Ohio.

George W. Whitmer to be postmaster at Pleasant Hill, in the county of Miami and State of Ohio.

HOUSE OF REPRESENTATIVES.

Saturday, February 2, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, as follows: Infinite and eternal spirit, God, our heavenly Father, in whom we live and move and have our being. We thank Thee for every aspiration, for every earnest and noble endeavor which leads on to larger life and civilization, and for that profound appreciation which enables us to recognize the nobility of soul and real worth in our fellow-men. We thank Thee for the special order which sets apart this day as a memorial service to one who became conspicuous as a statesman, who by earnest and faithful endeavor rose from the humble position of a page on the floor of the United States Senate to a member of that august body, and who by common consent became the leader of his party, than which no greater encomium could be pronounced, no grander monument reared to his memory. Grant that his character may ever be an inspiration to noble and pure living to those who survive him and to those who shall come after us, and thine be the glory forever. And now, Almighty Father, we are again moved by the news of the death of one of our Congressional family. Comfort, we beseech Thee, those who are bereft of a dear one, and help us all to live so that when our time shall come we shall pass on and hear the word, Well done, good and faithful servant, enter into the joys of thy Lord.

Through Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and

approved.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I am directed by the Committee on Appropriations to submit the following privileged report, which I send to the desk and ask that it be printed.

The SPEAKER. The gentleman from Minnesota submits a privileged report, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

Mr. UNDERWOOD. Mr. Speaker, on that I reserve all points of order.

Mr. TAWNEY. Mr. Speaker, I desire to say that this is the additional urgent deficiency bill which passed the House some time ago, and comes back from the Senate with the Jamestown amendment, which has been considered by the committee and now reported to the House, and I am requested by the gentleman in charge of the bill to give notice that he will call the same up for consideration on Monday morning.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and, with the ac-

companying documents, ordered printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed the following reso-

Resolved. That the Senate has heard with profound sorrow of the death of Hon. ARTHUR PUE GORMAN, late a Senator from the State of Maryland.

approved July 7, 1898; S. 7953. An act to amend an act entitled "An act to provide

for the reorganization of the consular service of the United States," approved April 5, 1906; S. 4875. An act granting an increase of pension to Nathan S.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the deceased the Senate do now adjourn.

The message also announced that the Senate had passed with

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan,

their heirs, representatives, associates, and assigns, to construct

dams and power stations on Bear River, on the southeast quarter

of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 5971. An act authorizing the extension of T street (formerly W street) NW.

of the following titles; in which the concurrence of the House

The message also announced that the Senate had passed bills

S. 2887. An act granting increase of pensions to soldiers and widows of the Indian wars, under the acts of July 27, 1892, and

S. 6075. An act to regulate the salaries of letter carriers in

S. 2621. An act to amend an act entitled "An act to provide a

S. 6810. An act to amend an act entitled "An act to amend an

S. 7614. An act to amend the act entitled "An act to protect

the harbor defenses and fortifications constructed or used by

the United States from malicious injury, and for other pur-

act entitled 'An act to amend section 2455 of the Revised Stat-utes of the United States,' approved February 26, 1895," ap-

amendments bills of the following titles

of Representatives was requested:

government for the Territory of Hawaii;

S. 3266. An act granting an increase of pension to William P.

McKeever S. 7220. An act granting an increase of pension to Nancy Bethel:

S. 7598. An act granting an increase of pension to Jesse C. Newell:

S. 7948. An act granting an increase of pension to Jane Tate; S. 7918. An act granting an increase of pension to Royal T. Melvin:

S. 7919. An act granting an increase of pension to John D.

S. 6076. An act granting an increase of pension to John Mc-Knight;

S. 6954. An act granting an increase of pension to Henry Matter; S. 7223. An act granting a pension to Joseph W. Little;

S. 7268. An act granting an increase of pension to Dewayne W. Suvdam :

S. 4936. An act granting an increase of pension to Jacob Grell; S. 7724. An act granting an increase of pension to Paul J. Christian:

S. 7357. An act granting an increase of pension to Levi S. Bailey; S. 1299. An act granting an increase of pension to Ludwig

S. 463. An act granting an increase of pension to Justin C.

Kennedy; S. 7782. An act granting an increase of pension to Henry F.

S. 6567. An act granting an increase of pension to George C. Gibson;

S. 7467. An act to provide for the division of a penalty recovered under the alien contract law;

S. 6544. An act for the relief of Durham W. Stevens:

S. 6104. An act to create the office of captain in the Philippine Scouts

S. 7017. An act extending the time for making final proof and payment on public lands in certain cases

S. 7795. An act for the extension of Albemarle street NW., District of Columbia:

S. 7837. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets.'

S. 4501. An act granting an increase of pension to Horatio S. Brewer:

S. 7678. An act granting an increase of pension to Joseph Kennedy;

S. 7063. An act granting an increase of pension to William F. Hastings;

S. 7482. An act granting an increase of pension to Wilford Herrick ;

S. 7054. An act granting an increase of pension to Charles H.

S. 7610. An act granting an increase of pension to Frederick

S. 7609. An act granting an increase of pension to Thomas Strong

S. 6962. An act granting an increase of pension to Franklin Rust

S. 6570. An act granting an increase of pension to George W. Cole:

S. 7477. An act granting an increase of pension to Patrick

S. 7479. An act granting an increase of pension to George L. Corey

S. 6467. An act granting an increase of pension to John M.

S. 7570. An act granting an increase of pension to George W. Hapgood;

S. 7634. An act granting an increase of pension to Charles

Shattuck; S. 7493. An act granting an increase of pension to George Arthur Tappan;

7. An act granting an increase of pension to Edwin B. Lufkin:

S. 8015. An act granting an increase of pension to Samuel B. Hunter

S. 8038. An act granting an increase of pension to John F. Ackley

S. 7064. An act granting a pension to Edward T. Blodgett; S. 6669. An act granting an increase of pension to Timothy B.

Lewis: S. 6663. An act granting an increase of pension to Thomas M. Chase:

S. 12. An act granting an increase of pension to Nancy Little-

S. 6913. An act granting an increase of pension to Samuel C. Murdough:

S. 7175. An act granting an increase of pension to Adline

Mabry S. 5940. An act granting an increase of pension to Henry Bittleston:

S. 7098. An act granting an increase of pension to Henrietta Teague:

S. 5692. An act granting an increase of pension to Margaret E. Craigo;

S. 7174. An act granting an increase of pension to Rebecca

S. 6912. An act granting an increase of pension to James G. Harvey

S. 7667. An act granting a pension to Henry Lunn; S. 2394. An act granting an increase of pension to John A. J. Taylor:

S. 7329. An act granting an increase of pension to Nathaniel Lewis Turner;

S. 7567. An act granting a pension to William Booth;

S. 7822. An act granting an increase of pension to William N. Bronson;

S. 3275. An act granting an increase of pension to Thomas J. Harrison :

S. 7503. An act granting an increase of pension to George W. Baker:

S. 7504. An act granting an increase of pension to David Decker:

S. 4865. An act granting an increase of pension to James W. Muncy;

S. 7237. An act granting an increase of pension to Daniel McConnell; S. 6475. An act granting an increase of pension to Harvey

S. 7475. An act granting an increase of pension to William

D. Hudson; S. 3929. An act granting an increase of pension to Ellen L.

Stoughton: S. 7870. An act granting an increase of pension to Albert

Bennington; S. 7531. An act granting an increase of pension to William

F. Letts; S. 588. An act granting an increase of pension to Priscilla L. Hamill:

S. 3446. An act granting an increase of pension to Anna M. Woodbury

S. 4890. An act granting an increase of pension to Lorin M. Hawkins:

S. 2743. An act granting an increase of pension to Daniel B. Morehead ;

S. 5623. An act granting an increase of pension to Nicholas M. Hawkins:

S. 1526. An act granting an increase of pension to Theodore W. Gates; and

S. 5191. An act granting an increase of pension to Robert H. White.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama;

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Ros-traver Township, Westmoreland County," approved March 14, 1904:

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie;

H. R. 12560. An act for the relief of John C. Lynch; and

H. R. 5167. An act for the relief of William H. Stiner & Sons. The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7795) for the extension of Albemarle street NW., District of Columbia.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below: S. 2887. An act granting increase of pensions to soldiers and

widows of the Indian wars, under the acts of July 27, 1892, and June 27, 1902—to the Committee on Pensions.

S. 2416. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898-to the Committee on Claims.

S. 2621. An act to amend an act entitled "An act to provide a government for the Territory of Hawaii"—to the Committee on the Judiciary.

S. 7614. An act to amend the act entitled "An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes,' approved July 7, 1898-to the Committee on the Judiciary

S. 7467. An act to provide for the division of a penalty recovered under the alien contract-labor law-to the Committee on Claims.

S. 6544. An act for the relief of Durham W. Stevens-to the Committee on Claims.

S. 6104. An act to create the office of captain in the Philippine Scouts-to the Committee on Military Affairs.

S. 7017. An act extending the time for making settlement, final proof, and payment on public lands in certain cases—to the

Committee on the Public Lands. S. 7953. An act to amend an act entitled "An act to provide

for the reorganization of the consular service of the United States," approved April 5, 1906—to the Committee on Foreign Affairs. S. 7837. An act to amend an act entitled "An act to amend an

act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets"—to the Committee on the District of Columbia.

S. 4875. An act granting an increase of pension to Nathan S. Wood—to the Committee on Invalid Pensions.

S. 3266. An act granting an increase of pension to William P. McKeever—to the Committee on Invalid Pensions.
S. 7220. An act granting an increase of pension to Nancy

Bethel-to the Committee on Pensions.

S. 7598. An act granting an increase of pension to Jesse C. Newell—to the Committee on Invalid Pensions.

S. 7948. An act granting an increase of pension to Jane Tateto the Committee on Invalid Pensions.

S. 7918. An act granting an increase of pension to Royal T. Melvin-to the Committee on Invalid Pensions.

S. 7919. An act granting an increase of pension to John D.

-to the Committee on Pensions.

S. 6076. An act granting an increase of pension to John McKnight-to the Committee on Invalid Pensions,

S. 6954. An act granting an increase of pension to Henry Matter—to the Committee on Invalid Pensions

S. 7223. An act granting a pension to Joseph W. Little—to the Committee on Invalid Pensions.

S. 7268. An act granting an increase of pension to Dewayne W. Suydam—to the Committee on Invalid Pensions.

S. 4936. An act granting an increase of pension to Jacob Grell—to the Committee on Invalid Pensions.

S. 7724. An act granting an increase of pension to Paul J. Christian-to the Committee on Pensions.

S. 1299. An act granting an increase of pension to Ludwig Schultz—to the Committee on Invalid Pensions, S. 463. An act granting an increase of pension to Justin C.

-to the Committee on Invalid Pensions. Kennedy-

S. 7782. An act granting an increase of pension to Henry F.

-to the Committee on Invalid Pensions. S. 6567. An act granting an increase of pension to George C.

Gibson-to the Committee on Invalid Pensions. S. 4501. An act granting an increase of pension to Horatio S.

Brewer—to the Committee on Invalid Pensions.

S. 7678. An act granting an increase of pension to Joseph Kennedy—to the Committee on Invalid Pensions.

S. 7063. An act granting an increase of pension to William F. Hastings-to the Committee on Invalid Pensions.

S. 7482. An act granting an increase of pension to Wilford Herrick—to the Committee on Invalid Pensions.

S. 7054. An act granting an increase of pension to Charles H.

Clapp—to the Committee on Invalid Pensions. S. 7610. An act granting an increase of pension to Frederick

Kurz-to the Committee on Invalid Pensions. S. 7609. An act granting an increase of pension to Thomas

Strong—to the Committee on Invalid Pensions. S. 6962. An act granting an increase of pension to Franklin

Rust-to the Committee on Invalid Pensions. S. 6570. An act granting an increase of pension to George W.

Cole—to the Committee on Invalid Pensions. S. 7477. An act granting an increase of pension to Patrick

-to the Committee on Invalid Pensions. S. 7479. An act granting an increase of pension to George L. -to the Committee on Invalid Pensions.

S. 6467. An act granting an increase of pension to John M.

Smith—to the Committee on Invalid Pensions. S. 7570. An act granting an increase of pension to George W. Hapgood—to the Committee on Invalid Pensions.

S. 7634. An act granting an increase of pension to Charles Shattuck—to the Committee on Invalid Pensions. S. 7493. An act granting an increase of pension to George

Arthur Tappan—to the Committee on Invalid Pensions

S. 7. An act granting an increase of pension to Edwin B. Lufkin-to the Committee on Invalid Pensions.

S. 8015. An act granting an increase of pension to Samuel B. Hunter—to the Committee on Invalid Pensions. S. 8038. An act granting an increase of pension to John F.

Ackley-to the Committee on Invalid Pensions. S. 7064. An act granting a pension to Edward T. Blodgett-to

the Committee on Invalid Pensions.

S. 6669. An act granting an increase of pension to Timothy B. -to the Committee on Invalid Pensions.

S. 6663. An act granting an increase of pension to Thomas M. Chase—to the Committee on Invalid Pensions.

S. 12. An act granting an increase of pension to Nancy Littlefield—to the Committee on Invalid Pensions.

S. 6913. An act granting an increase of pension to Samuel C. Murdough—to the Committee on Invalid Pensions.

S. 7175. An act granting an increase of pension to Adline to the Committee on Pensions.

S. 5940. An act granting an increase of pension to Henry Bittleston—to the Committee on Invalid Pensions.

S. 7098. An act granting an increase of pension to Henrietta

Teague—to the Committee on Invalid Pensions. S. 5692. An act granting an increase of pension to Margaret E. Craigo—to the Committee on Invalid Pensions.

S. 7174. An act granting an increase of pension to Rebecca Faggart—to the Committee on Pensions.

S. 6912. An act granting an increase of pension to James G. Harvey-to the Committee on Invalid Pensions.

S. 7667. An act granting a pension to Henry Lunn-to the Committee on Invalid Pensions.

S. 2394. An act granting an increase of pension to John A. J. -to the Committee on Invalid Pensions.

S. 7329. An act granting an increase of pension to Nathaniel Lewis Turner—to the Committee on Invalid Pensions

S. 7567. An act granting a pension to William Booth-to the Committee on Invalid Pensions

S. 7822. An act granting an increase of pension to William N. Bronson—to the Committee on Invalid Pensions.

S. 3275. An act granting an increase of pension to Thomas J. Harrison—to the Committee on Invalid Pensions.

S. 7503. An act granting an increase of pension to George W. Baker-to the Committee on Invalid Pensions.

S. 7504. An act granting an increase of pension to David Decker—to the Committee on Invalid Pensions

S. 4865. An act granting an increase of pension to James W. Muncy—to the Committee on Invalid Pensions.

S. 7237. An act granting an increase of pension to Daniel Mc-Connell—to the Committee on Invalid Pensions.

S. 6475. An act granting an increase of pension to Harvey ey—to the Committee on Invalid Pensions.
S. 7475. An act granting an increase of pension to William D.

Hudson-to the Committee on Invalid Pensions. S. 3929. An act granting an increase of pension to Ellen L.

Stoughton—to the Committee on Invalid Pensions. S. 7870. An act granting an increase of pension to Albert Ben-

nington—to the Committee on Invalid Pensions. S. 7531. An act granting an increase of pension to William F.

Letts—to the Committee on Invalid Pensions.

S. 588. An act granting an increase of pension to Priscilla L. Hamill—to the Committee on Invalid Pensions. S. 3446. An act granting an increase of pension to Anna M. Woodbury—to the Committee on Invalid Pensions.

S. 4890. An act granting an increase of pension to Lorin M. Hawkins—to the Committee on Invalid Pensions.

S. 2743. An act granting an increase of pension to Daniel B.

Morehead—to the Committee on Invalid Pensions. S. 5623. An act granting an increase of pension to Nicholas M.

-to the Committee on Invalid Pensions. S. 1526. An act granting an increase of pension to Theodore W. Gates—to the Committee on Invalid Pensions.

S. 5191. An act granting an increase of pension to Robert H. White—to the Committee on Invalid Pensions.

S. 6810. An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906-to the Committee on the Public Lands.

S. 6075. An act to regulate the salaries of letter carriers in free-delivery offices—to the Committee on the Post-Office and Post-Roads.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles H. R. 9132. An act for the relief of the legal representatives

of Benjamin F. Pettit;
H. R. 7014. An act to provide American registers for the steamers *Marie* and *Success*;

H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;
H. R. 9131. An act for the relief of the legal representatives

of Charles D. Southerlin; and

H. R. 6417. An act for the relief of T. J. H. Harris.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7000. An act granting an increase of pension to Esther A. Cleaveland;

S. 7760. An act to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River;

REPRINT OF DOCUMENTS.

Mr. HEPBURN, by unanimous consent, obtained leave for the reprint of House Document No. 606, being a letter from the chairman of the Interstate Commerce Commission submitting a report of an investigation of the subject of railroad discriminations and monopolies in oil, and of House Document No. 561, being a letter from the chairman of the Interstate Commerce Commission transmitting a report of the investigation of the eastern bituminous coal situation.

Mr. CURRIER, by unanimous consent, obtained leave for the reprint of Report No. 7083, to accompany the bill (H. R. 25133)

to amend and consolidate the acts respecting copyrights, with permission to correct typographical errors in said report.

REPRINT OF NAVAL APPROPRIATION BILL

Mr. FOSS, by unanimous consent, obtained leave for a reprint of the bill H. R. 24925, the naval appropriation bill, together with the report thereon, with permission to correct clerical errors in said report made in figuring totals.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Hogg, indefinitely, on account of sickness in family.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991—the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, with Mr. CURRIER in the chair.

Mr. ACHESON. Mr. Chairman, I wish to submit for the consideration of the committee certain facts relative to the improve-

ment of Cold Spring Inlet, Cape May, N. J.

The subcommittee of the House Committee on Rivers and Harbors, to whom this project was referred, consisted of Messrs. McLachlan of California, Jones of Washington, Ransdell of Louisiana, Humphreys of Mississippi, and myself. After ex-amining the favorable reports of the Board of Engineers for Rivers and Harbors carefully, the subcommittee went before that Board for additional information. Several of the interested parties were also invited to be present at this hearing. After the subcommittee had thoroughly discussed all the features of After the project, it unanimously decided that if those interested would contribute the sum of \$100,000 it would recommend that the Government expend enough to make the channel. One fact which influenced the subcommittee was that a large amount of moneyover \$5,000,000—had been expended in connection with the project. Another fact was that the State of New Jersey, fronting 123 miles on the Atlantic ocean, had never received a cent in appropriations along the entire coast line, notwithstanding that millions of dollars worth of property and a large number of lives have been lost in the vicinity of this proposed improvement. In addition to this, the subcommittee believes there is no question about the future commercial possibilities of this enterprise. Seafaring people along the entire Atlantic coast appeared before the Committee on Rivers and Harbors and the board of engineers in support of this project. It is warmly indorsed by the maritime exchanges of New York and Philadelphia, by the governor and legislature of the State of New Jersey, by Senators and Representatives, by the Vessel Owners' Association of Philadelphia, by the Delaware River and Bay Pilots' Associa-tion, by many steamship companies, and by hundreds of indi-viduals interested in commerce and navigation. No other project has ever received such an enthusiastic indorsement by maritime people.

The committee believes the project to improve Cold Spring Inlet and create a great landlocked harbor at Cape May is a thoroughly meritorious proposition. Its consummation will afford relief for annoying freight congestion at large seaboard The importance of improving natural channels to the sea and of opening new harbors where they can be readily reached by great railroad systems can not be overestimated. In a letter on "The transportation problem of the United States," addressed by James J. Hill on January 14 to Governor

Johnson, of Minnesota, Mr. Hill says:

Johnson, of Minnesota, Mr. Hill says:

The business of the United States is to-day so congested that from every portion of the country arises clamor for relief. The railroads everywhere are taxed beyond their power. The people of the United States, therefore, are face to face with the greatest business problem that has ever threatened the nation. During recent years the volume of business has increased and is increasing with extraordinary rapidity, while the necessary additional trackage and terminals have not been equal to the demands upon them. The resulting situation is a freight blockade of enormous proportions, especially at all terminal points. How to remedy this is a problem—financial, mechanical, and physical. No time should be lost in applying such measures of remedy as may be possible, and the first step toward this is to reach a proper understanding of actually existing conditions. * * * And it is in the great centers that the inadequacy of terminal facilities makes the pressure most severe and prevents the free flow of traffic. * * * The prohibitory expense now attached to enlargement of terminals at many points and the absolute lack of available space at any price may be met by a decentralization of traffic. There must be more points for expers, more interior markets. A 15-foot canal or channel from St. Louis to New Orleans would go further to relieve the entire Middle West and Southwest than any other work that could be undertaken.

With such a depth of water, a single powerful towboat would carry

from thirty to forty train loads. Terminal troubles admit of a more general diffusion of business, permitting transfers to take place and forwarding to be done where land can be secured in adequate quantities and at more reasonable prices. To this the traffic system of the country must be adjusted. The heavy transfers must be made away from the larger cities.

Mr. Hill describes the transportation situation precisely, and what he says fits the Cape May project exactly. Here will be found another point for export. Enlargement of terminals at the great cities, New York and Philadelphia, can only be made at prohibitory expense. Land for terminals at Cape May can be secured in adequate quantities at reasonable prices

At the present time projects for the improvement of rivers and harbors, approved by the Engineers, which are on the books, would cost for completion probably \$500,000,000. The average appropriations for rivers and harbors for the past twenty-five years have been less than \$20,000,000 annually. At the present rate of progress it will take twenty-five years to carry out the old projects on hand without counting the new ones which are constantly coming in. We must either adopt a new policy and have annual river and harbor bills of generous proportions or encourage local participation in such work. The Government is now cooperating with various States in making a complete geological survey of the United States, the States bearing one-half of the expense. Why should not States and cities be encouraged to participate in the expense of making river and harbor improvements, where the localities wish to go ahead more rapidly than the Government can?

The Cape May proposition is an excellent example of participation on the part of those most interested in an improve-Until this project came before the Committee on Rivers and Harbors Pennsylvania and Philadelphia had the best record for participating in such improvements. The State of Pennsylvania, the city of Philadelphia, and private interests have contributed over \$5,000,000 to supplement the work done by the Government on the Delaware River. The Stephen Girard estate, held in trust, has been a large contributor, because much of the property left by the old mariner, merchant, and philan-thropist was benefited. Now, we have at Cape May an instance of one small city and private interests expending a greater sum at one time in creating a magnificent harbor than one of our largest States and cities have expended in a century. terprise should be encouraged. The pressure for dockage room about New York is tremendous. It is so at Philadelphia. This pressure must increase with the wonderful growth of our commerce. The time is rapidly approaching when every available point of export on the Atlantic seaboard will be needed to accommodate the vast business seeking an outlet. The New Jersey coast will afford other opportunities for the creation of splendid harbors which the expansion of our commerce will de-It is to be hoped that other enterprising communities will follow the example of Cape May.

The Board of Engineers for Rivers and Harbors indorses the

project in this language:

Based on its examination of the locality, the large amount of data presented for its consideration, and the apparent advantages and value of a deep and land-locked harbor, with good railroad connections, the Board has arrived at the conclusion that the prospective commerce of this locality is sufficient to justify the United States in providing a suitable connection between the harbor and deep water outside. The improvement of a harbor by the United States solely on a basis of prospective commerce is, the Board believes, without precedent, and in making a favorable recommendation the Board has given considerable weight to the fact that large expenditures have been made here by prominent commercial interests, and it is but reasonable to suppose that from business motives strong efforts will be made to carry the enterprise to complete and successful termination.

Here, then, is a safe landlocked harbor for commerce and of refuge with an area of over 500 acres, or almost 1 square mile, with depth of from 30 to 40 feet. Over \$5,000,000 have been or will be expended in connection with this project. ernment is asked to expend \$1,211,000 in providing a 25-foot channel, less than a half mile in length, to connect it with the sea. Is not this a good business proposition for the Government? The development of a great commerce is an absolute certainty. The Cape May Harbor will afford relief for the pressure for terminal facilities and dockage room at the large seaboard cities of the Atlantic coast. The Government engineers speak of it as making a precedent and being therefore a question for Congress in its wisdom to decide. Congress can make no mistake by voting to encourage local communities to assist in the expensive work of providing outlets for the rapidly expanding commerce of the country.

When the Cape May Harbor is completed coal from Pennsylvania and the products of farm and factory in that State and of those farther west can be shipped to Cape May quicker than they can reach Philadelphia, because they will be run around that city and avoid the terminal delays. It will be so with goods imported at Cape May bound for points west of Philadelphia. The railroad freight rate to and from Cape May will be no greater than to and from Philadelphia.

While the plan to make such a harbor is a novel experiment, it is one of great value to the country. On the Pacific coast good harbors are few and far between. The completion of the deep-water harbor at Cape May will demonstrate the fact that such harbors can be built at many points not now considered available. The Cape May Harbor will be of national importance and should not be opposed by the representatives of any section of the country.

The whole New Jersey coast is destined to become a mere suburb of the great cities of New York and Philadelphia, with other fine artificial harbors. It matters not whose money constructs

these harbors the people will get the benefit.

Mr. SMALL. Mr. Chairman, in the course of my remarks I shall discuss a project known as the "Norfolk-Beaufort Inlet Waterway," extending from Norfolk, Va., southwardly through the inland sounds of North Carolina, with an outlet to the ocean at Beaufort Inlet. Before doing so, however, I wish to submit some observations upon the general subject of the improvement of our waterways and of appropriations therefor. There recently appeared in the press a letter written by Mr. James J. Hill, the president of the Great Northern Railroad, to the governor of Minnesota. Mr. Hill is one of the great masters of transportation, and his statements and conclusions are worthy of serious consideration. He described in graphic terms the congested condition of traffic on the railroads of the country, and his description is illustrated in every commercial center and in every considerable railroad terminal, and the resultant delays in traffic are felt by every industrial enterprise, every merchant, and every shipper throughout the country. He showed that the business of the country had outgrown the capacity of the railroads. It is estimated that for the decade from 1895 to 1905 the traffic offered to the railroads for movement increased more than 115 per cent. By way of contrast it is further estimated that the increase in mileage during the same time was only 21 per cent, the increase in locomotives 35 per cent, and the increase in the number of freight cars was only 45 per cent. These fig-ures tell the story and explain the complaints of shippers against the railroads. It is impossible for the railroads of the country to meet the demands for the movement of traffic.

This prosperity which the country has been enjoying for some years could not have existed without the facilities of transportation. Transportation is the very life-blood of commerce, and unless a remedy shall be found for the delays and losses incident to present railroad traffic the growth of our internal commerce will be checked and ultimately paralyzed. What, then, is the remedy? It has been suggested that the railroads provide additional mileage and equipment. Mr. Hill discusses that proposition and submits that an approximate remedy would be afforded if we could build annually for the next five years 11,000 miles of additional track, with one-third more added thereto for sidings and terminal tracks, most of which additional mileage should be in constructing double tracks. This increase, he estimates, would involve the expenditure of more than \$1,000,000,000 per annum. The diversion of so large a proportion of capital, to say nothing of the scarcity of labor and the difficulty in obtaining the necessary material for construction, would prevent the construction of this additional mileage and necessary equipment. The remedy then must be sought elsewhere. We must again adopt the policy inaugurated by the fathers of the country before we began that marvelous era of railroad construction about 1835. We must improve and deepen our navigable waterways, extending them far into the interior. We must canalize our interior rivers wherever practicable, and construct canals where the physical and commercial conditions justify. They must be kept absolutely free, to the end that individuals and corporations with capital may utilize them for the movement of barges and cheap freight steamers.

There are many reasons which might be urged in favor of opening up our waterways. I will take the time to mention only two.

First. Movement by water is the cheapest of all methods. According to a table prepared by the editor of Poor's Railroad Manual, it appears that for the year 1904 the cost of movement per ton per mile upon the railroads of the country was 8 mills. Contrast this rate with that of the Sault Ste. Marie Canal. According to a report issued by the Bureau of Statistics it appears that the cost of movement on this canal for the same period was eight-tenths of a mill per ton per mile—the cost by rail being more than ten times as great as by water. But it may be said that this is not a fair illustration, owing to the bulky and weighty nature of the traffic which passes through

this waterway, such as iron ore, coal, and other like products. This is largely true. Nevertheless, it may be stated without exaggeration that the average cost of movement by rail is more than five times as great as the average cost of movement by water.

Second. Another advantage may be stated. Waterways are free to all who may wish to navigate them. Railroads are necessarily monopolies, and no one may utilize their tracks except the companies which construct and own them. Railroads are very expensive, requiring immense sums to construct and operate, which condition has been emphasized since so many of the smaller roads have been consolidated into trunk lines and On the other hand, one or more individuals could construct barges and freight steamers, thus enabling communities to protect themselves against high rates and inferior service by the railroads. This proposition has been illustrated with much clearness and force by the gentleman from Illinois [Mr. RODENBERG] and by his colleague from the same State [Mr. The improvement of these interior waterways will RAINEY 1. accomplish more effectively the regulation of traffic rates and the restoration of equality of service upon the railroads than can possibly be accomplished through the intervention of the Interstate Commerce Commission or the railroad commissions of the several States.

Now, Mr. Chairman, if my premises are correct, there is one inevitable conclusion, to the effect that it is the paramount duty of the Congress, in the improvement of waterways, to improve and open up those extending into the interior and thereby help to relieve this congestion of commerce and maintain our large domestic trade. This bill provides an aggregate of more than \$83,000,000, and yet a very large proportion of this sum, if not more than one-half, is for the deepening and enlargement of the great harbors on our coast or for streams which do not afford competition with the railroads. The continued improvement of our harbors simply meets the greater demand for increased depth in order to accommodate the greater draft of vessels engaged in our foreign trade, 90 per cent of which are sailing under foreign registers and foreign flags.

In view of this congested condition of traffic, which threatens the integrity of our internal commerce and certainly tends to arrest its growth, this river and harbor bill, which is intended primarily to promote our commerce, should have been framed for the purpose of meeting that exigency.

In this connection, Mr. Chairman, it may be interesting to contrast our domestic trade with our foreign trade. For the year just past it is estimated that the internal commerce of this country, based on single transactions, amounted in round numbers to \$25,000,000,000; for the same year our foreign trade for the first time in our history slightly exceeded \$3,000,000,000, showing that our foreign trade is less than one-eighth of our domestic trade. It will be interesting also to contrast our production with our exports. The Bureau of Statistics estimates that for the past year we produced in manufactured goods \$12,000,-000,000; in farm products, \$6,000,000,000, and in mineral products \$2,000,000,000. Out of this aggregate production of \$20,-000,000,000 we exported the small proportion of \$1,000,800,000, or less than one-tenth of our production. Not only does this contrast between our domestic and our foreign trade and between our production and our exports carry with it a fruitful object lesson, but there is the additional proposition which can not be controverted, that if we wish to maintain our prosperity and to continue the industrial growth with which we have been blessed in recent years, we must preserve and en-courage every factor which shall tend to conserve this great internal commerce in its full integrity and volume. This in my judgment, was not constructed along proper lines. This bill. items of appropriation should have recognized a larger number of interior projects and should have contained more generous

The House has been entertained for more than two days with interesting, instructive, and forceful addresses upon the great project which has been termed the "14-foot waterway from Chicago to the Gulf." I do not know whether the River and Harbor Committee have sufficient information upon which to reach an intelligent conclusion as to the value or the engineering feasibility or the commercial necessity of the project, but whenever these questions shall have been answered in the affirmative it ought to be constructed if it can be done within reasonable cost. Personally I have no doubt that whatever the great States of the Mississippi Valley desire—I use this designation to include not only the States lying alongside that great river, but also the interior States drained by its tributarles—they will in good time secure. The Republican party is dominated by the States of the Middle West; the Speaker resides in one of those great States, and the committee assignments are held by Repre-

sentatives from these States. The Committee on Rivers and Harbors is made up as to both parties largely from the Mississippi Valley and the Gulf, which result was scarcely an accident of politics. Not only the center of population has moved constantly westward, but the scepter of political power has likewise departed from the East. Excepting a few great harbors, the Atlantic seaboard has suffered discrimination in the appropriations contained in the bill. It is not the Mississippi Valley or the Middle West which has cause to complain now or in the

future, but the eastern seaboard States.

Mr. Chairman, referring to interior waterways, there are other lesser projects in the Mississippi Valley and other sections of the country to which I shall not have the time to advert; but I wish to direct attention briefly to some of the meritorious projects along the Atlantic seaboard. For more than one hundred years the people of New England have contemplated the construction of a canal across Cape Cod, connecting Barnstable Bay and Buzzards Bay. Impatient at the delay of Congress, a strong organization with ample capital, as stated in the press, has recently been organized for the purpose of constructing this long-discussed canal. I hope they will succeed in their purpose; but it should be accomplished not by private enterprise, but by the Government of the United States and dedicated freely to commerce. This canal in connection with Long Island Sound would furnish a safe inside route from Boston to New York.

Coming farther south there is a canal connecting the Raritan River with the Delaware River, which has been controlled for many years by the Pennsylvania Railroad. There is a safe route from New York Harbor to Raritan Bay and River, and this canal would give connection with the Delaware River and the large commerce tributary thereto. It is plainly the duty of Congress to meet the demands of the metropolis of New York, of Philadelphia, and the cities of New Jersey, and to enlarge and construct this waterway of sufficient depth and width to accommodate the commerce which would seek this passage.

There has also been in existence for many years a small canal connecting Delaware River with Chesapeake Bay. At the last session of Congress a resolution was passed authorizing the President to appoint a Commission to settle upon a route and estimate the cost of a waterway connecting the Delaware with the Chesapeake. That Commission has performed its work and made its report to Congress recommending the route of the present Delaware and Chesapeake Canal, and that it be enlarged and deepened to 35 feet, and estimating the cost of same at \$20,000,000. This project, having been determined to be feasible, ought to be owned and enlarged by the United States and dedicated to commerce.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. SMALL. Certainly.
Mr. GOULDEN. Can he give the committee information as to the cost of the Raritan Canal, connecting the two rivers he has spoken of in New Jersey? He omitted that.

Mr. SMALL. In answer to the gentleman I will say that, so far as I am aware, the commercial value of that canal to the United States, if it desired to purchase the same, has not been estimated. I have seen no estimate of it.
Mr. GOULDEN. No estimate of cost?

Mr. SMALL. No estimate of cost, or rather no estimate of what its proper value would be to the United States Govern-

Now, Mr. Chairman, we have reached Chesapeake Bay by a protected route, from which are reached the cities of Baltimore and Norfolk and many other thrifty cities and towns. It may be pertinent here to make an explanatory statement. the Government has not yet purchased and enlarged either the Delaware and Raritan Canal or the Delaware and Chesapeake Canal, still there is a large coastwise trade between Norfolk on the south and New York on the north. While the protection afforded by the two last-named waterways is essential, still coastwise navigation is not so hazardous as absolutely to prevent small steamers and barges from engaging in the coastwise trade between these points. There is a large volume of coastwise traffic between New York and Norfolk and intermediate points, much of which is carried by barges.

From Norfolk south we meet an entirely different condition. There is scarcely any coastwise trade between Norfolk and points north and the southern ports. It is true there are a few lines of coastwise steamships trading between some of the southern ports and the cities north of Hatteras, as well as a few large sailing vessels. The tonnage of traffic which they carry, compared with that which would naturally seek movement by water between the northern and southern ports, is comparatively insignificant. This is true on account of the hazards of navigation around Cape Hatteras and the Diamond

Shoals. I have upon other occasions in this Chamber dwelt upon the dangers and hazards of this "graveyard of the Atlantic;" I have submitted data from the Superintendent of the Life-Saving Service, detailing from year to year the appalling loss of life and shipping upon these treacherous sands which project for miles out into the Atlantic; I have heretofore attempted to give some description of the stress of storm and sea in this locality, and I shall not at this time dwell upon a condition which is so well recognized by intelligent people everywhere. The dangers of the North Carolina coast will always stand as a menace and obstacle to the development of coastwise trade between the North and the South, and any suggestion which shall eliminate its dangers and provide a safe interior passage is worthy of thoughtful consideration and the support of the

Congress

Now, Mr. Chairman, I wish to direct attention to a project which is intended to accomplish the purpose indicated. [At this point Mr. SMALL asked that a large map illustrating this waterway be brought into the Chamber for the inspection of Members.] The project to which I refer connects the Chesapeake Bay on the north with Beaufort Inlet on the south. It is known as the "Norfolk-Beaufort Inlet Waterway." I ask gentlemen to follow me on the map. This waterway extends from Norfolk, Va., up the southern branch of the Elizabeth River; thence by the existing Albemarle and Chesapeake Canal through what is known as the "Virginia Cut" and the North Carolina Cut; thence by North River, Albemarle Sound, Croatan Sound, Pamlico Sound, and Neuse River; thence by Adams Creek to the head thereof; thence a cut of 4 miles to the head of Core Creek, and thence by Core Creek and Newport River to Beaufort Inlet. The entire route follows existing waterways and involves only solid excavation of 4 miles between the head of Adams Creek and the Head of Core Creek.

Mr. GOULDEN. Will the gentleman allow me to ask him a

question?

Mr. SMALL. Certainly. Mr. GOULDEN. What is the distance between Norfolk and

Beaufort by the proposed route?

Mr. SMALL. Answering the gentleman, I would say that the total distance from Norfolk to Beaufort Inlet by the proposed route is 204 miles. I would state further that the project is for a depth of 12 feet, and that the cost thereof, as estimated by the engineers in their last report, is a little less than three and one-half million dollars.

LOCAL BENEFITS.

Having outlined this project, I will ask the attention of the House, briefly, to a consideration of the benefits which will ensue from its construction. These benefits may be divided into "local," such as are local to tide-water North Carolina and Virginia, and "general," such as will promote the entire coastwise trade. First, as to the local benefits: It appears in the report of the Board of Engineers, from data furnished by the various towns and sections in eastern North Carolina, that the commerce to be annually affected by this waterway amounted to \$1,500,000, and that the annual saving to commerce would be \$750,000.

The Board of Engineers suggested that these figures were an exaggeration; but they admitted that the annual saving to North Carolina alone would amount to at least \$200,000. Mind you, this last was the estimate of the Board of Engineers for Rivers and Harbors, which sits in Washington and has the power to supervise the reports of district engineers and special boards of engineers, and which has never been particularly friendly to this project. The annual saving of \$200,000 would amount to 51 per cent upon the cost of construction, estimated at \$3,500,000.

Mr. GARRETT. May I ask the gentleman a question?

Mr. SMALL. Certainly.
Mr. GARRETT. The dotted line on the map—is that the route recommended by the engineers?
Mr. SMALL. The route recommended by the engineers is indicated by the prominent red line. The other lines are the alternate routes.

Mr. GOULDEN. And almost all of the route recommended is a natural waterway requiring but little attention or improve-

ment, as I understand it?

Mr. SMALL. I thank the gentleman for that inquiry. most of it is a natural waterway, excepting the short distance included in the Albemarle and Chesapeake Canal, which it is proposed to purchase, and in addition there will be only 4 miles of solid excavation. The remainder of the route will be a natural waterway, only a part of which will require any improve-

I wish to call the attention of the House to the anomalous condition that exists in eastern North Carolina. Beginning

with the Neuse River on the south, upon which the city of Newbern is located—and in which my colleague Mr. Thomas resides—and going northwardly, you will note the Pamlico River, the Roanoke River, the Chowan River, and the Perquimans and Pasquotank rivers, all of which are bold, navigable streams. call attention to the large body of water known as Pamlico Sound. I also direct attention to the Albemarle Sound, which, by the way, is a body of fresh water, owing to the large volume of fresh water flowing down the Roanoke and Chowan rivers, and being the largest body of fresh water within the limits of the United States except the Great Lakes. It may be said in passing that this is a great fishing section, more shad being caught in this sound and its tributaries than elsewhere in the country.

Mr. GOULDEN. Will the gentleman allow another question?

Mr. SMALL. Certainly.

Mr. GOULDEN. What is the difference in the distance between the ocean route from Norfolk to Beaufort Inlet via Cape Henry and Cape Hatteras and the inside route which you are discussing?

Mr. SMALL. I am glad the gentleman asked that question. The difference in distance is more than 100 miles. However, while the difference in distance is a consideration, the greatest advantage lies in the fact that the inside route is safe and will admit of movement by barges and cheap freight steamers.

Adverting again to the local conditions, I will say there are at least eighteen counties in eastern North Carolina tributo these rivers and sounds, and according to the census of 1900 these counties produced in farm products more than \$14,-000,000 in value, and in manufacturing products more than \$10,000,000 in value; besides, there is a population of more than 400,000 people living in the section immediately tributary to these inland waters. The map shows that the ocean lies east of this section of North Carolina; and yet I call your attention to the pertinent fact that all these sounds and navigable rivers and this large area are all landlocked and have no navigable outlet It is true there are several small inlets through which the tide ebbs and flows, but either on the bar or on the inside there are obstacles which limit navigation to a few feet in depth. I venture the assertion that there is not within the entire country a similar area possessing such fertile lands and other natural resources which is so landlocked and deprived of extending its water-borne trade to other cities. Beaufort Inlet can not be reached from Pamlico Sound because of the limited depth of Core Sound, the average depth therein being only about The only navigable outlet for all this section is toward the north through a private canal affording an entrance into Elizabeth River and thence into Chesapeake Bay. I ask, gentlemen, if the situation which I have described does not appeal strongly for relief to the country and to Congress?

GENERAL BENEFITS OF COASTWISE TRADE.

I wish now to present the general benefits to our entire coastwise trade to accrue from the construction of this waterway. I said a momont ago that the volume of coastwise traffic between the ports north of Cape Hatteras and south of Cape Hatteras was insignificant compared with the total of the bulky products exchanged between the North and the South and which would naturally seek water transportation. I stated that this was true because of the dangers of Cape Hatteras and the Diamond Shoals on the North Carolina coast. I also asserted that the only coastwise navigation between the North and the South was by a few lines of steamships operating from New York, Baltimore, and Philadelphia with a few of the southern ports and the occasional large sailing vessels, all of which give Hatteras a wide berth. It is also a significant fact, as I am informed. that each one of the steamship lines now engaged in this trade is owned or controlled either by the trunk lines of railroads operating between the North and the South or have been acquired by the new transportation magnate, Mr. Morse, who has purchased the remainder. Certainly this condition does not appear inviting for competitive traffic or for the healthy growth of the coastwise trade.

It is further to be noted that coastwise navigation south of Beaufort Inlet is comparatively safe. Ordinarily any vessel which can navigate Chesapeake Bay with safety can engage in coastwise trade south of Cape Lookout, and this is a fact generally conceded by navigators. When this waterway shall be open to navigation it will be entirely feasible for the cities of New York, Philadelphia, Baltimore, Norfolk, and the intermediate ports to engage in trade by barges with Wilmington, N. C., Charleston, Georgetown, Brunswick, Savannah, Fernandina, and Jacksonville. Only small capital would be necessary, and we could then have a really competitive method of transporta-

tion, affording the best service and the cheapest rates. This waterway would accommodate steamers and barges having a draft of 10 feet, and it has been demonstrated that a barge having a draft of 10 feet can be so constructed as to have a capacity of 1,000 tons, and that such a barge would afford the

minimum of cost in transportation.

Now, as to the general commercial benefits. In the former report of the Board of Engineers upon this project for a 16foot depth, made in 1903, there appeared a large volume of commercial data submitted by the commercial organizations between Baltimore and Jacksonville, inclusive. There were reports from the commercial organizations in Baltimore, Norfolk, Wilmington, Georgetown, Charleston, Brunswick, Savannah, Fernandina, and Jacksonville. A summary of these reports shows an estimated annual saving in our coastwise trade of the several ports between Baltimore and Jacksonville of five and one-half million dollars.

The CHAIRMAN. The time of the gentleman from North

Carolina has expired.

Mr. GOULDEN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed fifteen minutes more.

The CHAIRMAN. The Chair will state to the gentleman that in allowing time between now and 2 o'clock the allotment is such that it would break up the arrangement if the gentleman had fifteen minutes more.

Mr. SMALL. I regret, Mr. Chairman, that I was not advised

of that condition earlier.

The CHAIRMAN. The gentleman will be recognized for ten

minutes more.

Mr. SMALL. Continuing along the same line, I will say that the data collated by the commercial organizations was laid before the special board of engineers. They did not agree with the foregoing estimate, but the board on their part estimated that the traffic in the coastwise trade to be affected annually would amount to 1,100,000 tons and that an annual saving would be effected amounting to \$600,000. This saving would amount to more than 17 per cent of the cost thereof. If there was a private enterprise upon which a saving of 17 per cent in any business could be effected, there would be no difficulty in enlisting capital to the amount of \$3,500,000 or more for such a profitable investment. The commercial organizations in the cities referred to represent the intelligence and enterprise of their respective communities. If they made any error, it was due to their zeal for the project. The bare facts connected with this waterway have never been presented to any intelligent person with the slightest comprehension of the needs of our coastwise trade without enlisting immediate support and approval. Certainly the special board of engineers, who in 1903 and 1906 made careful examination of the subject, were not controlled by sentimental considerations. Truly this is also a national project and will affect the entire coastwise trade from New York to Jacksonville.

This project has another conspicuous merit, upon which it is not necessary to dwell. Each report of the Board of Engineers has emphasized the strategic advantage of this waterway as an additional arm of defense in time of war. It would not accommodate our great battle ships, neither would any other waterway now projected have sufficient depth, but it would accommodate our torpedo boats and torpedo-boat destroyers, our submarines and small gunboats and transports. Additional stress has recently been laid upon the value of sub-marines, and it now seems probable that these sleuths of the sea will form a prominent part of our naval establishment. is useless to dwell upon an advantage so universally conceded.

Now, Mr. Chairman, it may be asked, if this waterway is of such transcendent necessity as a local project, if it will result so largely in the promotion of our coastwise trade, and if it is such an advantage and saving to commerce, why has it not been recognized by the River and Harbor Committee of this House, which initiates legislation and recommends appropria-tion for such purposes? This is one of the mysteries which I am unable to explain and which dwells in the minds of the dis-tinguished chairman and the members thereof, assuming that the latter have taken the trouble to study the subject. I speak from a sense of duty when I say that this project has not been treated fairly by the committee nor by its chairman. pending bill was being framed it was only considered at all by a subcommittee, of which the chairman of the full committee was also chairman. The chairman of the subcommittee declined to give the project his approval, and this deliverance was taken as binding upon the subcommittee. It has not been considered at all by the full committee, because the chairman declined to grant that privilege. So far as this particular measure is concerned, it has been excluded from this bill because the chairman so decreed. This is not deliberative legislation; but

it is a form of legislative tyranny, and ought not to be toler-Neither the chairman of the committee nor any member of the committee will debate this project upon its merits. challenge a discussion here or elsewhere. I invite criticism cause out of criticism will come a recognition of its merits. I invite criticism, be-

The people of North Carolina whom I have the honor in part to represent, my colleagues from that State, the Representatives from the other seaboard States directly interested in this waterway have a right to demand its recognition and construction.

[Applause.]

This much I may say in all modesty, that so long as I occupy an humble place in this House, so long as my colleagues are here to speak for the right, so long as these other Representatives from the States to be directly affected are in Congress advocating its merits, so long will it remain a live issue, until it shall ultimately receive the recognition of the committee and be

I desire, Mr. Chairman, an opportunity to say this much upon this subject. I have spoken seriously. I feel that the measure has not been treated fairly and that there is warrant for the protest I have made. Equal justice will yet prevail, and before many years shall have passed the demand of tide-water Virginia and North Carolina and the demands of those who represent our coastwise trade will be fully recognized by the committee and by the Congress. [Applause.]

Mr. HEPBURN rose.

The CHAIRMAN. How much time does the gentleman de-

Mr. HEPBURN. I should like an hour, but I can do with

The CHAIRMAN. The Chair will recognize the gentleman

for forty-five minutes

Mr. HEPBURN. Mr. Chairman, I want to indulge in some observations upon the river and harbor bill, and I want to say at the outset that while I have with great uniformity until recent years opposed the river and harbor bill, I have never been opposed to legitimate improvement of rivers and harbors. ever objection I have had to river and harbor bills in the past has been with regard to the selection of the place of improvement or to the manner in which it was proposed to prosecute those improvements. Those great works in which all the country is interested, that do in fact contribute to and furnish facility for our interstate commerce, I do not oppose. I have opposed measures that were of purely local interest, that in no way contributed, except in a local sense, to the general commerce of the Republic, I have opposed certain improvements because I believed them to be utterly impracticable; that the mode proposed would be a failure, and in one at least of the most notable instances, that scheme of twenty-five years ago, the improvement of the Mississippi River, the conditions of to-day show that I was not incorrect in the judgment that I formed. I know, Mr. Chairman, that a man risks something in uttering a word in opposi-tion to a river and harbor bill. There is a class of people in all parts of this country which may generically be termed re-formers. There are many classes of men who may be included within that classification; but generally it is that class of people I refer to who desire to make something for themselves by seizing upon some question or other which they think has peculiar popularity with the people, constituting themselves its particular champion and denouncing all who do not agree with their particular notions as enemies to the common welfare

Usually the man who refuses to support the river and harbor bill is charged with being a servant of the railway corpora-The reason of his hostility is said to be an improper desire upon his part to promote the interests of a rival method of transportation. I run the risk now in what I am about to say of subjecting myself again to that charge, made twentyfive years ago and repeated by some miscreants at biennial periods ever since, and I suppose it still has a lodgment in their minds. Mr. Chairman, this scheme which was developed yesterday by the gentleman from Missouri [Mr. Clark], the improvement of the navigation of the Missouri River, and that of his colleague, Doctor Bartholdt, the making of a 14-foot channel in the Mississippi River from St. Louis to New Orleans, admonishes us that the improvements that they propose are of gigantic character, at least so far as expenditure is concerned. The gentleman representing a St. Louis district told us that this scheme of improving the Mississippi River demanded an expenditure far in excess of the revenues of the Treasury, I think about \$250,000,000. He advised us in another part of his address that in order to accomplish his scheme a new bond issue would be necessary, and further along he fixed the figure of this bond issue at the colossal sum of \$500,000,000. As a part of the same general scheme, the improvement of the Missouri River, the other gentleman from the State of Missouri

told us in substance, as it appeared to his eye, would involve the building of two granite walls, to contain and restrain the torrents of the Missouri, extending from its mouth to Fort Benton, a distance of perhaps 2,000 miles. The gentleman from Illinois [Mr. Madden] has also his pet scheme of a 14-foot waterway from Chicago to St. Louis.

The gentleman from Missouri [Mr. Clark] always has grand conceptions. A student of history, a classical scholar, he draws his illustrations from history and from the classics, and then to adapt them to our day accepts the multiplied expenditure. His comparison shows the wealth and importance of the commerce of to-day when contrasted with that of the Roman era or the earlier periods of the world's history. Think, Mr. Chairman, this gentleman, while a classical scholar, while possessing all the arts of the orator, a historian, to whom we all give grateful audience whenever he will speak upon such subjects, is beyond that a man of practical qualifications. He speaks from the standpoint of the real when he admonishes this House that in order to complete his cherished project of improving the navigation of the Missouri River that there may be two granite walls at uniform distance from each other and extending through a line of territory of possibly 2,000 miles.

Think for a moment of what that involves. The Missouri

River traverses through almost all of its length, at least in that stretch which he has mentioned, an alluvial region. a foundation for his colossal granite walls you would have to go down full 200 feet or more from the surface of the stream. What a project this is! Not one granite wall, but two granite walls, 200 feet high, 2,000 miles long. [Laughter.] Chairman, certain Chinese ages ago-so long ago that the time just when is lost in the mists of the ancient days-made themselves famous as constructors by building a wall that is only some 7 feet high and only about 450 miles long. That wall has lived in history for all these centuries. What is that in That wall comparison with the colossal performance of the project by my friend from Missouri? Ah, he spoke wisely when he sug-gested that immortal fame surrounded the names of those men who undertake gigantic enterprises in engineering and accomplish them. He who projected this Chinese wall may have been forgotten by most of us. Undoubtedly the gentleman, when he is called upon, can give his name, the date of his birth, the location he has made famous by that event; but if it did that for him with his puny 7-foot wall in height and 450 miles in length, what will be the immortality of my friend when he completes this gigantic structure of a wall which, if placed end to end, would be 4,000 miles in extent and two hundred and more feet in height? [Laughter.] Mr. Chairman, the gentleman was more happy than even he assumed, because he has, in my humble judgment, told the country just what is necessary to accomplish this work of internal improvement of which he is the advocate. Think of the expenditure. Think of the importance of the undertaking, if it is within the limit of the desire of prudent, sensible men. Mr. Chairman, I have seen that splendid river, 5 miles in width, a raging torrent, a volume of water moving with extraordinary velocity that would defy the puny attempts of man to control or master. The idea, to my mind, is so preposterous that I scarcely can conceive it possible that the gentleman looks upon it as a thing to be seriously discussed. What would it be if he could accomplish his purpose?

The engineers who are wise in this business of expending the Government's money tell us that the theory of contraction be-Government's money ten us that the theory of the curtween rigid walls is that you increase the velocity of the curtween rigid walls is that you increase the velocity of the curtween courses out of the bottom of the stream. What would rent and scouring out of the bottom of the stream. be the result? My friend has his wall properly constructed. We will assume, for the purpose of the argument, that the stream is confined to the waterway prepared for it. It has the scouring properties which the engineers say. What then? It burrows itself down to the bed rock, and there you have a canyon 200 feet in depth through which this torrent passes. Of course the gentleman in the interest of economy would straighten the river, and in that way would save perhaps 50 per cent of his granite construction, but that river now has a slope of a little more than a foot to the mile. By shortening it, by cutting off the bends and the sinuosities, he would shorten the river 50 per cent and thereby double the slope, and in doubling the slope he would multiply the velocity. It has now a velocity of 4 or 5 miles an hour. When the waterway as projected is completed its velocity of current would be multiplied many times.

Mr. SHACKLEFORD. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Iowa yield?
Mr. HEPBURN. I do not desire to be interrupted at this When it is completed it would have a velocity of 25 miles an hour, admirable for downstream navigation possibly, but how would vessels get up? [Laughter.] They would have the same engineering problem that it is said Thomas Jefferson once had. He proposed the erection of a windmill on a promontory on his estate for the purpose of sawing lumber. It was a high hill, admirably adapted to catch every breeze, no matter from what direction it might come.

His engineer thought, upon viewing the ground and looking over his plans, that it was feasible; that they would have the motor and that it would saw the lumber; but he destroyed the efficiency of the project by suggesting: "Mr. President, how are you going to get your logs up to the mill?" And that would be

the difficulty here. There is another project—that of improving the Mississippi River. The plans proposed by some of these gentlemen are a little unique. They propose a 14-foot depth of water from Chicago to St. Louis, and after they get this, on their downward trip to the Gulf, they are willing to content themselves with 8 feet of depth. That is the Chicago project. As the business accumulates, as the necessities increase, as the commerce expands in its volume, they propose after getting to the city of St. Louis to diminish their facilities in this wonderful proportion.

But, Mr. Chairman, the gentleman from Missouri [Mr. Bar-THOLDT]—from the St. Louis district—told us that he wanted the system of revetment and the narrowing of the river by building a false bank in its bed wherever its width exceeded 4,000 feet. It is an old scheme. It is the old plan of the Mississippi River Commission now revived. Twenty-five years ago I attended one of these waterway conventions in the city of St. Then the engineers had but recently given voice to their projects of thus improving the river. They began it, they spent millions upon it—I think, Mr. Chairman, in excess of twenty-six millions—and then abandoned it, gave it up as impracticable, as every man familiar with that river knew it was, except the engineers. That scheme involved an expenditure of \$38 a foot for the length of the river from St. Louis to New Orleans. Think They spent \$26,000,000, and they found that the work of last year disappeared this year, and after trying to restore it a few times, even the engineers got wearied in their efforts, and the whole scheme was abandoned, and they went back to the old plan of removing the sand bar and the snag. The sand bar and the sinuosity of the river are nature's provision against the violence of the current. When you take out the sinuosity of the river and take out the sand bar and allow the water to flow as it will, upon even a slope of half a foot to the mile, you have a wonderful current, such a current as can not be navi-Some gentlemen are familiar with the regated upstream. ports of the Missouri River Commission. We had a body of that kind once. We have spent \$10,000,000, mind you, already upon improving the navigation of the Missouri River. A part of my district abuts upon that river, and I assert that within the last fifteen years but one steamboat has gone up that stream engaged in commerce. In the old days when freights were high and railroads were not, the river boats could do business. But if the river was now navigable, boats could not compete with There could be, without doubt, proper appropriations made for the improvement or the maintenance of the banks of this river that would be of great benefit to the people living along it, but before I come to that I want to state that on the occasion that I have spoken of, in 1881, when I attended this convention, we were taken on a trip by the hospitable gentleman that entertained us.

They had at that time a project for carrying on the commerce of the Mississippi River by the use of powerful tow boats and tows of five barges, each to carry a thousand tons. The river at this time was at flood. We were told that there were twenty of these fleets. We were taken on a trip along the wharf of that city. We saw the greater number of the steamers, and I should say at least a hundred-seventy-five or a hundred-of the tow boats tied to the shore, not one of them in use. That morning I had read in the newspapers an order from the railway authorities, in instructing their agents to send no more grain to St. Louis, that all of the elevators then were filled, and that there were 2,000 unloaded cars then in Here was the river at flood. Here were the boats in abundance. Here was the freight, the owners of which were clamoring to have it moved. Not a pound of it going down the Mississippi River. I made inquiries as to why this was, and was told that wheat could not be carried in bulk from New Orleans to the markets, but that it had to be sacked in order to prevent sweat and deterioration. There were no ships at New Orleans to receive it, that the commerce of that city was sufficient only to furnish transportation for the cotton crop. No wheat, no corn, no grain of any kind was seeking a passage down the Mississippi River, and it never has, in large quantities, since the railway system began. Ah, gentlemen say that it is so much cheaper, and a gentleman from Ohio gave us an illustration the other day of what it is to ship by the river. He

told us of one flotilla that carried 70,000 tons of coal for only a fraction of a mill a mile, and yet Mr. Chairman, that gentleman entirely omitted from the final cost of that transportation, of that illustration, one factor that must have cost at least -four or five times the amount of the freightagethat was the cost when moved in this way of carrying that coal from the flatboat-handling it by the shovel-carting it to the various places of distribution in the city.

In contrast it could be shown if transported by rail the coal would have been run on an elevated track and automatically unloaded, and thus saved cartage probably of 50 cents a ton, as I have been informed. That was not included in that statement of cheapness. No estimate was made of the losses from the boats that are not carried upstream again-a large percentage, as I am told. No thought was taken of this fact, that in that method of transportation the Government, the people, keep in repair the highway. We have spent upon the rivers of the United States \$244,000,000 for improvements. We have spent upon the Mississippi River and its tributaries \$125,000,000. We have spent in this matter of river and harbor improvements \$523,000,000, all but sixteen and one-half millions of it since the Republican party came into power.

Gentlemen charge parsimony. Gentlemen charge neglect upon the part of the Federal Government. They never give you the They do not tell you of this colossal sum of more than half a billion dollars that have been expended of the people's money to improve this method of transportation. The city of Pittsburg furnishes an illustration of the comparative value where choice is given between the river and the rail. The city of Pittsburg creates more freightage than any other spot upon the globe. Last year it was 122,000,000 tons. One hundred and twenty-two millions! Think of that! Compare it with the weight of the cotton crop—about 6,000,000 tons. The whole cotton crop of the South not a fifteenth part of the freight created in this There they have the Ohio River, upon which we have expended many millions, and I think the gentleman representing Pittsburg has it in his mind to make a raid upon the Treasury for some three hundred millions, so the newspapers have stated it, but he modestly says only about \$80,000,000, for the further improvement of the Ohio River.

Mr. DALZELL. I do not know what the gentleman refers to.
"The gentleman from Pittsburg" has made no such statement.

Mr. HEPBURN. Of what? Mr. DALZELL. That he wants either \$300,000,000 or \$80,-000,000, or any other amount.

Mr. HEPBURN. I will assume that he does not want it, but the other Pittsburg fellows want it. [Laughter.] Yet, Mr. Chairman, with the Ohio River at their very doors the creators of this vast tonnage have only shipped 11,000,000 tons down the Ohio River in a year, and that is confined almost exclusively. sively to coal.

Now, it is a most comfortable thing for our friends in New Orleans to have cheap coal and to boast about the cheapness of Ought not they to take into consideration the their river rate. largess of the Government that makes the way possible and which expends all these large sums on the rivers?

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. I yield to the gentleman. Mr. COOPER of Wisconsin. I understood the gentleman to say that these cheap rates he spoke of a moment ago were the effect of the people making the roadway down the river and keeping it up. Do they not keep up the roadway of the railroad by paying fixed charges and freight rates?

Mr. HEPBURN. Oh, Mr. Chairman, I think the gentleman knows that is scarcely a legitimate inquiry to make of me at this time.

Mr. COOPER of Wisconsin. I only wanted to see if there was anything in the statement he made that the people keep up

Mr. HEPBURN. Yes, sir; the people keep them up.
Mr. COOPER of Wisconsin. I also say that the people keep
up the roadways on the railroads by paying the freight rates and
charges to keep them up, and that the people pay for keeping them all up in either event.

Mr. HEPBURN. They pay for all. But when you talk about railroad freight, the fact is patent. In every report there are the items that go into what transportation costs, and the people. know it; and in the other, when they talk about the cheapness of the transportation, they do not take into account the large contributions that come from the people. It was that I was trying to get at, for we all know that in the long run the consumer of that which is consumed pays all the cost.

I see, Mr. Chairman, that my time is passing rapidly. I want to state the purpose that I have of later on offering an amendment to this bill. I call the attention of the chairman to the bill, on page 75, line 24, after the word "maintenance." I shall move at the proper time to insert the words "of channel and I shall move, on page 76, to strike out all of the proviso beginning with line 4, down to and including the word "and," in the ninth line, so that the appropriation can be used to maintain the permanency of the banks of the Missouri and prevent their caving in.

I want to say a word now in regard to that amendment. Missouri River from the city of Sioux City down to St. Joseph wanders through a broad bottom from 5 to 20 miles in breadth. It is an alluvium. There is a rich coat of soil 10 to 15 and 20 feet deep, underlain by a stratum of sand. When that river is at a certain stage and the surface is opposite this sand stratum it undermines the soil above it, and I have seen great stretches of that river, a quarter of a mile long, 2 and 3 rods in width, fall

into the river, being thus undermined.

All of the vegetable matter, all of the lime, all of the clay, are taken in solution and carried down the river and, unless the current is in some way artificially retarded, deposited down in the Gulf, but the sand goes into the bottom of the river. The sand is never carried in solution. It is only moved by force along the bottom. Now, these rivers, the Mississippi and the Missouri, consist of a series of pools or lakes, with portages between. Much of the river is of sufficient depth for ordinary purposes of navigation, but the changing currents force the sand along until a sand bar is constructed, making a serious obstruc-I have conversed with many men upon this subject, and the only feasible way of improving that river for navigation purposes is to dredge out the sand bars. I know it is only temporary. It will form in some other place. The sand will be deposited in another sand bar, and that will have to be removed, but that is practicable; that can be done; and, as I understand it, that is the method that the Commission are now engaged upon. So far as I am informed, it is the only feasible way that, after many years of experience and observation, now suggests itself to their minds.

Mr. GARRETT. Will the gentleman permit? Mr. HEPBURN. Yes; a question.

Mr. HEPBURN. Yes; a question. Mr. GARRETT. The Mississippi River Commission began its work of keeping open the channel by the construction of

Mr. HEPBURN. I yielded for a question. I do not want the interjection of a speech.

The CHAIRMAN. The gentleman declines to yield.

Mr. HEPBURN. Mr. Chairman, I have known of one stretch of the Missouri River which flows to-day 8 miles distant from where the current flowed in 1867. I have known of at least two flourishing towns upon the Iowa side of the river. river is now east of their sites and they have utterly disappeared. I have known of an instance where one railway company was compelled to move its depot building four times within one year. Now, these ravages upon this river can be prevented, and that cheaply, by building spur dams a few rods long at the beginning of a bend; dams made of mattresses weighted with stone and extending into the current and downward at an angle of about 30 degrees from the banks. forms a permeable dam, and the water creeping through the silt with which it is laden is deposited, because of the retardation of the current, and there is built up behind each of these dams a firm, substantial bank that diverts the current. Probably on the opposite side, at a distance of a few miles below, it would be necessary to build another one, and to let the river zigzag and have its sinuosity, but within the banks of the river—except a period of flood—instead of constantly encroaching upon and destroying the most valuable lands within the State of Iowa. These are valuable lands. They are under cultivation. There are some of them above overflow, and there are none of them that probably are overflowed more frequently than once in four or five years. The yield of corn upon them is so wonderful in the favorable seasons that men prefer them to the higher land, where crops can be raised each year without the fear of inundation.

Now, Mr. Chairman, I think that the amendment that I propose to offer is a practical one. I think it is very much better than the attempt to waste our money upon the improvement of

the navigation of the river.

We have before us proof conclusive and satisfactory that the steamboat as a mode of transportation is not adapted to the wants of the people of to-day. Fifty years ago the waters of the Mississippi River were traversed by a wonderful fleet of splendid vessels. Magnificent palaces they were. I do not know how many, but I think I have seen as many as 100 at the wharf at St. Louis at the same time. They were ample for the traffic

that came; but they have absolutely disappeared. Why? Because there is no demand for their use. I do not believe there is one of these large first-class vessels of which there used to be scores upon the river. There are a few lines of boats of the smaller variety that do a local business from one town to another, but I do not think there is a line of passenger boats now plying between St. Louis and New Orleans. I may be wrong about this, but if I am some gentleman who knows will, I hope, correct me.

Mr. GARRETT. Only incidentally.
Mr. HEPBURN. Only incidentally and occasionally, a gentleman tells me, is one of these boats to be seen. Now, gentleman tells me, is one of these boats to be seen. men, there is a reason for this. If we could not maintain this commerce upon the river when it existed, and when the opposition of the rail was inconsiderable, how can we hope to re-create it now, when we have the wonderful facilities that are to-day afforded us?

Mr. Chairman, we have supposed that we have found a corrective for the overcharge of the corporations. We have supposed that we have at last found means by which only compensatory and fair rates may be demanded from the shipper. I believe we have. I believe that the greatest blow that has been given to these projects of wastefulness has been given in the passage of the interstate-commerce laws of the country.

Our experience, our observation teach us that the steamboat, as an important factor in our transportation, is of the past. Most useful in its day, a wonderful help to the early settler, it

can not compete with the facilities of the present.

Some gentlemen have referred to the Hennepin Canal. voted for the Hennepin Canal. I did it under pressure. railway cry was being raised—everybody that was not in favor of the Hennepin Canal, in the estimate of certain orators and certain newspapers, was an enemy to the public welfare and was wedded to the cormorants. I had not as much courage then as I ought to have had and I voted for it. There is not a man that is familiar with the route but what knows that a doubletrack railway along that line of canal not only has a greater carrying capacity but a cheaper carrying capacity than the canal, with its innumerable locks, up, up, up, I don't know how many steps. At one time it was contemplated that there would be sixty-seven up and down. [Applause.]

[Here the hammer fell.]

Mr. KEIFER. Mr. Chairman, I did not expect to occupy any time to-day under the arrangement, but I do not complain. bill is of such proportions and proposes to make such a large appropriation, altogether out of proportion to any preceding one, and much larger, I understand, than all the appropriations in like bills for more than seventy years after (1823) appropriations for rivers and harbors were commenced, and its number of places is so great that it startles certain people in this country. The total of appropriations made through such bills solely for rivers and harbors prior to 1896 was many millions less than is proposed by this bill. I shall not vote for the bill unless it contains some safeguards and restrictions; and now, to that end, I send to the Clerk's desk to have read what I propose, if permitted to propose anything, in the form of an additional section to the bill

The CHAIRMAN. The proposed amendment will be read in the time of the gentleman.

The Clerk read as follows:

Add as a new section the following:

The several appropriations made by section 1 of this act are made subject of the right of the Secretary of War, with the approval of the President of the United States, to appoint a board of inspection consisting of three engineer officers of the United States Army not lower in rank than captain, which board shall, if deemed necessary by the Secretary of War, with like approval, visit any place he may designate which it is proposed by the provisions of this act to improve and there fully investigate the same and report in writing to the Secretary of War as to the public necessity, utility, and practicability of the proposed improvement at the place so designated, and whether or not such improvement will, if made, result in substantial public benefit in promoting interstate or foreign trade or commerce, stating in a summary way the facts, if any, which, in its opinion, my tend to show such necessity, utility, and practicability and such public benefit, and setting forth as to each place designated its situation and condition in respect to such trade or commerce by water transportation at the time the report is made and what its situation and condition would be in such respect should the proposed improvement be made; also showing in what way, if any, the general public through increased trade or commerce will be benefited; also showing how the common defense or general welfare will be promoted, if at all, by the proposed expenditure of money at such place, and setting forth such other things relating to such expenditure as the Secretary of War may deem important and require.

"Any such board appointed as aforesaid shall separately investigate."

require.

"Any such board appointed as aforesaid shall separately investigate and report on each place designated as aforesaid and referred to it for investigation; and more than one such board may be in existence at the same time.

"Upon the receipt of a report from such board the Secretary of War, with the approval of the President, shall have the right to limit the

amount of money to be expended and by this act appropriated for the improvement of any place thus reported upon to a sum less than that so appropriated for such place, or to withhold the expenditure of any money appropriated by this act for such place.

"The necessary expenses incurred by any such board in making an investigation and report as to any place shall be paid out of the sum appropriated by this act for its improvement."

Mr. KEIFER. Mr. Chairman, the purpose of the amendment proposed will be obvious to those who have given attention to its reading. Some of the great Presidents of the United States have taken the responsibility, when we have had excessive river and harbor appropriations and for local purposes, to refuse to and narbor appropriations and for local purposes, to refuse to allow all the money appropriated to be taken out of the Treasury and applied as appropriated. Now, I propose by this amendment to have a plan adopted to test, in case the Secretary of War finds it necessary, with the approval of the President, the practicability and utility and the necessity, etc., of such places as the Secretary may select. If the bill is a good one in all respects, there will be represent the secretary for the prepared of the prepared. respects, there will be no necessity of availing of the proposed provision. If it is a bad one, it will save to the country millions of money, probably, that we should expend in the preparation of

this country to prevent war or otherwise appropriate usefully.

Now, Mr. Chairman, we are on, I believe, the third day of the debate on this bill, but I have heard, I think, from no source, from no party man, a murmur about the bill being unconstitutional in any of its provisions. Before I conclude I hope, Mr. Chairman, to turn back a little in the pages of the history of this country and see what the views of the great Presidents of the United States and great statesmen of this country were and what they have regarded as proper, legitimate, constitutional appropriations for internal improvements and for rivers and The bill, as a whole, I can not approve. It is favored, I understand, by all the members of this majestic Committee on Rivers and Harbors. I heard the distinguished chairman [Mr. Burron] say that it had received due consideration in all of its parts and had his approval. The distinguished gentleman [Mr. BANKHEAD] at the head of the minority of the committee, on the Democratic side, took occasion early in the history of this dis-cussion to say that he favored every line of the bill. He stands We have not heard from the gentlemen of the committee who have spoken whether or not they favor the many appropriations contained in the bill to the absolute and eternal exclusion of all the others that friends of river and harbor appropriations favor, but we must take it for granted, at least, that they regard the places proposed to be improved as of paramount importance to the great improvement which is suggested should be made by the distinguished gentleman from Missouri [Mr. CLARK] and the other improvements that it is sought to have made by distinguished gentlemen from Pennsylvania, who represent a deeper channel in the waters at Philadelphia, and by the distinguished gentlemen who favor canals, etc., in the different parts of the country, all of which it is claimed, as I understand, have been grossly neglected and mistreated in the matter of appropriations proposed by this bill.

I know how unkind it will seem if I have the temerity to attack the general provisions of this bill. It has provisions in it that have excited some hostility among the friends of river and harbor appropriations. My distinguished friend from Missouri [Mr. Clark] told us yesterday that some of those who hitherto went in pairs [Mr. Burton and Mr. Bartholdt] and advocated universal peace have separated and come to blows, mentally at least, over this bill. So peace friends have parted and political friends have come together; the lion and the lamb have lain down together, and all that can get into the bill seem to have a

peaceable disposition. [Laughter and applause.]

Mr. Chairman, I represent a district that gets nothing, so I ought to be in a position to speak with some degree of impartiality. The great Calhoun long ago pronounced a little bit of a river and harbor bill "a bonus bill." I do not stop to characterize this large bill as a bonus bill," I do not stop to characterize this large bill as a bonus bill, but it certainly comes within that class that President Zachary Taylor called "an omnibus bill." But so far as my district is concerned of the accompanion of t proposed to be appropriated by the bill it is to get nothing. is a singular fact, Mr. Chairman, but it looks as though this committee had gone to the census of the United States, as shown by the census of 1900, and found out the population of the United States (84,233,069), and then sought to make up a bill that would, in the aggregate, appropriate for every man, woman, and child within the States exactly \$1, for that is about where it runs. The amount carried by the bill, including cash, authorized expenditures, and for surveys, is \$84,116,138. But my district don't get a dollar. Mine may be denominated as a district de bonus non [laughter], a district that gets no goods. But I have a little district out in central Ohio which is at all times deeply interested in the general welfare of this country.

It is small, I suppose, in proportion to the whole, but we

have flowing through it both branches of the Big Miami River (the Stillwater branch and the main branch of that river), and we have flowing through it Mad River, which continuously throughout the year and in all seasons contains more than many of the streams that are mentioned in the bill. Then there is Buck (Lagonda) Creek, Honey Creek, Donnels Creek, Massie Creek, Darby Creek, Deer Creek, and Paint Creek, and the Little Miami River, and the Scioto River with its tributaries. Some of these were originally put down as navigable streams. I was born at the head of navigation on Mad River in Ohio. Flatboats were there once loaded and sent to New Orleans, transporting corn, wheat, flour, pork, and whisky. Later the water was utilized for other, if not better, uses. It furnished Later the the power to propel mills to grind the vast crops of wheat, rye, corn, etc., which grew on the exceptionally rich land along that river. Much of the corn was distilled into pure whisky. For many years a traveler along this stream would not be out of sight of a mill, and could enjoy continually the fresh funces of a distillery. The same conditions existed in times past on the Miami and Scioto. Though a great change has come, still the people prosper without asking for Federal aid to deepen the channels of their streams and thereby convert them into arteries of commerce, and private funds build the railroads for transportation.

We have also in my little district two canals—one the Miami and Erie Canal, which extends north and south through Ohio, from Toledo on the north, passing through the cities of Piqua and Troy and Tippecanoe City, in my district, continuing down the great Miami through Dayton, Hamilton, etc., to Cincinnati, and passing through the richest country in agricultural products of any in the world; and then we have a canal extending south from Columbus through the eastern part of my district along the Scioto, and its valley and the adjacent country are equally rich. We have a network of railroads in our country and through my district, such as the Big Four, the Pennsylvania, the Detroit, Toledo and Ironton steam roads, and numerous electric traction lines. And we have cities where we manufacture, and according to statistics a few years ago my little city of Springfield produced more per capita in value of manufactured products than any other known place in the world, and I can now add to it the smaller city of Piqua, also in my district, where a like condition now exists. There are other cities in my district engaged in manufacture and all kinds of trade. With all our great facilities for transportation our manufacturers and shippers still complain constantly of want of cars. Our business has outgrown the capacity of the railroads on the

lines of the greatest systems.

If we had water transportation that was speedy enough to attract the business of the shipper, it might cheapen freight rates and be responsive to our large and growing business. I seriously doubt whether the slow movement of goods on canals and rivers will ever again attract the general freight business of this country. Most certainly it will not so long as the present pace we have set for ourselves obtains attract the

traveling public.

In my district we are not hoping for or expecting mere local aid by the Federal Government. I do not believe such aid is constitutional, and if constitutional I do not deem it practical or Manifestly such aid can not even generally be extended through expenditures of the General Government, and it is plainly unjust to appropriate in local aid of some places to the When we do this, as will be done in cerexclusion of others. tain instances if this bill passes, we are necessarily unwarrant-

There are improvements of State and international impor-tance that should be made. The connection of the Ohio River and Lake Erie was advocated as of national importance by both Washington and Jefferson, even before the adoption of the

ordinance of 1787.

By improving the Miami and Erie Canal, which extends many miles through my district, by widening and deepening it from Lake Erie (Toledo) to the Ohio (Cincinnati) so that ships of commerce could traverse it, the Great Lakes and the Gulf of Mexico would be linked together, and the commerce of and with all parts of the world would flow through it. A ship could be loaded at Chicago, Cleveland, Toledo, etc., and sent to London, England, or to any other port in the world. This would be both interstate and international commerce, and an appropriation for the construction of such a canal would be free of constitutional objections. But such a work is too important, it seems, to have attention now, and it is passed by like other and possibly more important improvements which are not mentioned, or, if mentioned, not adequately appropriated for in this bill. I shall, however, when opportunity comes, offer an amendment to this bill authorizing a survey for a ship canal

over the line of the Miami and Erie Canal from the Ohio River at Cincinnati to Lake Erie at Toledo.

Perhaps the other canal (Ohio Canal and its feeders) mentioned as passing through my district could be extended and improved in like manner, producing similar results. But Raccoon Creek and Duck Creek must first be attended to, regardless of constitutional questions, and apparently regardless of cost or of results.

I do not deny the right under the Constitution or the importance and necessity of improving the harbors on the Great Lakes and the channel of the Ohio River. These and like improvements furnish no warrant for appropriating the money of the Federal Treasury to improve purely local places wholly within a State, such as short rivers, inlets, etc., where no commerce naturally exists. Their improvement in favored localities is invidious, and the use of large sums for the purpose prevents the improvement of those of real and national importance. Twelve of the States of the Union are not allowed any appropriation by the bill-Iowa among the number. Thirty-three of the States are to be remembered, and they unequally, with the 'bonus."

As my district, thus situated, gets nothing-on the population basis (to say nothing of business or wealth of production) it should get about \$200,000—I have cited it as an example of the inequality and injustice that are proposed. The chairman of the committee, in his remarks three days ago, said:

The smaller streams which may be called distinctly local are not omitted in the bill. Some question may be raised as to the propriety of improving a mere local stream at national expense. Great care should be used, no doubt, to exclude creeks and rivers so insignificant as to give no promise of favorable results. But I desire to say to the committee that the appropriations made for many of these little streams have been quite as beneficial as any river and harbor appropriations that have been made. have been made.

In the present bill appropriation is made for some streams of this class where no traffic has already developed. In *some* cases a considerable commerce will follow, but that which is recommended for these local streams where there is an existing traffic is not materially in excess of the amount in the bill in 1902.

He gives in his speech the tonnage per year of Raccoon Creek, New Jersey, Duck Creek, Delaware, and others, as illustrations of such local streams "not omitted," some of which would not require a good ship five days a year to do all its

Some of the streams mentioned in the bill are not to have more than 3 feet of water when improved.

The examples just given show that it still happens that some are taken and more are left.

The proposed appropriations in the bill do not pretend to be for the common defense or general welfare, except a few of them. The total number of places sought to be appropriated for are 346, and it is proposed by this bill to appropriate for them all, great and small—harbors and rivers and creeks—\$83,816,138; and it is also proposed by the second section of the bill to appropriate \$300,000 for preliminary examinations and surveys other than that mentioned in the first section of the bill, and for contingencies and incidental repairs, for which there is no appropriation for rivers and harbors, and this contemplates a further large appropriation. The first river and harbor bill was passed May 3, 1823, and thereafter for many years appropriations for rivers and harbors were made by tacking on small appropriations, acting in those days as we sometimes do now, with general appropriation bills. Later on, Congress changed to passing regular river and harbor appropriation bills.

In 1870 the bill was for \$3,975,900; in 1875, \$6,648,517.50; in 1880, \$8,976,500; in 1881, \$11,451,000, and in 1882, \$18,743,875, and the bill for the last appropriation was vetoed by President Arthur. The later ones were: In 1896, \$72,275,954.91; in 1899, \$39,958,166.06; in 1902, \$65,107,602; in 1905, \$35,366,533.04, and the bill under consideration now reaches \$84,116,138, if it shall The largest river and harbor bill ever passed become a law. and became a law was passed by a Democratic Congress in Cleveland's Administration in 1896. It exceeded by more than

\$22,000,000 all covered by the acts above mentioned preceding it.

If there is any basis for a great number of the places for which it is proposed now to make appropriations, it must rest on the assumed right to make internal improvements; but I understand from the remarks of the distinguished chairman of the Committee on Rivers and Harbors that some of these places are proposed to be improved for the purpose of making them harbors of refuge—Cape May, for instance. My friend, who advocates appropriating nothing for defense of this country on its coast and in its island possessions, ought to have looked farther within the continent of this country before he sought to appropriate money for mere harbors of refuge along the Atlantic coast. We will need our harbors of refuge in the interior, where the yeomanry of the country can defend whatever we have

there, if we don't stop long enough to appropriate to protect our coast and coast lines.

Mr. BURTON of Ohio. Mr. Chairman, I suggest that my

colleague yield here, because of another order for the day.
Mr. KEIFER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirty-five minutes remaining. I understand he yields to his colleague, who will move that the committee do now rise. The gentleman will retain the floor.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor appropriation bill, and had come to no resolution thereon.

DEATH OF HON. WILLIAM H. FLACK.

Mr. KNAPP. Mr. Speaker, it is with profund sorrow that I announce to this House the death of my colleague, WILLIAM H. FLACK, of New York, which occurred at his home in Malone at 8.15 this morning. Mr. Flack was beloved by his neighbors and immediate constituency and held in high esteem by his colleagues in this House. At some future time I shall ask the House to fix a day for eulogies suitable to his life and character. Mr. Speaker, I now offer the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM H. FLACK, a Representative from the State of New York.

Resolved, That a committee of fifteen Members of the House, with such members of the Senate as may be joined, be appointed to attend the

funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved. That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following com-

Messis. Sherman, Littauer. Knapp, Draper, Driscoll, Fassett, Dwight, Ryan, Fitzgerald, Goulder, Grosvenor, Minor, Watson, Howell of New Jersey, and Reynolds.

Mr. KNAPP. Mr. Speaker, I offer the following additional resolution:

Resolved, That at the conclusion of the memorial exercises assigned for the day the House shall stand adjourned as a further mark of respect to the memory of both ARTHUR P. GORMAN and WILLIAM H. FLACK.

The resolution was unanimously agreed to.

MEMORIAL ADDRESSES ON THE LATE ARTHUR PUE GORMAN.

The SPEAKER. The hour of 2 o'clock having arrived, in pursuance of the order of the House the Chair recognizes the gentleman from Maryland [Mr. TALBOTT].

Mr. TALBOTT. Mr. Speaker, I offer the following resolu-

The SPEAKER. The gentleman from Maryland [Mr. TAL-BOTT] offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that op-ortunity may be given for tributes to the memory of Hon. ARTHUR PUE GORMAN, late a United States Senator from the State of Maryland. The SPEAKER. The question is on agreeing to the reso-

The question was taken; and the resolution was agreed to.

Mr. TALBOTT. Mr. Speaker, Senator ARTHUR PUE GORMAN was born March 11, 1839. His father was of Irish descent and was a prominent merchant and contractor, with large influence in Democratic politics in Howard County, Md., where the late Senator was born. His mother, whose maiden name was Elizabeth Brown, was the descendant of one of the oldest and most prominent families in Howard County, and occupied a conspicuous place before and during the Revolutionary period. the age of 13 Mr. Gorman was appointed a page in the United States Senate, I am informed, upon the recommendation of the Hon. Stephen A. Douglas, who always manifested a decided interest in him. His was a public school education, acquired in his native county, and while limited, by the unaided power of his own personality he attained places of power and distinction. He was promoted from page to postmaster of the Senate, which position he occupied until September 1, 1866, at which time he was removed because of activity in the cause of President John-

son during his noted impeachment trial. Immediately after his removal as postmaster of the Senate President Johnson appointed him collector of internal revenue for the fifth district of Maryland. This office Mr. GORMAN filled until after the inauguration of President Grant, in 1869. In that year he was elected a member of the house of delegates of Maryland, was reelected in 1871, and at the session of 1872 was elected speaker of the house. In June, 1872, he was elected president of the Chesa-peake and Ohio Canal, and in 1875 was elected to the State senate from Howard County; was elected in January, 1880, to the United States Senate, reelected in 1886 and 1892, and was again chosen Senator in 1902. It will thus be seen that promotion followed fast throughout his entire life—from page to post-master, from member to speaker of the Maryland house of delegates, from State senator to United States Senator.

This rapid promotion was because of his extraordinary ability being recognized by those with whom he came in contact in the many positions he occupied. I remember that very shortly after Senator Gorman began his first term in the Senate, the Hon. James B. Beck, of Kentucky, inquired of me where we found

our junior Senator. I replied:

We did not find him; he made himself known, and the people made him Senator.

Senator Beck then said:

The legislature of Maryland may have made mistakes in former times hen they elected Senators, but this time made no mistake.

At that time Senator Beck was chairman of the Democratic caucus. This, from such a source, was praise indeed, and showed that Mr. Gorman had already made an impression on the Senate—an impression that grew by steps until he became the undisputed leader of his party and one of the greatest parliamen-tarians our Government has known. The Hon. James G. Blaine,

in his magnificent eulogy on President Garfield, delivered from the Speaker's chair February 27, 1882, said:

The three most distinguished parliamentary leaders hitherto developed in this country are Mr. Clay, Mr. Douglas, and Mr. Thaddeus Stevens. They were all men of consummate ability, of great earnestness, of intense personality, differing widely each from the others and yet with a single trait in common—the power to command.

He said it would be difficult to rank with these a fourth name in all of our Congressional history. To this most distinguished group I would add Senator ARTHUR PUE GORMAN.

Mr. Gorman's greatest claim to be added to that list rests upon his masterful fight as party leader in the Senate against the Republican attempt to enact the so-called "force bill." bill was in charge of the late Senator Hoar, of Massachusetts, a strong debater and accomplished parliamentarian. The vote to take up the bill for consideration on December 3, 1890, was—yeas 41, nays 30. The contest was continuous from that date until the 22d of January, 1891, when the bill was displaced on the motion of Senator Wolcott, of Colorado, that the Senate proceed to the consideration of the bill making an apportionment of Representatives in Congress among the several States under the Eleventh Census, the vote upon which motion wasyeas 35, nays 34. During the seven weeks' consideration of the bill, Mr. Gorman occupied the floor for a considerable time himself, was the recognized leader of the minority, and managed the parliamentary features of the debate. During the aged the parliamentary features of the debate. During the contest and discussion of the proposed legislation the people of the country came to realize that it was not wise legislation and not in the interest of the entire country, and six able Republican Senators became likewise impressed. The adoption of the force bill would have called a halt on the prosperity of the South, the section of the country against which it was specially aimed. and would have relegated it again to the sort of government it suffered in the days of reconstruction; in fact, no man can tell how disastrous its adoption would have been to the whole Its defeat gave the South renewed courage and confidence in the future. Millions of dollars traveled that way from all sections to be invested, new railroads were built, old lines extended, cotton mills were erected, steel plants sprang up; in fact, the development of the various interests of the South has been so rapid that the railroad lines now in operation in that section are unequal to transporting its cotton, steel, and various products, and general prosperity reigns.

The deceased Senator is entitled to the gratitude of every patriotic citizen, and especially of the people of the Southland. If he had rendered us no other public service this of itself ought to be sufficient to entitle him to the gratitude of the entire American people. This feeling in his own State was so great that when the Democratic State convention met in 1891 Mr. GORMAN was unanimously named as the candidate of his party for the Senate, a thing without precedent in the politics of Maryland, and in further recognition of his great services he was

presented a handsome silver service, paid for by his admirers in the State.

Mr. Gorman was an ideal husband and father, and no man in public life enjoyed home surroundings more thoroughly than he, more especially when he could leave Washington and return to his country home in Howard County, where he would enjoy farm life and his family without the constant interruptions of visitors and callers on all kinds of public and private business. He often remarked that this country life, surrounded by his family, was the greatest relief to him—more relief than could be well imagined by one in private life. The Senator was charitable in every sense of the word, and never was known to refuse to contribute to the relief of those in want and trouble. He took special care to see that the families of his tried and true friends were properly taken care of, and assisted in the way calculated to do the most good. I think, Mr. Speaker, that the language used by Mr. Gorman in his eulogy on Senator Hoar, of Massachusetts, could be properly applied at this time to himself:

He was a man of pure and stainless life; he could feel for the victims of temptation. Mixed in his own creed, he was ever ready to recognize the sincerity of those who preached a different faith.

Mr. Gorman labored most intelligently and constantly, and mastered every question and its details with which he had to deal. Without ever having studied law he could put the proper construction on a legislative or Congressional enactment. thoroughly understood and could with great force discuss all public questions. He was prophetic on at least one important question. He was the first public man to my knowledge who declared publicly that the question of transportation and the control of railroad corporations would have to be dealt with by Congress.

He was ever grateful to the people of his native State who had so frequently honored him, and was largely instrumental in

securing for them great and needed improvements.

As Senator in addition to looking after the material interests of the State and city of Baltimore he was not unmindful of the claims of private citizens and gave prompt attention to all matters to which they called his attention. Senator Gorman had enemies—all public men have had them in the past, and all public men will have them in the future-but the compensation in his case was, he had hosts of warm, true friends, always ready and willing to assist him in his battles, who now confess their great loss and pay tribute to his memory and rejoice in the life he lived so well, so usefully, and so honorably. He was extremely courteous in manner and one of the most attractive men it has ever been my fortune to know, accessible at all times to the humble citizen as well as to the citizen of wealth and prominence. All who came in contact with him became at once impressed with the fact that he was a great deal more than the ordinary man. We all miss him and mourn his loss, and will continue to do so while life lasts, especially those who were his almost daily companions and enjoyed his confidence and affec-

The SPEAKER. The gentleman from Maryland [Mr. TAL-BOTT] will please take the chair.

Mr. TALBOTT assumed the chair.

Mr. CANNON. Mr. Speaker, I have been asked to say a word touching the life and services of the late ARTHUR PUE GORMAN. The Master said on one occasion, when one who ought to have accompanied him gave an excuse that his father was dead and he must needs go and bury him, "Let the dead bury their dead." And as the life of a generation on an average is under 40 years, this rule must necessarily be observed. Otherwise the world would be one vast house of mourning and the race would not make progress. And yet, when those cross the river with whom we have associated, to the family and friends and associates of the deceased the crossing begets sorrow, mourning, and regret, and the practice grows of paying a tribute where it is deserved

to those who have crossed over.

I had many years of service in the House coincident to the service of Senator Gorman in the Senate. I became very well acquainted with him personally as well as in a legislative capac-My service upon the House Committee on Appropriations and his service, among other committees of the Senate, upon the Senate Committee on Appropriations, brought me frequently in association with him. That was true toward the close of the session, when representing the House in conference, together with my colleagues, with Senator Gorman and his colleagues upon the conference committee representing the Senate, for the settlement of differences between the two bodies. In fact, I may say that my acquaintance began with him in consequence of work of that kind. I could bear cheerful testimony, if it were needed—I think the world knows it without my bearing such testimony, however-that he brought to his work in a remarkable degree sincerity of purpose and a desire for service to the people of the United States in his legislative capacity. He not only brought great intelligence, great culture, great knowledge, great integrity, but he also brought great industry. Legislative duties in both House and Senate are somewhat varied.

There is a sentiment throughout the country to be conserved or created, and it is very important indeed from the party standpoint and from the standpoint of the best interests of the Republic that there should be a just and correct sentiment, that is frequently nurtured, sometimes, I may say, created, by the debates in the two bodies, publicity being given by the press. There the man who abounds in oratory, with fitting words to clothe the ideas that he may have, becomes valuable. But, after all, with the newspapers universal, I think the capacity to discuss public questions, as compared with the capacity to understand public business, and without display or oratory consider it, where one is in condition to assist materially in its transaction, perhaps is a more valuable factor than the other factor of creating public sentiment. I do not aim to minimize either of these factors. Senator Gorman as a debater was strong and forceful and clear, but, in my judgment, his ability, his tact, his industry, and his knowledge in the conference room touching daily transactions in legislation were, to say least of it, equal to his ability as a debater in the Senate of the Sometimes it is fashionable in the country, if we can not think of anything else to say, to cartoon or to put a humorous little bit in the newspapers, if they need a stickful, sometimes a fling with or without malice, as it may be, at the Congress of the United States. We are not all Solomons in either the House or the Senate, nor are we all Websters, nor are we all GORMANS.

But, measuring my words, after some length of service in the House of Representatives and in contact with the Senate, I believe those two great bodies in their personnel average the picked men of the Republic. I refer to this at this time because most of the valuable service that a Senator or a Representative performs for the Republic is a service of which the world does not know. Frequently the average reader, being interested in other matters touching the acquiring of his daily bread and performing his duty as a private citizen, if he reads about and performing his duty as a private citizen, if he reads about it at all does not understand, or does not take the trouble to understand. It is not interesting. In other words, as the common expression is, "it will not read itself." In my judgment this great son of Maryland, who has crossed over, in his splendid and magnificent service in the Senate of the United States is entitled to more credit for the things that never caught the public attention than he is for the magnificent service which commanded the public attention and the public approval.

I said a moment ago that the average life of a generation is under forty years. An old epitaph in Cheltenham churchyard puts into the mouth of an infant who died at the age of three weeks the couplet-

It is so soon that I am done for, I wonder what I was begun for.

And it seems that all of us at times feel like asking that question. But we are so situated that while we do stay such is the necessity for effort that we may live and be subsisted, and care for those of the household and those who are to follow, and to pay our debt to civilization from the standpoint of reputation and from the standpoint of an honest desire to perform our funcand from the standpoint of an honest desire to perform our function and do our part, we are content to do the best we can; and when the end comes, in my judgment, that man is a happy man who has been in public life and who can say, "Well, it is now behind me, but in my day, to the best of my ability, I contributed to the progress of the Republic and of civilization as I was given to see the right." I believe ARTHUR PUE GORMAN, as he crossed over, had the right to make that declaration.

Mr. CLARK of Missouri. Mr. Speaker, it is probable that almost every Representative and Senator who was never much in Washington prior to his election to Congress forms a some-what definite opinion from afar as to the chief actors in this political and legislative scene; but after he has been here long enough to observe and study them at short range he will be compelled by the unimpeachable evidence of his own senses to modify his verdict in many cases, always to his surprise, some-

times with delight, and sometimes with regret.

Public men may be divided roughly into three classes: Those equal to their reputations, those bigger than their reputations, and those smaller than their reputations.

ARTHUR PUE GORMAN at a distance, as described by the voice of fame, was a pleasing, a commanding figure. He grew on one from personal contact and close inspection. His handsome presence, his winsome manners, his exquisite courtesy—which was ingrained, not put on and off as a garment—his

thoughtful and unfailing kindness to newcomers, his unsur-passed tact, his rare equipoise, his wise counsel when sought by even the humblest Member, his splendid powers as a conversa-tionalist, all tended to enhance the high estimate one had formed of him from the public press and from the Congres-SIONAL RECORD.

I want to interpolate at this point a matter suggested by the very fine speech of Mr. Speaker Cannon. In the Christmas holidays of 1899 the Southern Railroad gave the Gridiron Club an excursion to Charleston, S. C. Going down and coming back they were the guests of the road; in Charleston they were the guests of the city; and I never in my life had a more enjoyable trip. The club invited Senator Tillman, Senator Depen, and myself to go along and make speeches, though as a matter of fact several members of the club could have made better speeches

On that trip I propounded this query to the members of the club one night, and I did it because our reputations here depend very largely on what the newspapers say. I asked them how it was that you might take two men who on the whole were of about the same abilities and same influence in this House or in the Senate and they were always exploiting one of them and the senate and they were always exploiting one of them and never exploiting the other. I said that I had no reason to complain, because I thought I had had my full share of exploitation. At first they denied the proposition. They said it was not true. Then I gave them a few samples that had fallen under my own observation; and at last they gave this answer: That they supposed it must be true; that one man's style of speaking was epigrammatic or anecdotal; they could take an extract from that speech and make good reading news of it, while another man might make an equally good speech for the purposes of legislation, but it was one they could not treat that way. And they came to the conclusion that that is really the reason why some Members of the House and some Senators always figure in the newspapers, while some others of equal capacity and of equal influence scarcely appear in them at all.

Early impressions are never effaced. My father was an enthusiast touching phrenology and physiognomy. He was an omnivorous reader, and among the periodicals in which he delighted and which he recommended to me as mental pabulum in my youth was the Phrenological Journal, published by Fowler & Wells. My favorite teacher in the common schools was a professional phrenologist. With such early guides it was inevitable that I should all my days be a student of the human face It is a most fascinating recreation. While I have long since abandoned the theory that one may determine what is on the inside of a man's head by feeling the bumps on the outside, I still adhere to the belief that there is much in both phrenology and physiognomy. God writes a man's character and capacity in his face. To some his handwriting is perfectly legible; to others it is an inscrutable mystery. Alexander Pope uttered

an important truth when he said:

The proper study of mankind is man.

Some men are so ugly and ungainly that it is a positive advantage to them as public speakers by reason of the pleasurable surprise which their eloquence or logic or learning excites in their hearers. Others are so prepossessing that they have won the hearts of their audience before they have opened their mouths. To this latter category Senator Gorman undoubtedly For some occult psychological reason we never or belonged. rarely speak of manly beauty. By common consent and immemorial custom we use the word "beautiful" as descriptive of the females of our race. In the case of males we substitute the word "handsome." Senator Gorman was the handsomest man of his time. In my goings to and fro I have seen only two as handsome—Gen. John Cabell Breckinridge, who was Vice-President and who in all probability would have been President of the Republic but for the war between the States, and John Henry Neville, my professor of Greek at Kentucky University, who divided all mankind into Greeks and barbarians. To look upon the countenance of any of this distinguished trio was a feast for the eyes.

With the dead there is no rivalry; hence I can say these things without offense. Proof conclusive of Senator Gorman's handsomeness is this: In Washington there is a company whose chief business is the making of cuts to illustrate newspapers, magazines, periodicals, and books. For the purpose of advertising its work it always sends out cuts of the superb head and face of Senator Gorman.

His cast of features was Greek-such as Phidias would have delighted to commemorate in marble and Apelles to reproduce on canvas. His intellect possessed all the subtlety of the Greek mind in the palmy days of the Athenian philosophers.

Of moderns, he resembled Talleyrand rather than Napoleon.

He was a diplomatist of the highest order-a most skillful man-

ager of men-the most consummate parliamentary leader of his Others excelled him in eloquence, in learning, in debating ability, and in power of repartee, but in strategy he overtopped them all. To him is peculiarly applicable the old Latin dictum, "Suaviter in modo, fortiter in re." To use an expression homely but full of meaning, he "took things by the smooth handle.

He rose to the leadership of the Senate Democrats not by self-seeking, but by reason of his universally acknowledged fitness for that high and onerous position.

His defeat of the Lodge "force bill" must ever be regarded

as one of the most brilliant victories achieved by any minority leader in the history of Congress. It so endeared him to the southern people that they would have gladly made him President, though they differed with him on more than one important matter of policy; and the chances are that he would have won that distinction, the ne plus ultra of human ambition, had he been en rapport with the Democracy of the West on the tariff and financial questions. It is generally believed that he threw away the Presidency at Chicago in 1892 by refusing to permit his friends to make a fight for him. No adequate the content of the refused here were the production of the content of the c quate explanation of his refusal has ever been vouchsafed to

us-perhaps never will be.

Outside the Senate his masterpiece was the successful management of the Presidential campaign of 1884. It was a most brilliant performance and entitles him to a place in the very front rank of American political leaders. There is little doubt that had he been chairman of the national committee in 1888 Grover Cleveland would have been reelected and the current of our history changed for years—it may be forever. Whether, on the whole, the history of our country for the last nineteen years would be more pleasant to contemplate is a question about which men will differ and which I will not argue on this occasion; but surely it is not inapropos or in bad taste to say that had Cleveland been reelected in 1888 two momentous subsequent events would not have happened—the passage of the McKinley tariff bill and the election of William McKinley to the Presidency—for it must be clear to the philosophical student of our-history that while the McKinley tariff law, assisted by a gerry-mander of Ohio, eliminated McKinley from Congress, the same causes made him governor twice and sent him to the White House for two terms. It is altogether probable that McKinley was greatly cast down by his defeat for Congress in 1890. If so, when he delivered his optimistic second inaugural address, March 4, 1901, if he gave any thought to that defeat, he must have clearly realized the truth of the old saying that "seeming calamities are sometimes blessings in disguise.'

First and last there has been much philosophizing as to how frequently in this world great events hinge upon small ones—so small, in fact, as to appear trifles light as air. In one of the finest passages in his delightful lectures on the "Four Georges"—and there is no nobler prose in our vernacular—William Makepeace Thackeray tells how in 1715 James Stuart failed to gain the Three Kingdoms because certain of his adherents who were to escalade Edinburgh Castle stopped to drink his health in a tavern in Edinburgh town and arrived two hours too late at

the rendezvous under the castle walls.

So it may be said that but for the Cleveland-Gorman feud Cleveland might have been reelected in 1888; Democratic policies might have been reclected in 1893, beindefatt por-cies might have been put in force; Cleveland would not have been reelected in 1892, for Democrats are unalterably opposed to a third term for any man; and if Democratic policies had proved acceptable, we would have conducted the affairs of the Republic Who was to blame for the quarrel betwixt for many years. those two conspicuous men, so unlike in mind, method, training, and careers, I am not trying to settle now-it would be out of place; but I most heartily commend it to the historian of our times as the turning point in our politics ever since and perhaps for decades yet to come. I hope, however, that I may be pardoned this comment—that to think of what has been and then of what might have been is enough to make a Democrat sick at

Mr. Gorman was a protégé of Stephen A. Douglas and took his first political lessons out of the book of that remarkable man. It is strictly within the bounds of truth to say that the pupil was worthy of the master. Both led their party in the Senate in stirring times, and each narrowly missed the highest political honor when it seemed almost within his grasp.

If Senator Gorman ever experienced any disappointment or felt any bitterness because of his failure to reach the Presidency, he gave no sign, but went on serenely, courteously, and with dig-

nity until the final summons came.

Mr. SMITH of Maryland. Mr. Speaker, the career of the late Senator Gorman in its historical and biographical aspects

has been dwelt upon ably and in detail in both Houses of Congress yesterday and to-day, and he occupied such a large place in the National Legislature and was so intimately connected with many great events during his long service at the Capitol, which, with his part therein, will go down in American history, that it is neither necessary nor desirable for me to refer even in the briefest way to what he was and did as a Senator of the United States.

As a Representative from Maryland I rise here to pay a feeble tribute to his memory, impelled by the knowledge that the people of my district wish me upon this sad occasion to join in recalling the virtues of the dead, and this tribute, inadequate as it is, is an expression, too, of the personal sorrow of one who was proud to possess the friendship of that son of Maryland whose vacant seat in the Senate echoed the vacancy in the hearts

of his people.

Measured by his accomplishments in the other end of the Capitol, Mr. GORMAN's name will stand high upon the roll of Maryland Senators. It was his good fortune that the best part of his public life was cast in a period when the work at hand was fitted to his eminent abilities, to his shrewdness in debate, his wisdom in council, and his unrivaled political generalship. It is these qualities for which he will be remembered and his usefulness in the Senate and to the country as a statesman of well-poised and practical talents, a usefulness so long and so widely recognized, can never fade from the record of American national legislation.

Industry and self-reliance were distinguishing traits of the page whose patron was Douglas as they were of the Senator when he had gained the same heights upon which the figure of Douglas had been the object of his boyish admiration. All through his life Mr. Gorman was a hard worker, and in the earlier portion of it largely dependent upon his own efforts and capabilities, and from this viewpoint his career teaches with silent force the lesson of the cardinal characteristics which have always been the root of the development and perfecting of the

individual in our American leaders.

Mr. Gorman was a lovable man, as thousands can testify, and the man as he was known in yonder Senate was the same man as he was known in the lowliest walks of life. In personal intercourse he was kindly and generous, and amid all the disillusionments and sometimes sordid scenes of political strife which, more than most men, it was his lot to encounter he still preserved a gentle and winning manner and a sweetness of temper which endeared him to his friends and acquaintances and shed a beneficent influence upon all with whom he came in contact. We, with many others, have seen and wondered at the composure, the grave courtesy, the kindliness of speech and of thought and of action which, whether in public gatherings, friendly or otherwise, or in the shelter of our homes and his, charmed and soothed.

In the varied private relations of life, in that environment where one is really tested as to true and unshaded character, Mr. Gorman uniformly exhibited, and to a very marked degree, all the virtues which bless the spheres of family and friendship.

His mortal body is hidden forever from our sight by the grave, but from its darkness and silence blooms, and will forever bloom for us, the memory of his goodness, of his greatness, and of his patriotism.

Mr. LIVINGSTON. Mr. Speaker, Senator Gorman was, in common parlance, a self-made man. He had, by long contact with public men and public affairs, an extensive knowledge of men and things. This knowledge, with his splendid endowment of common sense, his unflinching integrity, his sympathy for all, his gentleness and innate modesty, qualified him for the duties of life, whether to the State or to society, and made him a very popular citizen and official and a beloved husband and father. To know him was to love him. His official life has been largely dwelt upon in these services, both here and in the Senate. was an official conservative, safe, and successful, hence his designation as a leader in the Senate and his political party as well as his fast hold upon his people in his native State. But for his modesty or lack of aggressiveness he would have headed the ticket for President as a representative of the national Democratic party. He was an old-fashioned Democrat, without the taint of many new-fangled notions called "principles," so common at this day. He certainly held that the Government was by the people, from the people, and for the people-a simple Democrat. His counsel and advice were sought and utilized by the leaders in his political party generally, and on more than one occasion when his counsel was not followed came defeat. He was a manly man, and, indeed, when he fell asleep a great man had fallen—great in his party, great in his official position as a Senator, great, in the broad sense, as a citizen of this great

and growing country, and while we can no longer look upon his pleasant and cheerful face nor seek his counsel or leadership, yet his works, his words, and life are left us that we may in coming generations admire and follow in his footsteps.

[Mr. CLAYTON addressed the House. See Appendix.]

Mr. TOWNE. Mr. Speaker, I am profoundly grateful for the opportunity of participating in the tribute which this House, in obedience to an ancient and honorable custom, to-day pays to the memory of the distinguished late Senator from Maryland. I had not the opportunity of quite so close and long association with the late Senator Gorman in public life as had some of those gentlemen who have already participated in this com-memoration. But I enjoyed for a number of years the honor of a close personal acquaintance with him, and I received from him so many proofs of regard and confidence that this occasion has for me the sanction of a privilege as well as of a duty. Unfortunately, it has not been possible for me, in the rush of other duties, to make that preparation for this occasion which its solemnity and interest and my own inclination impart to it, but fortunately that is a lack that will not be felt.

The addresses that are to be and that have already been made here this afternoon will more than supplement any imperfection in what I myself might say. I have been particularly instructed and interested by the illuminating address of the distinguished gentleman from Missouri [Mr. Clark], who never touches with deliberation anything that he does not ornament, and I can subscribe most heartily to the verdict he has given on the personality, the genius, and the public services of our dis-

tinguished friend.

Personally, as others have testified, and as everybody who knew him well must testify, Senator Gorman was a man of most delightful manners. Pleasure always shone upon his face when he met a friend. He was sincere, democratic, modest, with a real and not affected dignity. He always bore himself with that nice equipoise appropriate at once to the genial friend and the occupant of exalted public station. In respect of those qualities which gave him his influence among men perhaps it may be well to specify as chief among all his sincerity, his absolute reliabil-His word could always be depended upon wherever he gave it under circumstance that made it possible of performance.

He believed thoroughly in the importance of duties and functions of the legislative branch of the Government. He took his official oath seriously. There have been few so strenuous and able defenders of the prerogatives of the Senate and of the independence of the legislative department of the Government as Senator Gorman was. He knew that the practical work of legislation every day during a session of Congress demands the careful scrutiny of those who are responsible for it, a scrutiny which must always be bestowed by somebody upon the course of procedure in either body, but which seldom rewards the assiduity and attention of the conscientious legislator with anything beyond that consciousness of duty well performed, which is, perhaps, after all the chief reward for the doing of any good thing.

In debate Senator Gorman's mastery of the subject-matter; his skill in dialectic; his direct, succinct method of statement; his interesting and captivating voice and presence, made him an ally to be valued and an opponent to be feared. ment for legislative work was considerable, although not so fully rounded as might have been the case had he early enjoyed wider academic opportunities. His experience in minor positions in the service of the Senate, his acquaintance with the great political leaders of his time, the earnestness with which he early threw himself into the political activities of his party, his great memory, his natural logical power of classification and inference, equipped him for the purpose of enforcing policies and securing legislation as few contemporaries

His style was direct and forcible. The distinguished gentleman from Missouri [Mr. Clark] has submitted some observa-tions, of characteristic force and interest, upon the subject of oratory, a word that in my judgment is often misapplied. bave known many excellent speakers, but very few orators, and still fewer great orators. Senator GORMAN perhaps never could have been a great orator. Temperamentally he had not that power of self-infusion into his subject, that magnetism, that compelling force which characterizes masters of the art of

persuasion.

But in power of statement, in knowledge of what his auditor ought to hear, in ability to state it so that his auditor could not fail to understand it, and in so relating the parts of his dis-course as to make them converge to the conclusion that he desired, he was a man possessed of very considerable art, no small

part of the art of oratory. Referring now to temperamental characteristics, and recognizing fully the difference between the two men, his method was more like that of Alexander Hamilton than, let us say, like that of Patrick Henry. His effect was the effect of the reason rather than of the imagination. His appeal was to the judgment rather to the feelings. The very highest oratory, of course, embraces both. It is very seldom that a man possesses both structural capacity and ornamental power. Like great architecture, true oratory is at once struc-tural and beautiful. When it is fundamentally structural, with its beauty incident to its structure, it then approaches to the perfection which we find illustrated in very few of the greatest masters, like Demosthenes and Daniel Webster. It certainly is no impugnment of a man that he did not reach, as a parliamentary debater, the stature of the highest examples in that kind; but as a practical legislative leader, as a manager and a tactician, it is altogether probable that we have not seen among his contemporaries in either branch of the National Congress the equal of the distinguished Senator from Maryland.

As a leader in the field of general politics in the country he was a man eminent for his tact, for his understanding of the political situation in every quarter of the Republic, for his ability to marshal his forces and use them, and above all, according to my own observation and judgment, for that peculiar capacity that has distinguished only really great men, of dis-counting temporary misinformation, of declining to be guided by momentary caprice or misled by the hasty conclusions of subordinates, particularly when of a startling or an alarming character. Emerson has somewhere spoken of the necessity and importance of learning what the hours are saying to the centuries; and oftentimes a man whose ears are filled with the hubbub of controversy in his immediate vicinity forgets the larger lessons of time and, moved by a local disturbance, may wreck principles of national extent. Senator Gorman was a man who was never flushed by rumor, who never lost his head. When others were dismayed, he was invariably his own master, calm, cool, collected, and resourceful, able to apply all the lessons of his accumulated valuable experience to the immediate problem of a pressing emergency; one of the greatest qualifications for polit-

others have spoken and this relieves me from the necessity of doing so at any length, Mr. Speaker, of the connection of Senator Gorman with certain specific acts of legislation. Attention has been properly called to the great patriotic service he performed in that long contest, demanding a greater exercise of political sagacity, tact, and strategy than perhaps any other parliamentary fight in our own or any other legislative history, by which the "force bill," as it has been properly called, was finally defeated—a service in which, I believe, the dominant opinion of the country to-day approves the feeling with which the South at the time greeted this tremendous victory. Reference has been made also to the tariff legislation in which

Senator Gorman took so active a part. I happen to know the Senator's convictions upon the general subject of the tariff. I have no sort of sympathy with that criticism which represents Senator Gorman as a sort of Mephistopheles or Richelieu who pretended to favor one thing while he intended to do another. His views upon the tariff question were never disguised in any particular. He never claimed to be a free trader, but openly avowed his belief that we can not frame a tariff system based upon the language of the general-welfare clause of the Con-stitution, but that such incidental protection as the imposition of duties gives to the industries of the country is strictly appur-

tenant to the revenue power.

The contention was that the statesman must consider conditions as they exist at the time of his legislation. He was a very practical man. He was not for an instant a slave to priori or doctrinaire abstractions. He set to work to frame a bill which should raise an adequate revenue without disturbing American industries. Senator Gorman was a diplomat. It is true that he was not in the habit of issuing proclamations announcing what he was about to do. He never went about his business, when it was important business, heralded by a brass band. But there is a good deal of difference, Mr. Speaker, between reticence as to what your purposes are and pretense as to what they are not. Mr. Gorman's part in the long-continued deliberations which resulted in 1894 in the enactment of the Wilson-Gorman law has been generally recognized. But he had scarcely less share in the enactment of the interstate-commerce law of 1887, the pioneer legislation on a subject that has recently enjoyed so large a share of the attention of the Government.

Senator Gorman has frequently been represented as the opposite to the idealist, as a man intensely materialistic, and given to considerations of expediency rather than of fidelity to abstract principles. I have in mind many illustrations to show that this is a complete misconception of his character. an intensely practical man, and believed that legislation is a practical business. His disposition was to get what he could, and, when he could not get what he thought he ought to have, His disposition was to get what he could, he compromised and got all he could. But he would not compromise a principle. I have in mind as an illustration of this phase of his character and habit what occurred comparatively recently in regard to the Panama Canal. Senator GORMAN realized as vividly as anybody could realize what the commercial interest of the South was in having an interoceanic canal, but he did not approve the method whereby the Panama route was adopted and finally secured. I hope it is not against the proprieties of this occasion for me to say that I do not believe any Democrat will blame Senator Gorman for taking his stand in defense of the old principles of the Democratic party as against yielding to what seemed a commercial advantage to the Southern States. I have always honored him for his attitude at this juncture, and I believe that a very large measure of praise will ultimately be given to him when the history of this proposition comes to be written.

It is true, Mr. Speaker, that this great man, like all other men of force in affairs long prominent in the public eye, in intimate association with great events in the history of their country, encountered much and bitter criticism. He did not, indeed, object to criticism, honest criticism. He welcomed it. No public man shrinks from honest criticism. He must be always ready to render an account to his fellow-citizens and to the judgment of posterity for his acts, and he must expect that his character and his deeds will pass under the scrutiny of men who do not agree with him and who will willingly find

nothing to comment on to his advantage.

But, sir, it is, to my mind, a most sorrowful thing that another kind of criticism spent its fury upon the head of the uncomplaining Senator from Maryland in the last hours of his life. The snarls and cries of ghouls and jackalls mingled with the sounds of the clods that fell upon his coffin. The function of the muck-raker, Mr. Speaker, is, properly speaking, not one of criticism at all. It is frankly one of pessimism, of spite, of

hatred, of elemental, savage, indiscriminate cruelty.

Nothing could better illustrate the extent to which the public judgment may be temporarily demoralized than that the opinions of so many earnest and honest men should be swayed by the mercenary rhetoric of certain brilliant but perverted minds in the service of splenetic disappointment, groveling jealousy, and vengeful degeneracy, displayed in assaults upon the characters of public men, wherein a devilish artifice seeks by one grain of truth to give color to a whole ocean of inference and allegation. I believe, Mr. Speaker, that the time is at hand when we may hope to derive some public good from this Nearly every wrong bears in it the seeds of its own correction. I believe the pendulum is about to swing the other way. I believe the people of the United States are losing patience with this tendency gratuitously to impute to public men the very worst motives of which their conduct is susceptible as the result of the most ingenious misconstruction, and to picture practically every Member of both bodies of the American Congress as the secret, willing, and corrupted tool of interests opposed to the public welfare. As I leave public life myself, sir, am glad to welcome for those who remain a better condition of public sentiment in this respect.

I do not know, Mr. Speaker, what the opinions of Senator Gorman were touching the great issues of the hereafter. I do know, I think, that whatever they were they were sincerely and fearlessly entertained, and that, as was the case with every other problem that I ever knew to present itself to his mind, he had adjusted himself to a solution that was satisfactory to himself. For myself I believe as devoutly as it is possible for me to believe anything that the soul of the great Senator from Maryland, untrammeled by the necessities and the influences of its temple of mortality, is to-day free, somewhere in this great universe, to proceed upon its unimpeded pathway of illimitable development. I can not look upon the history of things as we see them recorded in geology, in the science of anthropology, and in the development of human institutions without being convinced profoundly, sir, that all that religion reveals and all that science ascertains are absolutely in harmony in the demonstration of this great probability (for, in the nature of things, until some traveler comes back from that bourne whence none has ever yet returned we can not have absolute knowledge) that, whereas the earlier reaches of time were devoted to the evolution of the human body; and whereas, next in importance, the human mind absorbed the energies of evolutionary force; and whereas, finally,

the human soul, the third and crowning consummation in the long process of evolutional progress; and whereas conditions here on earth for so little a time are so adverse to the development and perfection of those high capacities, it is a reasonable, if not a necessary, conclusion, to which science as well as religion points, that there must be reserved, in the stretches of time succeeding this mortal existence, an opportunity for the perfection of that highest achievement of the processes of creation, the human soul.

And so to-day, as I pay my tribute of love and reverence to the memory of my great and departed friend, it is not as one who sorrows utterly, but as one who looks forward with a faith that is absolute to the time when he and all of us, beyond the trials and tribulations of mere mortality, shall be still employed in working out the ultimate purposes of that Divine Intelligence that created everything.

that created everything.

Mr. BYRD. Mr. Speaker, more than half a century ago there might have been seen a bright-eyed, promising youth darting through the halls of this Capitol, doing the errands of a page. This boy was ARTHUR PUE GORMAN.

Born of a splendid Scotch-Irish parentage almost under the shadow of this historic building, and having come in personal contact with nearly all the great political leaders from Henry Clay to those who now move about us, and having been blessed by nature with a strong, incisive intellect and a winning personality, and having acquired reasonable educational advantages,

how could be have become less great?

He spent his boyhood days in the atmosphere of eloquence and statesmanship; the thundering eloquence of Webster expounding the Constitution and the scathing logic of the gifted Calhoun, defending States rights, was still ringing in the ears of those who moved about him in his earliest boyhood days.

At the age of 14 he was appointed a page in the United States The venerable Clay was still there. Sumner and Seward were just rising in their transcendent intellectual glory. Judah P. Benjamin, William L. Yancey, and Robert Toombs were among his daily preceptors. Stephen A. Douglas, the little giant of the West, was his personal friend and great benefactor. Doubtless from this fiery, brilliant Democrat young Gorman acquired many of his successful traits of political character. In his maturer years he was the companion and compatriot of Lamar, Benjamin H. Hill, Randall, Conkling, Blaine, and Gar-field, the sublimest aggregation of forensic intellectuality ever produced by any age or country. These great national characters were the associates of the late Senator Gorman from his boyhood days to the period when he reached the vigor of full manhood, and he seemed to have imbibed their successful traits of character without embracing their follies. In the course of time he became a parliamentary leader superior to either of If Robert E. Lee was the greatest military leader of the South, it can likewise be said that the late Senator Gorman was her greatest parliamentarian and political leader. He had the power of leading his party to victory even in the face of almost certain defeat. He never surrendered, however impending the danger or however meager the chances of success

His career scintillates with success at every turning point—always being equal to any emergency. His life was a continuous scene of successful progression from boyhood up. After serving as a page in the Senate he was made postmaster of that body; then internal-revenue collector for the Fifth district of Maryland; then a member and speaker of the Maryland house of delegates; then in 1880, at the age of 41, he entered the greatest forum in the world, the United States Senate. In that body he soon rose to the leadership of his party, and after three successive terms he was succeeded in the Senate by another, though in 1903, at the very next turn of the political wheel, in his native State, he was returned to the Senate and, by the unanimous consent of his Democratic colleagues, was restored to the leadership of his party—a tribute won by his merit and conferred in a spirit of chivalry.

Mr. Speaker, many, many years will come and go ere the South will cease to revere the memory of this great man. In 1891, when this House, under the leadership of the iron and irrepressible Reed, passed and sent to the Senate the Federal election bill—commonly known as the "force bill"—the lest

election bill—commonly known as the "force bill"—the last attempted infamy of reconstruction, the bravest of our Southern statesman despaired before the impending doom. In that fair section business was paralyzed; the throb of industry was bushed; the plowshare was left standing in the unbroken fields, and the spectral horrors of reconstruction again haunted every

namlet.

sorbed the energies of evolutionary force; and whereas, finally, in the growth of altruism, and in the realization of the brother-hood of man, there began to expand the limitless possibilities of African misrule. It seemed as though the last remaining ves-

tige of States rights and civil liberty surviving the late civil war was about to be extinguished. At its crisis the South appealed to the fair and the just of every section. Many southern leaders seemed helpless and hopeless in the face of the overwhelming partisan opposition in the Senate. Not so with Senator Gorman. He had an intuitive conviction of the justice of the cause and was sustained by an unfaltering moral courage, the indispensable virtue in every successful leader. He was bold, yet prudent; active, yet patient; unyielding, yet conservative, watchful, and above all things, as brave as the bravest. Unlike some other leaders he took but little part in the great debate. He acted while others talked. In this respect he more nearly approximated Parnell, the great Irish patriot and leader, than any other modern statesman. Like all great leaders, Parnell summoned to his aid his greatest lieutenants to do his talking while he acted and worked. In this regard Senator Gorman might in-deed truly have been called the Moses of the Senate, while his colleagues were its Aarchs.

When the forensic battle over the force bill was raging in the Senate and when the high tide of partisan denunciation had been reached, he was not disturbed, but remained cool, deliberate, and calculating. In the wild scenes of that august body it appeared that in him "Reason held the helm, while passion blew the gale." Like his great military prototype. Stonewall blew the gale." Like his great military prototype, Stonewall Jackson, who often in the midst of the wild carnage of battle would silently and quietly search about the ranks of the enemy for a more vulnerable point of assault, so Senator Gorman, in the midst of the fray, reconnoitered the enemy's position, observing a weak point here and the stronghold there, and never failed to take prompt advantage of every position assailable. His superb parliamentary tactics and leadership thwarted all the well-laid plans of the Senate majority, and when the smoke of battle had cleared away the victory was his; the force bill was relegated to oblivion and the country

Mr. Speaker, in the same grave where slumbers this attempted political usurpation is buried sectional hatred. The gulf of malice that so long existed between the North and South has closed forever. The sections are united in all the ties that inspire national greatness; the people have learned to know each other better and to love each other more. Now we have a great common country, a homogeneous people with kindred hopes and united aspirations. We are like the ancient States of Greece, each Commonwealth a kingdom unto itself, yet contending each with the other in sacrifices for the good of the common country.

The death of the force bill was the birth of southern pros-England's greatest historian tells us that in five years after the wars of Cromwell, that involved every English family and every foot of her soil, the people were restored to their normal prosperity, but it was forty years after the termination of the late civil war before the South could realize a throbbing pulse of increasing prosperity. That which the ravages of war left was prostrated and paralyzed by the infamy of reconstruction, but these gloomy days have passed and the South is now on the high road to prosperity. Upon the death of the force bill commenced an increasing wave of industrial development and onward it has rolled until the wealth and industrial effort of that long-paralyzed section have many times multi-plied. The energies, the aspirations of a great people long stupified by the cruel apprehensions of African misrule have been diverted into channels of industrial endeavor. Home rule and local self-government have been vouchsafed to the people of that section; northern capital, like the rivers into the sea, has been flowing into that section from every quarter of the Union. Many noble and good people of the North and West are seeking homes in the sunny South, and they are always re-ceived with welcome and soon become thoroughly assimilated to our social and political conditions.

The throb of the engine, the whir of the spindle, the ring of the hammer may now be heard in every hamlet of the South; and the bursting granary, the contented negro in the snow-white cotton fields, the screaming locomotive, the romping children, the lullaby of the "housewife plying her evening care," all bespeak peace and industrial contentment. Too, they proclaim a eulogium of the deeds and virtues of the great departed Senator more eloquent than human tongue can utter. He has erected a monument in the hearts of millions that will chant his praises along the corridors of time. The monumental shaft, so high as to pierce the thunder's home and more lasting than brass, does not endure like the inscription of gratitude upon the tablet of the human heart. The heroism of Leonidas is still fresh and green in the memory of the liberty-loving world, while the scorpion has long been hiding in the ruins of monumental Greece. Emmet's martyrdom to liberty, though without a stone carved to his memory, will be remembered as long as Erin's blood flows

in mortal veins. So the memory of this great tribune of the people will not vanish with passing years. Coming generations will do him honor and hold up his superb life as worthy of emulation by their aspiring sons.

But the defeat of the force bill was not the only public service rendered by Senator Gorman worthy of consideration. It will be remembered that when the Paris treaty, by which we acquired the Philippines, was sent to the Senate, he, as the leader of the minority in that body, at once marshaled his forces to defeat its ratification, and many believe that he would have succeeded but for the intermeddling and intervention of others high in the counsels of the Democratic party. He be-lieved that the imperialistic policy of the party in power was in contravention of the spirit and the letter of the Constitution, and that it would ultimately breed disastrous consequences. How ominously prophetic was his wisdom when viewed in the light of the fact that this colonial pet has cost the Government \$700,000,000 and the lives of thousands of brave and gallant soldiers. This great sacrifice has been made without any benefit whatever to our Government. The blood of the gallant Lawton cries out in condemnation of this infamous policy. At this very hour every wind that blows from the Pacific brings forebodings of war with Japan, and should it come, the wisdom of the great Senator will be doubly verified. In the future may we profit by his wisdom, and at the very first opportunity pass this bitter cup to more congenial lips.

Like all truly great men, Senator Gorman did not exhaust all his virtues in the public arena, but his character was sublime in private life. In his domestic relations he was loving, true, gentle, and kind. He loved his home, his was foring, true, gentie, and kind. He loved his home, his people, and his God. He was charitable to the poor and without envy of the rich. The ragged newsboy and the hard-pressed laborer could always reach his manly heart. His generous charity and kind words waked "to ecstasy" the slumbering ambition of many a forlorn youth. Not until the scrolls of eternity are unfolded will the full measure of his benedic-

tions to humanity be realized.

But his manly voice is silent. The eagle that long soared about the mountain's peak has been stricken to earth. Death, the antithesis of life, the avenger of all, the respecter of none, the grim messenger from—we know not where—with icy finger touched his heart and bade it be still. His majestic life, studded with the golden gems of love, charity, and patriotism, pro-claims that he went to his grave with an unfaltering trust in the promise of the new life flashed from Calvary's brow. He is not dead, but has simply passed the gateway of death from the scenes of his usefulness to the realms of his God.

There is no Death! what seems so is transition;
This life of mortal breath
Is but a suburb of the life Elysian,
Whose portal we call Death.

Mr. GOULDEN. Mr. Speaker, having known the late Senator ABTHUB PUE GORMAN for many years, and as my forefathers for more than two centuries claimed Maryland as their home, I feel it a duty to add a few words to the memory of one of the leading sons of that grand old Commonwealth.

The soil of that State is sacred to me, as it holds the dust of seven generations of my family and some day will be my own

last peaceful resting place.

Proud as I am of the achievements of the long line of illustrious men of the State, I should feel recreant to duty and false to the name and character of my ancestors if I did not say something on this occasion.

Senator Gorman was a worthy son of whom all the people of Maryland are justly proud. He left his impress for good, not alone on his native State, but upon the nation as well.

As is usual with great men in all ages, he was frequently mis-understood and his motives misconstrued. Those who knew him best loved him for his sterling character, for his warm generous heart, his kind, loving disposition, his splendid family relations, as well as for his firm and unswerving loyalty to duty. In all walks of life, even by his political foes, he was respected His character, both private and public, was above and admired. suspicion, and his patriotism of that high order that should characterize every true American citizen.

As has been so ably and eloquently said by the many distinguished speakers who have preceded me, he was one of nature's noblemen, a man of whom the entire country may well feel a just and honorable pride; one whose memory will ever fondly be cherished. The people of the nation claim him as one of America's great men, and his life and work belong to them

as well as to the State of Maryland.

We honor ourselves and the patriotic people of the country by meeting here to-day to show our respect, love, and admiration for the life and achievements of our departed friend Senator

ARTHUR PUE GORMAN. The magnificent tribute paid his memory by the Speaker of this House to-day was from one who knew him well.

The sentiments found a warm response in the hearts of all who had the honor of hearing his beautiful words to the memory As an humble friend and warm admirer of of Senator GORMAN. this leading son of Maryland, I place this simple wreath to his memory.

Mr. GILL. Mr. Speaker, at the outset of my remarks on this solemn occasion, I must frankly confess that I have always en-tertained a dislike for memorial proceedings of this character, and for that reason have always heretofore declined to participate in them. But I have been so deeply impressed by the eulogies on the late Senator from Maryland, so feelingly and impressively pronounced in the Senate yesterday, that my prejudices on this subject have been very much modified, if not altogether dissipated. The solemn proceedings in the Senate yesterday have convinced me that it is not only fitting, but essential to the formation of a just estimate of the public achievements of a man like Senator Gorman that those who were most intimately associated with him in the work to which he devoted the best years of his life should be given an opportunity of testifying to his worth as a man and as a public

My own acquaintance with the deceased Senator dates back to the time when he served his first term in the State senate of Maryland, I then being a member of the Maryland house of delegates. As he and I served on the joint committee made up of the finance committee of the senate and the ways and means committee of the house of delegates, I was afforded an excellent opportunity of learning something of the man. I was not long in discovering that even at that time he was a man of force, ability, and character.

His industry was proverbial. No detail in connection with his work was too trivial for consideration. Once having mastered the details of a proposition he was prepared to grapple with all the difficulties that presented themselves on the subject. His knowledge of human nature and his ability to gauge those who were associated with him were marvelous. He was seldom unsuccessful in his efforts to convince his associates of the wisdom of the particular policy which he thought it well to pursue in order to bring about the enactment of such legislation as he deemed wise. The qualities which he displayed at that early period of his legislative career foreshadowed the success which in later years crowned his efforts. The rise from the position of State senator to that of United States Senator was to him a comparatively easy task. Only a short span of years intervened between his promotion to the Senate and his assumption of the leadership of the minority in that body, and with the duties of this dignified and responsible office he coupled those of leader of the national Democracy

The achievements of the late Senator Gorman as a member of the United States Senate have been forcefully and so eloquently portrayed in the Senate Chamber yesterday, by Republicans as well as Democrats, that it would be futile for any one else to add anything to the eulogies which appear in the Con-GRESSIONAL RECORD of to-day. That his services in the Senate GRESSIONAL RECORD of to-day. That his services in the Senate had been appreciated by the great mass of the people of the State which I have the honor in part to represent in this body is demonstrated by an incident which occurred during my campaign last fall. While addressing the largest meeting held in my district, at which there were about 4,000 people present, I referred to the force bill and to the masterly qualities of leadership which Senator Gorman displayed on that occasion, and which resulted in the defeat of that measure. At the mention of the late Senator's name there was a greater outburst of spontaneous and persistent applause than I ever heard elicited by the mention of the name of any of our distinguished citizens on similar occasions.

The conspicuous service rendered by the late Senator Gor-MAN in bringing about the defeat of the force bill carned for him more than the gratitude of his own State. This achievement endeared him more than any other patriotic act in his life to all the people of the South and to millions of the North who believed that the force bill was fraught with the greatest danger to the liberties of our people.

That a prophet is not without honor save in his own home is an axiom the truth of which probably no other man in public life had more reason to feel than the late Senator from Maryland. His rapid attainment of the highest honor which his State could confer upon him, while drawing to him hosts of loyal and faithful friends, who were true to him to the last, also created many enemies who leveled at him the sharpest shafts of satire and denunciation, yet all must admit that notwithstanding

the obstacles that beset his path and the constant strife that waged about him he remained in the conflict to the last, only laying aside his armor and sword for the garb in which one is arrayed who starts on the journey from whence there is no return.

The future biographer and the future historian will give to ARTHUR P. GORMAN the niche in the Temple of Fame to which his public services justly entitle him.

Mr. Speaker, I ask unanimous consent to print in the Record the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman asks unanimous consent to have incorporated in the Record the resolutions which will now be reported by the Clerk.

The Clerk read as follows:

RESOLUTION UNANIMOUSLY ADOPTED BY THE DEMOCRATIC CAUCUS JUNE 9, 1906.

9, 1906.

The Democratic Senators at their first meeting in conference subsequent to the death of their former honored and loved chairman, the late Senator Gorman, obey their unaffected impulse in the expression of their profound sorrow for his loss to them as their personal friend and their sagacious, faithful political guide in their official relations.

A faithful friend, zealous and wise party leader, considerate and conciliatory and careful of the interests of all, he greatly endeared himself to his party associates, by whom his memory will ever be most fondly cherished.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GILL. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Maryland offers the following resolutions:

Resolved, That the Clerk of the House send a copy of the resolutions to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved. That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

Resolved. That a committee of six Senators be appointed by the Vice-President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved. That the Senate was appointed on the part of the House of Representatives to take order for superintending the funeral of the

of Representatives to take of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. Platt, Mr. Depew, Mr. Kean, Mr. Bulkeley, Mr. Dubois, and Mr. Newlands.

The motion of Mr. Gill was agreed to.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Assistant Secretary of Commerce and Labor submitting an estimate of appropriation for completion of certain light-house tenders-to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Navy, transmitting a statement of mail deposited from his Department in the Washington post-office under the penalty provisions from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report as to second-class mail matter received for free distribution and at pound rates, respectively, by classes of newspapers and periodicals, from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Public Printer, transmitting a report of the amount of second-class mail matter deposited by the Government Printing Office in the Washington post-office under the penalty provision from July 1 to December 31, 1906-to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with recommendation, a draft of a bill to amend the act relating to entry of agricultural lands within forest reserves—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the fol-lowing titles were severally reported from committees, delivered

to the Clerk, and referred to the several Calendars therein

named, as follows:

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 16015) to establish fish-hatching and fish-culture stations in the various States, and for other purposes, reported the same with amendment, accompanied by a report (No. 7278); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 24043) to authorize the sale of timber on certain of the land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, reported the same without amendment, accompanied by a report (No. 7280); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON of Montana, from the Committee on the Public

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 20984) to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district, reported the same without amendment, accompanied by a report (No. 7282); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS, from the Committee on the Territories, to which was referred the joint resolution of the House (H. J. Res. 204) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 7275); which said joint resolution and report were referred to the House Calendar.

Mr. CHANEY, from the Committee on Patents, to which was referred the joint resolution of the House (H. J. Res. 224) directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases, reported the same without amendment, accompanied by a report (No. 7279); which said joint resolution and report were referred to the House Calendar.

Mr. BRICK, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25244) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes, reported the same without amendment, accompanied by a report (No. 7281); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21267) granting an increase of pension to Jerome B. Clark, reported the same without amendment, accompanied by a report (No. 7118); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1767) granting an increase of pension to J. H. Marcum, reported the same with amendment, accompanied by a report (No. 7119); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1474) granting an increase of pension to Thomas C. Fisher, reported the same with amendment, accompanied by a report (No. 7120); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 654) granting an increase of pension to Amos J. Loranger, reported the same with amendment, accompanied by a report (No. 7121); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 526) granting an increase of pension to Robert Cole, reported the same without amendment, accompanied by a report (No. 7122); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10739) granting an increase of pension to N. Delmont McReynolds, reported the same with amendment, accompanied by a report (No. 7123); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10241) granting an increase of pension to Joseph M. Parish, reported the same

with amendment, accompanied by a report (No. 7124); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10212) granting an increase of pension to Charles M. Arnold, reported the same without amendment, accompanied by a report (No. 7125); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8770) granting an increase of pension to Charles W. Burgess, reported the same with amendment, accompanied by a report (No. 7126); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7565) granting an increase of pension to Orville Dickinson, reported the same without amendment, accompanied by a report (No. 7127); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7554) granting an increase of pension to Andrew Cramer, reported the same with amendment, accompanied by a report (No. 7128); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7374) granting an increase of pension to E. C. Aydelotte, reported the same with amendment, accompanied by a report (No. 7129); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7255) granting a pension to Christopher Horn, reported the same with amendment, accompanied by a report (No. 7130); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5774) granting a pension to Cornelia M. Mitchell, reported the same with amendment, accompanied by a report (No. 7131); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6353) granting an increase of pension to John Schobert, reported the same with amendment, accompanied by a report (No. 7132); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5634) granting an increase of pension to John Redding, reported the same with amendment, accompanied by a report (No. 7133); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5202) granting a pension to Jennie R. Hunt, reported the same with amendment, accompanied by a report (No. 7134); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3785) granting an increase of pension to Frederick W. Wagner, reported the same with amendment, accompanied by a report (No, 7135); which said bill and report were referred to the Private

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2975) granting a pension to Kate B. Wheeler, reported the same with amendment, accompanied by a report (No. 7136); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2270) granting an increase of pension to John Lehn, reported the same with amendment, accompanied by a report (No. 7137); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1890) granting an increase of pension to Adam Leak, reported the same with amendment, accompanied by a report (No. 7138); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1665) granting an increase of pension to Frederick E. Hayward, reported the same without amendment, accompanied by a report (No. 7139); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13163) granting a pension to Mrs. Isaac Blackwell, reported the same with amendment, accompanied by a report (No. 7140); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12563) granting an increase of pension to Andrew L. Hook, reported the same with amendment, accompanied by a report (No. 7141); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18518) granting an increase of pension to William W. Wertman, reported the same with amendment, accompanied by a report (No. 7142); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12631) granting an increase of pension to James E. Leslie; reported the same without amendment, accompanied by a report (No. 7143); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12353) granting an increase of pension to Jacob Little, reported the same with amendment, accompanied by a report (No. 7144); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22216) granting an increase of pension to Griffin A. Coffin, reported the same with amendment, accompanied by a report (No. 7145); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18571) granting an increase of pension to Ann O'Neil, reported the same with amendment, accompanied by a report (No. 7146); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11845) granting an increase of pension to William J. Clark, reported the same without amendment, accompanied by a report (No. 7147); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11285) granting an increase of pension to William Kirkpatrick, reported the same with amendment, accompanied by a report (No. 7148); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19935) granting an increase of pension to Mrs. J. L. Boone, reported the same with amendment, accompanied by a report (No. 7149); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10287) granting an increase of pension to John M. Morgan, reported the same with amendment, accompanied by a report (No. 7150); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20270) granting an increase of pension to Michael Dunn, reported the sante with amendment, accompanied by a report (No. 7151); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20170) granting an increase of pension to Matthias Mannes, reported the same with amendment, accompanied by a report (No. 7152); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20155) granting an increase of pension to Frank L. Weiss, reported the same with amendment, accompanied by a report (No. 7153); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19658) granting an increase of pension to Ary S. Bennett, reported the same with amendment, accompanied by a report (No. 7154); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18556) granting an increase of pension to William H. De Breuler, reported the same with amendment, accompanied by a report (No. 7155); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19937) granting an increase of pension to Mildred L. Allee, reported the same with amendment, accompanied by a report (No. 7156); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25260) granting an increase of pension to Thomas J. Richie, reported the same without amendment, accompanied by a report (No. 7157); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18040) granting an increase of pension

to Thomas Akin, reported the same with amendment, accompanied by a report (No. 7158); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19079) granting a pension to Phoebe Templeton, reported the same with amendment, accompanied by a report (No. 7159); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19069) granting an increase of pension to Cornelius A. Willis, reported the same with amendment, accompanied by a report (No. 7160); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10301) granting an increase of pension to George N. Beymer, reported the same with amendment, accompanied by a report (No. 7161); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20963) granting an increase of pension to Rianzo M. Norton, reported the same without amendment, accompanied by a report (No. 7162); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24910) granting an increase of pension to William H. Churchill, reported the same with amendment, accompanied by a report (No. 7163); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24907) granting an increase of pension to Lloyd Roberts, reported the same with amendment, accompanied by a report (No. 7164); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24902) granting an increase of pension to John W. Rawlings, reported the same with amendment, accompanied by a report (No. 7165); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24868) granting a pension to John M. Stevens, reported the same with amendment, accompanied by a report (No. 7166); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24846) granting an increase of pension to Robert M. Wolf, reported the same without amendment, accompanied by a report (No. 7167); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24947) granting an increase of pension to Edward Mailey, reported the same with amendment, accompanied by a report (No. 7168); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24845) granting an increase of pension to Andrew J. Price, reported the same with amendment, accompanied by a report (No. 7169); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22468) granting an increase of pension to William Kelso, reported the same with amendment, accompanied by a report (No. 7170); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22086) granting a pension to Amelia Schmidtke, reported the same with amendment, accompanied by a report (No. 7171); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16905) granting a pension to Anna E. Marble, reported the same with amendment, accompanied by a report (No. 7172); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21141) granting an increase of pension to George E. Castor, reported the same with amendment, accompanied by a report (No. 7173); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21899) granting an increase of pension to Catharine Koch, reported the same with amendment, accompanied by a report (No. 7174); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19580) granting an increase of pension to Jane Williamson, reported the same without amendment, accompanied by a report (No. 7175); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20999) granting an increase of pension to John H. Simmons, reported the same with amendment, accompanied by a report (No. 7176); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20972) granting an increase of pension to George W. Rothrock, reported the same without amendment, accompanied by a report (No. 7177); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20718) granting an increase of pension to Annie B. Whitcomb, reported the same with amendment, accompanied by a report (No. 7178); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17814) granting an increase of pension to Simon E. Chamberlin, reported the same with amendment, accompanied by a report (No. 7179); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17245) granting an increase of pension to Joseph Bateman, reported the same with amendment, accompanied by a report (No. 7180); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16939) granting an increase of pension to Patterson Reese, reported the same with amendment, accompanied by a report (No. 7181); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16839) granting an increase of pension to Benjamin F. Johnson, reported the same with amendment, accompanied by a report (No. 7182); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16192) granting an increase of pension to Charles Reed, reported the same with amendment, accompanied by a report (No. 7183); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15543) granting an increase of pension to George W. Maynard, reported the same with amendment, accompanied by a report (No. 7184); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14779) granting an increase of pension to Willard Wheeler, reported the same without amendment, accompanied by a report (No. 7185); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14244) granting an increase of pension to Edwin R. Phillips, reported the same with amendment, accompanied by a report (No. 7186); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13334) granting an increase of pension to Erastus A. Doe, reported the same without amendment, accompanied by a report (No. 7187); which said bill and report were referred to the Private Calendar

He also, from the same committee, to which was referred the bill of the House (H. R. 21262) granting an increase of pension to Margaret Adams, reported the same with amendment, accompanied by a report (No. 7188); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21244) granting an increase of pension to Levi E. Eldred, reported the same with amendment, accompanied by a report (No. 7189); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21085) granting an increase of pension to Anthony Patterson, reported the same with amendment, accompanied by a report (No. 7190); which said bill and report were referred to the Private Calender.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23407) granting an increase of pension to Hurd L. Miller, reported the same

with amendment, accompanied by a report (No. 7191); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22165) granting an increase of pension to John Hand, reported the same with amendment, accompanied by a report (No. 7192); which said bill and report were referred to the Private Calendar.

He also, from same committee, to which was referred the bill of the House (H. R. 21827) granting an increase of pension to Francis Murray, reported the same without amendment, accompanied by a report (No. 7193); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21415) granting an increase of pension to C. W. Tyler, reported the same with amendment, accompanied by a report (No. 7194); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21788) granting a pension to Satina A. Waymer, reported the same with amendment, accompanied by a report (No. 7195); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21562) granting an increase of pension to Valentine Goebel, reported the same with amendment, accompanied by a report (No. 7196); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21337) granting an increase of pension to Henry J. Barrows, reported the same with amendment, accompanied by a report (No. 7197); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21284) granting an increase of pension to William Earnest, reported the same without amendment, accompanied by a report (No. 7198); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22503) granting an increase of pension to William A. Clarke, reported the same with amendment, accompanied by a report (No. 7199); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22426) granting an increase of pension to Louisa E. Robertson, reported the same with amendment, accompanied by a report (No. 7200); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22592) granting an increase of pension to Andrew J. Frayer, reported the same with amendment, accompanied by a report (No. 7201); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22441) granting an increase of pension to Jacob Mose, reported the same with amendment, accompanied by a report (No. 7202); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22260) granting an increase of pension to James E. Bissell, reported the same with amendment, accompanied by a report (No. 7203); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21911) granting an increase of pension to George Newton, reported the same with amendment, accompanied by a report (No. 7204); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24920) granting a pension to Rebecca Moore, reported the same with amendment, accompanied by a report (No. 7205); which said bill and report were referred to the Private Calendar.

were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22947) granting an increase of pension to Benjamin F. Sibert, reported the same with amendment, accompanied by a report (No. 7206); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22798) granting an increase of pension to George W. Robinson, reported the same with amendment, accompanied by a report (No. 7207); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22788) granting an increase of pension to I. B. Gilmore, reported the

same with amendment, accompanied by a report (No. 7208); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22707) granting an increase of pension to Sebastian Gerhardt, reported the same with amendment, accompanied by a report (No. 7209); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22703) granting a pension to Benjamin F. Richards, reported the same with amendment, accompanied by a report (No. 7210); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22650) granting a pension to Thomas T. Baldwin, reported the same with amendment, accompanied by a report (No. 7211); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22613) granting an increase of pension to Isaac G. McKibban, reported the same without amendment, accompanied by a report (No. 7212); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22801) granting an increase of pension to Robert McMillen, reported the same with amendment, accompanied by a report (No. 7213); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23677) granting an increase of pension to John D. Dryden, reported the same without amendment, accompanied by a report (No. 7214); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23675) granting an increase of pension to Watson F. Bisbee, reported the same without amendment, accompanied by a report (No. 7215); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23612) granting an increase of pension to Thomas H. Adams, reported the same with amendment, accompanied by a report (No. 7216); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23440) granting a pension to Carrie May Allen, reported the same with amendment, accompanied by a report (No. 7217); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23426) granting an increase of pension to John S. Bergen, reported the same with amendment, accompanied by a report (No. 7218); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23235) granting an increase of pension to James L. Barney, reported the same without amendment, accompanied by a report (No. 7219); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23173) granting a pension to Ann White, reported the same with amendment, accompanied by a report (No. 7220); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23974) granting an increase of pension to John P. Bennett, reported the same with amendment, accompanied by a report (No. 7221); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24965) granting an increase of pension to Jacob Gilbrech, reported the same without amendment, accompanied by a report (No. 7222); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16221) granting an increase of pension to Job Clark, reported the same without amendment, accompanied by a report (No. 7223); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23966) granting an increase of pension to Hugh Stevenson, reported the same with amendment, accompanied by a report (No. 7224); which said bill and report were referred to the Private Calendar

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23864) granting an increase of pension to James A. Miller, reported the same with amendment, accompanied by a report (No. 7225); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23849) granting an increase of pension to Charles A. Mathews, reported the same without amendment, accompanied by a report (No. 7226); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23834) granting an increase of pension to Samuel Langmaid, reported the same with amendment, accompanied by a report (No. 7227); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23748) granting an increase of pension to Emily J. Vanbeber, reported the same with amendment, accompanied by a report (No. 7228); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23744) granting an increase of pension to John O. Cravens, reported the same with amendment, accompanied by a report (No. 7229); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23698) granting an increase of pension to William H. Wyman, reported the same with amendment, accompanied by a report (No. 7230); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24586) granting an increase of pension to Jotham A. Vincent, reported the same with amendment, accompanied by a report (No. 7231); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24015) granting a pension to Aaron C. Sanford, reported the same with amendment, accompanied by a report (No. 7232); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25211) granting an increase of pension to Alphonso Brown, reported the same with amendment, accompanied by a report (No. 7233); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23311) granting an increase of pension to Jeremiah Burke, reported the same with amendment, accompanied by a report (No. 7234); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24358) granting an increase of pension to John R. Cauley, reported the same with amendment, accompanied by a report (No. 7235); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24308) granting an increase of pension to Lyman Thompson, reported the same without amendment, accompanied by a report (No. 7236); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24300) granting a pension to Sadie E. Hawthorn, reported the same with amendment, accompanied by a report (No. 7237); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24215) granting an increase of pension to George Hoell, reported the same with amendment, accompanied by a report (No. 7238); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24299) granting an increase of pension to William B. Doyle, reported the same with amendment, accompanied by a report (No. 7239); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24228) granting an increase of pension to Jesse M. Sanders, reported the

same with amendment, accompanied by a report (No. 7240); which said bill and report were referred to the Private Calendar

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24171) granting an increase of pension to Finus M. Wyatt, reported the same with amendment, accompanied by a report (No. 7241); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24061) granting an increase of pension to John C. Nelson, reported the same with amendment, accompanied by a report (No. 7242); which said bill and report were referred to the Private Calendar.

Mr. KELHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24000) granting an increase of pension to Mary Holle, reported the same with amendment, accompanied by a report (No. 7243); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25257) granting an increase of pension to James H. Phillips, reported the same without amendment, accompanied by a report (No. 7244); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24958) granting an increase of pension to Henry Kanline, reported the same with amendment, accompanied by a report (No. 7245); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 25020) granting a pension to Cinderella B. McClure, reported the same with amendment, accompanied by a report (No. 7246); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20954) granting an increase of pension to Henry McDevitt, reported the same without amendment, accompanied by a report (No. 7247); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24921) granting an increase of pension to Patrick F. Shevlin, reported the same with amendment, accompanied by a report (No. 7248); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25149) granting an increase of pension to Joshua L. Hayes, reported the same without amendment, accompanied by a report (No. 7249); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24984) granting an increase of pension to Lauranah J. Hedgepeth, reported the same with amendment, accompanied by a report (No. 7250); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22950) granting an increase of pension to Hezekiah Poffenberger, reported the same without amendment, accompanied by a report (No. 7251); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24691) granting an increase of pension to Edward Burtch, reported the same with amendment, accompanied by a report (No. 7252); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24681) granting an increase of pension to Lewis M. Jarvis, reported the same with amendment, accompanied by a report (No. 7253); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23312) granting an increase of pension to William Lewis, reported the same with amendment, accompanied by a report (No. 7254); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24638) granting an increase of pension to Bernard Shallow, reported the same without amendment, accompanied by a report (No. 7255); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24518) granting an increase of pension to Reuben Nye, reported the same with

amendment, accompanied by a report (No. 7256); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24504) granting an increase of pension to John Leiter, reported the same with amendment, accompanied by a report (No. 7257); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24502) granting an increase of pension to A. Judson Conant, reported the same with amendment, accompanied by a report (No. 7258); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24493) granting an increase of pension to Theodric Gage, reported the same with amendment, accompanied by a report (No. 7259); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25261) granting an increase of pension to William M. Helvey, reported the same with amendment, accompanied by a report (No. 7260); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24002) granting an increase of pension to Michael F. Gilrain, reported the same with amendment, accompanied by a report (No. 7261); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1232) granting a pension to John V. Buskirk, reported the same with amendment, accompanied by a report (No. 7262); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25069) granting an increase of pension to William A. Decker, reported the same with amendment, accompanied by a report (No. 7263); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25025) granting an increase of pension to John Ham, reported the same without amendment, accompanied by a report (No. 7264); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25112) granting an increase of pension to William Turner, reported the same with amendment, accompanied by a report (No. 7265); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24413) granting an increase of pension to William Thomas, reported the same with amendment, accompanied by a report (No. 7266); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24792) granting an increase of pension to William H. Penfield, reported the same without amendment, accompanied by a report (No. 7267); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24776) granting an increase of pension to David T. Taylor, reported the same with amendment, accompanied by a report (No. 7268); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24726) granting an increase of pension to S. R. Sanders, reported the same with amendment, accompanied by a report (No. 7269); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24707) granting an increase of pension to Peter Campbell, reported the same with amendment, accompanied by a report (No. 7270); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24700) granting an increase of pension to Joseph Brooks, reported the same without amendment, accompanied by a report (No. 7271); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24733) granting an increase of pension to John H. Morrison, reported the same with amendment, accompanied by a report (No. 7272); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24969) granting an increase of pension to Charles N. Stafford, reported the same

with amendment, accompanied by a report (No. 7273); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15197) to correct the military record of Arthur W. White, reported the same with amendment, accompanied by a report (No. 7274); which said bill and report were referred to the Private Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 22027) to place Harold D. Childs on the retired list of the United States Navy, reported the same with amendment, accompanied by a report (No. 7277); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24030) granting an increase of pension to Andrew J. Foor, reported the same without amendment, accompanied by a report (No. 7283); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-

lowing titles were introduced and severally referred as follows: By Mr. JONES of Washington: A bill (H. R. 25319) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and the right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns-to the

Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 25320) providing for the appointment of a joint commission to report to Congress on a site for a dry dock and repairing station—to the Committee on Naval Affairs.

By Mr. DENBY: A bill (H. R. 25321) to provide for the return of railroad cars to their owners—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 25322) for the disposition of the proceeds of the illegal cotton taxes of 1862, 1864, and 1866to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 25323) regulating refunding of taxes in the District of Columbia, and for other purposesto the Committee on the District of Columbia.

By Mr. GARDNER of Massachusetts: A resolution (H. Res. 808) requesting the Secretary of Commerce and Labor to send to the House certain information concerning foreign laborers in South Carolina-to the Committee on Immigration and Naturalization.

Also, a resolution (H. Res. 809) rescinding the order heretofore made concerning the conference on Senate bill 4403-to the Committee on Rules.

By Mr. HUNT: A resolution (H. Res. 810) to pay laborers in cloak rooms an increase of salary-to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 25324) granting an increase of pension to John P. McCord—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 25325) granting an increase of pension to Polly Ann Bowman—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 25326) for the relief of the Corn Exchange National Bank, of Philadelphia, Pa.-to the Committee on Claims.

By Mr. BURTON of Delaware: A bill (H. R. 25327) authorizing the appointment of Lieut. Harry G. Cavenaugh, United States Army, retired, on the retired list of the Army with the rank of brigadier-general—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 25328) granting an increase of pension to James W. Barr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25329) granting a pension to Catherine esser—to the Committee on Invalid Pensions.

By Mr. CHANET: A bill (H. R. 25330) for the relief of William P. O'Haver-to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 25331) granting an increase of pension to Elisha A. Bruce-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25332) granting an increase of pension to Adelbert D. Boutelle—to the Committee on Invalid Pensions. By Mr. DE ARMOND: A bill (H. R. 25333) granting an in-

crease of pension to Mary J. Buck-to the Committee on Invalid Pensions

By Mr. DIXON of Indiana: A bill (H. R. 25334) granting an increase of pension to James M. Richardson-to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 25335) granting an increase of pension to James L. Waller-to the Committee on Invalid Pen-

Also, a bill (H. R. 25336) granting an increase of pension to

Robert McFarland—to the Committee on Invalid Pensions.
Also, a bill (H. R. 25337) granting an increase of pension to

James Burkett—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 25338) granting an increase of pension to John B. Rowe—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 25339) granting an increase of pension to Elza L. Thorn—to the Committee on Invalid Pensions

Also, a bill (H. R. 25340) granting an increase of pension to Ezra Q. Timms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25341) granting an increase of pension to Hanson P. Ambrose—to the Committee on Invalid Pensions. Also, a bill (H. R. 25342) granting an increase of pension to

Anthony Barleon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25343) granting an increase of pension to H. E. Soule—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25344) granting an increase of pension to to the Committee on Invalid Pensions. John Coffman-

Also, a bill (H. R. 25345) granting an increase of pension to Ruben F. McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25346) granting an increase of pension to

J. McCormick—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25347) granting a pension to John T. Mockabee—to the Committee on Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 25348) granting an increase of pension to Bridget D. Farrell—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 25349) granting an increase of pension to John Trimmer-to the Committee on Invalid Pensions

By Mr. LEE: A bill (H. R. 25350) for the relief of the estate of John W. Gilliam—to the Committee on War Claims.

By Mr. MADDEN: A bill (II. R. 25351) authorizing the Sec-

retary of the Treasury to adjust and settle the account of James M. Willbur with the United States—to the Committee on Claims.

By Mr. MICHALEK: A bill (H. R. 25352) granting an increase of pension to Clarence J. Lawless—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 25353) to remove the charge of desertion from the naval record of Magnus Larsen-to the Committee on Naval Affairs.

By Mr. NEEDHAM: A bill (H. R. 25354) granting a pension to Alice House—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25355) granting a pension to William Mc-

Craney—to the Committee on Pensions.

By Mr. ROBERTS: A bill (H. R. 25356) granting an increase of pension to Charles S. Pratt-to the Committee on Invalid

By Mr. SLAYDEN: A bill (H. R. 25357) for the relief of Mary A. Haney and Clarence E. Haney-to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 25303) granting a pension to Paul Kerr-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Joseph Frey and Charles B. Mayer, against interference in the Affairs of Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of citizens of New York City and William Weiner, of Holyoke, Mass., against the pending immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petition of citizens of Wayne County, Mich., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

Also, petition of citizens of Sheldon, N. Dak., and Morris, N. J., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia

By Mr. BURGESS: Petition of the New Immigrants' Protective League, against the Lodge-Gardner bill-to the Commit-

tee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Elizabeth M. Pond, librarian of the free library of Belfast, Me., against abridgment of the right of libraries to import books in the English language to the Committee on Ways and Means.

By Mr. BURTON of Delaware: Paper to accompany bill for

relief of members of the Fifth and Sixth Regiments of Delaware

Volunteers—to the Committee on Invalid Pensions.

Also, petition of the assembly of the State of Delaware, for legislation placing Lieut. Col. Harry G. Cavenaugh on the retired list-to the Committee on Military Affairs.

By Mr. CAMPBELL of Ohio: Petition of J. L. Bishop, commander of post, for the general service-pension bill-to the Com-

mittee on Invalid Pensions.

By Mr. DALZELL: Petition of Encampment No. 1, Union Veterans' Legion, of Pittsburg, Pa., for the McCumber pension bill—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of N. B. Barron Post, Grand Army of the Republic, of Waterville, Minn., for the age

pension bill-to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers to accompany bills for relief of Jesse Craft and John R. Bungard—to the Committee on Invalid Pensions

By Mr. FLETCHER: Petition of the Minnesota legislature, for removal of the duty on lumber-to the Committee on Ways and Means

Also, petition of Rev. S. Phoenix, of Minneapolis, for passage of the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary

By Mr. FOSTER of Indiana: Petition of Fidelity Lodge, No. 109, Brotherhood of Railway Trainmen, of Logansport, Ind., for bill H. R. 9328-to the Committee on the Judiciary

Also, petition of Fidelity Lodge, No. 109, Brotherhood of Railway Trainmen, of Logansport, Ind., for bill S. 5133-to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of citizens of Allegheny County, for increase of salaries of post-office clerks-to the Committee on the Post-Office and Post-Roads.

Also, petition of George C. Buel, for an appropriation of \$100,000 to demonstrate and test the utility of the Holman signal system for railways-to the Committee on Interstate and Foreign Commerce

By Mr. HILL of Connecticut: Petition of the general assembly of the State of Connecticut, for establishment of forest reserves in the White Mountains-to the Committee on Agricul-

By Mr. HINSHAW: Petition of B. J. Rainey, street car conductor, Division No. 343, Order Railway Conductors, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Mr. HOUSTON: Paper to accompany bill for relief of Paul Kerr-to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Charles Van Allstrom-to the Committee on Invalid

By Mr. HUBBARD: Petition of the thirty-first general as-

sembly of Iowa, for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. HUNT: Petition of Typographical Union No. 8, of St. Louis, Mo., for desired reforms in the postal laws-to the Com-

mittee on the Post-Office and Post-Roads. Also, petition of Metal Polishers, Buffers, and Platers' Local Union No. 13, against employment of Asiatics in the Canal

Zone—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of the California State Federation of Labor, for the establishment of a ferry between Mare Island Navy-Yard and Vallejo-to the Committee on Interstate and

Foreign Commerce. By Mr. LILLEY: Paper to accompany bill for relief of Benjamin Kelsey (previously referred to the Committee on Invalid

Pensions)—to the Committee on Pensions By Mr. LINDSAY: Petition of District Grand Lodge No 1, Independent Order B'nai Brith, against the Gardner-Dillingham bill—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill for the regulation of commerce)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, for a dual tariff-to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Sarah C. Gilliam—to the Committee on War Claims.

By Mr. MOORE of Texas: Petition of Miller T. Orem, of Houston, Tex., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of McPherson Post, Grand Army of the Republic, Department of California and Nevada, of Hanford, Cal., favoring the McCumber bill-to the Committee on Invalid Pensions.

Also, petition of the Board of Trade of San Francisco, for an appropriation to construct a breakwater at the port of Hilo, Hawaii-to the Committee on Rivers and Harbors.

Also, petition of the Board of Trade of San Francisco, against parcels-post law-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Board of Trade of San Francisco, for enactment of bill H. R. 21671—to the Committee on Naval Affairs.

By Mr. RAINEY: Petition of Bluff Springs and Monroe Methodist Episcopal churches, in favor of the Littlefield bill—to the Committee on the Judiciary

By Mr. REYBURN: Petition of Jane Bingham Abbott et al., for bills S. 6330 and H. R. 19853—to the Committee on Patents. By Mr. SAMUEL: Petition of Jane Bingham Abbott et al.,

favoring bills S. 6330 and H. R. 19853 (the copyright bill)-to the Committee on Patents.

By Mr. SHARTEL: Petition of E. H. Cooper et al., of Carl Junction, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SLAYDEN: Papers to accompany bills for relief of Mary A. Haney and Clarence E. Haney—to the Committee on War Claims

By Mr. SPERRY: Petition of the general assembly of the State of Connecticut, for establishment of forest reserves in the White Mountains—to the Committee on Agriculture.

By Mr. STEENERSON: Petition of A. L. Hagen et al., for amendment of the free-alcohol law to allow making alcohol in a small way in plants of low cost-to the Committee on Ways and

Also, resolution of the legislature of the State of Minnesota, for repeal of the tariff on lumber-to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of the Grand Rapids Branch of the Railway Mail Association, for increase of salary of postal clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Susie F. Harrison—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: Petition of J. R. Landy, for an amendment to the free-alcohol law to permit distillation in a small way in plants of low cost—to the Committee on Ways and

Also, petition of the legislature of the State of Minnesota, for repeal of the duty on lumber-to the Committee on Ways and Means.

SENATE.

Monday, February 4, 1907.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Spooner, and by unanimous consent, the further reading was dispensed with, The VICE-PRESIDENT. The Journal stands approved.

AGRICULTURAL LANDS IN FOREST RESERVES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting the draft of a proposed bill to amend an act entitled "An act to provide for the entry of agricultural lands in forest reserves," approved June 11, 1906; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

CHARLES S. HANKS-RAILROAD STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 28th ultimo, certain information relative to the employment by the Commission of Charles S. Hanks, and also a statement of facts found which show or tend to show that the freight and passenger rates can be reduced as stated by Hanks; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Presbyterian Church of Batesville, Panola County, Miss., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report for the Baltimore and Washington Transit Company, of Maryland, for the fiscal year ended December 3, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the House had passed the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and in the war with Mexico.

The message also returned to the Senate, in compliance with its request, the bill (8, 7795) for the extension of Albemarle street NW., District of Columbia.

The message further returned to the Senate, in compliance with its request, the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Reform Association, of Ray, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Boone and Crockett Club, of New York City, N. Y., remonstrating against the enactment of legislation providing for the abolishment of the Bureau of Biological Survey in the Department of Agriculture; which was referred to the Committee on Agriculture and For-

He also presented a petition of the Hawaiian Evangelical Association, of Honolulu, Hawaii, praying that an appropriation be made to defray the expenses of a convention to be held in Honolulu of representatives from every consulate situated at ports tributary to the Pacific Ocean; which was referred to the Committee on Commerce.

He also presented petitions of the Woman's Christian Temperance Unions of Fremont, Bloomington, Amboy, Elkhart, Huntington, Morgantown, Fountain City, Allen County, Syca-more, Madison, Albany, Stinesville, Greentown, Auburn, Wabash, More, Madison, Albany, Stinesvine, Greentown, Auburn, Wabsin, Ossian, Roll, Ray, Swayzee, Newcastle, Rising Sun, Summitville, Greensburg, Butlerville, Jeffersonville, Aurora, Lafayette, Moores Hill, Lowell, Lawrenceburg, St. Joe, Crown Point, Fairmount, Galena, Muncie, Bluffton, Mulberry, Sandusky, Mount Vernon, Kokomo, Columbus, Boswell, Stones Crossing, Danville, Bridgeport, and Greensboro, all in the State of Indiana, praying for an investigation into the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Saybrook, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. DILLINGHAM presented petitions of sundry citizens of Burlington, Pittsford, Manchester, and Bradford, all in the State of Vermont, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. CULBERSON presented a petition of sundry citizens of Ennis, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was

referred to the Committee on the Judiciary.

Mr. FULTON. I present a memorial of the legislature of Oregon, in favor of the removal of the duty on raw jute, jute fabric and jute bags, imported into the United States. I ask that the memorial be read, and referred to the Committee on Finance.

There being no objection, the memorial was read, and referred to the Committee on Finance, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I. F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:
That the annexed is a full, true, and complete copy of senate joint

memorial No. 2, adopted by the senate of the State of Oregon, January 22, 1907, and by the house of representatives of the State of Oregon, January 28, 1907, addressed to the honorable Senate and House of Representatives of the United States of America, in re the removal of all tariff now in existence on raw jute, jute fabric, and jute bags, imported into the United States, and admitting free of duty all such material, original of which was duly filed in the office of the secretary of State January 29, 1907.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 29th day of January, A. D. 1907.

[SEAL.]

F. W. Benson, Secretary of State.

Senate joint memorial No. 2.

Senate and House of Representatives of the United States of America:

Schate and House of Representatives of the United States of America:

Your memorialists, the senate and house of representatives of the State of Oregon, respectfully represent:

That in order to handle the wheat crop, the wool clip, and the hop products of the Pacific Northwest it is necessary to use large quantities of burlap made from jute fiber, and that at the present time it requires not less than 20,000,000 jute bags to handle the wheat crop of the Pacific Northwest, and that large quantities of jute cloth are used for sacking of wool and baling hops as well; and

Whereas within one year the price of jute and jute fabric has increased at least 50 per cent, probably owing to a jute trust or the increasing demand for jute; and

Whereas owing to this increase in the price of jute, jute cloth, and jute fabric, it has worked very much of a detriment to the farmers, wool growers, and the agriculturalists in general: Therefore your memorialists respectfully request your honorable bodies to remove all tariffs now in existence on raw jute, jute fabric, and jute bags imported into the United States and admit free of duty all such material. Be it

Resolved, That the secretary of state is hereby instructed to transmit a copy of this resolution to the Hon. C. W. Fillow, United States Senator from Oregon, and respectfully request them, as members of Congress, to use all honorable means to have such duty removed.

Adopted by the senate January 22, 1907.

Frank Davey, Speaker.

FRANK DAVEY, Speaker.

Adopted by the senate January 22, 1907.
E. W. HAINES, President.

Mr. DU PONT presented a petition of 258 citizens of Wilmington, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. NELSON. I present a concurrent resolution of the legislature of Minnesota, in favor of the abolishment of the tariff on lumber. I ask that the concurrent resolution be read and referred to the Committee on Finance.

There being no objection, the concurrent resolution was read, and referred to the Committee on Finance, as follows:

Whereas among the many trusts and monopoles which menace the welfare of our country, and especially the great Northwest, the lumber trust is the most exacting, grinding, and oppressive, levying tribute upon all classes of people, retarding and hindering the upbuilding of homes, alike in city, town, and country: Therefore, be it Resolved by the senate of the State of Minnesota (the house of representatives concurring), That we respectfully petition the Congress of the United States to forthwith abolish the tariff on lumber.

Resolved further, That the secretary of the senate be instructed to transmit copies of this resolution to our Senators and Representatives in Congress.

in Congre

Mr. NELSON presented sundry petitions of citizens of the State of Minnesota, praying for the adoption of certain amendments to the present denatured alcohol law; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Granger, Cottonwood, Madison Lake, Montevideo, Clinton, and of the congregation of the Methodist Episcopal Church of Lawrence, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary. He also presented the petition of George I. Becker, of the

State of Minnesota, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on

Mr. KEAN presented a memorial of the Morris County Society for the Prevention of Cruelty to Animals, of Morristown, N. J., remonstrating against the enactment of legislation for the abolishment of the Division of Biological Survey in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry

He also presented a petition of the Woman's Christian Temperance Union of Haddon Heights, N. J., and a petition of the Woman's Christian Temperance Union of Blackwood, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a paper to accompany a bill (S. 5279) for the relief of Cash Claxon; which was referred to the Committee on Claims.

Mr. PILES presented a memorial of sundry citizens of Colville, Wash., and a memorial of sundry citizens of Clarkston, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia

to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Snohomish. Wash., and a petition of sundry citizens of Seattle, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McCREARY presented a petition of sundry citizens of Berea, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Park River, N. Dak., praying for the adoption of a certain amendment to the free-alcohol law; which was referred to the Committee on Finance.

Mr. LODGE presented a petition of sundry citizens of Welles ley, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was

referred to the Committee on the Judiciary.

He also presented the petition of Andrew V. V. Raymond, of Schenectady, N. Y., praying for the establishment of an international commission for the investigation of the conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 5992) granting an increase of pension to Franklin Craig, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3435) granting an increase of pension to Rowland

Sannders

A bill (S. 5423) granting an increase of pension to William M. Tinsley: and

A bill (S. 6955) granting an increase of pension to Abram W.

Vandel. Mr. BURKETT, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7373) granting an increase of pension to Jeremiah Thomas; and

A bill (S. 4562) granting an increase of pension to Henry Stegman.

Mr. SIMMONS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7851) for the relief of J. M. Bloom, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon

A bill (S. 7606) granting an increase of pension to Samuel Reeves

A bill (S. 7532) granting an increase of pension to Joseph Kiichli:

A bill (S. 8107) granting an increase of pension to Leonidas Obenshain:

A bill (S. 6609) granting an increase of pension to John

A bill (S. 7483) granting an increase of pension to Marinda D. Beery

A bill (S. 7480) granting an increase of pension to John A bill (S. 7485) granting an increase of pension to Lester

M. P. Griswold; and A bill (S. 4461) granting an increase of pension to Thomas S.

Elsberry Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with

amendments, and submitted reports thereon: A bill (S. 7420) granting a pension to Eleanor N. Sherman;

A bill (S. 5361) granting an increase of pension to J. H. Peters

A bill (S. 7244) granting an increase of pension to Bessie Sharp Pettit;

A bill (S. 7341) granting a pension to Menzo S. Bishop; A bill (S. 7481) granting an increase of pension to A. W.

Edwards: A bill (S. 7305) granting an increase of pension to R. K.

A bill (S. 7842) granting an increase of pension to E. C.

Mr. McCUMBER, from the Committee on Pensions, to whom | Gilliland; and

were referred the following bills, reported them severally without amendment, and submitted reports thereon

A bill (S. 8024) granting a pension to Susan J. Rogers;

A bill (S. 7764) granting an increase of pension to Davis Gilborne

A bill (S. 7763) granting an increase of pension to Jacob S. Hawkins

A bill (S. 6610) granting an increase of pension to Isaac Johnson; and

A bill (S. 8207) granting an increase of pension to Peter Wedeman.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 8120) granting an increase of pension to Benjamin T. Woods

A bill (S. 7708) granting an increase of pension to Susan A. Brockway

A bill (S. 2315) granting an increase of pension to William T. Graffam :

A bill (S. 6380) granting a pension to Josiah B. Kinsman; and

A bill (S. 7334) granting an increase of pension to Joshua F. Jellison.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7831) granting an increase of pension to William H. Grandaw

A bill (S. 913) granting an increase of pension to Charles E. Foster

A bill (S. 6911) granting an increase of pension to George A. Boyle; and

A bill (S. 7039) granting an increase of pension to Robert Hamilton.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 570) granting an increase of pension to John W. Crane, reported it with an amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7912) granting an increase of pension to Eleanor P. Bigler:

A bill (S. 3852) granting an increase of pension to Levi W. Curtis; and

A bill (S. 8215) granting an increase of pension to James W. Lendsay

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7915) granting an increase of pension to Mary M. Howell:

A bill (S. 8237) granting an increase of pension to Lydia Irvine: and

A bill (S. 7696) granting an increase of pension to Zadok K.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 7572) granting an increase of pension to Warren M. Fales, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 6702) granting an increase of pension to Charles E. Dubois, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 8005) granting an increase of pension to Garrett F. Cowan;

A bill (S. 8021) granting an increase of pension to John F. Martine:

A bill (S. 7004) granting an increase of pension to Edward G. Burnet:

A bill (S. 7470) granting an increase of pension to William F.

Burnett; and
A bill (S. 7154) granting an increase of pension to Samuel A. Miller.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3997) granting an increase of pension to Jacob Berry

A bill (S. 7473) granting an increase of pension to John M.

A bill (S. 6531) granting an increase of pension to Francis A.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 8017) granting an increase of pension to Watson L. Corner, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and

submitted reports thereon:

A bill (S. 1520) granting an increase of pension to Laura N. # reeman

A bill (S. 1515) granting an increase of pension to Elizabeth

A bill (S. 3672) granting an increase of pension to Daniel R.

A bill (S. 1136) granting an increase of pension to Warren W. Whipple;

A bill (S. 8105) granting an increase of pension to Anna Arnold; and A bill (S. 4762) granting a pension to Mary A. Brady.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 4767) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 5813) granting an increase of pension to Marshall T. Kennan, reported it without amendment, and

submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7772) granting a pension to Ellen Dougherty, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7722) granting an increase of pension to Henderson Stanley:

A bill (S. 7803) granting an increase of pension to William H. Long; and

A bill (S. 7825) granting an increase of pension to Garrett Rockwell.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 6910) granting an increase of pension to George F. Chamberlin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 8225) granting an increase of pension to Elizabeth P. Hargrave, reported it with amendments, and submitted a report

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7877) granting an increase of pension to Thomas D. Marsh:

A bill (S. 7938) granting an increase of pension to John W. Messick:

A bill (S. 8034) granting an increase of pension to Jacob M. F. Roberts; and

A bill (S. 7830) granting an increase of pension to Wilbur A.

COURTS IN TENNESSEE.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the biil (H. R. 25034) to change the time of holding circuit and district courts of the United States for the middle district of Tennessee, to report it favorably without amendment.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SCHLOSSER.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 7356) granting an increase of pension to Henry Schlosser, just reported by the Senator from North Dakota [Mr. McCumber] from the Committee on Pen-

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Henry Schlosser, late of Company E, Fiftieth Regiment Wis-

consin Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT AT QUINCY, ILL.

Mr. CLARK of Wyoming. I report back favorably, from the Committee on the Judiciary, without amendment, the bill (H. R. 19752) for an additional term of court at Quincy, Ill. the attention of the senior Senator from Illinois to the bill.

Mr. CULLOM. The bill comprises only one section, and I

ask that it be put on its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

ESTATE OF GEORGE W. SOULE.

Mr. BURNHAM. I ask that an order be made for a reprint of the majority report and the views of the minority of the Committee on Claims on the bill (S. 188) for the relief of the legal representatives of George W. Soule.

There being no objection, the order was agreed to, as follows: Ordered, That Senate Report No. 4312, Fifty-ninth Congress, first session, to accompany the bill (8, 188) for the relief of the legal representatives of George W. Soule, be reprinted with supplementary report, "Views of the minority."

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 8291) for the relief of Bartholomew Diggins; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FOSTER introduced a bill (S. 8292) providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the battle of New Orleans at Chalmette, La., and making the necessary appropriation therefor; which was read twice by its title, and referred to the Committee on the Library.

Mr. PILES introduced a bill (S. 8293) granting an increase of pension to Jonathan Willard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 8294) granting a pension to Sarah M. B. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pen-

He also introduced a bill (S. 8295) granting an increase of pension to Dorothy Margaret Van Hart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8296) for the relief of Wellborn Echols; and

A bill (S. 8297) for the relief of the estate of John Tittle,

deceased (with accompanying papers).

Mr. CULLOM introduced a bill (S. 8298) to amend an act entitled "An act to regulate commerce," approved June 29, 1906; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. NELSON introduced a bill (S. 8299) to confer certain civic rights on the Metlakahtla Indians of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FULTON introduced a bill (S. 8300) to remove the charge of desertion from the military record of William Armstrong; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 8301) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FOSTER submitted an amendment providing for the creation of an additional division of the railway mail service with headquarters at New Orleans, La., etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$150,000 for the erection of hospital buildings for the naval hospital at Puget Sound Navy-Yard, Wash., intended to be proposed by him to the naval appropriation bill; which was re-

ferred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to increase the salaries of certain officials and provide additional clerks, etc., Office of Public Roads, Department of Agriculture, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate \$11,000 for resurfacing the roadbed of Wisconsin avenue between M street and P street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$15,000 for the opening and improvement of M street from Bladensburg road easterly to Twenty-eighth street NE., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On January 31:

S. 7034. An act to incorporate the International Sunday School

Association of America: and

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company.

On February 1:

S. 1178. An act providing for the resurvey of a township of land in Colorado;

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Min-

S. 549. An act granting a pension to Louis T. Frech;

S. 2565. An act granting a pension to William P. Parrill;

S. 4404. An act granting an increase of pension to Elizabeth B. Boyle

8, 5672. An act granting an increase of pension to Felix G. Murphy:

S. 6226. An act granting an increase of pension to Mary A. Mickler:

S. 6510. An act granting an increase of pension to Sarah R.

S. 7096. An act granting an increase of pension to Margaret

McCullough; S. 7177. An act granting an increase of pension to Melvin L.

Le Suer, allas James French; S. 3702. An act for the relief of the Gurley Memorial Presby-

terian Church, of the District of Columbia, and for other pur-

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm;

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia;

S. 6470. An act in relation to the Washington Market Com-

pany; S. 7028. An act for the relief of the Allis-Chalmers Company,

S. 7147. An act to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation; and

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'

On February 2:

S. R. 86. Joint resolution granting an extension of time to certain homestead entrymen;

S. 4819. An act for the relief of M. A. Johnson; and

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the diocese of Washington."

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (H. R. 15434) to regulate appeals in criminal prose-

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From the decision or judgment quashing or setting aside an indictment:

ment;
From the decision or judgment sustaining a demurrer to an indictment or any count thereof;
From the decision arresting a judgment of conviction for insufficiency of the indictment;
From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.
In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.
That hereafter all objections to the sufficiency of the indictment in matters of form only shall be made and determined prior to the inpancing of the jury.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. I object.

The VICE-PRESIDENT. Objection is made.

Mr. NELSON. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. President, this is an important measure. Mr. CLAY. did not catch its full import in the reading. I dislike to take the time of the Senate, but I ask that it be again read. The VICE-PRESIDENT. The amendment reported as a sub-

stitute from the Committee on the Judiciary will be again read.

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the Judiciary in the nature of a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

Mr. HALE. I do not expect, Mr. President, to be able to arrest the progress of this bill, but I desire an opportunity to vote against it, and to protest against it.

I do not think there is any necessity for changing the great

fundamental principle of law of protecting the citizen that has always obtained for English-speaking people and to add now anything more to the rights and privileges of the General Gov-The old criminal law, with its method of administration and the proposition that no man shall be put in peril twice, is good enough criminal law for me. The tendency of the present day is to take away from the citizen and to give to the Government. I deprecate that tendency. I am in a minority, and can only protest. I shall ask, when the final vote is taken, that we may have the yeas and nays upon the passage of the bill.

Mr. WHYTE. Mr. President, I concur entirely with the Sen-I do not think this bill ought to pass, and ator from Maine. least of all that it should be taken up by unanimous consent and hurried through. It is a bill taking from a party charged with crime privileges which he now enjoys and which have never been taken from him before in the history of the criminal practice of the United States courts.

I shall certainly vote against the bill if it is put to a vote of the Senate.

Mr. NELSON. Mr. President, I do not intend to enter into any debate, but I desire to correct the Senator from Maine and the Senator from Maryland in the misapprehension under which both seem to labor.

The bill does not in any shape take away any of the rights the defendant now has in the matter of appeal or review of criminal cases. It simply allows the Government, in certain cases, to take an appeal where the Government has never had that right before.

It has lately become the fashion in several of the United States inferior courts for judges to pronounce an act of Congress unconstitutional and void. Where an indictment has been framed, after the court has made that decision and decided the act unconstitutional and void, there is no way by which the case can be appealed to the Supreme Court for a decision

In addition, I wish to say that this is no innovation. If the Senator from Maryland will consult the statutes of his own State he will find that in certain cases there the State is allowed an appeal in criminal cases even broader than this bill proposes to give.

Mr. HALE. Will the Senator allow me to ask him a ques-

Mr. NELSON. In a moment. If Senators will examine the reports of the committee they will find that in a large ma-jority of the States provision has been made in one form or another for an appeal in criminal cases.

The substance of this bill has been recommended by the Department of Justice for several years. It was specially recommended by the President in his recent annual message. The bill as it came from the House has been entirely revised and amended by the committee. In a late number of the Harvard Law Review, one of the best legal periodicals I know of in the country, the House bill and the Senate committee substitute are discussed, and they entirely agree that this is a just and proper measure; that it is entirely within constitutional limits, and that it in no wise detracts from the rights the defendant has heretofore had. It simply authorizes in a certain few instances the Government to take an appeal for the purpose of getting an adjudication upon important constitutional questions

Mr. HALE. The Government has not that appeal now?

Mr. NELSON. No; it has not. The Government has no right of appeal in criminal cases,

Mr. HALE. That is it precisely. This is a very great innovation.

Mr. NELSON. I wish to say further that where a jury has been impaneled and where the defendant has been tried an appeal does not lie. It is only in proceedings ancillary to the impaneling of a jury.

Mr. HALE. I understand that; and if the Senator will allow

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. Certainly.
Mr. HALE. I understand that clearly. I read the bill very carefully. It came up once before and I objected to it. It does not take away every right that the accused has, but it takes away certain rights that he has now, and allows an appeal by the Government as in civil cases, which it does not have now. But whether that is right or wrong, that there will be no appeal by the Government has been one of the principles of law which has been practiced and observed for years. That is how it is an innovation.

Mr. BACON. Mr. President, I do not desire to discuss the measure at length. There are other Senators here who are on the Judiciary Committee and who will probably present the legal view of it, one of them, the Senator from Pennsylvania [Mr. KNOX], especially, having had experience in the class of cases out of which the demand for this law grew.

I simply desire to call the attention of the Senate to the fact, which has been previously stated by the Senator from Minnesota [Mr. Nelson], that this measure in no manner prejudices the rights of the defendant. It in no manner puts him twice in

jeopardy.

The principle of the rule that a man shall not be put twice in jeopardy is based upon a very sound reasoning. In a criminal case on one side there is the powerful Government, whether that be the Federal Government or a State government, and on the other side there is the individual accused. If it were within the power of the Government to put a man in jeopardy more than once, it will be seen that the power for tyranny and oppression When a man had once been tried and acwould be unlimited. quitted it would be known where the weak spot in the case of the prosecution was, and he could again be put upon trial and, either fraudulently or otherwise, the testimony necessary to buttress the case in that particular could be supplied and the man again put upon trial, and if that effort failed the same process could be gone through without limitation, and the opportunity for tyranny and oppression and wrong and injustice would be absolutely unlimited.

Therefore it is a sound principle, one based upon the highest considerations of justice and humanity, that a man shall not be put in jeopardy more than once. In other words, whenever a case has proceeded to the point where the machinery has been put in operation which at its conclusion would result either in a conviction or an acquittal the proceeding must go to its conclusion, and that conclusion must be final, and if before reaching the ordinary stage of finality the case breaks down the defendant goes free. That is the soundest of principles, one recognized universally in all of the countries at least drawing their legal institutions from the same source that we do.

Now, Mr. President, what this bill seeks is in no manner to contravene that great fundamental principle, one which should be forever inviolate, and one which no member of the Judiciary Committee, I am sure, and no member of the Senate would for

erroneous decision by a judge may be corrected without in any manner infringing upon the rights of the defendant. If any lawyer here will examine the bill and analyze it he will see that the committee, after the most careful and long-continued and painstaking investigation, has limited the action of the bill to a review by the court purely of a legal question, without in any manner affecting the rights of the man whose case gave rise to that question.

Mr. MALLORY. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BACON. I do.
Mr. MALLORY. In reference to the point the Senator is on, I should like to call his attention to the provision regarding overruling or sustaining a special plea in bar in the following language:

From the decision or judgment sustaining a special plea in bar when the defendant has not been put in jeopardy.

I am asking merely for information, not with any inten-

Mr. BACON. That language was inserted in the bill just out of abundance of caution.

Mr. MALLORY. I should like to inquire of the Senator if a party has been arraigned and filed a plea he is not in jeopardy, having been put in jeopardy by the very fact and he has been arraigned and required to plea? If that is so, then I do not see why this provision is inserted at all.

Mr. BACON. There may be cases in which that is true. may be generally the case that it is true. If so, there is no prejudice to the prisoner, because it is expressly limited to a case where he has not been put in jeopardy. Therefore, unless there arose a case where there has been a decision upon a plea where he has not been in jeopardy this bill would not apply. That clause is only put in the bill, as I said, out of abundance of caution—caution on the two sides. In the first place, if there has been a decision of such a plea relating to a matter of law where the party has not been put in jeopardy, there ought to be an opportunity to have that question decided by the ultimate court. On the other hand, if it is a plea where he has been put in jeopardy, the desire to have that question decided shall not prevail, and the man must go free.

So it does seem to me the language of the proposed law, whether the suggestion of the Senator is correct or not that in all cases he is put in jeopardy, absolutely relieves the case from

any possibility of injury to the defendant.

Mr. HALE. At any rate, if the Senator will allow me—
The VICE-PRESIDENT. Does the Senator from Georgia vield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. At any rate, the accused, the single man, the one man who is brought before the court upon a solemn indictment, if there has been just such a ruling as the Senator wants an appeal taken from, and the accused has been discharged, that heretofore has been the end of it, has it not?

Mr. BACON. Yes. Mr. HALE. Now, the Senator does not want that to be the end of it?

Mr. BACON. I beg the Senator's pardon.

Mr. HALE. He wants the Government to come in.
Mr. BACON. I said "yes" too quickly, I think. Not necessarily so. If there was a demurrer to an indictment and it was sustained, it is not necessarily an end to it, because there could be a new indictment found; but at the same time, in the finding of a new indictment there would be no opportunity to have the Supreme Court pass upon the question of law which was involved in it.

Mr. HALE. The Senator from Georgia is giving a very good argument against the necessity for this. The Government may have a new indictment now.

Mr. BACON. Yes.

But to say-and the Senator from Florida [Mr. Mr. HALE. Mallory] had brought that point out very clearly-that a citizen, one person, is not put in jeopardy when he has been solemnly indicted and haled before a court—

Mr. BACON. Oh, no; the Senator is wrong about that. That

is not what the law means by being put in jeopardy. It has an entirely different meaning.

Mr. HALE. If a proceeding takes place under that and he is discharged, heretofore that has been the end of it.

Mr. BACON. No; the Senator is mistaken as to both. It is not necessarily the end of it. He is not put in jeopardy. That is not what the law means by being put in jeopardy at all. The words "being in jeopardy" are entirely a technical phrase, which does not relate to the fact that a man is in danger as a moment desire in the least to infringe upon.

The sole purpose of this bill is to enact a law by which an soon as an indictment is preferred against him.

Mr. HALE. Will the Senator tell the Senate if this does not give some additional power to the Government as against the accused?

Mr. BACON. No: in no manner whatsoever.

Mr. HALE. Then, wherein lies the necessity for it?
Mr. BACON. I will endeavor to state to the Senator. That is certainly a very pertinent question. If there is no necessity for the bill, then it is a useless bill. That has been already stated by the Senator from Minnesota [Mr. Nelson], and I will endeavor to restate, probably not so clearly, however, as he has

In the case where a man is indicted, and he is brought before the court and a demurrer is interposed before he is arraigned, upon the ground that the law under which he is charged with the commission of crime was unconstitutional, utterly null, and void, the judge sustains that demurrer and discharges the prisoner. Now, if that affected only that one prisoner, it would be a matter of comparatively slight importance; but it not only affects that prisoner, not only affects the accused in that particular case, but it affects all other persons who may assume to violate the same law; and a law of Congress is set aside, made absolutely null and void and inoperative by the decision of one judge, without the opportunity for the nine judges who sit in the Supreme Court to pass upon the great question whether or not-

Mr. HALE rose.

Mr. BACON. If the Senator will pardon me a moment—whether or not the law solemnly enacted by Congress is or is not constitutional, affecting not simply that accused, affecting not simply all others who may be accused, but affecting the operation of the law of the land, and affecting all interests which are to be affected by that law, and utterly destroying all the protection which that law seeks to throw over the persons, the property, and the transactions of all citizens of the United States.

Mr. HALE. But has not that always been the case heretofore?

Mr. BACON. Certainly. It is one of the evils which have grown up, and for that reason, and for the correction of such evils solely, without contravening the fundamental principle to which I alluded in the beginning, the necessity has grown upthe great importance, I will say, because the Senator might not recognize the propriety of the word "necessity"—the great importance has grown that the question of the constitutionality of a law shall not be limited to the decision of one judge, and he possibly the most inferior in rank of all the judges, but that it may go to this great court.

The Senator will perceive that there is no way to get a question to this court because, as the law now stands, when the inferior judge determines the law to be unconstitutional, the matter is ended. The sole purpose of this is, and the sole effect of it will be, to enable the highest court in the land to pass upon a naked law question in a manner that shall in no wise affect the rights or interests of the party against whom the accusation has been made and he in no manner be put twice in jeopardy.

Mr. HALE. Mr. President—
Mr. BACON. I hope the Senator will pardon me a moment, because it is impossible to present this subject without doing so with some degree of continuity. I do not want the Senator to misunderstand me in that; but I want to read to the Senator what the law means when it speaks of being placed in jeopardy. I am indebted to the Senator from Pennsylvania [Mr. Knox], who very kindly turned to the law dictionary and has put in my hands this definition:

A person once placed upon his trial before a competent court and jury, charged with his case upon a valid indictment, is in jeopardy, in the sense of the Constitution, unless such jury be discharged without rendering a verdict, from a legal necessity, or from cause beyond the control of the court, such as death, sickness, or insanity of some one of the jury, the prisoner, or the court, or by consent of the prisoner. (People v. Webb, 38 Cal., 467.)

When a person is placed on trial upon a valid indictment, before a competent court and jury, he is put in jeopardy; and the discharge of the jury without verdict, unless by consent of the defendant, or from some unavoidable accident or necessity, is equivalent to an acquittal. Among these unavoidable necessities are the inability of the jury to agree after a reasonable time for deliberation; also the close of the term of the court. (Exp. McLaughlin, 41 Cal., 211; People v. Cage, 48 ib., 324.)

of the court. (Exp. McLaughlin, 41 Cal., 211, People 8. Cag., 324.)

If a person is indicted for manslaughter, and, on his trial, the court, without the consent of the defendant, discharges the jury upon the ground that the evidence shows that the defendant is gullty of murder, the defendant has been put in jeopardy. He can not be again indicted for murder for the same killing, but is entitled to an acquittal. (People v. Hunckeler, 48 Cal., 331.)

Whenever a person has been given in charge, on a legal indictment, to a regular jury, and that jury is unnecessarily discharged, he has been once put in jeopardy, and the discharge is equivalent to a verdict of acquittal. (Wright v. State, 5 Ind., 290; McCorkle v. State, 14 ib., 39; s. p. Helkes v. Commonwealth, 26 Pa. St., 513; United States v. Shoemaker, 2 McLean, 114.)

Where a valid indictment has been returned by a competent grand jury to a court having jurisdiction, the defendant has been arraigned and pleaded, a jury impancied, sworn, and charged with the case, and all the preliminary things of record are ready for the trial, the jeopardy has attached.

Mr. SPOONER. From what is the Senator reading?
Mr. BACON. I am reading a definition from Abbott's Law
Dictionary, page 650. These are quotations from the decisions
of the courts, which I am upon now, which have been cited by the author as illustrations of the cases in which there has been

Mr. HALE. Will the Senator read that last statement again

in regard to the proceedings in court-

Mr. BACON. I will reread it. Mr. HALE. Which shows what has taken place; and when, if it has taken place, the feature of jeopardy attaches?

Mr. BACON. I think it does, Mr. HALE. Will the Senator please read that again? Mr. BACON. I will read it again; but it is directly in the line of what I said before I began the reading. This definition of what constitutes being put in jeopardy—that is to say, even if the case broke down before reaching the ordinary stage of finality the right which arose out of "having once been put in

jeopardy" attaches and the prisoner goes free. I will read that again, because it is very material, as it evidently struck the mind of the Senator from Maine. I will begin

again, as I was interrupted in the middle of it:

Where a valid indictment has been returned by a competent grand jury to a court having jurisdiction, the defendant has been arraigned and pleaded, a jury been impaneled, sworn, and charged with the case, and all the preliminary things of record are ready for the trial, the jeopardy has attached; and, unless the defendant waives his constitutional right, or unforeseen circumstances withdraw from him the benefit of the privilege, any subsequent lapse or error in the proceedings of the court will entitle him to be discharged from custody. (Morgan v. State, 13 Ind., 215.)

There is a very clear statement of the preliminary proceedings which, when proceeded with or gone into, will entitle the party to an acquittal and protect him against any future prosecution. But the particular feature to which I desire to call the attention of the Senator from Maine and other Senators who are unfavorable to the consideration or the passage of this bill is this: That with that clear statement made now of these preliminary proceedings, an examination of this bill will show that there is no question which in any manner relates to any of the particular proceedings enumerated and specified there which under this bill could be carried to the Supreme Court-in other words, every question which can be taken under this bill to the Supreme Court is a question which arose before any single one of the things mentioned in this very clear description of That is the case of Morgan v. The what constitutes jeopardy. State (13 Ind., p. 215).
Mr. RAYNER. I should like to ask the Senator whether

there has every been any decision of the Supreme Court as to what constitutes "jeopardy" in a criminal case? I should like

to know, if the Senator can answer.

Mr. BACON. I have not examined this particular question with reference to its being brought to the attention of the Senate upon authority, and therefore I am not prepared to answer the question at this time. I presume it is more than probable that the distinguished Senator from Pennsylvania [Mr. Knox] can answer specifically; but that does not leave the matter in doubt as to what constitutes jeopardy.

Mr. RAYNER. I know there is a vast conflict of decision in the States, and I should like to ask the Senator from Pennsylvania [Mr. Knox] whether he recalls any decision of the Su-

preme Court which defines the word " jeopardy?

Mr. KNOX. No; I do not.
Mr. RAYNER. Neither do I recall any at this time.
Mr. BACON. But, Mr. President, I am quite confident of
one thing—absolutely confident—that there can be no decision found which will hold that either one of the particular things specified here as a decision from which there can be an appealno one of them has ever been specified by a court as having put a party in jeopardy.

Mr. RAYNER. I should like to ask the Senator, if he will

allow me to do so-

Mr. BACON. Certainly; and the Senator need not ask permission.

Mr. RAYNER. I merely asked-

Mr. BACON. But the Senator asked it in a way as if he doubted whether or not I would grant it.

Mr. RAYNER. Oh, no; I did not doubt it at all; in fact, I would not have asked it if I had not known the Senator would grant it.

On line 15 and 16 the bill provides-

From the decision arresting a judgment of conviction for insufficiency of the indictment.

Can a man be put in jeopardy on a motion for an arrest of

Mr. BACON. Mr. President-Mr. NELSON. Will the Sen Will the Senator from Georgia yield to me

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do. Mr. NELSON. I de I desire to call the attention of the Senator from Maryland [Mr. RAYNER] to the fact that the motion in arrest of judgment is made by the defendant. When he asks for that relief, he has waived his constitutional right, and it was so decided by the Supreme Court in the case of Ball v. The United States, 163 United States Reports. The defendant had moved an arrest of judgment and had the proceedings stayed. An appeal was taken to the Supreme Court, and the Supreme Court held that the motion was good because the indictment was bad, and the party could be reindicted and retried for that offense because it was done on his own request, on his own motion: otherwise he could not be.

Mr. RAYNER. I should like to know on what page that is. Mr. NELSON. I will give the Senator the case in a minute.

Mr. SPOONER. It is the Ball case.

Mr. NELSON. I will read the syllabus, with the permission of the Senator from Georgia.

Mr. RAYNER. What is the case?

Mr. NELSON. The United States v. Ball, 163 United States Reports.

Mr. RAYNER. What pa Mr. NELSON. Page 662. What page?

Mr. RAYNER. I should like to have the Senator from Minnesota read it, with the permission of the Senator from Georgia.

Mr. BACON. I think the Senator from Minnesota has properly answered it. The party is not protected, as the law now stands, against being tried again under the circumstances stated by the Senator.

Will the Senator from Georgia allow me to Mr. NELSON. read a part of the syllabus, and then I will not take up more

of the Senator's time?
Mr. BACON. Certainly.
Mr. NELSON. I now read from the syllabus:

A defendant in a criminal case, who procures a verdict and judgment against him to be set aside by the court, may be tried anew upon the same or another indictment for the same offense of which he was

Mr. BACON. Mr. President, I do not desire to occupy the attention of the Senate in any more protracted discussion of this question, because, as I stated in the beginning, I rather expected the argument to be made by other Senators. I had really but one object in addressing the Senate on this subject, and that was to call the attention of the Senate to the great principle involved in the rule, so well honored and which no one would desire in any manner to infringe upon, that a man shall not be twice put in jeopardy, and to emphasize as strongly as I could my own attitude that under no circumstances would I support any bill which put a man twice in jeopardy; under no circumstances would I take away from any defendant, as I understand the law, any right he now has. I do not consider this bill in any particular to take away from any defendant any right that he now enjoys or that it removes from him any single protection that our very humanitarian system of law has thrown around the accused. I would have him still under every particle of protection of the law which the present provisions of the law give to him, and under no circumstances would I consent to take away from him a single one of those rights.

But I do consider it to be of the very highest importance, not only as a particular question which may affect a particular class of offenders, but as a general principle, that wherever there is a decision saying that an act of Congress is unconstitutional, that question shall not be determined finally by the most inferior in rank of judges, but that it shall come ultimately to the highest court provided especially for the determination of such great fundamental questions.

Mr. HALE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I yield with pleasure to the Senator. I will yield the floor, unless the Senator wishes to ask me a question.

I do not wish to ask a question. I simply wish to say, Mr. President, as in the beginning, I do not propose to discuss this matter, and I do not expect to arrest the passage of the bill, notwithstanding all that has been said that I do not like this departure. I do not like this feature of giving what the Government has never had, an appeal in criminal cases at

ministration of the law, under the rule that has obtained always with English-speaking peoples. Without any more time, I simply say that I desire an opportunity to vote against the bill.

Mr. McCUMBER. Mr. President, for the last few years Congress has been pressing its own powers and Federal jurisdiction over fields heretofore occupied by the jusisdiction of the States, upon the ground, mainly, that the Congress was in advance of the States in all legislation and that our changing conditions required such action. The rule seems to have been reversed in this particular instance, because in the field of criminal jurisprudence the States themselves seem to have taken the advance, and for many years we have had appeals by the States in criminal prosecutions in matters of sustaining demurrers and in matters of orders sustaining motions in arrest of judgment, wherever the motion was based on constitutional grounds.

Mr. President, there are many good reasons for this. It is not putting the defendant in jeopardy twice. Take the case of a demurrer. The defendant is not in jeopardy until a trial has begun before a jury and upon a proper indictment. He will not be put in jeopardy in the case of an arrest of judgment, if this bill becomes a law, for after a jury has found the de-fendant guilty, the case will be continued if a motion in arrest of judgment is sustained until that motion can be heard.

Mr. President, there is another reason for the enactment of

Mr. RAYNER rose.

Mr. McCUMBER. I just want to express this opinion, and then I will yield: As it is under the present system a defendant in the State of Illinois may be found guilty, but upon a motion in arrest of judgment on constitutional grounds he is discharged. In the State of Iowa another defendant may be convicted and a motion in arrest of judgment upon the same constitutional grounds overruled. Therefore we have a conviction in one State and an acquittal in another State for exexactly the same kind of an offense and upon purely a legal technicality-that is, as to whether or not the law is constitutional.

Mr. President, the defendant ought not always to be compelled to take the appeal. If an appeal had been allowed in a case of that kind upon the judgment of the court in the State of Illinois, probably before the defendant would have been tried in the State of Iowa the Supreme Court would have determined whether the law was constitutional, and therefore would not compel the defendant in the State of Iowa to go to the expense of taking this appeal. Certainly I can not understand how a person is put twice in jeopardy under any of the provisions of this bill, and I never could understand why the State should not be allowed to take an appeal from a judgment of an inferior court on the question of the sufficiency of an indictment, especially when the question is a constitutional ques-

Mr. CARTER. Mr. President, under our Constitution any person accused of crime is entitled as a matter of right to a speedy trial. It seems that this bill as at present framed is subject to the objection that the Government might by neglect make the appeal the means of prolonging the period of waiting for final trial. To the end that this particular objection may be met, I suggest that in line 20, after the word "cases, a semicolon be substituted for the period and the following amendment added:

Appeals in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed

I can readily understand how, by mere neglect or inaction on the part of the Government, a defendant could be kept indefinitely awaiting trial. That would seriously impair or invade a distinct constitutional right of the defendant. I can not conceive any objection to this expediting of appeals in such cases, because in the nature of things appeals must be perfected and disposed of before the defendant will be entitled to a trial on the merits. If the bill is in position at this time that it is subject to an amendment, I will offer the amendment.

Let me ask the Senator

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Oh, certainly.
Mr. HALE. I am very glad the Senator has made the suggestion. Is it not one of the inevitable results of obtruding the appeal by the Government and arresting proceedings that a prosecuting officer, unless some such amendment is adopted as the Senator has offered, may indefinitely prolong the condition of suspense of the accused and at last wear him out? Is it not a part of the proposition on which we have always gone that the any stage. I am willing to take the execution of the law, the ad- accused shall have a speedy trial and, in that regard, is not time

a matter of the most essential importance in protecting the liberty of the citizen and the presumption, until he is convicted, that he is innocent?

Mr. CARTER. Certainly. The Senator's suggestion brings us back to the old and time-honored saying that "justice deferred is justice denied." I can readily perceive how through this appeal a defendant could be made to suffer indefinite suspense, and, as the Senator suggests, be utterly worn out in waiting a hearing or a day in court on the merits of the case presented against him.

I presume the amendment will be acceptable. I can conceive of no objection to it. It proposes that this character of appeal shall take precedence over all other pending appeals. I think that principle should obtain. I believe it would be better by far to allow the Government an appeal, so as to settle the law in future cases, even after the disposition of the defendant in the particular case, than to allow the judgment in the particular case in which the ruling obtained upon indictment in nisi prius court to be effective as to the Government without an oppor-tunity to settle the law as to future cases of like character. The VICE-PRESIDENT. The Senator from Montana pro-

poses an amendment, which will be stated.

The Secretary. On page 2, line 20, after the word "cases," it is proposed to strike out the period and insert a semicolon and the following:

Appeals in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed

Mr. NELSON. Mr. NELSON. I can see no objection to the amendment. The VICE-PRESIDENT. The question is on agreeing to the

amendment. Mr. BACON. I ask the Senator if the phraseology ought not

to be changed so as to include writs of error' Mr. NELSON. Yes; writs of error should be included.

The VICE-PRESIDENT. The Secretary will report the proposed amendment as modified.

The Secretary. It is proposed to modify the amendment, after the word "appeals," by inserting the words "or writs of error;" so as to make it read:

Appeals or writs of error in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed cases.

Mr. HALE. Let the Secretary read the text of the bill, so that we may see where this proposition, which certainly im-

proves the bill very much, comes in.

The VICE-PRESIDENT. The Secretary will read as re-

quested by the Senator from Maine.

Mr. NELSON. I will say to the Senator from Maine that it comes in at the end of these provisions and governs all of them.

Mr. HALE. That is the point I want to see—where it comes

The Secretary. At the end of line 20, page 2, of the bill. Mr. NELSON. At the end of the provisions relating to ap-

peals.

Mr. HALE. What is the text of the bill immediately pre-ceding that? I do not ask to have the entire bill read, but only that part of it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

From the decision or judgment quashing or setting aside an indict-

From the decision or judgment quashing or setting aside an indictment;
From the decision or judgment sustaining a demurrer to an indictment or any count thereof;
From the decision arresting a judgment of conviction for insufficiency of the indictment;
From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.
In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

The Secretary. Then it is proposed to insert-

Mr. HALE. Now read the amendment.

The Secretary read as follows:

Appeals or writs of error in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed cases.

Mr. HALE. So it will apply to all of the cases that are stated

where the Government may intervene by appeal?

Mr. NELSON. Certainly. It applies to every one of them. Mr. MALLORY. I should like to inquire of the Senator from Minnesota what disposition will be made of the defendant or the prisoner in the event of the quashing of the indictment, in the event of granting a motion in arrest of judgment for insufficiency of the indictment, and an appeal to the Supreme Court by the Government is pending? What becomes of the party who has just been practically acquitted? Is there any way of holding him in custody?

Mr. NELSON. I presume in those cases the defendant would

be under bond, and his bond would hold him.

Mr. MALLORY. But he has been acquitted practically by the granting of the motion in arrest of judgment. That sets him He has no bond. Then the granting of a motion in arrest of judgment is not equivalent to an acquittal?

Mr. NELSON. The motion is made by the defendant.
Mr. CARTER. Mr. President, the amendment offered has been accepted, but I will make a statement of the time that may be occupied under existing law in perfecting one of these appeals. An appeal from a circuit court of the United States to the circuit court of appeals may be taken within six months, if my memory serves me correctly; it may be one year. To the Supreme Court of the United States an appeal may be taken at any time within two years. So it is obvious that the defendant, waiting for six months in the first instance and two years thereafter for the appeal to come up from the circuit court would be in rather an unfortunate position.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana [Mr. Carter] as modi-

The amendment as modified was agreed to.

Mr. RAYNER. Before the bill is put upon its passage, may we hear the amendment of the Senator from Montana again? It has become a part of the bill. I will ask the Secretary to read it slowly.

The VICE-PRESIDENT. It will again be stated.

The Secretary. At the end of line 20, page 2, it is proposed to insert the following:

Appeals or writs of error in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed cases.

Mr. WHYTE. Has the bill passed beyond the stage when amendments can be offered?

The VICE-PRESIDENT. It has not. The bill is in the Senate and open to amendment.

Mr. WHYTE. It is still open to amendment?

The VICE-PRESIDENT. It is still open to amendment.

Mr. WHYTE. Mr. President, I think if the Government gets change in the practice in the courts of the United States, which has lasted for more than a century, it ought to be limited in the character of that change; and I shall move to strike out all of the provisions in regard to appeals except the one in lines 13 and 14, on page 2, which is this:

From the decision or judgment sustaining a demurrer to an indictment or any count thereof.

For that purpose I propose to strike out the provisions in lines 11 and 12:

From the decision or judgment quashing or setting aside an indict-

And lines 15 and 16:

From the decision arresting a judgment of conviction for insufficiency of the indictment.

And lines 17 and 18:

From the decision or judgment sustaining a special plea in bar when the defendant has not been put in jeopardy.

I confess I am a little surprised at that clause, because of the fact that I presume a question of fact would arise on a special plea in bar, as, for instance, limitations; and therefore the defendant has been put in jeopardy. When he reaches the point that that fact saves him the indictment is found too late.

And beyond that I propose a change of verbiage, so as to make the amendment of the Judiciary Committee conform to the proposed amendments.

The VICE-PRESIDENT. The Senator from Maryland proposes amendments which will be stated by the Secretary.

The Secretary. Strike out lines 11 and 12, lines 15 and 16,

and lines 17 and 18.

Mr. SPOONER. Strike out what?

On page 2 of the bill strike out lines 11 and Mr. WHYTE. 12, lines 15 and 16, and lines 17 and 18. I do not propose to strike out lines 19 and 20. I only amend it also by making it in the singular instead of the plural:

In this instance the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. RAYNER. That leaves only lines 11 and 12? Mr. WHYTE. It leaves only this:

From the decision or judgment sustaining a demurrer $\ensuremath{\text{fo}}$ an indictment or any count thereof.

That gives the Government of the United States the trial of any question that arises upon the indictment itself, which is a matter of record, and I do not think the Government of the United States at this time ought to be entitled to a bill of exceptions on testimony, including the rulings of the court as to the admission or rejection of testimony. I think it ought to be confined to the strictly legal question arising on the indictment

Mr. NELSON. Mr. President, the amendments proposed by the Senator from Maryland [Mr. Whyte] would utterly destroy the bill. It happens in many cases that the defendant instead of moving to set aside the indictment or to quash it and instead of demurring withholds all his objections to the indictment until after verdict, and then makes a motion in arrest of judgment on account of the insufficiency of the indictment.

Mr. WHYTE. Will the Senator from Minnesota yield to me

for a moment?

Mr. NELSON. Certainly.

Mr. WHYTE. The clause expressly provides that he can only raise the question by a demurrer.

Mr. NELSON. No. Mr. WHYTE. It reads:

That hereafter all objections to the sufficiency of the indictment in matters of form only shall be made and determined prior to the im-

matters of form only shall be made and determined prior to the impaneling of the jury.

Mr. NELSON. That relates only to matters of form and not to the substance of the indictment. The amendments of the Senator from Maryland are bad, and if adopted the bill will be utterly useless.

The VICE-PRESIDENT. The Secretary will again state the amendments proposed by the Senator from Maryland [Mr.

WHYTE].

The Secretary. In line 10, page 2, strike out "instances" and insert "instance;" strike out lines 11 and 12, 15 and 16, 17 and 18, and change line 19 so as to read:

In this instance the United States shall be entitled to a bill of exceptions, as in civil cases.

The VICE-PRESIDENT. The question is on agreeing to the amendments proposed by the Senator from Maryland. [Putting the question.] By the sound, the noes have it.

Mr. CLAY. A division! Mr. HALE. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. Money], and therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming (after having voted in the negative). I voted, not observing that the Senator from Missouri [Mr. Stone] was not in the Chamber. I withdraw my vote.

Mr. MORGAN. Mr. President, has the Senator from Iowa

[Mr. Allison] answered to his name?

The VICE-PRESIDENT. The Senator from Iowa is not re-

Mr. MORGAN. I am paired with that Senator. If he were present, I should vote "yea." I have no right to vote in his absence.

Mr. CLARK of Wyoming. I will transfer my pair to the Senator from New York [Mr. Platt], and will vote. I vote

Mr. LONG (after having voted in the negative). inquire if the senior Senator from Idaho [Mr. Dubois] has

The VICE-PRESIDENT. He has not voted.

Mr. LONG. I have a pair with the senior Senator from Idaho. transfer the pair to the junior Senator from Rhode Island [Mr. Wetmore], and will permit my vote to stand.

The result was announced—yeas 14, nays 40, as follows:

	YI	EAS-14.			
Blackburn Clay Frazier Hale	Heyburn Kean Latimer McCreary	Mallory Pettus Rayner Taliaferro		Tillman Whyte	
	N.	AYS-40.			
Allee Ankeny Bacon Brandegee Bulkeley Burnham Carmack Carter Clapp Clark, Mont.	Clark, Wyo. Clarke, Ark. Crane Curtis Depew Dick Dillingham Dolliver Du Pont Flint	Foster Fulton Hemenway Kittredge Knox La Follette Lodge Long McCumber Millard	*	Mulkey Nelson Overman Patterson Perkins Piles Scott Simmons Spooner Warner	
	NOT Y	OTING-35.			
Aldrich Allison Bailey Berry Beveridge Burkett Burrows Culberson Cullom	Daniel Dryden Dubois Elkins Foraker Frye Gallinger Gamble Hansbrough	Hopkins McEnery McLaurin Martin Money Morgan Newlands Nixon Penrose		Platt Proctor Smoot Stone Sutherland Teller Warren Wetmore	

So Mr. Whyte's amendments were rejected.

Mr. NEWLANDS. Mr. President, I was struck by the inquiry made by the Senator from Florida [Mr. Mallory] of the

Senator from Minnesota [Mr. Nelson] as to what would be the effect of the appellate proceedings on the defendant pending the appeal; and I understood the Senator from Minnesota to say that the defendant would doubtless be released on bond. As the law now stands, of course the defendant would be acquitted and would be entitled to his release, and it seems to me that, so far as the defendant is concerned, we should not put him in any worse condition by reason of the appeal than he would have been in had the proposed law not been passed. I suggest, therefore, the following amendment. After line 21 I move to insert:

In all such instances of appellate proceedings the defendant, pending the same, shall be released on his own recognizance.

It seems to me the plain purpose of the bill is to obtain a decision by the highest court of the land, and that its purpose is not to oppress the defendant in any pending case. stands to-day the order or judgment complained of would immediately release the defendant. If, then, we are going to subject him to all the embarrassment and oppression and anxiety of delay, why should we not, pending the proceedings, permit him to be released on his own recognizance?

Mr. KNOX. I wish to ask the Senator from Nevada a ques-

Does he not think that in the absence of a provision in the statute making the appeal a supersedeas the defendant

would go free?

Mr. KEAN. Mr. President, we can not hear the Senator from Pennsylvania.

Mr. NEWLANDS. I am not prepared to say

Mr. KNOX. That is my own judgment about it.
Mr. NEWLANDS. If there is any doubt about it, I would prefer to make it certain in the law. The answer of the Senator from Minnesota seemed to imply that the defendant could be released, but only upon bond.

Mr. NELSON. I move to lay the amendment on the table.
Mr. BACON. Mr. President—
Mr. NELSON. I withdraw the motion.
Mr. BACON. I hope the Senator from Minnesota will not make that motion.

Mr. NELSON. I withdraw it.
Mr. BACON. Mr. President, I think the end to be accomplished by this bill is incorrectly stated by the Senator from Nevada [Mr. Newlands], that we may have the opportunity to settle important questions of law. It does not relate so much to the fortunes of the particular party who may be accused, so far as the desire of the Government may be to prosecute him ultimately. I agree with the Senator from Pennsylvania that that would be the effect of the bill as it now stands. I think the great object had in view by the provisions of the bill will be accomplished substantially even if a particular prisoner does I would very much prefer to run the risk of his going free without final trial rather than that this bill should not be passed in such shape that these questions may be ultimately determined by the court of last resort.

Therefore, while I will not do anything more than make a suggestion to the Senator from Minnesota as a friend to the bill, I trust that he will not make the motion to lay the amendment on the table. On the contrary, I would rather accept it, if I were in charge of the bill.

Mr. NELSON. In view of the suggestion of the Senator from Georgia I withdraw the motion and will let the proposi-

tion be voted upon directly.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. NEWLANDS

Mr. KEAN. Let it be again stated. The VICE-PRESIDENT. The Chair would suggest that the amendment would come properly after line 20 instead of after line 21, as suggested by the Senator from Nevada.

Mr. NEWLANDS. After line 20? The VICE-PRESIDENT. After line 20. The Secretary will state the amendment.

The Secretary. After the amendment already adopted, line 20 on page 2, it is proposed to insert:

In all such instances of appellate proceedings the defendant, pending the same, shall be released on his own recognizance.

Mr. PILES. Mr. President, I offer as a substitute for the amendment the following:

Pending the appeal or writ of error the defendant may be in all proper cases admitted to ball or released on his own recognizance, in the discretion of the presiding judge.

I do not think that any man who is charged with murder, for instance, and who upon some technicality may have a demurrer sustained to the indictment, should be released on his own recognizance. Neither do I believe that a man who is charged with a serious crime or charged with violating any law should, unless the judge who presides at the trial of the case thinks it is best, be put at liberty upon his own recog-It is a matter which should be left, in my judgment, to the discretion of the trial judge. The rights of the Government should be protected just the same as the rights of the individual. Every man should surrender something for the good of the country, and in order that no injustice may be committed against any man. Therefore I hope that the sub-stitute will prevail and that the amendment will not,

Mr. BACON. Mr. President, I simply desire to say, in reply to the suggestion of the Senator from Washington [Mr. Piles], that the great purpose of the bill is to secure the ultimate decision of the court of final resort on questions of law, and at the same time in no manner to change the present status of an accused person by reason of that proceeding. Under the present law, when there has been a decision sustaining a demurrer or other similar proceedings, the accused undoubtedly goes without bond or without imprisonment, subject only to be rearrested when another indictment is found. It seems to me that the spirit of the amendment offered by the Senator from Nevada is in entire harmony with that fundamental thought in this bill to secure the decision ultimately of the question of law and at the same time not infringe upon any right that the defendant has under exising law.

For that reason I hope the substitute of the Senator from Washington will not be adopted, and that the amendment of the Senator from Nevada will be agreed to without amendment.

Mr. PILES. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Washington?

Mr. BACON. Certainly. Mr. PILES. I should like to ask a question. Is it not a fact that, under the amendment as proposed by the Senator from Nevada, the defendant may be released on his own recognizance in all cases?

Mr. BACON. In all cases.

Mr. PILES. Wherever there is an appeal?
Mr. BACON. Yes; in all cases. That is exactly what I should like to have done, in order that this bill may be absolutely freed from any possible feature by which any burden may be put upon a defendant other than that which now rests upon him under existing law. I want to have it cut entirely loose and to be free from any feature of that kind.

Mr. CARTER. Will the Senator permit a question?

The VICE-PRESIDENT. Does the Senator from Georgia

yield to the Senator from Montana?

Mr. BACON. With pleasure.
Mr. CARTER. Under existing law, where an indictment is quashed, the court may order that the defendant be committed. In the exercise of that right, which all courts possess, the court may resolve itself into a committing magistrate for that purpose, having knowledge that a crime has been committed. The crime may be murder in the first degree. The indictment may have been quashed upon any technicality suggested by the Senator from Washington. Under the amendment proposed by the Senator from Nevada the right of the court to hold a defendant would be abridged. Unquestionably that can not be the intent of the Senator from Nevada.

Mr. BACON. I suppose that under existing law before a court could hold a defendant there must be some affidavit or some presentation of the matter before him which would author-

ize the issuance of a warrant.

Mr. CARTER. Unquestionably, but this—
Mr. BACON. And if so, that would exist now.
Mr. CARTER. But this amendment constitutes a change of

existing law, which would limit the power of the court to hold

the defendant regardless of the condition.

Mr. BACON. I should think that the only effect of it would be that so far as this particular proceeding was concerned the accused could not be held under that indictment, but the court would have the same right to issue another warrant and to require another commitment in that case as it would in this. would be a proceeding independent of the authority given by the indictment which had been declared to be null and void.

Mr. NEWLANDS. Mr. President, I must confess that I bring myself with some reluctance to vote for this bill, but I am very anxious to avoid putting upon the defendant any additional The bill necessarily puts upon him the burden of burden. delay. I am not willing to put upon him the burden of a possible imprisonment unless he can secure bond. For that reason I favor a distinct statement in the bill that the appeal shall operate only for the purpose of procuring from the appellate court its construction as to the Constitution and not operate to put an additional burden and worng in the shape of an imprisonment upon the defendant. Under existing law when

the order or judgment complained of is made the defendant is entitled to go free. It seems to me in shaping this law we ought to see to it that he is allowed to go upon his own recognizance pending the appeal.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed as a substitute by the Senator from Washington [Mr. Piles] to the amendment proposed by the Senator from Nevada [Mr. Newlands].

Mr. CARMACK. I desire to have the substitute read. The VICE-PRESIDENT. The Secretary will again read the proposed substitute.

The SECRETARY. In lieu of the amendment offered by the Senator from Nevada insert:

Pending the appeal on writ of error the defendaz? may be in all proper cases admitted to ball or released on his own recognizance, in the discretion of the presiding judge.

Mr. PILES. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. Martin], and

withhold my vote.

Mr. FLINT (when his name was called). I am paired with the junior Senator from Texas [Mr. Balley]. If he were present, I should vote "yea."

Mr. TALIAFERRO (when his name was called). general pair with the junior Senator from West Virginia [Mr. Scorr]. If he were present, I should vote "nay."

Scort]. If he were present, I should vote "nay."
Mr. WARREN (when his name was called). nounce my pair with the senior Senator from Mississippi [Mr. MONEY]. I will state while on my feet that I make the announcement for the day, as I may not be in the Chamber at subsequent roll calls.

The roll call was concluded.

Mr. HANSBROUGH. Has the senior Senator from Virginia [Mr. DANIEL] voted?

The VICE-PRESIDENT. He has not voted.

Mr. HANSBROUGH. I have a pair with that Senator. take the liberty of transferring my pair to the senior Senator from New Hampshire [Mr. Gallinger], who is absent, and I will vote. I vote "yea."

Mr. CLAPP (after having voted in the affirmative). I voted under the assumption that the Senator from North Carolina [Mr. Simmons], with whom I have a general pair, was in the Chamber. I will transfer my pair to the junior Senator from New Jersey [Mr. Dryden] and let my vote stand.

Mr. ALLISON. I am paired with the senior Senator from Alabama [Mr. Morgan]. I do not see him in his seat and

withhold my vote.

The result was announced—yeas 29, nays 23, as follows: VEAS-29.

Allee Ankeny Brandegee Bulkeley Burnham Carter Clapp Clark, Wyo.	Curtls Dick Dillingham Dolliver Flint Fulton Hansbrough Heyburn	Kean Kittredge Knox Lodge Long McCumber Mulkey Nelson	Perkins Piles Spooner Sutherland Warner
	N/	AYS—23.	
Bacon Blackburn Burkett Carmack Clarke, Ark. Clay	Culberson Du Pont Foster Frazier Frye Hale	La Follette Latimer McCreary Mallory Newlands Overman	Patterson Pettus Rayner Tillman Whyte
	NOT	VOTING-37.	
Aldrich Allison Bailey Berry Beveridge Burrows Clark, Mont. Crane Cullom Daniel	Depew Dryden Dubols Elkins Foraker Gallinger Gamble Hemenway Hopkins McEnery	McLaurin Martin Millard Money Morgan Nixon Penrose Platt Proctor Scott	Simmons Smoot Stone Taliaferro Teller Warren Wetmore

So Mr. Piles's amendment to the amendment of Mr. New-LANDS was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Nevada [Mr. NEWLANDS] as amended.

Mr. HEYBURN. I understand that the substitute having been adopted, it disposes of the amendment of the Senator from Nevada.

The VICE-PRESIDENT. The question now is on the amendment offered by the Senator from Nevada [Mr. Newlands] as modified by the amendment proposed by the Senator from Washington [Mr. Piles].

Mr. BACON. I understand the effect of the vote which we

have just taken is to put the amendment offered by the Senator from Washington in the place of the amendment offered originally by the Senator from Nevada.

The VICE-PRESIDENT. That is the effect of the vote.

Mr. BACON. It is adopted as a substitute for it and displaces it. Consequently what we are now called to vote upon is the amendment offered by the Senator from Washington.

The VICE-PRESIDENT. That is the effect of it. The ques-

tion is on agreeing to the amendment as amended.

Mr. PILES. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded

Mr. CLARK of Wyoming (when his name was called). I am paired with the junior Senator from Missouri [Mr. STONE] transfer my pair to the senior Senator from New York [Mr. Platt] and vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I

transfer my pair to the Senator from New Hampshire [Mr. GALLINGER] and vote "yea."

Mr. TALIAFERRO (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. Scott]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CLAPP. I transfer my pair with the Senator from North Carolina [Mr. Simmons] to the junior Senator from New Jersey [Mr. Dryden]. I vote "yea."

The result was announced—yeas 33, nays 21, as follows:

	YI	EAS-33.		
Allee Allison Ankeny Brandegee Bulkeley Burnham Carter Clapp Clark, Wyo	Cullom Curtis Dick Dick Dillingham Dolliver Filnt Fulton Heyburn Kean	Kittredge Knox La Follette Lodge Long McCumber Morgan Mulkey Nelson	Perkins Pettus Piles Spooner Sutherland Warner	
	N.	AYS-21.		
Bacon Blackburn Burkett Carmack Clark, Mont Clarke, Ark	Clay Culberson Du Pont Foster Frazier Frye	Latimer McCreary Mallory Newlands Overman Patterson	Rayner Tillman Whyte	
	NOT V	OTING—35.		
Aldrich Bailey Berry Beverldge Burrows Crane Daniel Depew	Dubois Elkins Foraker Gallinger Gamble Hale Hansbrough Hemenway	McEnery McLaurin Martin Millard Money Nixon Penrose Platt	Scott Simmons Smoot Stone Taliaferro Teller Warren Wetmore	

Hopkins So Mr. Newlands's amendment as amended was agreed to. The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. Table Calendar 26, Senate resolution 214, by

Mr. CARTER.

I ask that the unfinished business be tem-Mr. NELSON. porarily laid aside.

Mr. HEYBURN. I should like to inquire if it is the intention of the Senator from Minnesota to press the bill that has been under consideration to final passage this morning?

Mr. NELSON. I can not say just how far I will press it. My intention is to go on with it. It is getting late in the session, and in order to get such legislation enacted I should like to have it considered now

Mr. HEYBURN. With the understanding that if the debate is prolonged the regular order will be called up, I will consent.

Mr. BLACKBURN. I will say to the Senator from Idaho that there are several other amendments to be offered to the bill.

Mr. HEYBURN. I anticipate it. I myself intend to offer one.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Minnesota that the unfinished busi-

ness be temporarily laid aside?
Mr. HEYBURN. I object.
The VICE-PRESIDENT. Objection is made. The unfinished business is before the Senate.

FRANCISCO KREBS-VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

Senate bill No. 5531, entitled "An act for the relief of Francisco Krebs," is returned herewith without approval for the reasons set forth in the following report from the Secretary of Commerce and Labor:
"In relation to Senate bill No. 5531, transferring Round Island, Miss-

issippl, to Francisco Krebs, the Department hereby registers its objections to its passage. First, because it unduly restricts the extent of the light-house property on the island; second, because no means is specified in the bill for accurately determining the boundaries of the light-house property, and, third, because the Light-House Board has not authority over the growth of trees on the rest of the island, which might obscure its lights in certain directions. These objections are so important that the Department begs disapproval of the bill as passed." THEODORE ROOSEVELT.

THE WHITE HOUSE, February 4, 1967.

The VICE-PRESIDENT. The message will be printed. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. FRYE. It seems to me that the bill had better be referred

to the committee that reported it.

The VICE-PRESIDENT. If there be no objection, the bill and message will be referred to the Committee on Private Land Claims, from which the bill was reported.

LORENZO F. HARMON.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

In compliance with the resolution of the Senate (the House of Repre-entatives concurring) of the 1st instant, I return herewith Senate bill o. 1879, entitled "An act granting an increase of pension to Lorenzo F. THEODORE ROOSEVELT.

THE WHITE HOUSE, February 4, 1907.

ALICE M. STAFFORD-VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

read:

To the Senate:

I return herewith, without approval, Senate bill No. 2578 entitled "An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford." The bill authorizes and directs the Secretary of the Treasury to pay Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, late of the Fifteenth Regiment of Infantry, the sum of \$1,371.87, that sum being the amount of money necessarily advanced and paid by him out of his own personal funds while post commissary at Fort Wingate, N. Mex., in the years 1879 and 1880, in order that the troops in said command might have fresh beef and necessary food during the fourteen months drought in which no rain fell in the region of said fort, and during which time the beef presented for issue by the beef contractor was of such poor quality as to be unfit for food for such command.

It appears from the records of the War Department that Captain Stafford, in the months of May and June, 1880, purchased beef in the open market to the amount of 19,975 pounds, at 12½ cents per pound, paying therefor \$1,371.87 of Government funds. Of the amount so purchased he accounted on his returns for 4,975.75 pounds, of the value of \$621.95, but failed to take up and properly account for 5,999.25 pounds, of the value of \$749.92. This sum Captain Stafford accounts and was adjusted by the stoppage of \$749.92 from his pay.

It will thus appear that the sum of \$1,371.87, which the Secretary of the Treasury is directed to pay to the administratrix of Captain Stafford's estate, exceeds the amount of the stoppage and does not accurately represent the amount which was deducted from his pay in the final settlement of his accounts.

As the inclosed bill vests no discretion in the Secretary of the Treasury is directed to pay to the administratrix of Captain Stafford's estate, exceeds the amount which was deducted from his pay in the final settlement of his accounts.

The WICE-PRESIDENT. The message will be printed. The

The White House, February 4, 1907.

The VICE-PRESIDENT. The message will be printed. The question is, Shall the bill pass, the objection of the President of

the United States to the contrary notwithstanding?

Mr. FRYE. I think the bill and message ought to be referred to the Committee on Claims. The committee may present a bill with an amendment. Evidently the sum of seven hundred and odd dollars is due the estate.

The VICE-PRESIDENT. The Senator from Maine moves that the bill and message of the President of the United States be referred to the Committee on Claims.

The motion was agreed to.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. FRAZIER. Mr. President, on Thursday, February 7, immediately after the conclusion of the morning business, with the permission of the Senate, I shall call up Senate resolution 183, "Resolved, That in the opinion of the Senate this Government has no right to enter into any treaty with any foreign government ment relating in any manner to any of the public school sys-tems of any of the States of the Union," etc., and I will submit some remarks upon the questions raised by the resolution.

COMMITTEE SERVICE.

Mr. BLACKBURN. I ask to have the senior Senator from Tennessee [Mr. Carmack] assigned to duty upon the Committee on the District of Columbia to fill the vacancy occasioned by the retirement of the Senator from Oregon [Mr. Gearin].

The VICE-PRESIDENT. The Senator from Kentucky moves that the senior Senator from Tennessee [Mr. Carmack] be appointed to the Committee on the District of Columbia in the place of Mr. Gearin.

The motion was agreed to.

ISSUANCE OF LAND PATENTS.

The Senate resumed the consideration of the resolution submitted by Mr. Carter on the 9th ultimo, relating to the issuance of patents on homesteads, etc.

Mr. HEYBURN. Mr. President— Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. HEYBURN. Certainly.
Mr. CLAPP. I desire to state to the Senate that on the completion of the speech by the Senator from Idaho I shall move to proceed to the consideration of the Indian appropriation bill.

Mr. HEYBURN. Mr. President, on last Friday when the pending resolution was laid aside we had been engaged in the consideration of that feature of it which pertained to the forest reserves of the United States. It is my intention to-day to devote but very little more time to the consideration of that question in the discussion of this resolution. There is a bill pending before the Senate which by its terms provides that no more forest reserves shall be created by Executive order, but that they shall be created only pursuant to an act of Congress authorizing their creation. So I do not consider it important at this time to do more than connect the question of the forest reserves in their relation to the message which the President has sent to the Senate upon the public lands. I do desire, however, at this time to call attention to the fact that we already have something more than 127,000,000 acres of forest reserves in the United States, and the annual report of the Forester shows that in the State of Idaho alone there are upward of 18,000,000 acres of forest reserves. I could give the entire tabulated statement showing the number of acres in each State, but I do not at this time think it is necessary to do so.

WITHDRAWAL OF COAL LANDS.

I desire now to take up the question of the withdrawal of coal lands from purchase under existing law and the suspension of all action by the Interior Department upon the pending ap-

plications under existing law.

The effect of this official proclamation suspending action upon pending applications has resulted in the withdrawal of coal lands from entry to the extent of millions of acres, the quantity not yet determinable; but it has resulted in immensely enhancing the value of the coal lands already owned by private ownership; it has resulted in giving the existing coal operators an advantage which no governmental action should ever confer upon any portion of the citizens of the United States, because it is at the expense of the remaining portion of the citizens of the United States

Mr. President, the coal lands in the hands of existing owners have been more than doubled in value by reason of this Executive order. Their owners have taken advantage of this Executive order to advance the price of coal in every coal market in the United States. They have attempted to account for this advance sometimes on the alleged scarcity of cars and sometimes on the alleged scarcity of labor, but for one reason or another the fact remains that the people are paying for it.

Then there is no promise of any relief at all from this condition. We are not informed by the Executive that in six months or twelve months or two years conditions will change so that these lands may be restored to the field of competition against existing rights, but we are left to conjecture as to what may happen, if anything may happen, in the future that will restore the public domain to the people who own it.

WHO OWN THESE COAL LANDS?

There is a spirit of demarcation running all through this message that distinguishes between the Government and the people; that seems to treat the people in a patronizing way, as though they were a troublesome element in the Government, ignoring the fact that the people are the Government. These coal lands do not belong to the political organization which we call the "Government;" they belong to the individuals who constitute the Government, and who delegated to their representatives the authority to enact such necessary legislation as would make available to them, upon equitable and reasonable distributive conditions, the use of these public utilities. there is running through it all that undercurrent of sentiment that the people are a troublesome element in the Government. The people are very apt to resent that spirit. It is the people who own these coal lands; and when, by Executive order, they are withdrawn from the people, they are very apt to inquire why and for how long. The message suggests that these lands

be held permanently by the Government-these coal lands, oil lands-lands productive of the great necessities of life.

Why, Mr. President, I can imagine nothing more in conflict with or antagonistic to the principles of our Government than that the political machinery of the Government should seize that which belongs to all the people and set up storekeeping or mining or productive industries in competition with individual business interests and productive industries. There can be nothing more destructive of the rights of the people than that the Government as a political organization should establish itself in business in competition with individual enterprise, and that is just what they are proposing to do.

SCARCITY OF FUEL.

What is the result? The property is withdrawn from contribution to the expenses of the Government through the medium of taxation. The Government may own in the State of Wyoming one-fourth of the land and hold it under this Executive order from development, except just as the Government may choose to develop it; from development, except as the Government may be fortunate enough to induce somebody to lease this land, which it will not be able to do. Those lands lie nonproductive, noncompetitive, noncontributive, and the remaining property interests in the State will be taxed in proportion to the nonproductive element, because the fixed charges of maintaining the State government are not changed by reason of the fact that these lands are withdrawn. They remain the same and they must be met; and if they can not be met through the ordinary medium of taxation and contribution, then they must be met in a larger measure by the private interests that happened to be existing before this frost and blight of political spirit fell upon them; and that is the situation that is suggested to us by this message proposing to lease the coal lands.

For an indefinite period it is suggested to establish as the permanent policy of the Government that the Government shall no longer sell its timber lands, its coal lands, its oil lands, or its grazing lands, but that the Government of the United States shall set up in the business of grazing, in the business of lumbering, in the business of coal mining or oil mining, in competition with existing rights, and, of course, with the result that hereafter capital would not seek that field of investment. Who can compete in private enterprise with the Government of the United States? What individual or combination of individuals can go into the coal business and successfully compete with the United States Government? As I said in my remarks a few days since, our wood yards have gone out of business. Because they could not compete with the Government of

the United States in the wood market.

It was never contemplated, Mr. President, that the Government of the United States would engage in any productive industry whatever, except so far as might be necessary for its own immediate wants; and even then the broader and better policy of the Government has been at all times to purchase its supplies from those who produce in the field of individual enterprise.

Mr. President, I think I do not care to elaborate more upon the question of the leasing of these lands by the Government. except to emphasize the objection that it would render them noncontributive to the maintenance of the State governments. It will convert into a menace most legitimate and established business industries that come in competition with them, or else it would leave those lands lie idle and emphasize the monopoly that exists because of the present holding, and that at the expense of the people.

WELFARE OF THE PEOPLE.

Mr. President, it is suggested that this would be for the general welfare of the people. If we were a patriarchal government, the subjects of which were to be treated as children of a household, that might be true; but we are not. We are a household of equals in citizenship. Every citizen has attained his majority, and paternal influence does not control; but it is a government of equals. Therefore, we want no combination of officeholders, created by the people themselves to serve the purposes of the people, to, if I may use the expression, pat the people on the head and patronize them. Let the people through their legislative representative body, determine what is for their welfare; and when they have determined it, let no power on earth stay the hand of execution. To be told here in plain language that Congress is incompetent to protect the people in their rights or to determine what the rights of the people are, is a new doctrine, and one that the people will not take kindly to, though we may engage in long arguments and dissertations here as to Executive power, as to that unwritten power which has been claimed to exist, but which does not exist. There is no officer under this Government, or connected with it, that has any power, except that

which is specifically given and plainly expressed through the statutes or that great instrument that is the boundary line

within which statutes may be made to exist.

Mr. President, I want to call attention to another proposition here on page 3 of this message. Congress is asked by a message from the President to appropriate \$5,000,000 in the nature of a loan to the Forest Service. We are told that the income is not sufficient to maintain it, but that, in the judgment of the Executive, by the year 1910 the forests will have become sufficiently remunerative to pay the expenses of running them, and in the meantime we are asked to appropriate \$5,000,000 as a loan to this Bureau of the Government. I do not believe for a moment that there is any danger of Congress doing anything of the kind, especially in view of the fact that the Forestry Service, at least in the statement which it has sent to Congress, shows that there is absolutely no necessity for any such appropriation. There was a balance to the credit of the special fund of forestry on the 12th day of April, 1906-which was the last report-of \$273,363.33, an irresponsible fund you might call it, placed in the hands of a department or bureau of the Government, which expends it, not as the Constitution of the United States says expenditures shall be made—pursuant to an act of Congress but which expends it upon its own determination as to the necessity or wisdom of making the expenditure. Nearly half a million dollars in the hands of a bureau, without any limitation or any classification as to the expenditure of that money, and then to ask us to give them \$5,000,000, forsooth, on the security—I read the language:

The need is urgent. Accordingly I recommend that the Secretary of the Treasury be authorized to advance to the Forest Service, upon the security of standing timber, an amount, say, \$5,000,000, sufficient to provide a reasonable working capital for the national forests.

The Government is going to pawn its timber and borrow \$5,000,000 on it. That is what it amounts to. The money in the Treasury belongs to the Government, and it does not have to put up security when it wants to use it for the purposes of government. It appropriates it out of the Treasury by an act defining the purpose. It does not say "We will put up a certain number of acres of forest land or we will put up certain Government bonds if you will allow us to use this money. It appropriates it. But we have here a proposition that, on the credit of the forests, we shall loan a Department \$5,000,000. The forestry service, if it has any status at all, is a part of the Government. It is not like loaning a million dollars to the Jamestown Exposition or \$5,000,000 to the Portland Exposition, which were private enterprises.

I am inclined to believe that some of these gentlemen have actually persuaded themselves that these great forests—this 121,000,000 acres—is their private estate. They are treating 121,000,000 acres—is their private estate. it as though it were some great baronial forest, at the head of which is the forester, separate and distinct from the Government, so much so that they are authorized, because of their assumed importance, to go to the Treasury of the United States and borrow money and pledge—what? Their private holdings in the land? No; but pledge the property of the United States Government as security for it. What for? What do they want to use it for? In addition to this sum of two hundred and seventy-odd thousand dollars, which they have in hand or had when they made the report, they propose to expend this \$5,000,000 for making trails on forest reserves. fences, cabins for the ranger, bridges, telephone lines, and other items of equipment without which the reserve can not be handled to advantage. They want \$5,000,000 worth of cabins and trails!

Mr. President, here is a circular that they have issued showing how much regard they have for the rights of the local Under date of April 25, 1904, they issued this circular, which is in effect directed to the counties of the States. The counties exist by virtue of the provisions of the constitution of the State of Idaho. They are named and defined and delimited. They have certain rights under the law of the State of Idaho to make roads to open up the country in order that it may become productive and available for settlement. Years afterwards the Government, acting through its Forestry Service, goes in there, takes possession in the county in which I live of 80 per cent of the county and constitutes it a private forest reserve, in effect, upon which no man may set his foot against the wishes of a forester, upon which no man can remain an hour except with the consent of a forester, and they say to the county—which is as much a government as the General Government in its way and within the limits of its functions in regard to public highways-I read from the

In case of permit granted upon proper application filed by county commissioners or other duly authorized county officers for public wagon road right of way through forest-reserve lands, or for authority

to occupy forest-reserve lands for public school purposes, or for other like public privilege, the formality of agreement and bond will not be required of them in the execution of their official duties in the case.

Application, however, must be filed in every instance, setting forth, after the manner of the regular form prescribed in such cases, so far as it may be applicable, the facts and needs of the particular case, and stipulating full compliance with the forest-reserve rules and regulations

lations.

This application is to be forwarded by the forest officer, with his recommendation therein, to the Commissioner of the General Land Office, who may, in the exercise of his judgment, approve the same and permit the applicant to proceed without further formalities in the

Let us apply it. The county commissioners had expended a large sum of money upon a wagon road connecting what is known as the "South Fork" country with the St. Joe country. It was commenced before a forest reserve was even suggested. Settlement proceeded as a result of the roads and trails that opened up that new country. The Forestry Service, by proclamation, created a forest reserve that covers that wagon road. The expenditure had been made. The improvement of the country had followed, and yet it was all included within the forest reserve. What is the status now? The county's expenditure is rendered of no value to the county. The dominion and control incident to the public highway, built at the ex-The dominion pense of the county, has passed from the county to the Forestry Service. When they want to extend that road, as they do at this very hour, from the present terminal to a new country that lies beyond the forest reserve, they can not do it unless they make the application and it meets with the approval of the Secretary of the Interior. They can not go out, as they formerly could, put a crew of workmen upon that road, and extend it according to the necessities of the hour; but they must allow the intervening weeks or months to elapse before their application can be submitted to the Interior Department, and, if it should be approved, that approval reach back to them. Mining camps spring up in that country, and the necessities are immediate for the opening up of roads and trails. They are not surrounded by conditions where you may take time, take a season or two, in which to provide roads and trails and other necessary approaches. You must do it at once; and yet, under these rules and regulations, a whole season would elapse before it might be done at all.

Mr. DEPEW. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. DEPEW. Would the Senator be in favor of the local authorities having the right, without scrutiny from the General Government, to run roads as they please through forest re-

Mr. HEYBURN. Certainly. The State owns every sixteenth and thirty-sixth section of that land. It was granted to them for a purpose. It was granted to them in order that it might be made productive and contribute to the wealth of the State. How is it affected by having it included within a forest reserve and forbidding the State to open up their own lands? The land in a State is the inheritance of the people who go to the State, and not the people who sit back 3,000 miles away. they are interested in it, but their interest only becomes operative and practical when they go where they may avail themselves of it. Until they do, they have no concern in it, except to see the laws governing it are fairly and honestly administered.

Mr. DEPEW. Then would not the Senator's theory, if carried into practice, destroy the whole system of forest reserves? Mr. HEYBURN. I do not know whether it would or not, and I am not concerned about it. The system of forest reserves as now established and operated is so vicious that anything that would destroy it should be welcomed as a blessing to the whole people of the land.

Theoretically forest reserves would be all right. It sounds well to talk about protecting the forests. We are all in favor of it. No person is more so than those who make their homes in the vicinity where forests are. No one is more interested or as zealous in the protection of the forest than the State whose wealth depends upon conserving the natural resources that surround the State and lie within it.

The assumption that the men in the West are standing with drawn blades against these public utilities has no foundation whatever. The people in that country are the ones who are interested in preserving it. They are as good citizens, as virtuous, as zealous, as patriotic as those who live in the States of the East. Why should they all be suspected of wanting to destroy their own heritage? That is merely an idle fear on the part of men who have neither the desire, the interest, nor inclination to go to that country. But to the young men, the surplus population of the East, it is a land of promise and hope, and they do not go there for the purpose of destroying it.

They are its safest guardians; they are American citizens; they are American patriots, and the rights of the country can be as safely intrusted to them as it can to any person or any part of the people.

Mr. DEPEW. May I again interrupt the Senator?
The PRESIDING OFFICER (Mr. McCumber in the chair). Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. I yield to the Senator.

Mr. DEPEW. Is it not a fact that not the people of the Western States, but large companies, capitalized largely in the East, have denuded those States of the forests which are absolutely necessary for their agricultural maintenance and pro-

Mr. HEYBURN. Mr. President, I have heard that suggestion, but there is no foundation for it in fact. The largest land grabber-and I use that term advisedly, and I might apply it to the men whose fortunes have resulted from land grabbing-is one of the vice-presidents of the National Forestry Association of the United States. He owns more land the title to which was illegally obtained than any other man or all other men in the United States, yet he is one of the vice-presidents of the National Forestry Association, the president of which is our worthy Secretary of Agriculture. I have the list of officers of that as-I had intended to use it, but I have concluded to curtail the Forestry Service part of this discussion; so I will not go into it further than to say that the people of that country are the ones who are opposed to these large holdings of land. I would limit them down to a very narrow space. I believe the forest should come to the consumer through the medium of the customs mill. That is where I would bring it in.

I read in the paper yesterday that the vice-president of the National Forestry Association, which has its headquarters in Washington City and of which the Secretary of Agriculture is president, and the Chief Forester is one of the executive committee, is going to build in the neighboring county to that in which I live the largest mill in the world, and they are starting about building it now, for the purpose of working up these vast areas of timber that they have wrongfully obtained in the State

of Idaho.

Mr. PERKINS. May I ask my friend the Senator from Idaho if the distinguished vice-president who owns this great area of timber land is a resident of the State of Idaho?

Mr. HEYBURN. No. I think he is a resident of Wisconsin

or Michigan; somewhere there. Mr. DEPEW. Or California

Mr. PERKINS. Not of California. Mr. HEYBURN. Idaho has not risen to the dignity or the advanced civilization, I may call it, perhaps, which would induce those gentlemen of extreme wealth and habitual luxury to make their homes in it.

Mr. SMOOT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

I should like to ask the Senator from Idaho whether these large holdings were not acquired by the vicepresident spoken of before ever the forest reserves were established? And is it not impossible for him to-day to acquire such

holdings where forest reserves have been established?

Mr. HEYBURN. No, Mr. President; they were not acquired before the forest reserves were created, but a number of them were aconired while we sat here in the vain supposition that we were heading off this land grabbing, and in another Department of the Government contracts were being rushed and hurried through in order that the ink might be blotted upon the signatures before we could vote upon the bill. At the proper time, when that matter is before the Senate, I will undertake to give details in reference to it, where it has been stated in a report that certain contracts had been made before we passed the act which shut out the exchange of lieu lands under the limitations of the act of 1906. I find by reference to an official circular which lies upon my desk that the date of the creation of the Santa Barbara Reserve is given as October 3, 1906, and yet I find a statement in the annual report of the Department which says that that contract had been made I think it was in the June preceding, and the forest reserves had not been created, according to their own circular, and yet they reserved the right to allow those lieu lands within that uncreated forest reserve to come within the exception of our statute, which was that it should not apply to existing contracts. But I will air that further on another occasion.

Mr. DEPEW. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. DEPEW. It is only for a question, not for a speech. Is it not a fact, as the Senator has demonstrated, that the forest reserves have prevented the pernicious activity of other gentlemen as able and grasping as this vice-president in the direction of exhausting all the forests of the United States, and may we not give him credit, having got all he wanted himself and seeing the evils of it, of having become virtuous?

Mr. HEYBURN. That is somewhat on the theory of the man who, after he had gone into his neighbor's house and taken out all of the silver that was in it, should then step up to a policeman and say: "You had better keep your eye on that house; there are some burglars coming up the road and they may go there and take that man's property." That does not appeal

The fact is that these forest reserves are made, if not entirely, in part, through the contrivance, direct and indirect, of these large monopolies which, having already obtained a monopoly in so large a measure, would like to shut up every other acre of forest land in order that there may be no more competition. As I said on a former occasion when I was speaking about this question, every time a large area of forest reserve created lumber goes up in the open market from \$2 to \$5 a thousand; and why should it not? Suppose there are a hundred million acres of land available for a given purpose, and its value is based upon the productivity of the land; and suppose that one-half of the land is withdrawn from the field of production; would not the other half be worth as much as the whole was before one-half was withdrawn? Is not the remaining timber land that is owned by these people to-day worth just as much more as is represented by the proportion that that timber bore to the whole area? This is not a very elaborate proposition.

Now, I do not charge that any officer Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do. Mr. NEWLANDS. I will ask the Senator from Idaho whether, in case the laws providing for the forest reserves were repealed and they were all abandoned to-day, under existing law there would not be within the immediate future a concentration of these timber lands in the hands of great syndicates and monopolies such as he describes?

Mr. HEYBURN. There would not be, unless the officers of the Government were to shut their eyes and open the door so as to allow frauds to come in. I desire to answer that sug-

gestion a little more fully.

Mr. NEWLANDS. I will ask the Senator whether he re-

Mr. HEYBURN. I desire to answer that suggestion a little more fully than I have done.

Mr. NEWLANDS. I simply want to ask the Senator-The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nevada?

Mr. HEYBURN. Yes.

Mr. NEWLANDS. I desire to ask the Senator whether he regards the present law relating to timber lands as adequate for the protection of the public, and whether he does not think it requires alteration and amendment?

Mr. HEYBURN. The timber laws? Yes; I would suggest that they be amended. The law as it exists now is not a perfect one. It can, however, be improved. This is what is required at present under the "stone and timber act," as it is called. It in terms protects the Government if it is enforced. and no law will protect the Government that is not enforced. It allows a man to take not to exceed 160 acres. He must be a qualified locater under the law. He must be a citizen of the United States or must have declared his intention to become

The land must be valuable chiefly for its timber. It must be unfit for cultivation. Is there any difficulty about determining that question? Are we to be told that the Executive Department of this Government is not competent to enforce the law which would prevent a man from taking agricultural land as timber land, when the law says on its face that the land must be unfit for cultivation? Then, again, it must be nonmineral.

Mr. NEWLANDS. Mr. President—

Mr. HEYBURN. Will the Senator from Nevada pardon me

for a moment? I want to conclude the conditions.

The land must be nonmineral. Should there be any difficulty in enforcing that provision of the law? That is a question of fact. If it is mineral land, it can not be taken up under the stone and timber act. If it is fit for cultivation, it can not be taken up under the stone and timber act. It must be neither school sections nor State lands. If it is taken up, it is taken

up subject to rights of way for ditches, etc., under the act of 1896. Why should there be any difficulty in enforcing a law

The Senator asked me, in effect, whether, if the forest reserves were thrown open, there would not be a rush for those lands. Those lands have been there during all the centuries that have passed over us. The trees have not been burned up. They have not been destroyed. They have not been stolen. No man ever cuts a tree except for some useful purpose and to the extent The Government has exchanged trees that it may be necessary. The Government has exchanged trees for men, forests for civilization. This is the policy which it should continue to pursue. I do not care if people go in there at the rate of a million a year and take possession of those forests. If they substitute their homes and their improvements for the solitude of those forests, the State and the nation are the beneficiaries.

Mr. NEWLANDS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Nevada?

Mr. HEYBURN. Certainly. Mr. NEWLANDS. I unders I understand the Senator from Idaho to contend that there is no difficulty at all about ascertaining what lands are subject to timber entry; that they must be lands that can not be cultivated; that they must be timber lands; that they must be nonmineral lands. I assume, therefore, that the Senator must admit that these facts must be ascertained by a personal inspection of the ground, and yet the Senator is aware that in the Senate Chamber a proposition for an appropriation for agents for that purpose is being vigorously opposed. I do not know whether it is being opposed by the Senator himself, but it certainly is being opposed on this floor. Now, if the Government has not a sufficient number of men, expert and experienced, to make these examinations on the ground, how in the world is it to prevent lands which are not subject to timber entry from being taken up as timber lands, and how is it to prevent these evasions of the law, which we know have taken place in the past and which have resulted in the concentration of large areas of land in single ownership, against the policy of Congress?

Mr. HEYBURN. I do not believe it should be necessary to argue that from the beginning of civilized government facts have been established through the medium of sworn testimony, and it has not been deemed necessary heretofore that every fact

should be established only by inspection.

Now, the suggestion of the Senator is that unless you inspect the claim on the ground you can not determine its character. The law of Congress requires two witnesses, who have inspected it, to appear before the tribunal appointed by law for that purpose and testify under oath. Was the Senator here, I wonder, when the percentage of cancellation was stated a few days ago? Less than 1 per cent of all the applications for timber lands have been found fraudulent or mistaken, and a large proportion of that 1 per cent were canceled not for fraud, but for mistakes mistakes in complying with the rules and technicalities. With so small a percentage of fraud, if we admit it all to be fraud, is wisdom to close up the entire area of the country to create that solitude? Of course nothing but crime and murder can occur in those solitudes. No useful act that will contribute to the prosperity and happiness of human kind is apt to occur in those solitudes.

The county that lies south of the county in which I live expended \$8,000 last year in trying men who had committed murder in forest reserves, which contribute nothing to the expense of maintaining the courts of the government that had to try

It is said that the reserves are there for the purpose of furnishing lumber. Let me give the Senator some idea of the extent to which they contribute in that way. I have it here in this This vast area of 121,000,000 acres of forest land for the first nine months of the last fiscal year produced the magnificent sum of \$257,000 for all purposes. The Desert of Sahara will produce a larger income than that. Take the people's land and withdraw it from production under the pretense of protecting it from the people who themselves own it. It is the people who own these forests, and they want to use them for their own legitimate purposes, and yet under this system of Executive orders, made with the permission of Congress, they have been with-drawn from the people as though the people were a common enemy, and they have been turned over to a bureau that has treated them as though they were a private estate.

Mr. McCUMBER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.
Mr. McCUMBER. I have listened with a great deal of pleas-

ure to the Senator's explanation of the rights of the people, and I agree with him in what he has stated in the main. But I want the Senator, if he will, before he gets through to give us a remedy for the evil of which he complains. In speaking of the very point that the Senator his discussed, that the people should have those timber lands, I desire to call the Senator's attention to the fact that the people had timber lands in the Appalachian chain, and now the same people are asking the Government to appropriate many millions of dollars to reforest the land. I simply call the Senator's attention to that fact, not for the purpose of criticising in the least degree his position, but that he may explain, in view of the fact that there are two sides to the question, where we should draw the line. We do not want all the country deforested. We want some forests to protect us against floods and to hold the waters for irrigation purposes and for other proper purposes. I should like to have the Senator explain where we should draw the line.

Mr. HEYBURN. I will briefly suggest to the Senator what seems to me to be at least in a measure a solution of the problem. In the first place, the Appalachian range was originally covered with an entirely different class of timber and it is of a different soil. The forest was taken not for the purpose of building up that country, but for the purpose of building up some other country. In the forests of Idaho—I take Idaho merely as an instance, because it serves the purpose—the people want the timber to build up Idaho. They want to take the timber for their own home purposes, and in order that it may be available for that purpose they want the people to have the right to be upon the soil, and the remedy lies in surveying that land and saying to the people there and elsewhere, "Here you can have a homestead, well timbered, well watered, and," in the language of the old advertisements, "convenient to places

of public worship." That is what they want.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I should like to develop the answer to the

Senator from North Dakota, but I will yield to the Senator

Mr. SMOOT. The Senator referred to all the vast areas that have been withdrawn by the Bureau of Forestry, and recited the fact that last year only two hundred and fifty-odd thousand dollars had been collected from the sale of timber. I should like to ask the Senator if he knows of a single case where a person or a company has made application to the Bureau of Forestry for a permit to cut timber within a forest reserve and it was denied!

Mr. HEYBURN. No; I do not know anything about the details of it, nor is it material to be considered. They must have granted some, because I have here their official statement, and is not material that they should have denied applications. I do know this, that the conditions are such that only people situated in a peculiar way can take advantage of it. I do know that they advertised for sale—I think it was 16,000,000 feet—in the neighborhood of Boise City last fall, and I do know that the stool-pigeon of a lumber company bought it and turned it over to the big lumber syndicate. I know that is the way it

Mr. SMOOT. Mr. President-

Mr. HEYBURN. If the Senator will permit me, I desire to speak a little further along the line suggested by the Senator from North Dakota, because that is a very pertinent inquiry. I am not one of those who believe in tearing down something unless you are able to replace it with something equally as good or better.

Mr. SMOOT. That is very proper. I want to call the atten-ion of the Senator to the fact that, so far as my State is con-cerned and so far as my experience goes, no person or persons ever made application for timber upon a reserve but that he or they have been granted the right of cutting, whether they

were small concerns or large concerns.

Mr. HEYBURN. In the State of the Senator from Utah, according to this annual report, the timber sales amounted to \$8,265.13. I know of little country lumber yards in our country that do more business than that in a year, or they did when they could get the lumber. There was received from grazing within forest reserves in Utah from July 1, 1905, to March 31, 1906, \$3,402.91. I read from the official report published by the Department.

Mr. McCUMBER. Let me ask the Senator right here if one of the troubles is not due to the fact that we have reserved about five times as much land that is not timber land as we

have land that is actually good forest land?

Mr. HEYBURN. Yes. They have reserved in the State of Idaho 2 acres of nontimber land for every acre of forest land

reserved; and they confess it. They are creating new reserves all the time for the avowed purpose of making pastures, and then they are granting special privileges upon those pasture lands to the exclusion of others having an equal right as citizens to participate in the enjoyment of the public lands. They are granting special privileges, and I have in my mind an instance, as I have the letter in my files, of a man who recently bought 6,000 sheep in Washington County, assuming of course that he could get land on which to graze his sheep. When he went to the Forester to get land on which to graze his sheep, he was told that the lands had all been apportioned under the special-privilege rules. He wrote me, saying, "I have the sheep, but I do not know what to do with them."

Mr. SMOOT. I should like to ask the Senator if he knows whether those sheep had grazed before that in Idaho or in some other State?

Mr. HEYBURN. That is going too much into details. It is just that kind of details that is driving those people out there frantic and driving them across the line into Canada, as the Senator from Montana [Mr. Carter] said the other day. It is just such little petty annoyances. A man ordinarily should have the right to graze upon the public domain. I believe in free pasturage on the public domain. It belongs as much to one person as to another, and it is not within the spirit of the laws of this country that special privileges should be granted to any man, carved out of that which belongs to all, a part excluded and a part permitted to enter. The Government is not in the grazing business, or it should not be, or in the lumber business, or in the coal business.

Mr. SMOOT. All that I can say about it is that, so far as our State is concerned, if there was no regulation of grazing privileges there it would not be very many years until there would be no grazing land at all; it would be completely eaten up. No stock, either sheep or cattle, could live in our State if there had not been some kind of regulation upon the use of grazing land.

Mr. HEYBURN. Let Congress, then, make a regulation. If there are grazing lands and they should be used for that purpose, let us not pretend to make a forest reserve and at the same time make it for the purpose of grazing.

Mr. SMOOT. That is true.

Mr. HEYBURN. I have gone enough into details. Other Senators perhaps will develop these facts in the further discussion of the question. I desire now simply to call attention to the purpose I had in entering upon this discussion. I have been asked for the remedy against the fraud of which this message complains. The remedy lies apparently in taking jurisdiction from the Department of the Interior and placing it where it should originally have been placed under the Constitution. For that purpose I have introduced the land-courts bill, which would establish a complete system for the determination of every question of right, whether it be between the Government and the individual or between individuals. The land courts would be established for that purpose, would have jurisdiction of no other subject, and would be unembarrassed by any other condition. The expense of it would be so infinitely less than that now incurred in administering the law in this unequipped and confessedly incompetent tribunal that there is no room for hesitation in making the change.

EXPENSE OF LAND COURTS.

Here are some figures: I said the other day that these land courts in the aggregate would not cost to exceed \$135,000 a year. That includes all of the judges and the appellate courts and the clerks—\$135,000 a year. The special agents alone now in the Interior Department, before we have complied with the earnest request that is made for additional ones, cost \$95,100 a year. I have the figures here of the Department—\$95,100 for the little handful of special agents who are now at work—and the Department wants enough to examine every claim upon the ground before the title passes. There are now 53,000 entries suspended. Twelve months from now there will be 153,000 of them, and we could not get the special agents into the field, if we were to try, inside of twelve months. At that time there would be 153,000 claims to be examined on the ground. It would take 5,000 special agents to do it. Then those special agents' reports come in here, and it will take another several thousand men to examine the reports of the special agents and read them and harmonize and determine whether or not on the reports of the special agents the Government shall pass title. That will be the situation, and the special agents required to do this work would cost more than \$3,000,000 a year.

By substituting these land courts at the expense of \$135,000,

By substituting these land courts at the expense of \$135,000, which would try these controversies as other controversies are tried, you get rid of the difficulty of which you now complain, and when this court renders a judgment, the bill which I have

introduced and which I shall ask upon the conclusion of my remarks to be referred to the Committee on the Judiciary provides that the decree or final judgment of the land court shall be binding upon the executive branch of the Government and that the patent shall issue upon the filing of that judgment or decree.

Mr. McCUMBER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. McCUMBER. Let me ask the Senator why the register and receiver could not be the land court the same as they are now, and then all the proofs, instead of being made in other sections, could be made before the register and receiver, and that decision could be made conclusive, subject only to the right of appeal?

Mr. HEYBURN. I should like to answer that right from the record here. Of course they might be, but the President's message of January 25—I have it not before me—provides that the judgment of those officers shall not be taken into consideration; that unless the testimony before the register and receiver was taken in the presence of an examiner the judgment of the register and receiver shall not be taken as to authorize the issuance of patent. That is plainly stated in the message of January 25. So those officers have been ignored and set aside.

Mr. McCUMBER. If the Senator will allow me, I understand the method is almost universal in cases of this kind to take testimony not before the land office, but to take it before some court commissioner or other officer. It is so at least in my State. The testimony is taken at such a time that the examiner can be present, and after it is taken the case passes upon his approval. If it is not taken at such a time as he can be present, it is held in the local land office until the examiner has visited the land in question.

I do not know whether that is the system in vogue in Idaho and farther west in the mountainous sections or not; but if we are going to have a court and bring every case before the court, why not utilize the officers we now have and have a double court, one a check upon the other, and have the benefit of the judgment of both the receiver and the register and have the

special examining agent present at all the hearings?

Mr. HEYBURN. Mr. President, in uncontested cases the register and receiver now pass them and they go forward for final patent. The examination before the commissioner to which the Senator refers is taken in case of final proofs, not in case of original entries. It must be made in the land office. The qualifications of the applicant must be determined in the land office. Under the provisions of law the final proofs may be taken before a commissioner, and he sends his report in writing to the land office. Where there is a contest the contest may be carried on in the land office. The testimony, as a matter of fact, is taken in a little room connected with the land office, lasting sometimes throughout weeks, and it is written down there. Generally it is written manually. Where they have no allowance for clerk hire or for stenographers it has to be written down in longhand. That is the practice. That practice would not be disturbed. It is only in contested cases that the land courts would act.

I will put into the Record at this time a statement which I have here showing that the appeals are large in number. It is a statement made from 1881 to 1905 of cases appealed to the Secretary of the Interior, in which decisions have been written and are recorded in the books. The total number is 14,281.

The matter referred to is as follows:

Cases appealed to the Secretary of the Interior and decisions reported July 1, 1881, to June 30, 1906.

5 HT 17 10017 TO 5 HTC 003 1000.	
1. July, 1881, to June, 1883	461
2. July, 1883, to June, 1884	754
3. July, 1884, to June, 1885	
4. July, 1885, to June, 1886	476
5. July, 1886, to June, 1887	456
6. July, 1887, to June, 1888	568
7. July, 1888, to December, 1888	439
8. January, 1889, to June, 1889	393
9. July, 1889, to December, 1889	432
10. January, 1890, to June, 1890	504
11. July, 1890, to December, 1890	. 461
12. January, 1891, to June, 1891	464
13. July, 1891, to December, 1891	477
14. January, 1892, to June, 1892	465
15. July, 1892, to December, 1892	414
16. January, 1893, to June, 1893	414
17. July, 1893, to December, 1893	400
18. January, 1894, to June, 1894	425
19. July, 1894, to December, 1894	437
20. January, 1895, to June, 1895	450
21. July, 1895, to December, 1895	400
22. January, 1896, to June, 1896	560 395
23. July, 1896, to December, 1896	362
25. July, 1897, to December, 1897	
20. July, 1891, to December, 1891	329

26. January, 1898, to June, 1898. 27. July, 1898, to December, 1898. 28. January, 1899, to June, 1899. 29. July, 1899, to April, 1900. 30. May, 1900, to June, 1901. 31. July, 1901, to December, 1902. 32. January, 1903, to May, 1904. 33. June, 1904, to June, 1905. 34. July, 1905, to June, 1906.	396 372 328 431 275 176 249 298 298
Total	14, 281
Opinions of Attorney-General; May, 1900, to June, 1901 July, 1901, to December, 1902 January, 1903, to May, 1904 June, 1904, to June, 1905 July, 1905, to June, 1906	16 10 14 10 25
	75

Mr. HEYBURN. From an actual examination of the records in the land office the legal officer there will have to decide from six to ten cases per day, some of them involving small interests and some of them large interests. No man can decide so many cases in a day, examining the records as he must, and arrive at a conclusion that will be universally fair or reasonably fair to all the parties concerned. It can not be done,

In the Department of the Interior, to which appeals lie from the Commissioner of the General Land Office, the number of cases is even much larger-mining cases and land cases. Those contests are tied up there waiting for the report of the special examiners. There are some 4,700 of them, if I remember the figures aright. They are now accumulating every day.

The purpose of creating these courts is to determine the contested cases and to make a forum in which contests can be presented. The uncontested cases would go right along as at present. The officers of the land offices of the United States, as a rule, are not attorneys. If they are, they are not attorneys of a grade that would be selected to determine very large interests, because the salary is small.

I do not intend to prolong this discussion to any greater length, except that I will also insert at this point a statement showing the number of mining contests appealed from the United States land offices to the Commissioner of the General Land Office in ten years and the number of appeals from the Commissioner of the General Land Office to the Secretary.

The matter referred to is as follows:

[Memorandum.]

Statement showing the number of mining contests appealed from United States land offices to the Commissioner of the General Land Office, the number decided by the General Land Office, and the number appealed from the General Land Office to the Secretary of the Inte-rior from the year 1856 to 1906.

Year.	Number of mineral contests appealed from local office.	Number of mineral contests appealed to Secretary.	Number of mineral contests de- cided.
1896 1897 1898 1899 1900 1901 1902 1902 1904 1905	125 316 149 214 248 180 206 248 283 260 242	108 121 116 134 146 224 155 109 149	201 375 294 320 280 339 316 213 311 186 197
Total	2,471	1,552	3,032

Mr. HEYBURN. I desire to have inserted in the RECORD a certified photographic copy of a map of Idaho showing the lands that have been withdrawn from settlement. In this map the dark areas represent the forest reserves that have been with-drawn. I have a map with the figures on it which I will offer to be printed in the RECORD, with the consent of the Senate. The dark areas represent the forest reserves, amounting to something over 18,000,000 acres.

Mr. DEPEW. What percentage is that of the total lands of

the State? Mr. HEYBURN. Forty-two and a half is, I think, the per

cent. I have a map giving it officially. I thought I had it here.
Mr. McCUMBER. I understand the Senator to say that about 42 per cent of the lahds of the State are in forest reserves.

Mr. HEYBURN. I will give it exactly.

Mr. McCUMBER. I should like to know what percentage of

that 42 per cent is in actual forest and what portions are prairie land, and what portions are what we call, generally, scrub land, with no trees that could be said to be forest trees?

Mr. HEYBURN. Of the 18,000,000 acres included within forest reserves the merchantable forest lands do not exceed 8,000,000 acres. The system of pasturing forest reserves is so inconsistent with the theory of forestry, which contemplates allowing the younger growth to come along and succeed that which is necessarily removed, as to present an absurdity upon its face. They are pasturing on the forest reserves something like three or four million sheep, cattle, and stock of various kinds that eat up all the new growth as fast as it appears above the surface and nibble off all the little branches and young trees that might make other forests or renew the forests in years The fact is that the forestry system is a great system for the purpose of gathering this land together and letting it out for pasturage to those who are so fortunate as to get it and excluding from it those who are not so fortunate as to

The State of Idaho constructed a wagon road, intended to connect the two ends of that State, at an expense of something over \$300,000. They completed it, I think, before 1895, before there was a forest reserve created, except the Bitter Root Reserve, which is the one reserve in the center of the State which is not small, but comparatively small. Along came the forest reservers and placed forest reserves over portions of that road that cost more than \$175,000 and took possession of it, and the State itself is there now on its own road only by the grace of the forest reservers. That road was intended to allow the immigrants landing in the east end of the State intersected by railroads to pass easily into the interior and settle and take advantage of the opportunities to make homes there. Yet they can go there now over that State wagon road only by the grace of the Forester and subject to the rules and regulations of the Forestry Service.

Mr. President, I have not covered all the questions I wanted to in connection with the message of the President. very large question. It involves a multitude of interesting questions that ought to be discussed and understood before we can act intelligently.

I now ask that Table Calendar No. 19 be referred to the Com-

mittee on the Judiciary.

The VICE-PRESIDENT. Does the Senator from Idaho ask that the pending resolution be referred to the Committee on the

Mr. HEYBURN. No; the Table Calendar bill, the bill (S. 6647) to establish district land courts of the United States and

an appellate land court of the United States.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. SMOOT. I think the attention of the Senator from Nevada [Mr. Newlands] should be called to the order, because I understood that he desired to speak upon the resolution. I am not sending the resolution to the com-Mr. HEYBURN.

mittee, but the land-court bill. The question can be discussed under the resolution. I should like the Judiciary Committee to have the bill so that it may consider it, if it should desire to do so. Mr. NEWLANDS. I understand that the resolution is still

pending.

Mr. HEYBURN. 'The resolution is pending. It is on the table.

Mr. SMOOT. The pending resolution has not been referred. Mr. NEWLANDS. I desire to say a few words on the resolu-

Mr. HEYBURN. I should like in my own time to submit a memorandum of the number of cases decided and appealed between certain dates. I desire to have it printed in the RECORD

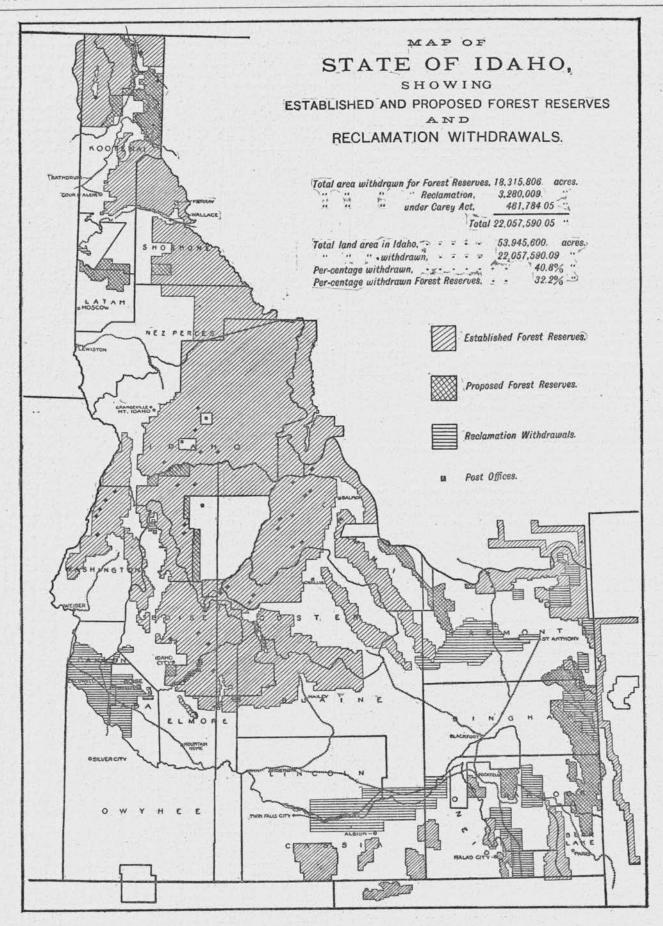
in connection with my remarks Without objection, it will be The VICE-PRESIDENT. printed.

The matter referred to is as follows:

[Memorandum.]

The following shows the number of appealed contest cases received in Division H for the twelve months ending June 30 of the years named below, together with the number decided and the number of appeals to the Secretary of the Interior filed:

Year.	Received.	Decided.	Appealed.
1897	680 374 420 444 436 643 924 1,128 966 1,195	730 407 334 247 566 441 408 1, 234 1, 424 1, 260	579 431 264 218 397 317 361 696 822 794
Total	7,210	7,051	4,879



Mr. CLAPP obtained the floor.

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. CLAPP. That depends upon the nature of the request. I expected to move the consideration of the Indian appropriation bill. Does the Senator wish to take any time?

Mr. NEWLANDS. I will state to the Senator from Minnesota that I wish to address the Senate on the pending resolution, which constitutes the unfinished business of the Senate.

Mr. CLAPP. I think in view of the state of the public business we ought to hasten along with the appropriation bills.

Mr. NEWLANDS. I wish to address the Senate at some length, probably half an hour, and I might take up more time if there are interruptions.

there are interruptions.

Mr. CLAPP. I hardly know what to say. I feel that we ought to proceed with the appropriation bill. At the same time I do not want to interfere with anyone. I should like to have an understanding as to how long it would take, for the benefit of those Senators who are waiting for the appropriation bill to come up.

Mr. NEWLANDS. I ask the Senator whether he would be able to finish the consideration of the bill this afternoon.

Mr. CLAPP. I was in hopes this afternoon to complete the unobjected portion of the bill, and also to complete the amendments that have been suggested by the Department and which were printed Saturday night. That would bring us down to those items which would be contested and we would be ready then to-morrow to proceed with them. I think in probably an hour or an hour and a half's time we could do what I had in mind for to-day.

Mr. McCUMBER. I should like to ask the Senator in charge of the appropriation bill if the reading of the bill has been completed at the desk?

Mr. CLAPP. No, sir; only about 80 pages.

Mr. McCUMBER. It would probably take the rest of the afternoon to complete the reading and do what the Senator has suggested.

Mr. CLAPP. I think in an hour and a half we may complete the reading and complete the Department amendments, which I will suggest as we go along with the reading.

Mr. NEWLANDS. I will ask permission, then, to go on im-

Mr. NEWLANDS. I will ask permission, then, to go on immediately after the routine business to-morrow morning.

Mr. CLAPP. I think it would perhaps better conserve the business of the Senate if the Senator went on this afternoon. Then we can take up the appropriation bill either after the Senator gets through to-night or to-morrow morning, and not be interrupted. If it is agreeable to the Senator from Nevada he can go on now, and at the conclusion of his remarks I will move to take up the bill.

Mr. HALE. Before the Senator from Nevada goes on—I was called out of the Chamber on appropriation bills—I want to ask a question of the Senator from Idaho [Mr. Heyburn], who has, I may say, interested us all by his forceful presentation of this case. The Secretary of the Interior has been very sharply censured all through this debate. My impression about that official is that he is a capable and honest public servant, and that whatever mistakes he may have made do not in any way touch his integrity or his capacity as an administrator.

But over and above the jurisdiction that he exercises is the control of all these matters by the President of the United States. I wish to ask the Senator whether in these troubles, and in this serious mischief which has come to his constituents and to the people of other States, as these have arisen they have been laid before the President of the United States, and what action, if any has been taken. Of course I know about the message, and all that; but has appeal been made, as troubles have arisen, from the Secretary to the President?

Mr. HEYBURN. I will say first that not a word that I have uttered was intended to imply that the Secretary of the Interior or the President of the United States were or could be guilty of purposely doing a wrong act or perpetrating an injustice, but that they were misinformed or uninformed as to the facts, and that, because of being misinformed or uninformed, they have been led into doing those things which have resulted as I have suggested. But I have not attacked or intended to attack their honor as men or as officials.

Mr. HALE. I do not understand that the Senator has. He is very careful about those things. My point was whether when these troubles and grievances have arisen the Senator and those associated with him in remedying the grievances have laid the case before the President of the United States, and whether the policy which the Senator gravely believes is

unfortunate and mischievous has been approved not only by the Secretary but by the President.

Mr. HEYBURN. Yes; upon an insufficient understanding. But I will say to the Senator that there is published at the expense of the Government a pamphlet which is quite extensive and which contains the correspondence between the President and myself in regard to a large portion of the matters that have been under consideration. In that I set forth as clearly and as fully as I could the evils that were being worked upon our people by the creation of these forest reserves. But as to the matters confained in the President's message, which I have been particularly discussing on this occasion, of course, many of them have only arisen within a few days.

I could not know, and I did not know until that message came to the Senate, that the President contemplated suspending these entries or withdrawing these lands. I have not been asked to confer about it. He having in a public message to the Senate stated these things, I could not appropriately go before him and discuss them, except I was invited to do so, as it would seem like a voluntary criticism of an act already performed by him. The first intimation I had, and, I think the first intimation any member of this body had, that the President was going to suspend the entries which had been made by the homesteaders and the mining claimants and the coal claimants and desert entrymen was when that message came here.

So far as I was concerned personally, I must say I never was more surprised at a position taken upon a public question than I was when I read that message advising us, not that these things would be done, but that they had been done; so any question involved in that message has not been discussed with the President, but the questions in regard to the forest reserves have been discussed fully, and there is a document which was before the Senate, and which probably may be found among the Senate documents, in connection with this matter, that sets forth the correspondence between the President and myself. It is accompanied by maps and with the most careful, painstaking showing that could be made in the matter.

Mr. HALE. What I was uncertain about was whether the Senator and those joining with him in a common object, before bringing the matter here, had exhausted every remedy in the executive department of the Government, including the President?

Mr. HEYBURN. I think I may safely say that, as far as my connection with it goes, I have exhausted every possible argument that I could present.

Mr. McCUMBER. While the Senator is on his feet, with the permission of the Senator from Maine, I should like to ask the Senator from Idaho who initiates each new scheme of a separate timber reservation or any of these reservations. Do they come from the President upon the advice of the Secretary of the Interior, or does the Secretary act upon the advice of the President? I judge from the remarks that were made the other day by the Senator from Montana [Mr. CARTER] that the President acted upon what he designated as the "information or misinformation" of the Secretary of the Interior, and now it seems that the Secretary of the Interior acts upon the suggestion of the President. I do not know who looks this matter up. I suppose it is initiated with the Forest Service, the commission or Bureau, and they present the matter both to the President and to the Secretary of the Interior, but mainly they make their reports to the President and the Secretary of the Interior simply carries out the order of the President, which is made upon the recommendation of the Bureau of Forestry. If I am in error, I should like to be corrected on that point.

Mr. HEYBURN. I think I can state the facts accurately. There is a certificate (I have it on my desk, but am unable at this moment to put my hands on it) in which the Chief Forester, or the Secretary, I am not sure which, but at least the head of a department, requests the foresters in charge in the field to suggest any suitable land which comes under their observation that should be converted into forest reserves. So I assume from the circulars and the correspondence, copies of which I have, that probably all of the recent forest reserves have been created at the suggestion of the foresters in the field. They see a domain spread out before them that they think they would like to have under their jurisdiction, and they write describing it, the Chief Forester puts his initials upon it, and it goes to the Secretary, and he assumes that these men in the field have acted wisely in recommending it.

Mr. McCUMBER. Right there I should like to ask whether it goes to the Secretary or to the President.

Mr. HEYBURN. I can give more definite information. I have the circular before me. It is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,

FOREST SERVICE,
Washington, September 21, 1905.
Forest Reserve Order No. 10. Reserve boundaries.

To forest officers in charge:

Report by November 15 what areas, if any, contiguous to your reserve are suitable for reserve purposes. These areas will be fully examined and reported upon by the section of reserve boundaries during the next field season. Suggest also, for similar study, any other areas of which you have knowledge. Your report should locate by legal subdivisions, if possible, the lands recommended, and should briefly describe the character of the country.

OVERTON W. PRICE.

OVERTON W. PRICE, Acting Forester.

So, of course, he is acting for Mr. Pinchot, the Chief For-ter. That issues from the Office of the Forest-Reserve Service, which is now a part of the Department of Agriculture.

Mr. McCUMBER. What I want to get at is whether that goes to the President or whether it is made to the Secretary of the Interior?

Mr. HEYBURN. It is made to the Chief Forester, and by the Chief Forester to the President. Mr. McCUMBER. Then the President is the officer who dl-

rects the reservation?

Mr. HEYBURN. The Secretary of the Interior merely car-

ries out the suggestions of the President. That is correct.

Now, in connection with this matter, at this time I ask to have inserted in the RECORD a document which I send to the desk, which is a consideration of the question as between the reserves and the school lands.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The document referred to is as follows:

The State's title to its lands. Open letter from Senator Heyburn to the Idaho Daily Statesman, in reply to editorial of February 6, 1906, in regard to forest reserves in Idaho.

United States Senate, Washington, D. C., February 14, 1906.

IDAHO DAILY STATESMAN, Boise, Idaho.

GENTLEMEN: My attention is directed to an editorial in your issue under date of February 6, 1906, under the heading of "HEYBURN'S speech."

This editorial evidently being intended as a review of my recent

under date of February 6, 1906, under the heading of "Hexburn's speech."

This editorial evidently being intended as a review of my recent speech in the Senate on the forest-reserve question, I feel it my duty to direct your attention to some manifest misconceptions or errors on your part in dealing with this subject.

It would hardly seem fair to attribute your failure to comprehend the real points at issue in the forestry controversy to ignorance or inability on your part to understand and comprehend the scope of the legal questions presented in my speech affecting the title of the State to the sections 16 and 36 granted by Congress to the State of Idaho for public school purposes by the admission act of Idaho into the Union. I am therefore compelled to assume that in maintaining the position assumed by you upon these questions you would waive the legal rights of the State to these lands, and that in discussing the question you would disregard such rights rather than confess to the manifest error into which you have been led by overzeal in espousing the cause of the Forester upon sentimental grounds, actuated to some extent by your antagonistic personal feelings toward myself. That there may hereafter be no mistake as to the question involved, as to its fair presentation to you, I take this occasion of crystallizing the legal questions involved, stripped of all sentiment. all sentiment.

THE STATE'S TITLE TO ITS LANDS.

The State's title to sections 16 and 36 is based upon section 4 of the act of Congress approved July 3, 1890, providing for the admission of Idaho into the Union.

This section reads as follows:

"That sections Nos. 16 and 36 in every township of said State, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior."

Section 5 of the same act provides:

"That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in support of said schools.

disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in support of said schools.

"But such lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only."

Mineral lands are expressly excluded from this grant, so that the grant is a present, absolute grant to all nonmineral sections 16 and 36 the title of which rested in the United States at the date of admission, whether such lands were surveyed or unsurveyed.

Article 9 of the constitution of Idaho provides for education and the administration of the school lands of the State, and provides that the public school fund of the State shall forever remain inviolate and intact; also provides with rigid care for the administration of these school lands for the purposes expressed in the constitution, and for no other purposes whatever; and also provides that no school lands shall be sold for less than \$10 per acre, and that they shall be sold only by public sale, and that not to exceed 25 sections of school lands shall be sold in any one year, and that they shall not be sold in subdivisions to exceed 160 acres to any one individual or company or corporation. The people of the State of Idaho will permit of no lax or forced construction of these constitutional limitations.

It will be observed that the granting words in the section of the statutes above quoted are: "Are hereby granted to said State." Those

words have been construed by the Supreme Court of the United States, in the case of Schulenberg v. Harriman (21 Wall., 44), and a long line of decisions reaffirming this doctrine in which the court holds that such words of grant constitute a grant in presenti, and that the title, by virtue of such grant, passes from the United States to the grantee absolutely, and is no longer subject to any action or control on the part of the Government or any of its branches.

This is applicable only to the lands comprising sections 16 and 36, the title to which was in the United States on the date of the passage of the Idaho admission bill.

The provisions in the act for the selection of lieu lands applies only as stated, in section 4, to such sections, or parts thereof, as had been sold or otherwise disposed of by or under the authority of the act of Congress at the date of the passage of the admission act of Idaho. For such sections 16 and 36 as had been sold, or otherwise disposed of, prior to the admission act, the State is allowed to select lieu lands in the manner prescribed in section 4 of the act, and not otherwise. And as to such lieu lands the title of the State under the act was not in presenti, but is an inchoate grant to attach when such lieu selections are made.

The real contention on the part of the State is that the title for all

made.

The real contention on the part of the State is that the title to all sections 16 and 36 within the State, the title to which was in the Government at the date of the admission act, passed co instanti and absolutely from the Government to the State, without further act on the part of either the Government or the State to perfect such title. No selection was necessary because the act designated the land by recognized subdivisions. That as to the lieu lands, or any other lands granted by the State for educational purposes, the grant was not in presenti, such grant being by its terms subject to selection in the future, and the title to such lands would only vest when selection was made and approved.

presenti, such grant being by its terms subject to selection in the future, and the title to such lands would only vest when selection was made and approved.

The decision on which the Forestry Bureau has based its claim of right to include sections 16 and 36 within forest reserves has been based upon an erroneous construction of the statute, and which falled to recognize the distinction in the class of title which passed under the admission act to the different grants of land. The Department has erroneously considered the rule stated by the United States Supreme Court in the case of Heydenfelt v. Daney G. & M. Co. (93 U. S., 634); New York Indians v. United States (170 U. S., p. 18); Hall v. Russell (101 U. S., 503) as applicable to the sections 16 and 36 granted to the State of Idaho by the admission act. In each of the foregoing cases, and in all other cases holding as they do, the granting words were "shall be granted," or other words of similar import, which are not words of present grant, but of a grant in future. Such States as Nevada, Utah, and many others were admitted by proclamation pursuant to an act enabling the Territories to form a government, but Idaho, having adopted a constitution and formed a State government, was admitted to the Union without an enabling act, and being in a position to then receive the grant, the grant was in the act expressed in such terms as made it operative upon signing the bill, so far as the sections 16 and 36, to which the Government then held title, were concerned.

The erroneous construction of the law by the Forestry Department as to the time of the attaching of the grant has resulted in it falling into error, under which it has attempted to take from the State the title to sections 16 and 36 granted to it by the admission act for common school purposes.

It is not a question of what it may be desirable to do in the way of

to the time of the attaching of the grant has resulted in it falling into error, under which it has attempted to take from the State the title to sections 16 and 36 granted to it by the admission act for common school purposes.

It is not a question of what it may be desirable to do in the way of creating forest reserves; it is a question of power. Congress can not divest the State of the sections 16 and 36 which passed by the admission act, and the Executive Department of the Government can exercise no more control over these sections than it can over the title to other private property. Neither the legislature, the governor of the State, the land board, nor the courts of the State of Idaho can divest the State of its title to these sections by any act or by acquiescence in the act of another.

The sections 16 and 36 in the splendid timber lands of northern Idaho to which the State has an absolute title, notwithstanding anything that may have been done or that might be done by either Congress or the President or the State officials, are the property of the State of Idaho, to be disposed of only in the manner prescribed by the constitution—that is, by public sale after advertisement in the manner prescribed. The title can not and will not pass by any other method. It is not a question of policy, but one of power. If the State government of Idaho through any of its departments charged with the duty of protecting the State's rights in preserving its property have either by oversight, neglect, or a misconception of their legal duty or of the rights of the State allowed others to take possession of these sections, or exercise control or dominion over them, or to obtain what might be or might seem to be a paper title to them, then such action on the part of such officials has been absolutely void and has tended in no manner to destroy the title of the State in these sections. They were donated for a sacred purpose and under conditions that admit of no change. The legislature has no power to dispose of the State, you

lands to drift into the hands of private speculators or under the control of nonproductive forest reserves. In disregard of the rights of the State, they will express themselves in no uncertain terms in favor of maintaining the title and the rights of the State to these lands, and they will demand a strict accounting at the hands of any officers of the State—executive, legislative, or judicial—who are responsible for the loss or diversion of a single section of these lands. It is absurd to talk about the State being compensated by the selection of grazing lands or lands adapted only to reclamation in lieu of these forest lands, that to the extent of vast areas will scale from 3,000,000 to 12,000,000 feet of white pine timber to the section.

It has been so often and conclusively decided by the Supreme Court

feet of white pine timber to the section.

It has been so often and conclusively decided by the Supreme Court of the United States that there is no power in either the Executive Departments of the Government or of the State to exchange or trade off these lands except in pursuance of the direct provisions of the act of Congress and of the legislature of the State authorizing such exchange that any attempt to do so along the lines so buoyantly champloned by you heretofore amounts to an absurdity, and would result only in leading people into acquiring imaginary titles that would melt away upon a legal determination of the rights of the parties and of the State, and leave them wiser but poorer because of their experience.

There is no power on earth that can exercise any jurisdiction over sections 16 and 36 which passed to the State by the admission act, except the legislature of Idaho and the State land board, and those tribunals can only exercise the power over said lands within the limitations of the constitution of Idaho. The Government of the United States, however desirable you may consider such action, can not include the State's school sections in the forest reserves or exercise any jurisdiction over them. In my judgment it is well for the State that this is true.

Lum convinced that Lam acting in the best interests of the States.

the State's school sections in the forest reserves or exercise any jurisdiction over them. In my judgment it is well for the State that this is true.

I am convinced that I am acting in the best interests of the State's present and future in the course I am pursuing in this matter, and I believe that the people of Idaho, with few exceptions, will, when they understand the situation, agree with me, and will cooperate with me in any effort on my part, or on that of others, to preserve these lands to the State. If private lumber companies, scrip locators, or lieu-land selectors have laid a hand upon any of the school sections of the State, they have done so in violation of the law, and there is but one plain duty resting upon the executive officers of the State, and that is to institute proceedings to recover any loss which the State may have suffered by reason of the cutting of timber upon these sections, and to dispossess any persons, whether it be those claiming under the railroad land grants, stone and timber selections, homestead selections, or any other class of claim. If the State officers do less than this they fail in their duty. I am justified in believing from the information which I have received that the State has already been damaged to a very large extent by the cutting of timber upon school sections, which have been attempted to be taken up since the admission of the State, under various claims of title, and the matter is so serious that the legislature should investigate this question at the earliest possible date. Every school section the title to which passed under the admission act should be taken up, identified, and an abstract of title made of it, and the facts as to its possession or any adverse claim made to it ascertained and the State's rights fully protected in the matter.

The rights of the State involved in the foregoing consideration amount to many millions of dollars, and the sooner the questions of sentiment in regard thereto are laid aside and the Questions of the State's legal rig

rights taken up the better will the people be served and their rights protected.

I have not undertaken to discuss the State's rights to a free and untrammeled field for selecting such lands as it is entitled to select in lieu of other lands, or under its general right to select lands for the several purposes enumerated in the admission act, as I do not desire to confuse the two classes of lands. I will only say, in leaving this question for the present, that the State was granted large areas of land subject to selection, the title to which rests upon an entirely different basis from that of sections 16 and 36. and which do not pass until such selection is made and approved. These selections only being available upon surveyed lands, I propose to attempt to obtain a very much larger appropriation for the survey of Idaho lands, in order that the field of selection may be available within which the State may exercise the right to this second class of lands.

Bear in mind that the State can not give title by consent, nor can it waive its rights to these lands. It can not trade them away or dispose of them other than as provided by the constitution of the State.

Government is not a question of policy, but it is a question of law. The laws are made pursuant to the policy of the people, but until the policy is enacted into law it is not controlling in determining the rights of either the Government or the people.

You speak of the proposed amendments to the land laws as promising new conditions. The proposed amendments are not to be considered in interpreting the existing laws and could in no way affect existing titles to lands.

I have written you this letter for the purpose of presenting the legal

to lands.

I have written you this letter for the purpose of presenting the legal phase of this question, robbed of any sentiment or theory, irrespective of whether it is in accord with the "policy" of the Administration or not, and I shall from time to time present some further consideration of this question, and other phases of the forest-reserve question as it affects the interests of the State of Idaho, to you for such use as you may see fit to make of it, and shall at the same time present such views to the people of the State through the most available medium.

Very respectfully, yours,

W. B. Heyburn.

W. B. HEYBURN.

The VICE-PRESIDENT. The Chair will ask the Senator from Idaho to kindly repeat his request as to the printing of a

Mr. HEYBURN. I have requested that the map, a copy of which I have sent to the desk, may be incorporated in the RECORD. It was done on a former occasion in the discussion of this matter, and it will not be very expensive.

The VICE-PRESIDENT. The Chair will state that it may take some days to reproduce the map.

Mr. HEYBURN. The matter was not delayed before. Printing Office still have the plates, which they can easily adjust in this instance.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is so ordered.

Mr. NEWLANDS. Mr. President, I am in entire sympathy with the purpose which my colleagues have in view, and that is the development of the West. In the thirteen States and two Territories in which the main part of the remaining public domain lies the problems relating to it are of the highest impor-The title to the public domain is in the Government of the United States and is held in trust not for the particular States in which the lands are located, but for the entire people of the United States, wherever resident, for the creation of homes by home seekers and the prosperity and advantage of the teeming population of the future. The people of the Western States do not claim that these lands belong to them; but they do claim that they should be administered in the interest of those Western States with a due regard to the interest of the entire people of the United States; and of course it is in the interest of the entire people that all the Western States should be fully developed, that they should be increased in population and in wealth and in prosperity and happiness.

The land laws under which these lands are being settled are numerous. They have been the creation of many years. twenty years or more the Executive Department charged with the execution of these laws has been insisting upon it that the laws themselves should be modified and changed in order to meet the interests of the people of the United States and the interests of the people of the West. They have insisted that they were inadequate to the economic requirements of the West, and that being unsuited to the economic requirements they were oftentimes evaded in order to meet them. I take it for granted that wherever a law exists upon the statute book applicable to any particular region that is not suited to the economic requirements of its people they will always evade it.

This contest has been going on for years between the executive department and the legislative department of the Govern-Secretary of the Interior after Secretary of the Interior has called attention to the defects in these laws; Commissioner of the General Land Office after Commissioner of the General Land Office has called attention to the defects in these laws; and yet few changes have been made. Congress has been either inert or it has been so divided in judgment upon the questions proposed as to be unable to act.

THE SECRETARY OF THE INTERIOR.

We now have as the head of the executive department of the Government a man who is probably as familiar with the requirements of the West and with the public domain as any President who has sat in the Presidential chair for many years. He is and has been the friend of the West. We have in the Interior Department a Secretary of the Interior who is and has been the friend of the West, and every act which he has done with reference to this very great public domain has been with a view to the promotion of the interests of the West. He has been zealous in the protection of the public domain, realizing its great value to the home seekers; he has been opposed to its absorption by monopolists and speculators. I believe thoroughly in the sincerity of his motives and the value of his service. I believe that his main purpose has been to preserve this great public domain for the home seekers; that his main idea has been the creation of homes and not of great monopolistic holdings, promotive of oppression and extortion. I can not forget his valuable aid to the cause of national irrigation, extended from the very commencement of his service and demonstrated on numerous occasions in his public reports.

I have recently looked over the utterances of the Secretary of the Interior in his annual reports, and I have found that uniformly his text is the preservation of the public domain for actual home seekers. I therefore am not inclined to sympathize or to agree with some of the utterances that have been made upon this floor, which charged the Secretary of the Interior with a malevolent purpose toward the West. I believe that his purpose has been patriotic and helpful to the West.

Nor do I think it fair to fix upon the Secretary of the Interior the entire responsibility for this order of the President under which he is acting and of which many western Senators complain and to exempt the President. We all know that there is a strong, forceful man in the White House; that the question of forestry, the question of irrigation, and the question of homes for home seekers—all these questions have been to him the subject of thought and reflection for years. He is not an uninformed man who would listen to the suggestions of a malevolent Secretary of the Interior and carry out his views instead of his own. If there has been an order made regarding these matters by the President of the United States, I believe him to be familiar with all the facts, and I believe that he has exercised his best judgment upon those facts. If the order is wrong, I believe in holding him responsible for it and not charging the responsibility upon the Secretary of the Interior,

who, after five or six years of faithful service, is now going out of the service of the Government.

THE LAND LAWS-HOMESTEADS.

Mr. President, what are these land laws? They relate principally to the entry of homesteads for home seekers, to the entry of timber lands, to the entry of coal lands, to the entry of mineral lands, to the entry of desert lands. The homestead act was passed fifty or sixty years ago. Its operation has been most beneficent in all the humid States of the Union. The entryman was compelled to take a solemn oath that he had entered the land for himself and not for anyone else, either directly or indirectly. His oath states:

That his application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he does not apply to enter the same for the purpose of speculation, but in good faith, to obtain a home for himself, and that he has not, directly or indirectly, made and will not make any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself.

And this was the spirit of almost all the laws relating to the

And this was the spirit of almost all the laws relating to the lands of the United States. The intention of Congress was clear that an entryman should make an entry for himself, and not for another, and that these lands, granted so freely by the Government to its citizens, should not in future be concentrated in large areas, and thus establish monopoly either in the lands themselves or in the minerals which they contain.

The homestead law operated beneficently, and why? In early days there was no commutation clause. It was not until 1891, if my recollection is right, that commutation was allowed.

Mr. CARTER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. I do.

Mr. CARTER. The so-called commutation clause in the homestead law was passed long prior to 1891. As originally passed, it required only six months' residence upon the claim prior to the time the person could commute, pay cash, and procure title. In the revision of these laws, which occurred in 1891, the period of residence was extended to two years. So that as early as 1891 a person desiring to commute must show a residence upon the claim of two years, while six months was the original period.

Mr. NEWLANDS. My impression was that the act of 1891 re-

quired a residence of only fourteen months, and of that fourteen months the residence for the first six months was not required to be actual, but was constructive.

Mr. CARTER. I am informed that fourteen months is the

present requirement of the statute.

Mr. NEWLANDS. At all events, as I understand, the homestead law as originally framed did not provide for commutation; and under the homestead law the great States of the Mississippi Valley were settled up, and there was little or no concentration land there. Farms were 160 acres in area, as a rule.
Mr. CARTER. Mr. President, if the Senator will permit an of land there.

interruption-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. Certainly.

CARTER. The largest farming area ever concentrated in single ownership in this country was in the great State of Illinois. It was known as the Sullivan farm. That great farm in operation proved a distinct failure, and the large holding was subdivided. I believe now there is not in what was originally the great Sullivan farm in the vicinity Bloomington, Ill., a single ownership exceeding 160 acres.

Mr. NEWLANDS. Will the Senator state under what law

the 300,000 acres to which he refers were acquired?

Mr. CARTER. The land title was acquired to some extent, I think, from the Illinois Central Railroad grant; to another extent under the old cash-entry system, which obtained prior to 1862, and a portion of it under the homestead act, which was passed in 1862

Mr. NEWLANDS. Does the Senator know how large a por-

tion of it was acquired under the homestead act?

I have not inquired into the exact details, Mr. CARTER. but the title to the Sullivan farm was acquired, I think, under

all the laws to which I have referred.

Mr. NEWLANDS. I think the Senator will find that most of that great farm was acquired by and under those provisions of law that existed before the homestead act, which provided for

grants to railroads and for the sale of public lands in almost unlimited areas

Mr. CARTER. As to that I am unable to speak. sponse was to the general proposition the Senator set forth—that in the old or so-called humid States large aggregations of lands never obtained. Large farms, I think, were chiefly obtained under what is known as the cash-entry system, which preceded the homestead act of 1862.

Mr. NEWLANDS. Under that system very large areas of land could be purchased from the Government. I believe there was no limit at that time to the land that could be acquired by direct purchase from the Government.

Mr. CARTER. I think the sales were made in 160-acre tracts, but there was no limit as to the amount any one individual It was a question of payment in cash. At that time the Government sought exclusively to gain revenue from the lands. The homestead act marked a departure in the interest of the actual settler.

Mr. NEWLANDS. The Senator is mistaken in understanding

that I said there was no concentration of lands whatever in the Mississippi Valley and in the humid region.

Mr. CARTER. I stand corrected, then. I misunderstood the Senator.

Mr. NEWLANDS. What I did say was that, as the result of the homestead act, that entire region was settled up by actual settlers; that, as a rule, the farms were small farms and that there was little or no concentration of land in large holdings.

THE ARID REGION.

Mr. President, the homestead law was suited to that region, but as the lands of the humid region were settled up we had before us the arid and semiarid lands of the intermountain There larger areas were required in order to make They were required mainly for cattle ranges. impossible for a man who wanted to raise cattle to conduct his operations on a range of only 160 acres. In order to properly graze them, it was necessary to control the water of the range; and so a gradual system of evasion of the homestead law grew out of the necessity of the case. The owner of a large range, finding it incumbent upon him to protect it from invasion by securing the water that might be on it, called upon his rangemen, his vaqueros, to enter lands here and there containing the sources of water supply, and gradually throughout that entire region it was regarded as a legitimate exercise of the privileges under the homestead act to make entries of that kind.

About a year ago I met a man from the East who had a large range in that region—a man largely identified with reform in politics in the United States, a strong friend of the President, and in sympathy with him in his policies and measures. He told me he had this range. I asked him how he had concentrated so large an area in one holding, and he went on to tell me very innocently that the men in his employ had entered lands here and there and had conveyed them to him and had thus enabled him to round out and perfect the control of his range. He was unconscious that this was done in violation or evasion of the law. He is probably approving to-day the many convictions that have been had throughout the entire western region under laws which western men were absolutely compelled to evade in order to conduct their business.

Mr. HANSBROUGH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota? Mr. NEWLANDS. Yes.

Mr. HANSBROUGH. In what part of the country is that land located?

Mr. NEWLANDS. I would prefer not to locate either the land or the man.

Mr. HANSBROUGH. Well, the Senator can give me approximately the location by telling me in what State or Territory the land is located?

Mr. NEWLANDS. I would prefer not to.
Mr. HANSBROUGH. I will say, Mr. President, that no such
thing as the Senator from Nevada has described can take place in the State of North Dakota where the lands are valuable, and where men put on the lands for the purposes indicated by the Senator would find that their entries would be contested at That is always the case wherever the lands are valuable.

Mr. NEWLANDS. But how about lands that are not so valuable, and where the custom of the range prevails? I will state to the Senator that the State of North Dakota should be classed generally as a humid State. There are certain areas, of course, in that State that are semiarid; but, as a rule, it is a humid State. Therefore, the homestead law is adapted to its requirements, and there has been a great deal of development there of small homes

Mr. HANSBROUGH. And yet, notwithstanding the admis-

sion made by the Senator, the public lands commission, appointed by the President, and who went to my State for a few days, made a very extravagant report in regard to the extent of the frauds in that State.

Mr. NEWLANDS. I will state, Mr. President, that there is not the same economic reason for the evasion of the land laws in the State of North Dakota as there is in the semiarid States of the country, but I am inclined to believe that there have been many evasions of the law there that were not compelled by

economics.

I believe that the commutation clause of the homestead act has in many parts of North Dakota been used to defeat the purpose of that act. I am told that there are land companies organized there that advance to the man who enters under the homestead act the money necessary to make his entry and to make the cultivation that is required, etc., to comply with the act, and that by the wholesale these lands, after the expiration of fourteen months, are transferred to these land companies, and that thus speculative holding of large areas of land has been The homestead act does not contemplate speculation, but home building.

Mr. HANSBROUGH. Does the Senator from Nevada claim that such a thing takes place in the State of North Dakota?

Mr. NEWLANDS. I do not know it of my own personal

knowledge

Mr. HANSBROUGH. If the Senator makes a claim of that kind I want to say that he is entirely mistaken. The records will show that throughout the State of North Dakota almost every quarter section of land has a settler upon it, and those settlers are to-day living there in the snow 2 and 3 feet deep in order to perfect their residence and prevent contests against

Mr. NEWLANDS. Will the Senator deny that in the State of North Dakota there are many farms of from 1,000 to 5,000

acres in area?

Mr. HANSBROUGH. Mr. President, in parts of the State of North Dakota, especially in regions where there were land grants and where men in former years took advantage of the opportunity to acquire land under those land grants there are farms of from one to five thousand acres; but, outside of those land-grant areas nothing of the kind described by the Senator takes place, nor can it take place.

Mr. NEWLANDS. Will the Senator insist that outside of those land-grant areas there are not also farms of very much

greater extent than 160 acres?

Mr. HANSBROUGH. Oh, yes, Mr. President, there are many farms outside of the land-grant areas of 500 acres and over,

and some of a thousand acres, I do not doubt.

Mr. NEWLANDS. And some of two or three thousand acres? Mr. HANSBROUGH. But they were not acquired illegitimately. They were acquired precisely as the Senator would acquire land if he were there in the land business. If he himself had settled upon a homestead in the earlier days and had profited thereby, making a little money from year to year, he would have invested his profits in an adjoining quarter section of land, and he would have had the right to do that without any evasion of the land laws.

Mr. NEWLANDS. Mr. President, I have no personal information upon the subject, but I understand the condition to which I have referred largely exists in some portions of North Dakota and that farming entries are made under the homestead act by people who are not farmers-by school-teachers, by clerks, and by others either residing in the community or residing far away-that they reside there apparently for fourteen months, six months of the residence being merely constructive, under the requirements of the Land Office, and eight months only of actual residence being assured, and that at the end of fourteen months in very many cases these people, who had sworn that they entered the lands simply for themselves and not for others, got title to the land and then immediately transferred it to the great land companies which have advanced them their expenses meanwhile, and that there is a considerable spec-

ulation in these lands in that way.

Mr. HANSBROUGH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. NEWLANDS. Certainly.

Mr. HANSBROUGH. I have no doubt there are some isolated cases similar to the case the Senator describes; but I will say to the Senator that that is not the rule in the State of North Dakota or any place else on the public domain where lands are valuable.

Mr. NEWLANDS. I do not contend that it is the rule. have no doubt it is the exception. But it is the duty of the President, charged with the execution of the law, to see that

these exceptions do not occur, and it is the duty of the Secretary of the Interior to see that these exceptions do not occur.

Mr. CLAPP. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?
Mr. NEWLANDS. Certainly.

Mr. CLAPP. Without any criticism and without desiring to press any advantage, I suggest to the Senator, speaking of duty, that if he knows of the case where this ranch was taken up by these improper methods, whether it does not rise almost to the dignity of a duty to place the facts before some one who can investigate the case?

Mr. NEWLANDS. I have already stated to the Senator that I know nothing of personal knowledge regarding North Dakota.
Mr. CLAPP. But the Senator stated that a gentleman told

him that he himself had done it, as I understood, and when the Senator from North Dakota asked where the land was located the Senator felt that he was not obliged to state where it was. It was certainly a violation of the law.

Mr. NEWLANDS. All I can say is that the Senator must have a very poor opinion of me if he thinks I would take advantage of a private conversation with a gentleman who made so naïve and innocent a confession under the conditions stated.

Mr. HANSBROUGH. I think the Senator from Nevada

should state whether this transaction took place in the State of North Dakota.

Mr. NEWLANDS. Every other Senator then might ask me the same question with respect to his State, and in the end you would locate the State in which the transaction took place.

Mr. HANSBROUGH. I am satisfied that it did not take place in the State of North Dakota. I think the Senator knows that, too.

Mr. NEWLANDS. I am not making any special charge against the State of North Dakota.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. I rose to remark that I am somewhat charmed by the use of the word "innocent" in reference to the gentle-. man's transaction in acquiring the public domain under the circumstances the Senator stated.

Mr. NEWLANDS. I repeat it. The gentleman was entirely innocent in the transaction. He did not know what the law was. He turned the matter over to his agents and accumulated

I can recall myself that many years ago, when I was practicing law, I went to look at a large cattle range which an English friend was thinking of purchasing, consisting of a large number of cattle and a very wide range of land; and I went over the range, talked with the vaqueros and the superintendents and the foremen, and they were all talking about the manner in which they were completing the title to that range. found that every one of them made some entry, most of them under the homestead act, and they were making these entries simply in the interest of the owner of the range. It was so much the custom of that part of the country that they did not realize that they were offending against the law.

MISFIT LAWS.

I am making no charge against the State of North Dakota. These conditions prevail in every one of the Western States, and I insist upon it that they prevail because the Congress has never yet shaped the laws so as to suit the economic requirements of the country, and such laws will always be evaded; and I insist upon it that the fault is largely with Congress. As it is, we have laws inadequate to the development of the West. and the West must grow, law or no law, and will grow, law or no law; and I insist upon it that it is much better for us to change the laws so as to meet the economic requirements of the West than to let the present conditions remain under which the President, sworn to execute the law, is landing men in jail who at heart and judged by their environment are as innocent of any intentional wrong as the gentleman who gave his account to me of the manner in which he accumulated a control of a large area of land. It makes me heartsick to read here of clergymen and others being indicted in the West for making entries under the land laws, without any conception of the guilt involved in the act.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. Certainly.

Mr. CARTER. The Senator states that the economic conditions in the country referred to are such that the 160-acre homestead claim is wholly inadequate to meet the conditions.

Would he so amend the law as to permit of the acquisition of a much larger area of land by a single individual?

Mr. NEWLANDS. I am not prepared to state now what changes I would favor. That would be a digression from my present purpose. What I do insist upon is that it is the duty of the Senators and Representatives from the West, more familiar with these conditions and who are familiar with the laws, to get together and recommend to the Congress of the United States laws that will meet these conditions. I should expect in such a conference to give and take, to accommodate my views in many particulars to the views of my associates with the purpose of securing harmony of action. I would expect that we would arrive at a pretty nearly unanimous conclusion, and I believe that our recommendations to the Public Lands Committee of the Senate and the Public Lands Committee of the House would be crystallized in legislation within six months

We had the same experience with the irrigation question. The men of the West had been engaged for years in educating Congress upon the subject of irrigation, in educating the humid region as to the requirements of the arid region. They were not only educating the Congress, but educating the country at the same time, and when the public sentiment of the entire country was ripe for action we found that we differed among ourselves as to the kind of law that should be passed, and we were in danger of making a spectacle of ourselves in Congress and before the country and of defeating the entire movement by the divergence of our views.

Some were in favor of nationalizing irrigation. Some were in favor of confining it to State lines. Some were in favor of the cession of all of the arid lands to the States. Some were in favor of giving the States the absolute control over the waters stored by national action. But as the result of this divergence of views we concluded to come together, and we met and appointed a committee from thirteen States and three Territories, consisting of one Senator and one Representative from each State, and that committee appointed a subcommittee of seventeen, and the subcommittee held sessions consecutively for thirty days. At the end of that time the committee of seventeen reached a unanimous conclusion, and they presented their conclusion to the general committee, and it was adopted after much discussion. Then it was submitted to the committee of the Senate and of the House, approved in almost all its features by them, and within a few months afterward was triumphantly passed by Congress.

That law has given universal satisfaction and will give still greater satisfaction, and the Western Senators and Representa-tives took the very position which Mr. Hitchcock and Mr. Roosevelt have always contended for and do now contend for, that not only the reclamation act, but all the land laws should be administered in the interest of home seekers and with a view to preventing monopoly.

LAND MONOPOLY.

The purpose of Congress has been honest throughout the entire history of our legislation upon this subject. Look at every one of the statutes relating to public lands and you will see the purpose clearly is to avoid land monopoly, and yet we know that under these very laws monopoly has been built up in the West.

We know that in the State of Colorado the Colorado Iron and Fuel Company is in control of almost all the available coal fields of that State. We know that it has become a great power industrially and politically. We know of the methods by which it has obtained favored transportation. We know how strong a factor it has been in politics and how potential it has been in controlling the State, and yet if you survey all the lands that are in the ownership of this corporation to-day and which constitute its wealth and give it so great a political influence and strength, you will find that thirty years ago every acre of those lands belonged to the people of the United States

We know that under the land laws of the United States large areas of land have been concentrated in the arid region and on the Pacific coast. We know that in the San Joaquin Valley one ranch of 300,000 acres was concentrated under these laws. We know that there is one firm in California that owns over a million acres, of which the larger proportion was the property

of the entire people twenty-five or thirty years ago.

Now, these are the conditions that exist. Congress never intended that they should exist. Congress intended.

Mr. PERKINS. Mr. President.

Mr. PERKINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.
Mr. PERKINS. I merely wish to remind my friend the Senator from Nevada that these large areas in California were,

as he is aware, principally Spanish grants of land, and when California was admitted into the Union those titles were recognized. It is a curse to the State, I admit, but it is not due to the land laws of our own country.

Mr. NEWLANDS. The Senator states that these great ranches are a curse to the State, and in that sentence he recognizes the evil of land monopoly, which Congress has always intended to avert, but which it has failed to avert.

It is true, as the Senator says, that many of these ranches consisted of grants made by the Mexican Government, and that the rights were vested and that the United States Government was compelled to recognize them, notwithstanding the fact that they have arrested and delayed the economic development of that State. But in the two instances that I speak of, where there have been these concentrations of lands, only twenty or twenty-five years ago the land belonged to the Government of the United States. I can point the Senator to numerous ranches there of very large extent-from fifty to a hundred thousand acres—that consisted originally of Government land, and I believed that the bulk of the land held by this great firm of which I speak was originally Government land.

THE TIMBER MONOPOLY.

Now, we also know that the timber lands are being concentrated in very large areas.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.
Mr. HEYBURN. Before leaving the question of the homestead lands, I would inquire of the Senator whether or not the fact that these large areas exist because of some violation of the law in the past, perhaps, would be any justification for suspending the entry of valid homesteads at this time, as by the order set forth?

Mr. NEWLANDS. I do not feel called upon to defend the order made by the President. I am not sufficiently well informed to form a judgment regarding it. What I do know is that it is his duty to execute the law, and that his duty is not to turn over to any man lands that have been fraudulently acquired, and it is his duty to see to it that every precaution is taken against fraudulent entry and fraudulent patenting, and Congress has authorized him to make the rules and regulations necessary to carry out the intent and spirit of the land laws. I am prepared to give him the aid necessary to accomplish this. I deplore the tying up of the patents as much as anyone, but I think this difficulty will be best solved by cooperation between Congress and the President in securing good administration and

good laws, rather than by an unnecessary antagonism.

Mr. HEYBURN. I should like to ask the Senator what law is being executed by the President in suspending the entries of public lands by homesteaders who are not charged with fraud?

Mr. NEWLANDS. I may say that the duty devolves upon the President, upon the Executive Department, of segregating the fraudulent from the honest, and that that necessarily means some kind of an examination under the law.

Mr. HEYBURN. But what law is he executing in suspending

Mr. Historia. But hat have been examined, passed upon, and approved and only await delivery of patent? What law is he executing?

Mr. NEWLANDS. As I stated, I am not prepared to defend the order of the President—it may have gone entirely too far; I think it has in many particulars—but I do say that the purpose which has animated him has doubtless been that of the faithful execution of the laws in their spirit and their intent, and I also contend that Congress has been at fault in not providing laws that are suited to the requirements of this region, which is entirely different from the humid region which was

First settled up.

Now, as to timber lands, we all know that there have been large concentrations of ownership in timber lands in the West, and with reference to that I have another illustration in the naïve confession of a man interested in entering up timber I was a member of the El Paso Irrigation Congress and on the committee on resolutions when the question came up there as to what the policy of the West should be regarding the land laws. We had under consideration the timber act. There was a gentleman there from the State of Minnesota, whose name I can not recall and whose name I would not give if I could recall it. He stated in that committee that he had started in life as a poor boy and that he could now write his check for \$500,000, and that his money had been made entirely in the lumber business. He insisted upon it that these lands ought not to be held by the Government unutilized; that it was to the interest of the entire people that they should be so divided up and sold as soon as possible, and he went on to say how beneficial the sale of timber lands had been to different

people that he knew. He instanced the fact that from his own State many clerks and school-teachers, male and female, had gone out to the West and, under these laws, had entered timber lands, and that each one of them had made \$500 or \$600 upon He seemed to be entirely unconscious of the the transaction. fact that in making these entries of timber lands and turning the lands over to corporations and syndicates for profit they were violating and evading the law, and he asked us whether we ought to prevent these good, honest people from making a little money in that way. He was entirely unconscious, apparently-doubtless he had been in the same transactions himself, for his entire conversation indicated it—that there was any moral offense in the matter, and yet the very people of whom he spoke and people like them are doubtless subject to punishment under the law.

The timber laws are absolutely unsuited to the requirements of the West. We all know that in order to establish the lumber business it is necessary to have large capital; that you must have large saw and planing mills; that you must build railroads; that you must construct wagon roads. In many cases these en-terprises, in order to produce lumber at a reasonable price, require a capitalization of from \$1,000,000 to \$2,000,000, and yet our law restricts a man to the entry of 160 acres, and assumes that the entire lumber business of the country can be conducted by numerous people, each one of them owning only 160 acres. Clearly, in order to meet the economic requirements of the lumber situation, it is incumbent upon us either to provide that these lands can be sold in larger areas or to recognize that the best way of managing the lands is to hold them in communal form, selling only the stumpage and giving everybody an equal chance to purchase the timber upon the land.

In the latter way we could, if extortion or monopoly prevailed, control the prices of the product, and we must admit that if consolidation takes place to such an extent as to make competition impossible in any product, in the end it is the duty of the Government itself to fix the price of that product; that whenever competition becomes impossible it is the right and it is the duty

of the Government to fix the price.

So we have here a condition absolutely unsuited to the requirements of the entire country. We have here a condition where the laws are being evaded and where vast lumber companies have been organized, which have employed people to enter these timber lands, not for their own individual use, but for monopolistic use, and when the entry was complete and the title obtained, the corporations themselves have secured the title. We have built up in the West the great lumber trust of which the Senator from South Dakota complained in his admirable speech the other The whole tendency of the law as it now stands upon the statute books is toward the promotion of fraud and perjury and

the creation of monopoly.

I ask, when these conditions exist and when the Secretary of the Interior and the President of the United States are making an effort by the administration of the law to break up the existing condition of things, whether it is not very much better for us, instead of attacking them for perhaps overzeal in the administration of the law, to show some speed in reforming the law.

We alone can do that.

PERCENTAGE OF FRAUD.

Mr. HEYBURN. I should like to ask the Senator whether it would not be more correct to say "in an effort to fail to execute the law?" Is not the effort rather to avoid executing the law than to execute it when it stops its execution entirely?

Then I should like to remark to the Senator that it is rather a strong indictment of the American people to suggest, as his remarks might possibly be held to suggest, that all of these entries of timber lands were tainted with fraud. Is it not probable that the percentage of fraud is very slight and that a great many people honestly and earnestly seek to comply with the law?

Mr. NEWLANDS. I am not aware that I have insisted that all these entries were fraudulent.

Mr. HEYBURN. The Senator did not make any exception. Mr. NEWLANDS. On the other hand, I did not state that all of these entries were fraudulent, nor do I so contend.

Mr. HEYBURN. Less than 1 per cent have been found to

be illegal.

Mr. NEWLANDS. Let us inquire into that 1 per cent. The Senator from Montana [Mr. CARTER] touched with great force upon that. He showed from the records that of all the numerous entries that had been made less than 1 per cent, I believe, had been canceled, and he assumed, therefore, that that 1 per cent was all that ought to have been canceled. That is not a fair assumption. If, as the President and the Secretary of the Interior insist, they have not, under existing law, a sufficient force of men to discover and make apparent the frauds

which they have reason to believe exist, then it is very clear that if we do not furnish them with the agents and with the machinery to detect these evasions and violations of the law the number of actual cancellations of patents that are made does not show necessarily the sum total of the frauds or evasions that have been perpetrated.

Mr. CARTER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. Certainly. Mr. CARTER. I merely rise to suggest to the Senator that the Interior Department, on its estimates, has been provided by the Congress with appropriations for the supervision of these land entries for a number of years gone by, and that if the Department needed more money it simply failed to call for the sum it needed. Congress has responded by appropriations equivalent to the estimates.

Before resuming my seat I wish to call the Senator's attention to another state of facts. He suggests that in the Northwestern country a great lumber trust has grown up. I have no doubt that is true. But it originated only to an inconsiderable extent through individual effort. The great railway land grants, embracing large areas of timber land, supplemented by what is known as the "lieu-land scrip" under the act of 1897, eventuated in these great consolidated holdings. I call the attention of the Senator further to the fact that the predecessor of the present Secretary held that the act of 1897, relative to the selection of lieu lands, did not apply to landgrant railway companies.

The Land Office force, I am informed, contended likewise for that construction. But they were both arbitrarily overruled, and over 2,000,000 acres of timber lands were passed to these monopolistic holdings under the rulings of the present Secretary, under the guise of lieu land selected, or land taken in lieu

of other lands embraced in forest reservations.

Another strange fact is that when Congress finally determined to repeal that law, the Secretary of the Interior insisted upon preserving the integrity of a contract he had made without any rhyme or reason, without any requirement of law, whereby certain lands in what is known as the "San Francisco Forest Reserve," in the Territory of Arizona, were made the basis of these lieu-land selections, with the remarkable provision in the contract that the railroad company in its grant of land could first cut off all the timber on the base lands proposed to be incorporated in the forest reserve, and might then take of the virgin forests in the State of Idaho lieu land for the land they had stripped of the timber under the contract with the Secretary in the Territory of Arizona. By and through the original land grant and the lieu-land scrip held by the Secretary to be applicable to the-land-grant railways, great consolidated holdings, now the basis of the lumber trust of the Northwest, were permitted, and I do protest against charging that kind of an operation to individuals honestly engaged in attempting to acquire title to public lands under the laws of the Government.

Mr. NEWLANDS. Mr. President, I am, of course, prepared to admit that a very large proportion of the concentration of the timber land of the country is due to the land grants, and that a very large proportion is due to the lieu-land law to which the Senator refers. If that is so, it simply demonstrates that in the past the Congress of the United States in passing its laws and possibly the executive branch of the Government in administering them have been very prodigal of the public domain.

But if that is true, it is all the more incumbent upon us not to be so prodigal now, when two-thirds of the public domain is exhausted and the portion in the arid and semiarid region alone remains. That country is capable of supporting a hundred millions of people if we keep it for home seekers and keep it out of the hands of combinations and monopolies.

I am not prepared to answer what the Senator says regarding the administration by the Secretary of the Interior of the lieu-land law. If he held that the lieu-land law applied to railroad corporations, I have no doubt the opinion was honestly held, and I have no doubt it was given upon legal advice.

Mr. CARTER. I raise no question as to that. It is as to the result I speak.

Mr. NEWLANDS. But the lieu-land law was passed by Con-If there are any loopholes in the lieu-land law, Congress is responsible for it, and it only illustrates my argument that it is of the highest importance that we men of the West should settle this question amongst ourselves by appropriate legislation.

NO INDICTMENT OF THE WEST.

The Senator from Montana implies that I am indicting the honesty and the integrity of the West in what I have said. It is not so, Mr. President. I am only indicting the honesty and the

integrity of a few men in the West and a few men in the East who aid in the evasion of the land laws in the West, and I am exceedingly charitable in my construction of their offenses. have insisted throughout that however we may feel upon the moral presentation of the case regarding the guilt or the innocence of a man who is charged with a certain offense, we must realize that if we pass laws which are unsuited to the economic requirements of the country, we must expect their evasion.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. I would suggest to the Senator from Nevada that the difficulty arises in a large measure out of the use of general terms. We have had at no time a statement as to either the men who have made fraudulent entries or the land that has been fraudulently entered. These statements have al-

ways come to us in the form of a general statement.

Now, how many individuals by name does the Senator suppose that we could have enumerated to us by the Secretary of the Interior, if we were to call for it by enumeration, who had taken up land fraudulently, either under the timber and stone act or under the homestead act? It would be interesting to ascertain how many tracts of land they would be willing to say had been entered in violation of law, and it would be interesting to ask of them the names of the individuals. Then we would be in a position to say to them, "Why do you not cancel these en-If they were obtained or entered in violation of the law, why does not the United States Government, instead of dealing in a general indictment against the whole country, particularize it so that we may separate those who are charged from those who are not?" Would it not be a very proper method of procedure to call upon the Department for a list of the fraudulent entries that had so impressed them as to cause them to suspend all entries?

Mr. NEWLANDS. I think it would be a very proper procedure on the part of Congress. I do not know whether Congress has ever taken that action or not. If it has not, it has been derelict.

Mr. HEYBURN. We are entitled to the names.

Mr. NEWLANDS. Mr. President, it was my purpose to have read some extracts from the reports of the Secretary of the Interior showing that throughout he has had the purpose only of the equal and harmonious development of the West, with equal rights to all and special privileges to none, and with a view to promoting the development of the West for the homes of home seekers. I will ask leave to insert those excerpts in my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

THE COAL LANDS.

Mr. NEWLANDS. Now, Mr. President, regarding the coal lands, we know that almost all the coal lands of Pennsylvania have fallen under one control. We know that almost all the coal lands of West Virginia have fallen under one control. know that almost all the coal lands of Colorado have fallen under one control. I ask: Is it not incumbent upon us to take up that question and see to it that the fuel supply of the great Western region is not in any way monopolized?

The suggestion is made by the President that we should provide for leasing these lands, at the same time disposing of the surface in some way so that it could be used for agricultural That is one solution. It is a solution that I have been inclined to favor, and at the last session of Congress I introduced a bill upon the subject, a copy of which I shall insert in my remarks. The bill is as follows:

A bill (S. 5441) authorizing the President to reserve coal and lignite underlying public lands for future disposal.

underlying public lands for future disposal.

Be it enacted, ctc. That the President of the United States may, from time to time, set aside and reserve in any State or Territory having public lands underlaid by beds of coal or lignite of commercial value such areas as, in his judgment, should be held for future disposal of the coal or lignite. And the President shall by public proclamation declare the establishment of such reservations and the limits thereof. The title to and the right to the use of the surface of such land may be disposed of in accordance with existing law; all conveyances of title, however, from the United States shall contain the provision that the coal or lignite underlying said land is reserved for the use of the United States, together with such rights of way as may be necessary for the mining and removal of the coal or lignite, in accordance with commercial usages; such reservations shall be put under the control of the Geological Survey of the Interior Department, and the Secretary of the Interior shall report to the Congress his recommendation regarding the best method of disposing of such coal and lignite with a view to preventing monopoly and extortionate prices.

Another solution is in granting these lands to provide plainly against their concentration hereafter in monopolistic holdings.

But whatever our view may be as to whether those lands

But whatever our view may be as to whether those lands should be held in a communal form for the entire future, the

Government leasing them, fixing a moderate royalty for the extraction of coal, and maintaining a control over the price so as to prevent monopoly, or whether they should be sold and granted as heretofore to individuals under restrictions against monopoly, we must admit that the present laws are entirely inadequate.

In coal development, just as in timber development, it is essential to hold the control of a considerable area of land, in the interest of the public as well as the promoter of the project. Every coal enterprise involves an expenditure of a large sum of money, if it is conducted in such a way as to produce the coal as cheaply as possible. You must locate a town, you must build a town, you must provide waterworks and gas electric works. You must provide houses for the laborers, for the development of a coal mine on a western prairie means town development as well as mine development. It is absolutely essential, therefore, that an expenditure of large sums must be made.

Now, assume that we are going to intrust the development of our coal region to individual enterprise. Can we expect to enlist capital in the sums required under the present law, which permits an individual to take up only 160 acres? If we hold on to our present system we must increase the area of entry, and in order to do that we must change the law. I ask whether it is not a great deal better for us to address ourselves to changing the law, adopting either the communal system of leasing or the individual system of large holdings, with restrictions upon monopoly, if possible, than to be arraigning constantly the Secretary of the Interior and the President of the United States for attempting to enforce existing laws and to prevent the accumulation in one holding of a large area of land, which, whilst entirely desirable, is forbidden by the existing law the President is sworn to execute?

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.
Mr. HEYBURN. The suggestion of the Senator from Nevada characterizing the discussion that has taken place as an arraignment of the President or the Secretary hardly states the character of the discussion correctly. The discussion has not been in the nature of an arraignment of the President or Secretary. It has been a reply to an official message sent to this body by the President, in which, instead of the Senate having gone out to hunt a controversy, it is merely meeting one that was sent in here. It is not the question of the manner of the execution of the law that we have been discussing, but it is the question of the refusal to execute the law that we have been discussing

Mr. NEWLANDS. I do not wish to characterize in any offensive way the very eloquent presentation of this matter that has been made by the Senator from Idaho and the Senator from Montana, but I thought in using the word "arraignment" I was using a very mild term as expressive of their utterances upon this floor.

THE FOREST RESERVES.

Mr. President, regarding the forest reserves, the Senator from Idaho complains of these reserves, and I must confess that his statement rather staggered me, that nearly one-third, I believe, of the entire area of his State had been taken up in forest reserves. I can understand how a State would watch with some apprehension the withdrawal from entry or the opportunity of private ownership of so large an area of the State.

It is possible that too large an area has been reserved; but so far as the general policy of the forest reserves is concerned I am satisfied that not only the people of the country sustain it, but that the people of the West sustain it. I think that the Senator, if he polls his own State regarding it, will find that the great majority are in favor of this policy of forest reserves.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield further to the Senator from Idaho?

Mr. NEWLANDS. Certainly.
Mr. HEYBURN. In reply I will say that I have no hesitation at all in stating for either the present or the future responsibility as to the fact being proved to be true, that 90 per cent of the people of Idaho are opposed absolutely and unqualifieldy to the forest-reserve policy which has resulted in with-drawing from the possibility of settlement 18,000,000 acres, or any considerable portion of it. I know the sentiment of that

Mr. NEWLANDS. I was speaking of the general policy.
Mr. NEWLANDS. I am speaking of the general policy.
Mr. NEWLANDS. I thought the Senator confined himself

entirely to that particular exercise of policy.

Mr. HEYBURN. Mr. President, a few days ago the Live

Stock Association of Idaho, in regular annual session, by a resolution in unqualified terms condemned the forestry policy of the Administration. They repeated it at Salt Lake, in the neighboring State. And they were looking at it from the standpoint of men who come most nearly having their interests along those lines.

GRAZING LANDS.

Mr. NEWLANDS: I know that the cattlemen of the West and the sheepmen of the West have been very much opposed to any interference at all by the Government with their use of the great grazing lands of the West, and they have resented any suggestion that the Government should in any way exercise control over its own lands in the interest of peace, the peace of the range, and in the interest of a proper development of the grazing resources of the lands. But I have found that there has been a great change of opinion among these men. I saw the other day a resolution adopted by, I think, the General Association of Cattlemen, looking to devising some system of control by the National Government. I am not sure whether it extended to an indorsement of the forestry system or not. My impression was that it did. But I am sure that it extended to this suggested system of control over the grazing lands.

Mr. WARREN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. My observation has been that the live-stock associations that have met of late have not declared opposition to the principle of the forest reserves, but they have taken exceptions to the large areas called "forest reserves" where they have included within their lines open parks not in the judgment of live-stock men necessary for forestry purposes, and in which live stock is prohibited from grazing or a smaller number are permitted within them than they believe should be allowed. Stockmen have also, in some instances, taken up the matter of the price charged and believe that it has been excessive, especially as to sheep. But I think generally the live-stock men recognize the necessity of taking care of the forests as such, wherever forests now exist or where young trees have started or will grow, but they require the use of the balance of the public domain and are taking exceptions to, first, the size of these reserves; second, the numbers of stock admitted, and, third, the price charged therefore, especially as to sheep. That is my

Mr. NEWLANDS. May I ask the Senator from Wyoming whether my statement is not correct, that the stockmen are gradually realizing the importance of the Government in some way controlling the range itself, recognizing the associations

as factors in that control?

Mr. WARREN. I am very glad to reply to that. I have given it a good deal of attention, all the more so because I have been called upon of late to act in certain committees. here is the same condition as to live stock grazing on the public domain and the government thereof as prevailed a few years ago as to irrigation. There are so many different minds and so many different policies that it is unsafe, and it would be untrue to say that any definite, particular policy is that of the live-stock men.

In my State there are some that are opposed to any kind of control of the public domain, and especially so of the grazing On the other hand, there are a great many-and I will say that this number is composed usually of those who have been longest in business and who have had diversified stock, and who have provided food for their stock in winter, and who desire to use pastures—who are in favor of either the Government controlling or passing it to the State to control it, so that all the unoccupied grazing land may be sold or leased and parceled out amongst those who have the best right to use it. But there is,

Mr. NEWLANDS. Do they not recognize the fact that under the unrestrained use of these great areas for grazing

Mr. WARREN. I am coming to that.

Mr. NEWLANDS. The public peace is endangered for one and that the destruction of the grazing itself will be

gradually assured?

Mr. WARREN. I am coming to that. The main objection that the live-stock men make to the Government controlling it absolutely is that those that will control it, if from headquarters here at Washington, will not exercise the same care and judgment in the division of the ranges and will not be as liberal in the rental as they think is necessary. Therefore they feel that there should be a local government, or at least a dual government of the land, composed partly of those at home on the ground and partly the General Government,

All stock men realize that the time is rapidly approaching

when the limitless open-range business must cease, or when there must be some control, some partitioning up of the grazing lands not fit for settlement. And they all realize that as to Government property the Government has the undoubted right

The burning questions are, Has the time arrived for action, and how can the matter best be handled to benefit settlers, livestock men, and the Government, as the General Government is

simply trustee for all the people?

Mr. NEWLANDS. They all recognize the fact that there must be some legislation upon the subject, but they differ as to

the form of legislation, as I understand the Senator.

Mr. WARREN. Yes. There are many who believe that after certain time the remaining grazing lands should be sold. There are others who believe that they should be intrusted either to the State or to certain representatives of the State, or to a board in which the State has equal control with the General Government, that they may be rented subject to entry, and that the proceeds should be devoted to the furthering of the reclamation of the arid lands or the building of good roads, or to the bearing of some portion of the burden in the locality where they lie, instead of expecting that those who have title to their lands must pay all the taxes and the Government, in the control and ownership of a part of the land and through the unusual withholding of title to other lands, keep out from taxation a large proportion of the neighborhood property. They believe the proceeds, whatever they may be, of the public domain ought to be expended in the locality, or nearly so, where the land lies.

Mr. NEWLANDS. Mr. President, the remarks of the Senator from Wyoming [Mr. Warren] simply illustrate my contention that there is not only need of legislation regarding these public lands, but there is a demand for it. There is a demand for it upon the part of those who have hitherto absolutely resisted any legislation—the men who have expected to use the public domain of the West as a vast common for the grazing of their cattle. They realize that this system results in constant contention between the varying interests of the cattlemen and the sheep men. resulting often in violence and in murder. They also realize that it involves a wasteful use of the public domain prejudicial to their own interest; that under the present system it is the interest of every man to crowd as many cattle upon the domain as possible, for if he does not crowd them his neighbor will. The result is that there will be too many cattle upon this domain, and they will be put upon the grass at times when it is unwise that the lands should be trodden by cattle. Every consideration of their own interest demands that there should be some adjustment by law of this question. It simply illustrates my contention that it is the duty of the men from the West to present a solution in the shape of a rational law.

I do not undertake to say now what that law should be. should imagine that the best temporary resting place possible would be to have some kind of leasing law, administered in connection and consultation with these cattle associations. gradual process of evolution we will work out a perfect system, either resulting in the communal holding of the lands or their gradual division and segregation into individual holdings, and always maintaining the right of the small farmer and home-

seeker to enter and possess.

PROFITS OF ADMINISTRATION.

I think the contention of the West is a correct one—that these lands should not be administered for profit by the Government; that a certain proportion of the proceeds from the leasing should go into the local treasuries, with a view to local improvement. It is unfair to put the entire burden of taxation upon those who happen to have the legal title to their possessions. I think we should have this in view in our administration of the timber lands and the coal lands and the grazing lands; and whatever law we shape should provide for the assignment of a proper proportion of the proceeds realized to local government-municipal, county, and State.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada

yield to the Senator from Oregon?

Mr. NEWLANDS. I do.

Mr. FULTON. I ask the Senator if he does not think that the entire proceeds from these lands, above the necessary cost of administering the law and taking care of them, should go to the States in which they are located?

Mr. NEWLANDS. I think so—either to them or to the irrigation fund or some other fund for western development.

Mr. FULTON. If these lands are to be held as forest reserves, or to be retained for leasing purposes, it will be withdrawing from the territory of the State a vast amount of land that can not pass into private ownership and therefore can not contribute in any way to the industrial life of the State. It is a very serious proposition to many of the Western States.

Mr. NEWLANDS. It undoubtedly is, and I think the ques-

tion should be solved in that way.

Mr. President, I should be glad to go on in the consideration of these various laws and their imperfections and the necessity for their amendment, but I am admonished that the time for adjournment is near at hand, or has really passed, so I will

only add a few words regarding the forest reserves.

While it may seem that this power has been exercised to a very prodigious extent in the State of Idaho, I have no doubt that, with a little patience, the whole system will work satis-factorily to the people of that State. If we can encourage there the spirit of cooperation instead of the spirit of resistance, I am sure that the forestry laws will be satisfactorily administered there, as they have been in the other States of the Union.

For my part I feel a pride in the great services of the National Government relating to the West; I feel a great pride in the Reclamation Service; I feel a great pride in the Forestry Service; I feel a great pride in the Geological Survey. I have attended most of the irrigation congresses that have been held in the West. They are held annually. Each consists usually of about a thousand members selected from representative men of all the States of that region. It has been the custom of the Forestry Service and the custom of the Reclamation Service to meet at these great congresses. They have held conventions of their own at the same time in the same place. They have adopted a system of exposition to the people of that region that has been exceedingly satisfactory to them. They have brought the people of that region into practical cooperation with them. They have listened to their suggestions, they have presented their plans, and they are no longer regarded as an invading army of impractical theorists determined to push their own views upon the West. I think we find universally that they have been possessed by the spirit of accommodation and of helpfulness. I believe in the end that the difficulties which the

Senator from Idaho [Mr. Heyburn] seems to have encountered in his State will be entirely solved. I can understand how in making a reservation in the first instance it may be necessary to inclose some of the State lands; but certainly if the State

lands have rights, the national lands also have rights. State lands happen to be entirely surrounded by national lands, I do not see that there is any great impropriety in the official who has control of the national lands requiring that a permit should be issued to the occupant of the State lands before allowing him to take his cattle over the forest lands. Proper administration of the forest land and protection against fire make this a reasonable requirement. It simply means order

instead of chaos. Mr. HEYBURN. Mr. President, let me ask the Senator. would it not be more appropriate that the State, inasmuch as it is surrounded by national lands and being the government nearest at hand, should control the area that included both classes of land? Is it not probable that the State government, being on the ground, could more effectually conserve the interests of both the State and the nation inasmuch as their lands were equally within the area?

Mr. NEWLANDS. But, Mr. President, they are both sovereign. The State is sovereign over its lands, and the National Government is sovereign over its lands.

Mr. HEYBURN. Then, why should one sovereign, because it is larger than the other, absorb the small one?

Mr. NEWLANDS. It ought not to. Mr. HEYBURN. But it does.

Mr. NEWLANDS. There ought to be treaties between the two

Mr. HEYBURN. That is an old doctrine.

Mr. NEWLANDS. And negotiations in the spirit of accommodation and helpfulness; and I have no doubt that will be the case. But that is no argument against the general system of the forest reserves, and I think the Senator from Idaho will find that he stands almost alone in the Senate in his opposition to the general policy. I am not talking about a particular case,

but his opposition to the general policy of forest reserves.

Mr. HEYBURN. Mr. President, I have frequently been quoted as being in opposition to the general policy of forest reserves. I am not in opposition to the policy of forest reserves.

Mr. NEWLANDS. I am glad to know that.
Mr. HEYBURN. But I am in opposition to the policy of forest reserves that transgress the rights of American citizens, in-

dividually or collectively.

Mr. NEWLANDS. I stand with the Senator there. satisfied that, with patience, we will work this whole thing out. The people of the West have naturally resented any national

interference or control, but that control is being very wisely exercised, and I have no doubt in the end will meet with the satisfaction of all.

During the delivery of Mr. Newland's speech, Mr. CLAPP. I think, for the benefit of Senators, I should state that the Indian appropriation bill will not be brought up this afternoon, but it will be moved the first thing at the close of the routine business in the morning.

After the conclusion of Mr. NEWLAND's speech,

EMPLOYMENT OF CHILD LABOR.

Mr. BACON. Mr. President, by the courtesy of the Senator from Minnesota [Mr. Clapr] I trespass upon the time of the Senate for a few moments. I would not do so at this late hour, but the business of the Senate is becoming so congested that we

have to take advantage of every opportunity presented.

While the senior Senator from Indiana [Mr. Beveridge] was discussing a week ago to-day on this floor the so-called "child-labor bill," he had occasion to very severely condemn the Georgia law for the suppression of child labor, speaking of it as not being worth the paper upon which it was written. I endeavored at that time to have the law inserted, in order that others who might read his denunciation of it might have the opportunity to see whether or not it was a well-merited condemnation or whether the law was, in fact, in its terms calculated to be effective. The Senator, however, would not consent that I should do so at that time. I then stated that I would take opportunity, after he had finished his speech, to insert that law in the RECORD. I have delayed doing so until this time, thinking that the discussion of the subject would be resumed, but it was concluded by him on the next day, which was the 29th of January, and has not since been before the Senate. I do not feel justified, however, in longer withholding the redemption of my promise in that regard. I therefore now present the law of Georgia for insertion in the Record. I will not take the time to read it, unless so required by some Senator.

The VICE-PRESIDENT. Without objection, permission is granted to have the law referred to by the Senator printed in

the RECORD without reading.

The law referred to is as follows:

The law referred to is as follows:

No. 399.

An act to regulate the employment of children in factories and manufacturing establishments in this State, and to provide for the punishment of violations of the regulations prescribed, and for other purposes. Section I. Be it enacted by the general assembly of Georgia, and it is hereby enacted by authority of the same, that from and after the approval of this act no child under 10 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State under any circumstances.

Sec. 2. Be it further enacted by the authority aforesaid, that on and after January 1, 1907, no child under 12 years of age shall be so employed or allowed to labor, unless such child be an orphan and has no other means of support or unless a widowed mother or an aged or disabled father is dependent upon the labor of such child, in which event, before putting such child at such labor, such father shall produce and file in the office of such factory or manufacturing establishment a certificate from the ordinary of the county in which such the facts required to be shown as herein prescribed: Provided, That no ordinary shall issue any such certificate except upon strict proof in writing and under oath clearly showing the necessary facts: And provided further, That no such certificate salle be granted for longer than one year nor accepted by any employer after one year from the date of such certificate.

Sec. 3. Be it further enacted by the authority aforesaid, that on and after January 1, 1908, no child under 14 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of 7 p. m. and 6 a. m.

Sec. 4. Be it further enacted by the authority aforesaid, that on and after January 1, 1908, no child, except as heretofore provided, under 14 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between

Sec. 7. Be it further enacted by the authority aforesaid, That any person or agent, or representative of any firm or corporation, who shall violate any provision of this act shall be deemed guilty of a misdemeanor and on conviction shall be punished as prescribed in section 1039 of the Penal Code of Georgia, 1895. Any parent, guardian, or other person standing in parental relation to a child who shall hire or place for employment or labor in or about any factory or manufacturing establishment within this State a child in violation of any provision of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished as prescribed in section 1039 of the Penal Code of Georgia, 1895.

Sec. 8. Be it further enacted by the authority aforesaid. That all laws.

Sec. 8. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved August 1, 1906.

Mr. BACON. I desire to say a very few more words upon the subject. Aside from the terms of a law in the consideration whether or not a law is effective, of course the evidences as to its operation are material. The Senator from Indiana, recognizing that fact, made a statement as to the operation of the Georgia law. On the 29th of January, when he was again addressing the Senate, I endeavored to properly present to the Senate the correction which I deemed necessary of the statement made by him, but the Senator did not give me the opportunity at the time to fully present it. Therefore I am under the necessity of now presenting it in order that it may be clearly set forth.

In the course of the discussion on the 28th of January the Senator, in response to an inquiry by me as to the statement made by him as to the efficiency of the law, made certain rep-resentations as to the efficiency of that law in its practical operation, as disclosed in the following colloquy between the Senator and myself, which I read from the stenographer's notes, the Senator's speech having not yet appeared in the RECORD. This occurred on January 28:

RECORD. This occurred on January 28:

Mr. Bacox. The Senator, in reply to the suggestion as to the efficacy of the Georgia law, made a statement as to the number of children under age in the South who are now employed in the mills. I should like to ask the Senator, as he seems to have exhaustively studied the question, if he is prepared to state how many children in Georgia under 12 years of age or under 14 years of age are to-day employed in the mills?

Mr. Beveridge. I will answer the Senator even more directly than that. I will state that under the new law, which went into effect this very year, there had been applications for the employment of children up to last week in the county clerk's office—I believe it is in Atlanta, or whichever is the greatest city in your State-for 3,000 children, just as there were in Maryland applications since the new law went into effect there for 11,000 children, 1,200 of which were affected, although the census shows there were only 5,000 children of that age at work after the law went into effect on the first of the year, and I shall present it. There have been applications for more than 3,000.

000.

Mr. Bacon. How many of the applications have been granted?

Mr. Beveringe. All were granted.

Mr. Bacon. Has the Senator any evidence that they were all granted?

Mr. Beveringe. Yes, sir.

Subsequent to that, on the same day, the Senator read this from the Atlanta Journal of January 5, 1907:

Despite the fact that the child-labor bill-

Speaking now of the Georgia child-labor bill-

became effective in Georgia January 1, it is nevertheless estimated by Ordinary Wilkinson that in Fulton County alone during the current year between 2,000 and 3,000 children under 12 years of age may be put to work in the factories.

On the next morning, which was the 29th of January, before the Senator resumed his argument, I asked him whether he had any other evidence in support of the statement made by him that there had been 3,000 applications filed in that county and that all of them were granted, except the evidence found in the quotation from the Atlanta Journal which I have just read. He replied to me that he had no other evidence. I then sent a telegram to the ordinary of Fulton County, the county in which Atlanta is situated, the ordinary being the official title in that State of the judge of probate, who has charge of such matters. The telegram I sent to him was in these words:

It was asserted yesterday in the Senate that 3,000 applications had been made in Fulton County for exception certificates under the child-labor law and all had been granted. Please telegraph me if the statement is correct, and if not, give number of certificates that have been

A. O. BACON.

Judge Wilkinson sent the following reply:

ATLANTA, GA., January 29, 1907.

Hon. A. O. Bacon, United States Senate, Washington, D. C.:

Assertion in Senate as to application for exception certificates under child-labor law incorrect, as only ten applications have been granted in Fulton County, and the officers of the mills and factories affected by the law are desirous of having it enforced.

JOHN R. WILKINSON, Ordinary, Fulton County.

I also received on the same morning the following telegram from Hon. Madison Bell, who was one of the authors, if he may not be said to be the author, of the Georgia child-labor law, he being a member of the Georgia legislature:

ATLANTA, GA., January 29, 1907.

Senator A. O. BACON, Washington, D. C.:

Beveringe entirely ignorant of provisions and effect of the child-labor law. Grand juries in each county have special authority to in-spect and must see that law is enforced. Ten permits only by Ordinary Wilkinson, of this county. Can prove that thousands of children have been freed from the mills in this State since January 1, 1907. MADISON BELL.

I also received, Mr. President, a telegram to the same effect, which I will not stop now to read, from Mr. Samuel A. Carter, president Gate City Cotton Mills, and a letter from him of the same date on the same subject, which I ask to have printed in the Record without taking the time to read, and also a letter from him addressed to the ordinary of Fulton County and the reply of the ordinary of Fulton County to the same effect as the telegram he sent me.

The VICE-PRESIDENT. In the absence of objection, permission is granted to print the telegram and letters referred to

in the RECORD.

The telegram and letters referred to are as follows:

ATLANTA, GA., January 29, 1907.

Senator A. O. Bacon, Washington, D. C.:

Judge Wilkinson says Senator Beveringe's statement is incorrect; only ten applications been made since January, three of these from cotton mills; letter explains.

Samuel A. Carter, President Gate City Cotton Mills.

GATE CITY COTTON MILLS, Atlanta, Ga., January 29, 1907.

Hon. A. O. Bacon,

Senate Chamber, Washington, D. C.

Dear Sir: I beg to confirm my telegram to you this p. m., regarding the statement of Judge Wilkinson as to the application being made to him for children to work in the mills of Fulton County. I also beg to call your attention to the inclosed correspondence, which explains itself.

to call your attention to the inclosed correspondence, which explains itself.

And I assert most positively from information received by me from the cotton-mill presidents of Fulton and adjacent counties that the law regarding child labor is being rigidly enforced. There has not been a single application from our mill made to the ordinary.

I have talked with a great number of cotton-mill officials during the past few months, and the information received from them in various sections of the State was that the children that had been working in their mills under 12 years of age had been discarded; and the 1st of January, when the law took effect, there was no hardship upon the mills. The majority of manufacturing plants in Georgia and the South are of modern construction, with all of the comforts and conveniences to be had, and their cottages are new and comfortable, and the operatives, as a mass, are much better off as to churches, schools, and societies, and protection otherwise, than when they lived in the rural and mountainous sections of our State. * *

With highest regards, I beg to remain,

Very truly, yours,

Samuel A. Carter, President.

SAMUEL A. CARTER, President.

GATE CITY COTTON MILLS, Atlanta, Ga., January 29, 1967.

Judge JNO. R. WILKINSON, Ordinary's Office, Atlanta, Ga.

Ordinary's Office, Atlanta, Ga.

Dear Sir: I notice from the Atlanta Constitution this morning a special from Washington, D. C., stating that Senator Beveringe made an assertion in the Senate on yesterday "that since the 1st of January more than 3,000 applications for permission to work children in the mills of Fulton County had been received by you. Will you please let me know officially if this assertion of Senator Beveringe is correct. Also let me know of the applications that have been made how many are from the cotton mills of Fulton County.

Thanking you in advance for a prompt reply, I beg to remain, Very truly, yours,

Gate City Cotton Mills.

GATE CITY COTTON MILLS. By SAML. A. CARTER.

ATLANTA, GA., January 29, 1907.

SAMUEL A. CARTER, President.

Dear Sir: In reply to your inquiry in regard to applications for certificates under child-labor law, I beg to say that I have had only ten applications, and of that number only three were for work in the cotton mills, the remainder being for work in the woolen mills, furniture factories, etc.

This covers all times since January 1, 1907, and is up to date and is probably all we will have, as it has been several days since we have had an inquiry.

an inquiry.
Yours, truly,

JOHN R. WILKINSON, Ordinary.

Mr. BACON. Mr. President, I only bring this up for the purpose of calling attention to the fact that the only foundation for the statement that there were 3,000 applications and that all of the 3,000 applications had been granted was the extract from the Atlanta Journal which I have read, and that the only correction which the Senator from Indiana has made—though he claimed that he had made the correction-is the reading of the particular extract which I have now read.

There was an additional part of the article from the Atlanta Journal which he did read, which will be found, I presume, in his speech when it is published, which in no manner relates to the number of applications which had been made or the number

of them which had been granted.

Mr. President, I do not desire to pursue this subject, especially in the absence of the Senator from Indiana, further than to say that I am as much in favor of the suppression of child labor as is the Senator from Indiana. I do not, however, think that it is necessary, in order to suppress it, that conditions in the States should be magnified or that the efforts which are be-ing made and have been made to suppress it should be minified. Nor do I think it is necessary, in order that there should be a suppression of child labor, that there should be any Federal statute on the subject. I believe that the States are fully capa-ble of dealing with this subject and that the States can better deal with it, because the conditions are different in different States and in different latitudes and longitudes.

But so far as the State of Georgia is concerned, I am satisfied that it is the intention of the people of that State to suppress child labor. They have taken what they believe to be an efficient step in that direction in the passage of this law. Whenever it shall be demonstrated that it is not effective, there will be amendments made to it by the State of Georgia which will make it effective. The State is in no manner dependent upon Federal legislation in order to correct what its people believe to be a great evil and which they are determined to suppress.

S. KATE FISHER AND RATHBUN, BEACHY & CO.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business

Mr. KITTREDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. KEAN. I withdraw the motion.
Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 8080) for the relief of S. Kate

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to S. Kate Fisher, of St. Paul, Minn., \$400, erroneously paid by her for entry of public lands in the local land office for the district

Mr. KITTREDGE. I move to insert at the end of the bill, to be known as section 2, the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from South Dakota proposes an amendment, which will be stated.

The Secretary. It is proposed to insert as a new section the following:

Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Rathbun, Beachy & Co., of Webster, S. Dak., the sum of \$1,000, in full compensation for loss in sale of cattle illegally placed in quarantine by Government inspector at the stock yards in Chicago, Ill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 5, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1907.

SURVEYORS OF CUSTOMS.

James H. Bolton, of Iowa, to be surveyor of customs for the port of Sioux City, in the State of Iowa. (Reappointment.)
Winfield S. Boynton, of Colorado, to be surveyor of customs

for the port of Denver, in the State of Colorado, in place of Nelson F. Handy, whose term of service will expire by limitation March 2, 1907.

ASSISTANT APPRAISER OF MERCHANDISE.

Richard J. Bruce, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland, in place of James Campbell, transferred.

COLLECTOR OF INTERNAL REVENUE.

Charles G. Burton, of Missouri, to be collector of internal revenue for the sixth district of Missouri, in place of Charles W. Roberts, resigned.

MEMBER CALIFORNIA DÉBRIS COMMISSION.

Capt. Thomas H. Jackson, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission, provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Col. William H. Heuer, Corps of Engineers, United States Army, to be relieved.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Maj. George R. Cecil, Thirtieth Infantry, to be lieutenantcolonel from January 31, 1907, vice Crittenden, Tenth Infantry, retired from active service.

Capt. Joseph P. O'Neil, Twenty-fifth Infantry, to be major from January 31, 1907, vice Cecil, Thirtieth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Passed Asst. Surg. Henry E. Odell to be a surgeon in the Navy from the 6th day of September, 1906, vice Surg. George P. Lumsden, promoted.

Asst. Surg. Robert H. Michels to be a passed assistant surgeon in the Navy from the 8th day of October, 1906, upon the completion of three years' service in his present grade.

REGISTERS OF LAND OFFICES.

Edward E. Armour, of Sterling, Colo., to be register of the land office at Sterling, Colo., vice David C. Fleming, term expired.

John E. Evans, of North Platte, Nebr., to be register of the land office at North Platte, Nebr., vice George E. French, term expired.

Lawrence N. Houston, of Enid, Okla., who was appointed October 15, 1906, during the recess of the Senate, to be register of the land office at Guthrie, Okla., vice John J. Boles, term expired (Cassius M. Cade having declined).

RECEIVER OF PUBLIC MONEYS.

William H. C. Woodhurst, of North Platte, Nebr., to be receiver of public moneys at North Platte, Nebr., vice Elbridge D. Owens, term expired.

POSTMASTERS.

CALIFORNIA.

Orlando J. Lincoln to be postmaster at Santa Cruz, in the county of Santa Cruz and State of California, in place of Orlando J. Lincoln. Incumbent's commission expires February 9, 1907.

CONNECTICUT.

Frank J. Letters to be postmaster at Putnam, in the county of Windham and State of Connecticut, in place of Frank J. Letters. Incumbent's commission expires February 4, 1907.

ILLINOIS.

M. Herzog to be postmaster at Blandinsville, in the county of McDonough and State of Illinois, in place of Frank Murphy. Incumbent's commission expired March 1, 1905.

INDIANA.

Samuel A. Connelly to be postmaster at Upland, in the county of Grant and State of Indiana, in place of Asa M. Ballinger. Incumbent's commission expired February 3, 1907.

Morris A. Jones to be postmaster at Brook, in the county of Newton and State of Indiana. Office became Presidential January 1, 1907.

J. F. Martin to be postmaster at Bourbon, in the county of

Marshall and State of Indiana, in place of Samuel Iden. Incumbent's commission expired December 20, 1906.

Calvin Myers to be postmaster at Francesville, in the county of Pulaski and State of Indiana, in place of Caleb W. Barker, resigned.

IOWA.

George Hardenbrook to be postmaster at Maxwell, in the county of Story and State of Iowa, in place of George Harden-Incumbent's commission expires February 9, 1907.

John H. Luse to be postmaster at Mystic, in the county of Appanoose and State of Iowa, in place of Joseph D. Ball. Incumbent's commission expired January 22, 1907.

Henry D. Muehe to be postmaster at Dyersville, in the county of Dubuque and State of Iowa, in place of Evan Gibbons. In-

cumbent's commission expired December 16, 1905.

Hervey J. Vail to be postmaster at New Sharon, in the county of Mahaska and State of Iowa, in place of Hervey J. Vail. Incumbent's commission expires February 11, 1907.

KANSAS.

Fred W. Willard to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas, in place of Fred-W. Willard. Incumbent's commission expired June 30, 1906.

KENTUCKY.

William M. Anderson to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky, in place of William L. Buford. Incumbent's commission expired April 2, 1906.

Virgil L. Bacon to be postmaster at Madisonville, in the county of Hopkins and State of Kentucky, in place of Virgil L. Bacon. Incumbent's commission expired March 13, 1906.

Albert Browning to be postmaster at Providence, in the county of Webster and State of Kentucky. Office became Presidential January 1, 1906,

Joseph W. Demombrom to be postmaster at Horse Cave, in the county of Hart and State of Kentucky, in place of Cam B. McPherson, deceased.

James H. Ford to be postmaster at Benton, in the county of Marshall and State of Kentucky. Office became Presidential April 1, 1906.

Edwin B. Linney to be postmaster at Danville, in the county of Boyle and State of Kentucky, in place of Edwin B. Linney. Incumbent's commission expired January 13, 1906.

James P. Spilman to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky, in place of James A. Tomlinson. Incumbent's commission expired May 19, 1906.

Jesse D. Tuggle to be postmaster at Barbourville (late Bar-

boursville), in the county of Knox and State of Kentucky, in place of Daniel McDonald. Incumbent's commission expired January 13, 1906.

Thomas L. Walker to be postmaster at Lexington, in the county of Fayette and State of Kentucky, in place of Charles H. Berryman, resigned.

LOUISIANA.

George W. Whitworth to be postmaster at Jeanerette, in the parish of Iberia and State of Louisiana, in place of George W. Whitworth. Incumbent's commission expires March 3, 1907.

MAINE

Charles H. Hooper to be postmaster at Castine, in the county of Hancock and State of Maine, in place of Charles H. Hooper. Incumbent's commission expired January 6, 1907.

Charles H. White to be postmaster at Orono, in the county of Penobscot and State of Maine, in place of Charles C. White, resigned.

MASSACHUSETTS.

Kate E. Hazen to be postmaster at Shirley, in the county of Middlesex and State of Massachusetts, in place of Kate E. Hazen. Incumbent's commission expired January 26, 1907.

MICHIGAN.

Thomas E. Mitchell to be postmaster at Trimountain, in the county of Houghton and State of Michigan. Office became Presidential January 1, 1907.

MINNESOTA.

Isaac I. Bargen to be postmaster at Mountain Lake, in the county of Cottonwood and State of Minnesota, in place of Isaac Incumbent's commission expired January 23, 1907.

James C. Poole to be postmaster at Eveleth, in the county of St. Louis and State of Minnesota, in place of James C. Poole. Incumbent's commission expired December 10, 1906.

MISSOURI.

Jerome W. Jones to be postmaster at Brookfield, in the county of Linn and State of Missouri, in place of Jerome W. Jones. Incumbent's commission expires February 9, 1907.

NEBRASKA.

Donald McLeod to be postmaster at Schuyler, in the county of Colfax and State of Nebraska, in place of Donald McLeod. Incumbent's commission expired December 20, 1906.

NEVADA.

Charles F. Littrell to be postmaster at Austin, in the county of Lander and State of Nevada, in place of Charles F. Littrell. Incumbent's commission expires March 18, 1907.

NEW YORK.

Jonas M. Preston to be postmaster at Delhi, in the county of Delaware and State of New York, in place of Jonas M. Preston. Incumbent's commission expired January 22, 1907.

John O. Thibault to be postmaster at Clayton, in the county of Jefferson and State of New York, in place of John O. Thibault. Incumbent's commission expired January 7, 1907.

James A. Wilson to be postmaster at Sacket Harbor, in the county of Jefferson and State of New York, in place of James A. Wilson. Incumbent's commission expired February 19, 1906.

NORTH DAKOTA. Otto E. Holmes to be postmaser at Kensal, in the county of Stutsman and State of North Dakota. Office became Presi-Otto E. Holmes to be postmaser at Kensal, in the county of tutsman and State of North Dakota. Office became Presiential January 1, 1907.

Percy F. Meharry to be postmaster at Starkweather, in the county of Suffolk and State of New York.

Jetur R. Rogers to be postmaster at Southampton, in the county of Suffolk and State of New York. dential January 1, 1907.

county of Ramsey and State of North Dakota. Office became Presidential October 1, 1906.

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Edward J. Lewis to be postmaster at Girard, in the county of Trumbull and State of Ohio, in place of Edward J. Lewis. Incumbent's commission expires March 3, 1907.

John A. Lowrie to be postmaster at Seville, in the county of Medina and State of Ohio, in place of John A. Lowrie. cumbent's commission expired January 19, 1907.

John C. Rock to be postmaster at West Liberty, in the county of Logan and State of Ohio, in place of James K. McDonald. Incumbent's commission expired December 20, 1906.

OKLAHOMA.

Marshall A. Younkman to be postmaster at McLoud, in the county of Pottawatomie and Territory of Oklahoma, in place of Marshall A. Younkman. Incumbent's commission expired December 20, 1906.

OREGON.

John M. Parry to be postmaster at Moro, in the county of Sherman and State of Oregon, in place of John M. Parry. Incumbent's commission expired January 20, 1907.

Andreas L. Sproul to be postmaster at Ontario, in the county of Malheur and State of Oregon, in place of Andreas L. Sproul. Incumbent's commission expires March 10, 1907.

PENNSYLVANIA.

Henry M. Brownback to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania, in place of Henry M. Brownback. Incumbent's commission expires February 5, 1907.

David P. Hughes to be postmaster at East Mauch Chunk, in the county of Carbon and State of Pennsylvania, in place of David P. Hughes. Incumbent's commission expires February 26, 1907.

John S. Wilson to be postmaster at Columbia, in the county of Lancaster and State of Pennsylvania, in place of John S. Wilson. Incumbent's commission expired January 26, 1907.

TEXAS.

J. Allen Myers to be postmaster at Bryan, in the county of Brazos and State of Texas, in place of J. Allen Myers. Incumbent's commission expires February 26, 1907.

VIRGINIA.

S. B. Carney to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in place of Henry B. Nichols. Incumbent's commission expires February 28, 1907.

WASHINGTON.

Nelson J. Bostwick to be postmaster at Hillyard, in the county, of Spokane and State of Washington, in place of Flora E. Cornforth, resigned.

WISCONSIN.

Henry E. Blair to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin, in place of Arthur W. James. Incumbent's commission expires February 26, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 4, 1907.

POSTMASTERS.

ILLINOIS.

Albert W. Errett to be postmaster at Kewanee, in the county of Henry and State of Illinois.

Riley M. Garman to be postmaster at Forreston, in the county of Ogle and State of Illinois.

Oliver P. Stoddard to be postmaster at Galva, in the county of Henry and State of Illinois.

IOWA.

Russell G. Clark to be postmaster at Webster City, in the county of Hamilton and State of Iowa.

KANSAS.

Austin Brown to be postmaster at Cedar Vale, in the county of Chautauqua and State of Kansas.

MINNESOTA.

Murray J. Taylor to be postmaster at Deer River, in the county of Itasca and State of Minnesota.

NEW YORK.

Willoughby W. Babcock to be postmaster at Prattsburg, in the county of Steuben and State of New York.

Alfred S. Emmons to be postmaster at Spencer, in the county of Tioga and State of New York.

Oscar B. Stratton to be postmaster at Addison, in the county of Steuben and State of New York.

NORTH DAKOTA.

Charles E. Best to be postmaster at Enderlin, in the county of Ransom and State of North Dakota.

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Wesley J. Grant to be postmaster at Middlefield, in the county of Geauga and State of Ohio.

OREGON.

Henry A. Snyder to be postmaster at Aurora, in the county of Marion and State of Oregon.

PENNSYLVANIA.

William P. Bach to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania.

Frank E. Baldwin to be postmaster at Austin, in the county of Potter and State of Pennsylvania.

Howard E. Butz to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania.

William F. McDowell to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania.

Ross W. Nissley to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania.

David M. Turner to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania.

TEXAS

Robert F. Lindsay to be postmaster at Mount Pleasant, in the county of Titus and State of Texas.

UTAH.

Thomas Braby to be postmaster at Mount Pleasant, in the county of Sanpete and State of Utah.

Charles H. Roberts to be postmaster at Bingham Canyon, in the county of Salt Lake and State of Utah.

WASHINGTON

C. F. Legg to be postmaster at Chewelah, in the county of Stevens and State of Washington.

Frank R. Wright to be postmaster at South Bend, in the county of Pacific and State of Washington.

WISCONSIN.

Fred M. Griswold to be postmaster at Lakemills, in the county of Jefferson and State of Wisconsin.

James McGinty to be postmaster at Darlington, in the county of Lafayette and State of Wisconsin.

William White to be postmaster at Algoma, in the county of Kewaunee and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

Monday, February 4, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of Saturday was read and

EXTENSION OF ALBEMARLE STREET, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following resolution of the Senate.

The Clerk read the resolution, as follows:

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7795) for the extension of Albemarle street NW., District of Columbia.

The SPEAKER. Without objection, the Committee on the District of Columbia will be discharged from the further consideration of the bill referred to, and the same be returned to the Senate.

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER.

The SPEAKER also laid before the House the following request of the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River.

The SPEAKER. Without objection, the bill will be returned to the Senate.

There was no objection.

PENSIONS FOR ENLISTED MEN, SOLDIERS, AND OFFICERS IN CIVIL WAR AND WAR WITH MEXICO.

Mr. SULLOWAY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and in the war with Mexico. The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who served ninety days or more in the military or naval service of the United Statas Garing the late civil war or sixty days in the war with Mexico, and 5:4 has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, \$12 per month; 70 years, \$15 per month; 75 years or over, \$20 per month; and suca pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: Provided, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: Provided, That no person shall receive a pension under any others of this act: provided provided, receive a pension under the provisions of this act: Provided purther. That ho person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act. Sec. 2. That rank in the service shall not be considered in applications filed hereunder.

Sec. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in pre-

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this act.

Mr. SHERLEY. Mr. Speaker, as I understand, the bill gives a pension simply to the veterans of the Mexican and the civil war?

Mr. SULLOWAY. Yes.

Mr. SHERLEY. Would there be any objection to an amendment embracing the soldiers of the Spanish-American war?

Mr. SULLOWAY. I will say to the gentleman that the two committees sitting as one committee voted unanimously in favor of this bill and directed us to oppose any amendment.

The SPEAKER. Debate is out of order. Is a second demanded?

Mr. FITZGERALD. I demand a second.

Mr. SULLOWAY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection that a second be considered as ordered?

There was no objection.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, I wish to say that there are a few veterans of the Spanish-American war who by age would be entitled to the provisions of this bill, and I can see no reason in fact why the bill should not include them. While, of course, the gentleman can prevent an amendment to the bill, I suggest that it would be a proper amendment to include the veterans of the Spanish-American

war who have reached the required age.

Mr. LOUDENSLAGER. Mr. Speaker, in reply to the gentleman from Kentucky I will say that there are two reasons why the amendment could not be permitted to this bill. The gentleman from New Hampshire and myself were instructed by both committees unanimously, after agreeing to a report on this bill, to oppose any amendment that would be likely to be offered. A still better reason why we ought not to agree to the proposed amendment is that this is a service pension bill, and never in the history of this country has a service pension bill been passed for survivors of any war within thirty-five years of the close of the war. So that the soldiers of the Spanish-American war, gallant though they be, do not deserve any more credit than the gallant heroes of all the other wars of this nation.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman from New Hampshire a question.

Mr. SULLOWAY. Very well.
Mr. STEPHENS of Texas. Would the gentleman have any objection to an amendment that would include the soldiers who served in the United States Army on the frontier before the civil war and are now drawing pensions?

Mr. SULLOWAY. We have been directed by the two com-

mittees, sitting jointly, to oppose any amendment.

Mr. STEPHENS of Texas. These men are about 70 years of age and performed this service at a time when it was very dangerous. They only draw small pensions, and it was more than fifty years ago that they performed this service. them are drawing no pensions at all; they are scattered all over the western part of this country.

Mr. LOUDENSLAGER. The merit of any amendment does not enter into this question. There may be thirty or forty meritorious amendments suggested. The fact remains that if one amendment is permitted, some of more merit ought to be at-tached to the bill, which will finally defeat the very object sought for by the bill. Hence it was the unanimous judgment of both committees that no amendment should be permitted to this bill. That ought to be a sufficient answer to anv and every

inquiry that Members may see fit to make as to proposed amendments

Mr. BURLESON. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?
Mr. SULLOWAY. Yes.
Mr. BURLESON. What amount will this proposed amendment to the pension laws increase the pension appropriation? I understand it grants a service pension to all soldiers of the civil war and increases the service pension heretofore granted

soldiers in the war with Mexico.

Mr. SULLOWAY. This will benefit all the soldiers who participated in the war with Mexico. It is estimated that there were about 200,000 of those engaged in the civil war who will be benefited. I think the estimates of the cost that appear in this report are a great deal too large. I have never known the time yet since I have been here when they were not overestimated. In fact, it is estimated there is an unknown army of 100,000 men, whereas General Ainsworth's memorandum shows that there could be but 51,000 if they were all living, and no one knows how many of them are pensioned at this time who would not be eligible this year. I think perhaps \$6,000,000 would be an outside estimate.

Mr. BURLESON. Did I understand the gentleman to esti-

mate the increase at \$6,000,000?

Mr. SULLOWAY. That is my guess. Mr. BURLESON. I understand it has been generally estimated that it will increase the annual pension appropriation about \$15,000,000.

Mr. SULLOWAY. I know such an estimate has been made, but I believe that is double what it will be. That, however, is

only my belief.

Mr. BURLESON. I want to ask the gentleman a further question. Was any consideration given the earnest request submitted to the Committee on Pensions to add to this bill an amendment making provision for those soldiers who served on the frontier of Texas between 1855 and 1860? The Government has reimbursed Texas for the expense incurred in maintaining this force, and these soldiers are entitled to pensions.

Mr. SULLOWAY. Not that I am aware of.
Mr. BURLESON. The bill introduced by me is pending before the Committee on Pensions. It makes provision for those soldiers who served on the Texas frontier between 1855 and 1860, and asks that the same provisions of the pension laws heretofore extended soldiers who engaged in Indian wars elsewhere be extended to them. Unquestionably they are entitled to it. There are only a few hundred of them—400 is the outside estimate. Can any gentleman assign a reason why they should not be embraced within the provisions of this bill, treat-ing them as others who have rendered like service have been treated?

Mr. LOUDENSLAGER. Mr. Speaker, I think I fully answered that question when I answered the inquiry made by the gentleman's colleague, the gentleman from Texas [Mr. Ste-His bill shall be given careful consideration.

Mr. BURLESON. I would like to ask the gentleman a further question. Will this amendment bring about a reduction

of the force in the Pension Bureau?

Mr. SULLOWAY. I should think not immediately, because these changes with the new applications under this proposed law would perhaps require the entire force for the present. Ultimately that force will be somewhat eliminated. My own view of it is this: This bill provides that on application-it is an age bill in fact, after a certain amount of service—that when a man is adjudicated to 62 years old on a certain day, it is then only a mathematical question to determine when he will be 70 or 75. I personally do not see any particular reason for any large amount of additional service in the Bureau.

Mr. SPARKMAN. Mr. Speaker, I would like to ask the gen-

tleman a question.

The SPEAKER. Does the gentleman yield?
Mr. SULLOWAY. Yes.
Mr. SPARKMAN. I would like to ask the gentleman from
New Hampshire or the gentleman from New Jersey [Mr. LouDENSLAGER] a question. I understand, of course, the comprehensive objection that has been raised to the incorporation of any amendments to this bill, but I would like to inquire whether the committee, or either one of the committees, considered the propriety of increasing the pensions of the surviving soldiers of the Florida Indian wars of 1856, 1857, and 1858.

Mr. LOUDENSLAGER. Mr. Speaker, I presume they will receive attention in due time. It was not called to the atten-

tion of the committee.

Mr. SPARKMAN. Could the gentleman give us any idea about how long they will have to wait?

Mr. LOUDENSLAGER. No; I do not think I will go out into the realms of speculation to that degree. I would rather confine myself more to the present earthly conditions.

Mr. SPARKMAN. Right here I would like to say that it has been fifty years since that war closed—the last Seminole Indian war-and if thirty years or even forty years are to be the limit we are beyond that now, and it would be very proper, in this bill, to take care of these old soldiers and the widows of

those who are dead.

There is in this Union no more worthy class of people than these old veterans of the Indian wars of this country. It was they who bore the heat and burden of the day, who, ever marching in the van, cleared the forest, drove back the savage, and planted the germs of civilization in every nook and corner of the land. Remote from the protecting arm of the General Government, they cheerfully risked their lives and exposed themselves and their families to the hardships of frontier life that the lot of those who should come after might be more tolerable, and we, to-day, are reaping the benefit of the work they did

and the hardships and privations they bore.

Their pensions should be increased along with those of the classes mentioned in this bill, but in view of the understanding between the two committees and the parliamentary conditions under which the bill is brought in here I am aware that no amendment can be made. But I hope that the Committee on Pensions will soon take up and report a bill I have now pending before that committee, or some other similar bill, increasing the pensions of the surviving soldiers of the Seminole Indian wars of Florida at least to \$12 per month.

Mr. SULLOWAY. Unless there is something further, Mr. Speaker, I shall ask for a vote.

The SPEAKER. Does the gentleman reserve his time? Mr. SULLOWAY. Yes.

The SPEAKER. The gentleman from New York is recognized.

Mr. FITZGERALD. Mr. Speaker, I am in favor of this bill and have no desire to use the time allotted to me. If anybody is opposed to it, I will be glad to yield the time to which the opposition would be entitled.

Mr. DIXON of Indiana. Mr. Speaker, the enactment into law of the provisions of the pending bill will result in placing upon the pension rolls of the Government a large class of worthy and deserving soldiers who are excluded therefrom under existing laws. It will also increase the pensions of many thousands of soldiers who have arrived at the prescribed age, but who, under present laws, receive less than the amount carried in the pending measure. This bill gives to any person who served ninety days or more in the military or naval service of the United States during the civil war, or sixty days in the war with Mexico, and was honorably discharged therefrom and who has reached the prescribed age, a pension ranging from \$12 per month to \$20 per month, according to his age. Such persons upon arrival at the age of 62 are granted a pension of \$12 per month; 70 years, \$15 per month, and 75 years, \$20 per month. Those who have already reached said ages are entitled to the benefits of the law from the date of their application in the Bureau of Pensions.

The only qualification required, aside from the length of service and honorable discharge, is the required age. The only soldiers who have reached the necessary age excluded from its provisions are those without honorable discharge and those

whose services were less than ninety days.

I will gladly support the pending bill as a step in the right direction toward a more generous and liberal policy to the survivors of the civil war, and since the same has the official indorsement of the Grand Army of the Republic, as represented by their committee before the committees of the House, it meets the approval of the soldiers. Personally I would be glad to support a bill that would give to all the survivors of that war larger pensions than provided in this measure. I have received many petitions from Grand Army posts asking for the enactment of a law giving to the surviving soldiers pensions of \$30 per month, and I hope to see Congress give consideration to such a bill at an early date.

The Government should now adopt, and should have adopted before this time, a more liberal policy toward those whose services preserved the Union and made possible the great and prosperous nation we now are. The giving of liberal pensions to the veterans is but a slight recognition of the services of these men, for no mere money consideration can pay for the pain and suffering they have borne and the hardships and privations they have endured.

Many of the soldiers fell on the field of battle; thousands dropped by the wayside, worn and weary from the long and forced marches; many died in prison martyrdom, and few if any returned unmarked in health and strength from that four years' struggle, and a generous nation, as a matter of justice, should see that none of these survivors in their old days needs

the comforts of life or a proper support.

The people of the country do not begrudge the money necessary for the care, comfort, and support of these veterans, for they remember their services and their ready response to the call of their imperiled country. They remember the heroic patriotism of the volunteer soldier who left the wife and children at home and presented himself to his country to be uniformed for battle and robed for death. It required a high sense of loyalty to government, when surrounded by family and friends and trained to the vocations of peace, to abandon these for an army life of struggle, hardship, and privation. These men at home and later on the field of battle exhibited the highest and loftiest elements of patriotism. Their services and the results are written into the nation's history and are the sacred possession of a happy and united people.

This Government has paid to the soldiers, sailors, their

This Government has paid to the soldiers, sailors, their widows, minor children, and dependent relatives on account of military and naval services since the foundation of the Govern-

ment the sum of \$3,459,860,311.23.

War of the Revolution (estimate)	\$70, 000, 000. 00
War of 1812 (on account of service without regard to disability)	45, 542, 069, 24
Indian wars (on account of service without regard to	
disability)War with Mexico (on account of service without re-	8, 260, 143. 38
gard to disability)	38, 059, 245, 23
war of the rebellion	3, 259, 195, 306, 60
War with Spain and insurrection in the Philippine	
Islands	15, 438, 355. 16
Regular establishment	7, 229, 312, 82
Unclassified	16, 135, 878, 80

Total disbursements for pensions_____ 3, 459, 860, 311. 23

This is the nation's contribution in money to the care and support of the survivors and their families of all wars in which our country has been engaged. But no mere figures or words can measure the deep sense of gratitude to these men. The story of their sufferings, hardships, and privations will forever be cherished in the recollections of a grateful people. They established our independence of the mother country and triumphed over the trained and disciplined soldiery of England; they sustained the right of American citizenship on land and sea; they defeated the army of Mexico and added to our territory the great Southwest and to our wealth untold millions; they cemented the union of States, and rescued Cuba from a thraldom that was both cruel and exacting.

The American soldiers have set a standard that will not soon

be attained by the soldiers of any other nation.

While the country and the soldiers have been demanding for years a service pension, the present bill has been the only response, and this does not meet in all respects that demand. Under the rule of the Pension Office, the fact that a soldier is 62 years of age is regarded as evidence that he is disabled one-half in ability to perform manual labor, and under the act of June 27, 1890, would entitled him to a pension of \$6 per month. In 1887 the Mexican soldiers who had arrived at the age of 62 years were granted pensions at the rate of \$8 per month, and in 1893 the amount was increased to \$12 per month, and the pending bill will give them \$20 per month, as all are now over the age of 75 years.

The survivors of the Indian wars were in 1892 granted pensions of \$8 per month, and the Senate has at the present session of Congress passed a bill to increase this amount to \$10 per month. Service-pension laws were enacted for the soldiers of the Revolution thirty-five years after the close of the war; the service-pension law for the survivors of the war of 1812 was enacted fifty-six years after the end of the war, and service pensions for Mexican soldiers were granted thirty-nine years after that war. The soldiers of all the other wars have, as a rule, received earlier consideration than the soldiers of the civil war, yet no war required more heroic service or presented

greater hardships.

It has been estimated that on June 30, 1906, there were on the pension roll 148,000 soldiers who receive less than \$12 per month and who are between the ages of 62 and 70 years and would be benefited by the pending bill. Of this number, 27,000 were receiving pensions at \$6 per month, 66,600 were receiving \$8 per month, and 44,000 were receiving \$10 per month. The increase of pensions to these soldiers by the provisions of the pending bill amounts to the sum of \$6,926,400 annually. At the date mentioned there were 230,000 soldiers pensioned at \$12 per month and 21,000 at \$14 per month. Of this number, 53,000 were between 70 and 75 years of age and would receive, under this bill, \$15 per month, making their total increase \$1,788,000. Of the number of soldiers over 75 years of age whose pensions

would be increased to \$20 per month and who are now receiving less than that sum, it is estimated that 30,000 would be benefited by this bill, and the increase of pensions to these soldiers will be about \$2,000,000. There are about 100,000 soldiers whose names are not on the pension roll, and many of these will now be given pensions. The Pension Bureau estimates that \$4,000,000 will be required to meet the pensions of this class of soldiers. So the total appropriation for the payment of the new pensions granted and the increases provided for under the bill will amount to a little less than \$15,000,000 per annum.

The pension laws of the country are embraced in a large number of separate acts, and were never embodied into a single and comprehensive law covering the entire subject. There are several acts on the same subject, and as a result the administration of these laws has been at times difficult and contradictory, the Pension Bureau at one time construing a statute different from the construction placed upon it by the same Bureau under different officials. The rules and regulations governing the administration of these laws at times caused the soldiers to feel that an injustice was being done them.

Up to 1890 all the general laws concerning pensions for the soldiers of the civil war were based upon physical or mental disability of the claimant. Wounds, injury, or disease must be proven to have been of service origin. Existence of the disability alleged was not sufficient; its cause and origin must be established by proof from the hospital record or by the testimony of witnesses. Physical or mental disability, no matter how great and no matter how intense and continuous the suffering therefrom—these alone were not sufficient. But as time passed proof of disability traced to service origin became more difficult; the comrades were rapidly dying, and those remaining could not frequently remember the facts about which they were called to testify. As a result thousands of worthy cases were rejected upon the grounds of failure to connect the disability with the Army service, and doubt of the origin of these disabilities seemed always to have been resolved against the claimant.

In recognition of this conceded and known difficulty of tracing disabilities to service after the lapse of time, and the additional fact that thousands of soldiers who were suffering from disabilities not of service origin, but which rendered them unable to perform manual labor and earn a living were conceded to be entitled to the nation's bounty and help, and in response to this universal feeling the act of June 27, 1890, was enacted. This law gave to all persons who had served in the military and naval service of the United States during the civil war for ninety days and had been honorably discharged therefrom and were disabled for the performance of manual labor by reason of physical or mental disabilities not the result of their own vicious habits, rendering them unable in greater or less degree to earn a living by manual labor, pensions from \$6 to \$12. Total disability entitled the soldier to a pension of \$12 per month, the maximum amount, and ranged from that sum down to \$6, the minimum amount, depending upon the degree of disability established. Under the general law the pension of \$30 per month is given for total disability to earn a support by manual labor; under the act of June 27, 1890, the pension of \$12 per month is granted for the same disability. In other words, the same disability carries a pension of \$30 or \$12 per month, depending upon the fact established by proof of whether the disability has been proved to have been of service origin.

In thousands of cases these disabilities are conceded to have arisen since the war, but in many others the seeds of disease, causing these disabilities, were sown during the service, but that fact can not be proven to the satisfaction of the Pension Bureau. As a matter almost of common knowledge, three or four years' service in the field as a soldier, poorly protected from the storms of winter, subjected to untold hardships and deprivations, would naturally affect the health and weaken the physical system in its ability to resist disease. There are many soldiers to-day who by reason of blindness, paralysis, and many other causes are totally helpless and require the attention of an attendant. Thousands of others, wasted by pain, suffering, and disease, are totally unable to earn by manual labor anything. All these men whose disabilities can not be traced to service origin, though they may have enlisted upon the first call for troops and remained in service until the close of the war, yet under existing laws they receive the sum of only \$12 per month. It would be hard to identify in these men the strong and gallant youths who charged the heights of Lookout Mountain or passed through the continuous fires of the Wilderness. These men are the ones whose pitiable and helpless condition call, and has called for years, for legislative help, and whose appeals have been and still are in vain.

An increase of the pension under the act of June 27, 1890, to

\$30 for total disability and a proportionate part thereof for a lesser disease would help those most needing assistance. The pending measure will not lighten the weight of despair nor increase the income of a single veteran included in this class of the totally helpless unless he has reached the age of 70 years, and then it grants an additional pittance of but \$3 per month; and if perchance he lives until he reaches the age of 75 he will receive the sum of only \$30 per month. Is this a fair measure of justice? Is this the full measure of the nation's gratitude to the men whose services and struggles made the nation what it is? These men gave the vigor and strength of their early manhood to the nation and made it the greatest of the powers of the earth, and now in their helplessness the prosperous nation hesitates to give out of its abundance of riches a sufficient sum to furnish them food, shelter, and support.

On June 30, 1906, there were 205,375 soldiers on the pension rolls under the general law; on the same date on the pension rolls under the act of June 27, 1890, there were 461,078 soldiers, nearly 125 per cent more. It is manifest that an increase of the rates under the law of 1890 would benefit a much larger number of soldiers and it would help those who are unable to assist

themselves by manual labor.

This bill does not give a sufficient sum to those now suffering from present disabilities; and while much good to many deserving soldiers will result from its enactment, I can not understand why a more generous and liberal policy should not be pursued at this time. This bill could by amendment be made to infinitely increase its usefulness and greatly multiply its blessings. But we are told that its amendment will imperil its ultimate passage, and hence we support it in its present form, feeling that it is better to get half a loaf than none at all

its ultimate passage, and hence we support it in its present form, feeling that it is better to get half a loaf than none at all. The passage of a general law granting to the survivors of the civil war pensions of \$30 or at least not less than \$24 per month would more surely meet the approval of the soldiers and the people. This would eliminate the passage of special bills by Congress. This special legislation gives to the most deserving class of soldiers merited recognition and assistance, but the number who can be thus helped is so very small when compared with the large number of those who are no less worthy, but whose claims can not be considered, that a general law accomplishing the same purpose would be more equitable. It is a physical impossibility for all these special bills introduced into Congress to be considered by the committee having the duty of their examination, and the House, depending entirely upon such examination and the reports and recommendations thereof, can pass but a limited number of these bills. The present bill will not lessen the demand for this special legislation, since its provisions do not grant sufficient pensions to those who have always been the chief beneficiaries of special bills.

The passage of such a general law as suggested would save large sums of money in the administration of the Pension Bureau in the reduction of the number of examining and special surgeons, clerks, and special agents. For the last fiscal year the total disbursements for pensions was \$139,000,288.25. Of this sum the disbursements were:

Medical examinations	\$496, 540. 10 499, 787, 95
Rents and contingent expenses, agencies	31, 946, 17
Salaries, Pension Bureau	2, 009, 157, 09
Special examiners, per diem and expenses.	289, 601, 13

Total expenses for Pension Bureau _____ 3, 327, 032. 44

Under such a law the expenses of the Pension Office could be greatly reduced and the money thus saved help to make up the

sum required to pay the increased pensions.

There is another meritorious class whose repeated prayers for help are denied. This class is the widows of soldiers, who now receive but \$8 per month. Under the act of June 27, 1890, for the widow to receive even this amount she must be without means of support other than her daily labor and an actual net income not exceeding \$250. The Pension Bureau in estimating that income take into consideration the rent of the home, if owned by the claimant, and estimate the same as a part of the income. And in the growing towns and cities this item of rent alone equals one-half of the income allowed. In such cases the widow with an income of but \$125 and the use of her home is excluded from the bounty of the Government.

If this is a correct interpretation of the intent and wording of the law, the law itself should be changed. The widows should all receive \$12 per month, and proof of the husband's death should establish their rights to the same. Under the general law for a widow to receive a pension of \$12 per month she must have married the soldier prior to 1886, and his death must be traceable to Army service; otherwise she can receive but \$8 per

month. The widow's need for a pension is not based upon the cause of her husband's death, nor should its amount be measured thereby. These women, it is true, did not fight on the field of battle, but many of them fought for the very existence of themselves and family while the husband and father was fighting for the existence of the Government.

There were on the pension rolls on June 30, 1906, 175,237 widows who received pensions of \$8 per month. And to increase these pensions to \$12 per month would require a little more than eight and one-half millions of dollars annually. No one need be startled at such an amount while we hear appropriation bills read for such amounts as to make this sum appear trivial. It is, in fact, a large sum of money, but it must be remembered that the widows depend almost entirely upon their pensions for support. The sum thus required for a year is less than the amount necessary to build and equip a single battle ship. Yet we are asked at this session for an appropriation for the construction of two such ships.

The ship-subsidy bill, which is scheduled to be forced through Congress at this session, will take from the pockets of the people many millions of dollars. This bill will serve as an opening wedge into the Public Treasury and millions will flow into the coffers of certain corporations and the pockets of certain individuals to enhance the profits of private business and special interests. Millions are spent in the Philippines each year, subsidies are given to railroads, and yet to these widows an allow-

ance of \$12 per month is denied.

At the beginning of the present fiscal year there were 989,971 names on the pension roll. The decrease during the last year was the largest in the history of the Pension Bureau, 43,300 being dropped on account of death, and from all causes a total of 47,444. Of those now on the rolls, soldiers of the civil war number 666,453 and the widows of the soldiers of said war are 252,047. The average value of the pensions of the civil-war soldiers under the general law is \$191.43 and of those under the law of 1890, \$114.33. Pennsylvania has the largest number of pensioners of any State; Indiana is the fifth in number, while in the value of pensions Indiana stands fourth. In the average value of her pensions Vermont is first and Indiana second, the values being \$165 and \$161.39, respectively.

The soldiers were modest in their demands upon the country for help; they appreciated the enormous indebtedness of the nation at the close of the war, and ten years after its close but 5 per cent of the surviving soldiers had applied for pensions. This small per cent included all those who had been wounded, those enfeebled in prison confinement, and those suffering from diseases contracted in the service. And now, forty-two years after the close of that war, in our strength and prosperity we should not neglect our defenders who supported us in our weakness and need. On every battlefield of the war they gave added testimony to the high character and quality of American soldiery. They exhibited the same American spirit that charsoldiery. They exhibited the same American spirit that characterized the achievements of the Revolutionary war. Their bravery and devotion have immortalized the battlefields of the civil war, and their struggles forever settled the question of human slavery and peaceful separation. The settlement was right, and all sections to-day ratify that solution, and the character of the nation at home and abroad is higher by reason of that war. They established beyond question the American doctrine that the volunteer soldiery, taken from the pursuits of industrial life, can be depended upon to defend the country in time of war. The American citizen, trained to peace and the pursuits of industry, leaves his farm, quits his employment, and abandons his books and profession when his country calls. How gladly and profidly he marches forth to battle for his country's cause! From the independence of the farm and from the struggles of the city, of all political opinions and with all religious creeds, the soldiers come, all devoted to a common cause. The hardships of war cheerfully suffered; the brunt of battle gladly borne; defeat in battle but arouses him to more vigorous action; and victory is followed by magnanimity and kindness. His fame will be heard for centuries and the poets' kindness. lyre will forever sing his praises with her choicest notes. The American soldier was the pride of the eighteenth century, the marvel of the nineteenth, and the glory of the twentieth. [Applause.]

Mr. SLAYDEN. Mr. Speaker, I desire to say that during five Congresses I have made an effort to secure recognition for those heroic men who defended the frontier of Texas against the aggressions and depredations of the Indians, but up to this time I have utterly failed to impress the committee with the importance of that legislation.

The Government in the last Congress gave official recognition to the services that they rendered, and I hope after the little ray of expectation which is shed upon us by the gentleman from New Jersey, the chairman of the Committee on Pensions, that by the time the next Congress shall have met and adjourned it will do the tardy justice to these people that has been denied for so long a time. A rank discrimination against the Texas Indian fighters is found in our Indian war pension legislation, They are recognized down to the 1st of January, 1856. has been to secure legislative recognition of their valuable services down to the outbreak of the civil war.

Mr. WILLIAMS. Mr. Speaker—
The SPEAKER. Does the gentleman from New York yield

to the gentleman from Mississippi?

Mr. FITZGERALD. I yield the gentleman whatever time he

Mr. WILLIAMS. I would like to ask the gentleman from New Hampshire whether the soldiers of the Indian war Creeks, Seminoles, Black Hawks—are included in this bill?

Mr. SULLOWAY. I will say to the gentleman they are not.
Those go to another committee.

Mr. WILLIAMS. I think they ought to be, if the bill ought to pass at all.

Mr. RHODES. Mr. Speaker, will the gentleman yield for a

The SPEAKER. To whom does the gentleman from New York yield?

Mr. FITZGERALD. I yield to the gentleman from Missouri. Mr. RHODES. I desire to know whether or not the provisions of this bill include the loyal militia forces of the several States of the Union cooperating with the United States Government in the suppression of the rebellion?

Mr. SULLOWAY. Do I understand the gentleman to make

an inquiry?
Mr. RHODES. I do.

Mr. SULLOWAY. Well, all soldiers who served ninety days

under the command of a United States officer-

Mr. RHODES. The gentleman did not understand the ques-I desire to know whether or not the provisions of this bill include the loyal militia forces of the several States that cooperated with the United States Government in the suppression of the late rebellion?

Mr. SULLOWAY. The language of the bill is as follows: "That any person who served ninety days or more in the mili-tary or naval service of the United States during the late civil war or sixty days in the war with Mexico" will come within its provisions.

Mr. RHODES. Mr. Speaker, that explanation is indefinite, and for that reason I ask unanimous consent that I may be per-

mitted to offer the following amendment.

Mr. SULLOWAY. I think it is very definite, Mr. Speaker, instead of being indefinite, and I object to any amendment.

The SPEAKER. The gentleman from New Hampshire ob-

jects to any amendment?

Mr. SULLOWAY. Yes; I do.

Mr. WEEKS. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from New York yield? Mr. RHODES. Mr. Speaker, could I be permitted to read the

The SPEAKER. The gentleman by way of debate may read whatever he desires, and the Chair understood the gentleman from New York to yield to the gentleman.

Mr. RHODES. I desire to amend this bill by inserting at the conclusion of line 16, page 2, and before section 2, the follow-

ing amendment:

Provided further, That the provisions of existing pension laws and the provisions of this act be, and are hereby, extended to include the officers and enlisted men, their widows and minor children, of the loyal militia forces of the several States of the Union, by whatsoever name known, that cooperated with the Federal Government in suppressing the late civil war or the war with Mexico, and were honorably discharged therefrom or otherwise honorably relieved from such service.

My reason, Mr. Speaker, for offering this amendment is this: As a matter of fact the people of my-State know, and as a matter of history the people of the United States know, that we have in the State of Missouri a number of loyal Union soldiers who cooperated with the United States Government in suppressing the late war of the rebellion. We know, too, that these soldiers were de facto in the United States service. We know that these soldiers were a part of the great Union Army, and their names are so recorded in the Rebellion Records. I want to say to the distinguished gentleman from New Hamp-shire that the Republican party, his party and mine, has de-clared for just and liberal pensions for the Union soldiers of our country for more than a quarter of a century, and to-day I fear the door of opportunity is about to be closed forever against that class of our deserving loyal soldiers who helped to hold Missouri in the Union and who helped sustain, defend, and up-

hold the cause of the Union during that awful period of our country's history from 1861 to 1865. I say, Mr. Speaker, it matters not what rulings may have come from the War Department affecting the status of these loyal militia forces; it matters not what opinions may have been rendered by those whose business it is to interpret existing pension laws; it matters not what this House may do; the fact remains the loyal militia soldiers of Missouri were a part of the great Union Army and are entitled to a pensionable status.

The SPEAKER. The time of the gentleman has expired. Mr. WEEKS. Mr. Speaker—

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Massachusetts [Mr. WEEKS1?

Mr. FITZGERALD. I yield two or three minutes for a

question.

Mr. WEEKS. I simply want to ask a question. ask the chairman of the Committee on Invalid Pensions if the committee will accept an amendment which would enable a veteran of the civil war to accept a medal in place of a pension? I ask this question because I have had two letters from veterans of the civil war since this bill or a similar bill passed the Senate, saying they would prefer a medal rather than a pension.

Mr. SULLOWAY. The Committee on Invalid Pensions has nothing whatever to do with medals. That is a question for the Committee on Military Affairs. If the soldiers want to swap their pensions for medals, maybe they could get an op-

portunity. We could not accept such an amendment.

Mr. SOUTHARD rose.

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Ohio [Mr. SOUTHARD]?

Mr. FITZGERALD. Certainly. Mr. SOUTHARD. I want to ask a question. I see that this bill provides that no pension attorney, claim agent, or other person shall be entitled to receive any compensation for serv-ices rendered in presenting a claim, and so forth. Now, there is no penalty provided for the violation of the provisions of this act. There will be nothing to prevent an attorney or claim agent from taking a fee in advance, and I think the result will be that a charge will be made for these services, and it will result simply in a different method of collecting the fee. Now, I would like to ask the gentleman from New Hampshire [Mr. Sulloway] if he would accept an amendment embodying some-

thing like the language in the act of June, 1890?

Mr. SULLOWAY. No. I say again I object to any amendment. This provision is absolutely harmless, and there is no penalty attached to it. It is as innocent as a babe on its mother's breast. [Cries of "Vote!"]

Mr. ROBERTS rose.

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Massachusetts [Mr.

Mr. ROBERTS. I desire to offer an amendment.

Mr. FITZGERALD. No amendments are in order. I can not yield for the purpose of offering an amendment.

Mr. ROBERTS. Will the gentleman from New Hampshire

[Mr. SULLOWAY] yield for the purpose of an amendment? Mr. SULLOWAY. No; not for the purpose of an amendment.

We stand pat on the bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds had voted in favor thereof. Mr. SULLOWAY. Division, Mr. Speaker.

The House divided; and there were—ayes 196, noes 20. So, two-thirds having voted in favor thereof, the rules were

suspended and the bill was passed. [Applause.]

ADDITIONAL AIDS TO NAVIGATION.

Mr. MANN. I move to suspend the rules and pass the bill H. R. 25242, with an amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves to suspend the rules and pass the bill with an amend-The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Light-House Establishment, under the Light-House Board, in the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded:

SECOND LIGHT-HOUSE DISTRICT.

A light vessel for use near the eastern end of Hedge Fence Shoal, entrance to Vineyard Sound, Massachusetts, at a cost not to exceed \$115,000.

THIRD LIGHT-HOUSE DISTRICT.

A light and fog-signal station at the entrance of Huntington Harbor and Lloyd Harbor, New York, at a cost not to exceed \$40,000; and from and after the time when such station shall be put in service the present Lloyd Harbor light shall be discontinued.

A light and fog-signal station at or near the west end of the draw near the Lehigh Valley Rallroad bridge at Passaic, N. J., at a cost not to exceed \$15,000; and from and after the time when such station shall be put in service the present light for the channel at Newark Bay shall be discontinued.

A tender for use in the third light have district to the contract of the channel at Newark Bay shall be discontinued.

A tender for use in the third light-house district, at a cost not to exceed \$25,000.

A tender for use in Porto Rican waters, and elsewhere as may be directed, at a cost not to exceed \$200,000.

FOURTH LIGHT-HOUSE DISTRICT

A relief light vessel, at a cost not to exceed \$115,000.

FIFTH LIGHT-HOUSE DISTRICT.

Beacon lights at La Trappe River, Maryland, at a cost not to exceed \$10,000.

A wharf for buoys and other light-house material at O and Water streets in the city of Washington in place of the old wharf, at a cost not to exceed \$30,000.

SEVENTH LIGHT-HOUSE DISTRICT.

A tender for use in the seventh light-house district, at a cost not to exceed \$200,000.

EIGHTH LIGHT-HOUSE DISTRICT.

A tender for use in the eighth light-house district, at a cost not to exceed \$60,000. A light station to take the place of the Horn Island light destroyed by storm, at a cost not to exceed \$10,000.

NINTH LIGHT-HOUSE DISTRICT.

A light and fog-signal station at White Shoal, north end of Lake Michigan, to take the place of the light vessel now maintained there, at a cost not to exceed \$250,000.

Post lights on Fox River, Lake Winnebago, and connecting lakes and channels, at a cost not to exceed \$500.

The Milwaukee light station on the point about 1 mile northward and eastward of North Point, northerly side of Milwaukee Bay, and the light station at McGulpin Point, Michigan, on the southerly side of the Straits of Mackinac, shall hereafter be discontineud.

ELEVENTH LIGHT-HOUSE DISTRICT.

A light and fog-signal station at or near Split Rock, near Beaver Bay, Lake Superior, at a cost not to exceed \$75,000.

Range lights at Grand Island Harbor. Munising, Lake Superior, Michigan, at a cost not to exceed \$15,000; and from and after the time when such range lights shall be put in service the present Grand Island Harbor light shall be discontinued.

The relief light vessel for the ninth and eleventh light-house districts, authorized by the act approved March 3, 1903, shall be equipped with such power motor as, in the oponion of the Light-House Board, appears for the best interests of the Government, without, however, increasing the limit of cost as fixed by said act.

TWELFTH LIGHT-HOUSE DISTRICT.

TWELFTH LIGHT-HOUSE DISTRICT.

A relief light vessel for use on the Pacific coast, at a cost not to exceed \$130,000.

A light and fog-signal station at Carquinez Strait, between San Pablo Bay and Sulsun Bay, California, at a cost not to exceed \$50,000.

A light and fog-signal station on the north shore of Molokai Island, Hawali, at a cost not to exceed \$60,000.

THIRTEENTH LIGHT-HOUSE DISTRICT.

A light vessel at or near Swift Shore Bank, off the entrance of Juan de Fuca Strait, Washington, at a cost not to exceed \$130,000.

The limit of cost of fog-signal station to be established in connection with light station at Battery Point, Washington, heretofore authorized by the act approved June 28, 1902, is hereby increased by the sum of \$8,000, so as to make the total limit of cost \$14,000 instead of \$6,000, as heretofore authorized.

FIFTEENTH LIGHT-HOUSE DISTRICT.

FIFTEENTH LIGHT-HOUSE DISTRICT.

A new tender for use in the fifteenth light-house district, at a cost not to exceed \$60,000.

Sec. 2. That the Secretary of Commerce and Labor is hereby authorized to enter into contract or contracts for any or all of the items provided for in section 1 of this act, within the limits of cost therein, respectively, provided.

Sec. 3. That the Secretary of Commerce and Labor is hereby authorized to establish and provide in the Light-House Establishment, in connection with such light-houses as shall, in the opinion of the Light-House Board, be for the best interest of the Light-House Service, thirty light keepers' dwellings and appurtenant structures, at a cost not to exceed the sum of \$6,500 at any one light station.

Sec. 4. That when the Secretary of Commerce and Labor shall determine to erect a light keeper's dwelling at any light station under the provisions of section 3 of this act, and no suitable site for such dwelling shall then belong to the United States, said Secretary of Commerce and Labor is hereby authorized to acquire by purchase, condemnation, or otherwise, a suitable site at such light station, at a cost not to exceed \$1,000.

Sec. 5. That the act entitled "An act to establish a light and fog station at Point Dume, Los Angeles County, Cal." approved February 20, 1901, is hereby repealed; and the Secretary of the Treasury shall cause the unexpended balance of the appropriation for the establishment of a light and fog signal station at Point Dume, California, carried in the act entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901, to be carried to the surplus fund and covered into the Treasury.

Sec. 6. That hereafter officers of the Army and Navy detailed for service in connection with the Light-House Establishment shall be paid their actual traveling expenses when traveling under orders on official duty to and from points which can not be convenin

rarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare plans for the tenders and light vessels authorized by this act, and to be paid from the respective appropriations therefor, such employment to terminate on or before the date when the plans for such tenders and vessels shall be finished and proposals for building them, respectively, are invited by advertisement.

SEC. 9. That the Secretary of Commerce and Labor is hereby authorized to convey to the Broadwater Club, a corporation organized and existing under the laws of the State of Pennsylvania, the tract of land embraced in the former Hog Island, Virginia, light station, containing 6½ acres of land, more or less, by the proper legal description thereof Provided, That the said Secretary of Commerce and Labor shall find that the said Broadwater Club has acquired all the right, title, and interest of Joseph L. Ferrell and Elsie H. Ferrell, his wife, therein, or in an agreement with the Light-House Board or the United States for a conveyance thereof.

The SPEAKER. Is a second demanded?

The SPEAKER. Is a second demanded? Mr. TAWNEY. Mr. Speaker, I demand a second for the pur

pose of getting some information.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. BABCOCK. Mr. Speaker, I object.
The SPEAKER. The gentleman from Wisconsin [Mr. Bab-COCK] objects. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

The House divided; and the tellers reported—ayes 91, noes 5.

So a second was ordered.

The SPEAKER. The gentleman from Illinois [Mr. Mann] is entitled to twenty minutes, and the gentleman from Minnesota [Mr. Tawney] is entitled to twenty minutes.

Mr. MANN. Mr. Speaker, this is the so-called "omnibus light-house bill," carrying authorizations for the construction of various new aids to navigation in the light-house service, some new tenders, some new light-ships, some new light-houses and fog signals, as set forth in the bill. The subcommittee and the full committee have gone over these matters very carefully and rejected all requests except those which seemed imperative. There are one or two other provisions in the bill, one of which abolished the existing light-house at Milwaukee, in the State of Wisconsin, I will say to the gentleman who objected to a second, and another abolishing a light-house in the State of Michigan. In each case the Light-House Board have reported that there was no need for maintaining these light-houses. There are two other light-houses which will be discontinued when the light-houses provided for in this bill are completed.

Another provision authorizes the Secretary of Commerce and

Labor to carry out an agreement heretofore made between the Light-House Board and a Mr. Ferrell, by which the Government was to exchange the old Hog Island light-house property in Virginia for a new station. The Government has received the deed for the new station and has located its light upon the new station and asks authority now that the Government may deed, in accordance with this agreement, the old property, which is of itself of very little value.

Mr. TAWNEY. I desire to ask the gentleman from Illinois

what is the aggregate authorizations carried in this bill?

Mr. MANN. The aggregate amount carried in this bill?

Mr. MANN. The aggregate amount carried in the bill is\$1,598,500 for additional light-house service, excepting the
matter of light keepers' dwellings. There is authority for the
construction of thirty light keepers' dwellings at places where deemed necessary in the opinion of the Light-House Board, but it leaves that matter purely with the Committee on Appropriations to appropriate as they may see fit. There are constant requests for light keepers' dwellings in many places where they are absolutely needed for the benefit of the service. They come to us, and it is not easy for us to differentiate between those which are imperative and those which are not imperatively needed, and we only give authorization for those that are needed, and the Committee on Appropriations under the rule can include a lump sum for this purpose; and if the lump sum be provided it will then be up to the Light-House Board to absolutely determine which is the most meritorious and most needed. We have provided that the limit of cost shall be \$6,500 for each station, which would make a total of \$195,000. In many places the outside limit would not be required for the

light keeper's dwelling.

Mr. TAWNEY. Do I understand this bill to authorize the Light-House Board to enter into contract for the erection of these light-house keeper's dwellings before the appropriation is

Mr. MANN. It does not authorize the Light-House Board to enter into a contract for the erection of light keepers' dwellings before appropriation. We leave that to the Committee on Appropriations.

Mr. TAWNEY. It fixes the limit of cost at \$6,500.

Mr. MANN. At any station.
Mr. TAWNEY. That is the maximum at any station?
Mr. MANN. It is the maximum at any station, except where

they have to buy a site, and for that we fix a limit of cost of

Mr. TAWNEY. Does not the gentleman think that rather extravagant cost for a dwelling house for the keeper of a lighthouse?

Mr. MANN. The gentleman will understand that the Government does not build a keeper's dwelling house where the gentleman would build a house—on a street or some place where it would be convenient. The keeper's dwelling house is built as a rule where it is not only difficult to obtain a foundation, but very often difficult to bring the material to the place without considerable expense.

Mr. TAWNEY. These cases are comparatively few as compared with the instances where the light-house keepers' dwellings are erected where it is easy to get a foundation and material, and also where good foundations are obtained without much cost.

Mr. MANN. I have been through the authorizations which have been made both by our committee and the gentleman's committee for a number of years, and they run from \$5,000 to \$6,500. The light keeper's dwelling ordinarily is built at some point where it is necessary, and to get to the light-house it must be within an easy distance.

Mr. TAWNEY. Will the gentleman allow me another ques-on? Are these dwellings single dwellings or double dwellings-that is, are they for one family or more than one family?

Mr. MANN. We provide that they can not expend more than place. In most places they have two or \$6,500 at any one three families, and they must have two or three small dwellings, but the limit of cost is \$6,500 which they can expend at any station.

Mr. TAWNEY. Can the gentleman state what the total authorization was in the omnibus light-house bill that passed at the last session of Congress?

Mr. MANN. At the last session we passed a bill carrying about \$1,300,000. The Senate increased it to about \$2,400,000, and as it became a law it was about \$1,900,000.

Mr. TAWNEY. And this is \$1,2 Mr. MANN. This is \$1,598,500. And this is \$1,200,000?

Mr. OTJEN. I notice that you provide that the North Point light, at Milwaukee, is to be abandoned. Will you please explain the reason for that?

Mr. MANN. The North Point light, at Milwaukee, is situated at a point now where a vessel that sees the light sees right over the light into the city of Milwaukee and can not distinguish the light from the city lights in Milwaukee. The light, therefore, is absolutely not only useless, but worse than useless. The Light-House Board have recommended its discontinuance for a number of years, but through various reasons it has not been discontinued, and we thought it was a proper thing to discontinue it in this bill.

Mr. OTJEN. You are aware that a few years ago there was an effort to abandon this light, and there was a good deal of opposition by commerce at that time.

Mr. MANN. Oh, I beg the gentleman's pardon. I think there was no opposition on the part of commerce. There was considerable political opposition.

Mr. OTJEN. Don't you think it would be better that this light be maintained until we can get the new light-house built?

Mr. MANN. The sooner it is abolished the better it is for commerce. It is a danger now. It is just as bad as a shoal. The vessel, when it comes down and makes for that light, can not tell whether it is seeing the light in the light-house or whether it is seeing the lights in the city of Milwaukee. It is often not possible to distinguish those lights.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield?

I yield to the gentleman from Missouri. Mr. MANN.

Mr. BARTHOLDT. I wish to ask the gentleman from Illinois which committee has reported this bill?

Mr. MANN. The Committee on Interstate and Foreign Commerce.

Mr. BARTHOLDT. Does not the gentleman think that since the bill contemplates the erection of public buildings the committee of the House which has charge of those matters should really have charge of this bill?

Mr. MANN. I would if the rules of the House did not provide that all matters relating to the light-house service should go to the Committee on Interstate and Foreign Commerce.

Mr. BARTHOLDT. Oh, Mr. Speaker-

Mr. MANN. Now, the gentleman might contend that a light-house was a public building, and yet under the rules of the House and the practice of the House for a century's time these bills have gone to the Committee on Commerce, now the Committee on Interstate and Foreign Commerce.

Mr. BARTHOLDT. I want to say to the gentleman from

Illinois that I do not propose to raise the question of jurisdiction at all. I am not opposed to the bill; but I want to say that in the future whenever the erection of a public building is contemplated, no matter what service it may be intended for, the Committee on Public Buildings and Grounds will insist on the bill being referred to that committee.

Mr. MANN. I suggest to the gentleman that he present his insistence to the Speaker and the Committee on Rules and get them to change the rule, because the present rule confers the jurisdiction upon the Committee on Interstate and Foreign Com-

Mr. BARTHOLDT. If the gentleman will permit, as far as the Light-House Service is concerned, that is a service of which your committee has charge; but when it comes to the erection of public buildings for light-house keepers, it seems to me that is a matter that ought to come before the Committee on Public Buildings and Grounds.

Mr. MANN. The gentleman is mistaken in reference to the des. Clause 7 of Rule XI provides for the reference to the Committee on Interstate and Foreign Commerce of subjects-

Relating to commerce, the Life-Saving Service and light-houses, other than appropriations for the Life-Saving Service and light-houses.

Those subjects go to the Committee on Interstate and Foreign Commerce. So that, under the rules, any question relating to light-houses is properly referred to the Committee on Interstate and Foreign Commerce.

Mr. BARTHOLDT. But that does not include the dwelling

for the light-house keeper.

Mr. MANN. The dwelling is a part of the light-house station. Where we authorize the construction of a light-house they erect a dwelling if it is needed.

Mr. BARTHOLDT. Is that the case in every instance? Mr. MANN. That is the case in every instance. Mr. KEIFER. Not always, but nearly always.

Mr. KEIFER. Not always, but nearly always.

Mr. MANN. It is always the case as far as the authorization is concerned. I do not mean to say they erect a dwelling every time we authorize a light-house. But under the authority to erect a light-house they can erect a dwelling if it is an essential part of the service. I may say to the gentleman from Missouri that we would be very glad indeed to turn over to the gentle-man's committee the subject of light keepers' dwellings, as we are now turning it over to the Committee on Appropriations.

Mr. BARTHOLDT. I want to say on this subject that the Committee on Appropriations has encroached on the rights and privileges of the Committee on Public Buildings and Grounds to this extent-

Mr. MANN. I hope the gentleman will fight that out with the Committee on Appropriations sometime when we have more

Mr. BARTHOLDT. The gentleman has plenty of time; there is no opposition to his bill. The Committee on Appropriations has encroached on the jurisdiction of the Committee on Public Buildings to the extent that nearly every public building now being erected in the city of Washington is being erected under the jurisdiction of the Committee on Appropriations instead of under the jurisdiction of the Committee on Public Buildings, which was created for that purpose.

Mr. MANN. I will now yield to the gentleman from Illinois

[Mr. GRAFF].

Mr. GRAFF. I want to ask the gentleman if there are any provisions in the bill authorizing buoy tenders?

Mr. MANN. There is a provision authorizing a buoy tender in the upper Mississippi River—that is, for the fifteenth light-house district, which embraces the upper Mississippi Valley—and it is an absolute necessity for the protection of the wing dams in the Mississippi River.

Mr. TAWNEY. Before the gentleman from Illinois takes his seat I would like to have him give the House some information as to the total amount carried in this bill and in the omnibus light-house bill passed at the last session. As I figure it up, it amounts to \$3,500,000—that is, the amount authorized by the bill which became a law at the last session and the amount authorized by this proposed bill make the total authorization for this Congress \$3,500,000.

Mr. MANN. It would be in that neighborhood.

Mr. TAWNEY. Does the gentleman consider, or has his committee considered, how much of this authorization will be required or how much of this work can be done in the next fiscal

year by the Light-House Board?

Mr. MANN. I think the most of the money could be profitably expended during the next year. The Government is now building five light-house vessels under contract in New York. It is building them at a cost of a little less than \$100,000 per vessel, whereas if they were building them singly the cost would be quite, if not more than, \$125,000 a vessel. We hope

that the light-house vessels carried in this bill may be built as cheaply as those and possibly by the same firm, after bids, of course, on the same plans. We expect also that possibly the large tenders provided for in this bili will follow the same plan and be built at the same time as the tenders authorized last year, which were held up because the authorization then was not large enough. The expectation is that these will be built all together, so that any firm who builds them will be able to duplicate the work as it goes along, and therefore do it more

The question was taken; and two-thirds having voted in favor thereof, the bill was passed.

FOUR ADDITIONAL REVENUE CUTTERS.

Mr. CUSHMAN. Mr. Speaker, I move to suspend the rules and pass the bill S. 925, an act authorizing the construction of four steam vessels for the Revenue-Cutter Service of the United States, with the House amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the construction, under the direction of the Secretary of the Treasury, of four steam vessels for the Revenue-Cutter Service, is hereby authorized, at a total cost not to exceed \$650,000, said vessels to be as follows:

One steam revenue cutter of the first class for duty in Puget Sound and adjacent waters, at a cost not to exceed \$225,000.

One steam revenue cutter of the first class for duty at Savannah, Ga., and adjacent waters on the Atlantic coast, at a cost not to exceed \$200,000.

One able seeming that for the Beneral Cutter Coast.

One able seagoing tug for the Revenue-Cutter Service for duty at New Bedford, Mass., and adjacent waters on the Atlantic coast, at a cost not to exceed \$175,000.

One boarding vessel for the Revenue-Cutter Service for duty at New Orleans, La., and adjacent waters, at a cost not to exceed \$50,000.

Mr. TAWNEY. Mr. Speaker, I demand a second. Mr. CUSHMAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Washington asks unanimous consent that a second be considered as ordered. Is there

There was no objection.

Mr. CUSHMAN. Mr. Speaker, this bill might properly be called an "omnibus revenue-cutter bill." It provides for the construction of four new vessels for the Revenue-Cutter Service, one to be located at Puget Sound, one to be located at Savannah, Ga., one to be located near New Bedford, Mass., and the fourth located at New Orleans. The aggregate amount carried in this bill for these four vessels is \$650,000. The bill has been favorably reported by the Committee on Interstate and Foreign Commerce and has the recommendation of the Treasury Department and the Chief of the Revenue-Cutter Service.

I may say that in reporting this bill the Interstate and Foreign Commerce Committee have had a large number of bills before it providing for additional revenue cutters. The committee did not feel that it could favorably report all of those bills, so we selected the four vessels that the Chief of the Revenue-Cutter Service thought the most imperatively needed, and those are the four vessels included in this bill, at an aggregate cost of \$650,000. I reserve the remainder of my time.

Mr. TAWNEY. Will the gentleman permit a question?
Mr. CUSHMAN. Certainly.
Mr. TAWNEY. What is the aggregate cost of these four vessels:

Mr. CUSHMAN. Six hundred and fifty thousand dollars for four vessels. There is one revenue cutter provided for, to be stationed at Puget Sound, Washington, at a cost of \$225,000; one revenue cotter, to be stationed at Savannah, Ga., at a cost of \$200,000; one ocean-going tug for the Revenue-Cutter Service, to be stationed near New Bedford, Mass., at a cost of \$175,000, and the last one, a boarding vessel, to be stationed at New Orleans, La., at a cost of \$50,000.

Mr. TAWNEY. Was there any demand for the Revenue-

Cutter Service in the district of any of the other members of the Committee on Interstate and Foreign Commerce?

Mr. CUSHMAN. Oh, yes; there was.

Mr. TAWNEY. And they were rejected? Mr. CUSHMAN. They were not rejected. I will say to the gentleman from Minnesota-

Mr. Speaker, there is no member of the commit-Mr. MANN. tee from New York, and no member of the committee from Massachusetts.

Mr. SMITH of Iowa. There is no revenue cutter provided for New York in this bill.

Mr. MANN. This ocean-going tug is for Massachusetts.

Mr. WALDO. How about Illinois?

Mr. MANN. There is no revenue cutter provided for Illinois, nor was there an item in the light-house bill for Illinois.

Mr. CUSHMAN. I will say to the gentleman from Minnesota [Mr. Tawney], who is one of the watch dogs of the Treasury,

that the members of that committee have found themselves unable to favorably report every bill introduced for a new revenuecutter vessel because of the enormous expense that would entail, and in that situation we sent for the Chief of the Revenue-Cutter Service and said to him that we could not appropriate as much money for revenue-cutter bills as that department wanted, but we asked him to specify and designate those vessels which were the most imperatively needed by his department, and these four vessels were selected as being the four vessels most urgently needed by that department. We therefore amended the Senate bill (which only provided for one revenue cutter as it passed the Senate) and included the four vessels now designated in this bill at a total cost of \$650,000. That was a move in the interest of economy and certainly ought to be sanctioned by the gentleman from Minnesota [Mr. TAWNEY].

I shall read briefly from the annual report of the Secretary of the Treasury for the fiscal year ending June 30, 1906 (pp. 34 and 35), that portion of his report wherein he specifically recommends the passage of this identical bill in exactly its present form:

I strongly recommend the passage of Senate bill 925, which has been amended and reported favorably to the House by the Committee on Interstate and Foreign Commerce. This bill provides for the construction of a first-class cutter for Puget Sound, a first-class cutter for Savannah, Ga., and adjacent waters on the Atlantic coast, an able seagoing tug for New Bedford, Mass., and the waters of Vineyard and Nantucket sounds, and a boarding vessel for duty at New Orleans, I.a. These vessels are urgently needed to improve the efficiency of the service at the points named. It has been found necessary to discontinue the services of the Grant on Puget Sound (where she has been stationed for many years) owing to her present deteriorated and unseaworthy condition and to the fact that she is not worth further repairs. This will leave Puget Sound, with its extensive maritime interests, and the dangerous outlying waters of the coast of Washington, without a regular cruising cutter. The pressing need of a new vessel to take the place of the Grant is apparent.

Mr. Speaker, I ask for a vote.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FLUCTUATIONS IN PRICE OF COTTON.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution No. 795, which I send to the desk and ask to have read, and I ask unanimous consent that the amendment, in the form of a substitute, be read instead of the original resolution.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the resolution which he sends to the desk and asks to have read, and asks unanimous consent that the substitute be read in lieu of the original resolution. Is there objection to reading the substitute instead of the resolution? The Chair hears none, and the Clerk will read.

The Clerk read as follows:

House resolution No. 795.

House resolution No. 795.

Resolved, That the Secretary of Commerce and Labor, through the Bureau of Corporations, be, and is hereby, requested to investigate the causes of the fluctuations in the price of cotton and the difference in the market price of the various classes of cotton, and said investigation shall be conducted with the particular object of ascertaining whether or not said fluctuations in the prices have resulted in whole or in part from the character of contracts and deliveries thereon made on the cotton exchanges dealing in futures or is the result of any combinations or conspiracy which interferes or hinders commerce among the several States and Territories or with foreign countries.

The SPEAKER. Is there objection to the present considera-

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. TAWNEY. Mr. Speaker, I reserve the right to object, pending a statement.

Mr. MANN. What is the title of the resolution?
Mr. BURLESON. It is a resolution directing the Department of Commerce and Labor, through the Bureau of Corporations, to investigate the causes of the fluctuations in the price of cotton, and it is unanimously reported by the Committee on Interstate and Foreign Commerce.

Mr. LOVERING. Mr. Speaker, I move to suspend the rules

and pass the resolution.

The SPEAKER. The gentleman from Massachusetts moves to suspend the rules and pass the resolution. Is a second demanded?

Mr. BURLESON. Mr. Speaker, I demand a second. Mr. LOVERING. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

Mr. LOVERING. Mr. Speaker, I will yield to the gentleman from Texas [Mr. Burleson].

Mr. BURLESON. Mr. Speaker, at the request of the gentleman from Massachusetts, I will state to the House what this resolution is. It is simply a resolution having for its purpose an investigation through the Bureau of Corporations of the operations on the cotton exchanges of the country with a view of ascertaining whether the operations on these exchanges exert any influence on the fluctuations in the market price of cotton, and with a special purpose of ascertaining whether these fluctuations are occasioned by the character of contracts and deliveries made by the members of these cotton exchanges. For many years many producers of cotton have contended that the practices of the cotton exchanges which deal in futures, and especially the New York Cotton Exchange, have exerted a depress-ing influence on the market price of cotton. The fact that frequently the price of spot cotton in New York is from \$7 to \$10 per bale higher than the same grade of cotton is bringing on the cotton exchanges where futures are dealt in has tended to confirm this belief, and the purpose of this resolution is to ascertain through the means of a thorough investigation whether there is any substantial basis for this belief. Undoubtedly violent fluctuations have occurred in the price of cotton on these exchanges, fluctuations so violent that they practically upset prices which ought to always be fixed solely by the legitimate law of supply and demand.

Mr. TAWNEY. We would like to have an investigation also

with regard to fluctuations of the prices of wheat, corn, and

Mr. BURLESON. If the gentleman will introduce a resolution to accomplish that end, I will support it. In fact, Mr. Speaker, I think such a resolution ought to be introduced. I will state that this resolution as originally written by me contained two paragraphs. The committee reports the resolution with both paragraphs stricken out, and a resolution in one paragraph is reported which is in effect the first paragraph of the resolution as it was originally drawn by me, and on careful examination I believe the resolution reported covers everything embraced in the resolution as I first wrote it. This report was made unanimously from the Committee on Interstate and Foreign Commerce, and I hope it may be adopted without objection. For a long time I was in doubt as to whether transactions upon the New York Cotton Exchange and the New Orleans Cotton Exchange exerted a harmful influence upon the market price of cotton. I finally reached the conclusion that they did. A recent statement made by Mr. Atwood Violet, a member of the New York Cotton Exchange, and statements made by members of another exchange convince me of this. The gentleman from Massachusetts [Mr. Lovering], a large spinner of cotton interested in mills both in the North and South, was on the subcommittee which reported this resolu-tion. The subcommittee favored this inquiry. The action of the subcommittee was reported to the Committee on Interstate and Foreign Commerce, and unanimous action was taken by that committee recommending the passage of this resolution.

Mr. TAWNEY. Will the gentleman permit? What is the scope of this investigation, and to what extent can it be continued? Can it be continued indefinitely?

Mr. BURLESON. Do you ask the scope of the investigation

or the length of time it will take to make it?

Mr. TAWNEY. I mean the investigation. Mr. BURLESON. It will take but a short time to conduct it and but little money. I hope the investigation will be concluded before Congress adjourns, and I think it will take but a small amount of money to pay all expense incident to the investiga-The purpose and the scope of the investigation is to investigate the character of contracts upon the New York Cotton Exchange and New Orleans Cotton Exchange with a view of determining what influence those contracts and the deliveries made under them or offered to be made exert upon the market price of cotton; whether or not they exert a hurtful influence; whether they bring about an unnatural depression in the price of cotton sold as futures on the exchange, and whether these practices affect the legitimate price, which should only be controlled by the law of supply and demand. I can see no legitimate objection that can possibly be made to this resolution. I ask for a vote on the resolution, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I ask the gentleman to yield for a question.

Mr. BURLESON. Certainly

Mr. FITZGERALD. Does this resolution provide for an investigation of the association in the South that meets weekly or at other times and attempts to fix the price of cotton and determines the amount of cotton that shall be produced each

Mr. BURLESON. It provides for an investigation of both the New Orleans and the New York cotton exchanges. These

are the only exchanges in this country which deal in futures to any extent, I will state to the gentleman, and there is no dis-crimination against either one. They are both embraced within the scope of this resolution.

Mr. FITZGERALD. I understood there was some association of cotton growers or planters which determines the area to be planted and which meets very frequently and determines the

price and whether they shall-

Mr. MANN. And whether the sun shall shine or not and a few other things

Mr. FITZGERALD. Is that included in this?

Mr. BURLESON. No; the resolution directs an investigation only of cotton exchanges dealing in futures.

Mr. FITZGERALD. Do you believe this investigation should include the investigation of that association that attempts to

control the output or price?

Mr. BURLESON. If the gentleman will indicate what association he has in mind I might be able to give him some informa-This resolution attempts to deal only with those cotton exchanges that deal in futures. As a matter of fact, I can state to the gentleman that there are only three cotton exchanges in the world which deal in futures to any extent—one at Liverpool, one in New York, and one in New Orleans.

Mr. FITZGERALD. I do not believe the exchange that deals in futures is more detrimental to the country or people than associations of planters which are organized for the express purpose of keeping up the price and restricting the production.

think one is as equally detrimental as the other.

Mr. BURLESON. As a matter of fact, the gentleman from New York must know that the production of cotton always keeps pace with the necessities of the commercial world. In fact, there has frequently been an overproduction, to the great hurt of the

Mr. FITZGERALD. Oh, no; the gentleman knows the cotton planters of the South come together and, as I have been informed, attempt to ostracise the men who do not agree to restrict the area to be planted in cotton. My recollection is that some part of the crop has been burned at times in order to keep it off the market. I may be misinformed as to the reported burning of the crop.

Mr. BURLESON. In reply to that statement-

Mr. FITZGERALD. Just one moment-Mr. MANN. That cotton was sunburned.

Mr. BURLESON. In reply to the gentleman from New York, want to state that at no time in the South has there ever been as many as two bales of cotton burned in order to reduce the supply. If he will stop to think for just a moment, he will understand there is little basis for the statement he has made. Of course, you are aware that there are 5,000,000 of people engaged in the production of cotton in the South, and to talk about restricting the production of cotton by an agreement entered into between all of them is rank nonsense. gentleman will readily recognize the great difficulty there would be to bring 5,000,000 different people into a combination for that purpose or any other purpose. One can readily see how futile it would be to attempt it. I wish these cotton producers could effect an organization for their own protection. As I have said, many of them believe, and I will state that I am among the number, that low-grade cotton is accumulated in New York and is held there in the hands of members of the exchange for the purpose of depressing the market price of this great staple.

I hold in my hand a certificate showing the amount of cotton held in New York by the members of the exchange on January 10 of this year. It is for 115,697 bales and is of thirty different grades, and of all this lot of cotton there were only 2,955 bales which were classed, according to their own showing, as middling and above middling. Now, when one considers that all contracts are based on middling and that under these contracts a delivery can be made of any of these thirty grades by paying the difference in grades, you can understand how the price can be depressed. It is depressed. The danger of having this lowgrade cotton delivered to a purchaser is such that everyone knows that no spinner, no consumer of cotton, ever goes to this so-called "exchange" to make a purchase. I will insert this certificate in the RECORD:

Grades of cotton in New York warehouses on January 10, 1907, inspected, classed, certificated, and grades guaranteed by the New York Cotton Exchange (with differences on or off middling).

	or pares.
Fair, 2 cents on Strict middling fair, 1.75 cents on	2
Middling fair, 1.50 cents on Barely middling fair, 1.25 cents on	44 75
Strict good middling, 1 cent on	78 54
Fully good middling, 0.88 cent on	155
Barely good middling, 0.57 cent on	253

Strict middling, 0.38 cent on	629
Middling, basis Strict low middling, 0.14 cent off	1,665
Strict low middling, 0.14 cent off	6, 819
Fully low middling, 0.32 cent off	17,602
Low middling, 0.50 cent off Barely low middling, 0.70 cent off	21, 326
Strict good ordinary 0.00 cent off	19, 553 11, 398
Strict good ordinary, 0.90 cent off Fully good ordinary, 1.07 cents off	4, 125
Good ordinary, 1.25 cents off	2, 839
Strict good middling tinged, 0.30 cent on	93
Good middling tinged, value of middling	517
Strict middling tinged, 0.06 cent off	1, 264
Middling tinged, 0.12 cent off	3, 844
Strict low middling tinged, 0.46 cent off	9, 653
Low middling tinged, 0.90 cent off	6, 862
Strict good ordinary tinged, 1.25 cents off	2, 263
Fully middling stained, 0.42 cent off	2,041
Middling stained, 0.50 cent off	1,024
Barely middling stained, 0.78 cent off	297
Strict low middling stained, 1.50 cents off	- 569
Fully low middling stained, 1.75 cents off	68
Low middling stained, 2 cents off	585
	AND DESCRIPTION OF THE PARTY OF

Total______ 115, 697

There can be no revision until September 11, 1907.

JOHN TANNOR,

Chairman Warehouse and Delivery Committee.

Mr. Speaker, I only wish the cotton producers of the South could combine so they could protect themselves against such practices. I fear, though, their numbers are so great it can not be done. In fact, there never has been and there never can be an effective organization of the producers of cotton, and every man that knows anything about the scope of country covered by the cotton area knows that this statement is literally true.

Mr. FITZGERALD. If the gentleman will pardon me, I have a distinct recollection of public meetings held in the South by cotton planters representing different areas, and an agreement was reached as to the number of acres that should be planted, so as to make it impossible to have a large, or, as it might be termed, an "excessive" supply. The result would be to prevent the price dropping. I know that the gentleman from Texas [Mr. Burleson] is better informed regarding those meet-

ings than I am.

Mr. BURLESON. I do not gainsay the proposition that the effort has repeatedly been made, but I regret to say it always or nearly always results in an increased acreage. There has been, as far as that is concerned, meetings of farmers for the advancement of their own interest, and we have attempted to prevent overproduction, just as there are associations of cotton spinners who meet for a like purpose. The course is, in a manner, a perfectly natural one, and I have no objection to it so far as I am concerned. But one can readily see the spinners can get together easier than 5,000,000 cotton farmers and their organization made more effective; but that is not the question. The question here is whether this great organization, the New York Cotton Exchange, extrts a hurtful influence upon the price of the great staple product in which 5,000,000 of people are interested. As I have said, Mr. Speaker, it is contended by many that the influence exerted by cotton exchanges dealing in futures is harmful; that it has a tendency to bring about violent fluctuations in the prices of this staple, and that, as a matter of fact, the legitimate price which it ought to bring, the price fixed by the law of supply and demand, is interfered with by the character of contracts made upon these exchanges and the alleged deliveries made thereunder.

That is the sum and substance of this whole inquiry, and for my life, viewing this either from the standpoint of the spinner or producer I can not see how any man can object to it. Of course, if anybody wants to oppose it, if one wants to stand here and defend the gambling transactions that take place in this exchange, for that is what they are, regardless of whether they exert a harmful influence on the cotton producer or the consum-

ers of cotton, I suppose he can do so.

Mr. FITZGERALD. Will the gentleman permit me just a question?

Mr. BURLESON. Certainly. I always yield to the gentle-

man with pleasure.

Mr. FITZGERALD. I am not opposed to the resolution. My information is that the Cotton Exchange in New York welcomes this investigation. From the information that I have regarding other associations and persons interested in maintaining the price of cotton at high levels I am sure that the gentleman will not attempt to conceal the action taken by the men who are interested largely in the production of cotton, and who have themselves been guilty, as I am informed, of as great offenses as anybody engaged in the speculation in the product. The planters or their representatives have met, and they have restricted the area that should be planted, and at times have recommended at least that part of the crop be destroyed in order to force up the price.

They are equally culpable with anybody else who by dealing

in futures has accomplished the same result. The trouble with the cotton planters seems to be that they are enraged because somebody else has been able to dominate the market and fix the price.

Mr. BURLESON. In reply to the gentleman from New York, I assure him that there is no trouble whatever with the cotton producers; they only ask what is just and right; they desire to do no one wrong; they never ask any favors of their Govern-

ment.

Mr. FITZGERALD. What are they complaining about now?
Mr. BURLESON. They are complaining of acts of gross injustice that they believe are being perpetrated against their interests on the New York Cotton Exchange by its members through the character of contracts and deliveries they make there. And this resolution simply provides for an investigation to be conducted through the Bureau of Corporations to determine the one issue whether violent fluctuations and depressions in price have been brought about by the peculiar contract which is made on that exchange, under the terms of which low-grade cotton can be delivered in lieu of middling cotton, which is the basis upon which all contracts are ostensibly made.

Now, further, in response to the gentleman, I want to state that for a long time I had doubt whether these contracts for sale of futures exerted a hurtful influence on the price of cotton, but a member of the cotton exchange in New York, Mr. Atwood Violet, if the press dispatches are to be believed, recently, on the 27th day of December last, telegraphed to New Orleans to certain cotton merchants there, saying that since September 1 last there had been actually sold on the New York Cotton Exchange to domestic and foreign spinners only 10,049 bales of cotton, and that the New York market is regulated to suit a few speculators who constantly depress the price of cotton. Cotton brokers there and elsewhere have charged that the price of this great product has been depressed to the extent

of millions of dollars.

I believe the New York Cotton Exchange has by the character of contract its members make, dominated the price of this staple; that they have manipulated the prices so that the cotton producers of the South have been swindled out of millions of dollars to which they were justly entitled, which they had earned with the sweat of their faces. The prices of the different grades of cotton are fixed at the beginning of the season—arbitrarily fixed by a committee of seventeen—and from that moment the market price of the various grades of cotton is given no consideration whatever. December contracts, which ought really to have been spot cotton several days before the 28th day of that month, were 150 points below middling spot prices in that market on that day. As the contract is based on middling cotton, it is readily seen how the member of the New York Cotton Exchange is enabled to manipulate the market.

If we accept as true the statement made by Mr. Violet, a member of the New York Exchange, that on December 27 last there had been actually sold only 10,049 bales of cotton for consumption by domestic and foreign spinners on said exchange since the opening of the season on September 1, then consider the further fact that before that date there had probably been sold 80,000,000 bales of cotton on future contracts, purely fictitious or gambling transactions, with no intention whatever that any portion of same should ever be actually delivered, then you can begin to understand the extent of their ability to manipulate the price of cotton. This wild speculation in cotton is hurtful; this frenzied gambling in this staple does affect its market price; it not only destroys its stability, but, in my opinion, actually depresses the price, to the farmer's great injury.

Mr. Speaker, as I have said, out of the mouths of the members of this exchange we have the declaration that these practices are hurtful to the producers of cotton, and again I insist I can not understand how any fair man can object to this inquiry being made.

Mr. BRUMM. Will the gentleman permit me to ask him a question?

Mr. BURLESON. Certainly.

Mr. BRUMM. Under the resolution which the gentleman wishes to have adopted, would not the investigation go to the men of the South that are charged with helping in these combinations by the gentleman from New York [Mr. Fitzgerald], as well as the cotton combination in New York?

Mr. BURLESON. It will go to the investigation of the New Orleans Cotton Exchange, if that is what the gentleman is referring to, but it extends to nothing else.

Mr. LIVINGSTON. It covers them all.

Mr. BRUMM. Then I think the bill ought to pass.

The SPEAKER. The time of the gentleman has expired.

Mr. LOVERING. Mr. Speaker, who controls the time?

The SPEAKER. The gentleman from Texas [Mr. Burle-

Mr. BURLESON. Mr. Speaker, I yield to the gentleman from Georgia [Mr. Livingston] such time as he may desire.

Mr. LIVINGSTON. Mr. Speaker, this resolution pending is not, as charged by some, a fight on cotton exchanges either in New York or elsewhere, but upon their rules and methods by which or through which they interfere and obstruct interstate and foreign commerce. In other words, Mr. Speaker, when they come to honest contracts and cease to use the exchanges as a means to control prices and obstruct free, open, and honest interstate and foreign commerce, allowing supply and demand to operate freely, then our demand is complied with.

It is denied that violent and unnatural fluctuations are produced purely for the benefit of speculators, hedged about by rules made for the benefit of speciments, neaged about by rules made for the purpose of forcing prices either up or down, as the interest of those engaged may demand for their gain. I need only to give one illustration to sweep away this denial. On the 28th of November last, notice day for December contracts, January options sold at 9 cents on New York Exchange, while spot cotton that day was 10.65, 165 points, or \$1.65 per hundred more than options or contracts. This difference per hundred more than options or contracts. of more than \$8 per bale was against the producer, and made so without any reference to supply or demand, and at the same so without any reference to supply or demand, and at the same time nearly 100 points, or \$5 per bale, below options or contracts at New Orleans. On Thursday last, the last day of January, January contracts at New York Exchange sold at 9.03, while spot cotton was 11 cents, 197 points above future contracts. This difference, 9.85, can only be accounted for by the fact that under the rules of the New York Cotton Exchange one buying January contracts through that exchange could have unspinable cotton dumped upon him, and for that reason no one will be caught with contracts on their hands at the end of the month, or notice day. So, with such rules and with such practices New York Exchange has ceased to be an exchange through which one can buy contracts for future delivery.

I wish to repeat that the pending resolution does not contemplate the destruction of cotton exchanges for legitimate purposes, but to correct abuses that have been of long standing and is as much deplored by the better element of the exchanges as by anyone on the outside. This investigation is in the interest of every cotton producer and cotton spinner and relates to the marketing of the most valuable crop produced in this country. A "square deal" is all that is sought or intended by this investigation. This much will be expected; this much those intervestigation. ested demand.

We allege that the producers of cotton have lost millions of dollars annually by this obstruction and unfair dealing controlling the purchase and sale of this great crop. Neither the producer nor spinner of cotton can estimate cost nor profits on a given crop with such conditions as now exist in the cotton exchanges. Under the rules before mentioned the controlling exchange in this country can put the price of raw cotton up \$5 per bale or \$10 per bale at any time and sweep away every cent of profits to those who have sold cotton fabrics ahead, thereby

forcing the spinner to buy at a price to fill orders on a rate that will be ruinous.

The controlling exchanges in this country and Liverpool can put the price of raw cotton down from \$5 to \$10 per bale, thus sweeping away every dollar of profits to the producer. The want of stability and violent fluctuations produced by other than natural causes has been the rule for many years, and the cause is a crime against the people, against the law of the land, and we seek the legitimate and the only way that seems to us to be equal to the occasion, to dissipate these evil practices.

Mr. Speaker, in conclusion, I beg to call the attention of the House to an effort made ten years ago by the Senate to ferret

out and correct this evil.

On April 19, 1892, the Senate passed a resolution of which the following is a copy:

Resolved, That the Committee on Agriculture and Forestry be, and they are hereby, authorized and directed to ascertain in every practical way, and report from time to time to the Senate, the present condition of agriculture in the United States and the present prices of agricultural products, and if there be any of which the prices are depressed, then the causes of such depression and the remedies therefor.

Under this resolution a committee from the Committee on Agriculture, to which was submitted the resolution for a report thereon, was appointed, and in discharging the duty imposed by the resolution the committee made a report on that part of the subject which relates to cotton, to which I beg the attention of the House to several paragraphs therein contained:

THE CAUSES OF THE LOW PRICES.

Another cause has contributed to the low price. This is the enormous extent to which dealings in "futures" has attained in late years.

A great deal of very valuable testimony has been taken on this point. Whilst there is a difference between commercial men as to the effect of

these dealings, yet we think the arguments advanced and the facts stated by those who oppose these dealings carry the greater weight, and are entitled to our approbation.

It will be noted that all who have spoken in favor of these dealings have finally reached the conclusion that they do not constitute real transactions or dealings in cotton itself; that in these sales, whilst they claim that both the seller and the buyer have a right to insist on exceptional cases made. It is also conceded on all hands only the consumer, and the person who undertakes to supply the consumer with the raw material, never, in any instance, buys the cotton to be consumed in "futures" dealings.

The fact that these transactions are based on a certain grade of cotton as the basis for fixing the price only, and that the seller may deliver any of about twenty-five or thirty grades and half grades, and real cotton, actually to be delivered, ever buys in these transactions. The fact, also, that in New York alone, which receives annually of actual cotton less than half a million of bales for all purposes, sales of futures take place to the amount of more than 60,000,000 bales annually conclusively shows that the party selling does not contemplate that he will be called on to make delivery.

In addition, it is shown, and it is claimed as a morit, that inferior large proportion of the actual receipts, for the express purpose of being used in making these deliveries and deterring the buyer from demanding delivery. This is confirmation, if any were needed, of the mythical and unreal character of these transactions. A considerable number of deliveries is claimed to be actually made.

At this point we call attention to a report by Mr. A. B. Shepperson on these dealings, printed with the evidence.

At this point we call attention to a report by Mr. A. B. Shepperson on these dealings, printed with the evidence in a warehouse. Each certificate is for 100 bales and is a legal tender for delivery under one of these contracts. It is negotiable and p

tion, wholly a matter of internal police of the State in which they take place.

With this concession it becomes our duty, in urging remedial action by Congress, to show that their evil character is not limited to the mere immoral and industrially injurious effects of gaming, but extends to interference with interstate and foreign commerce in the great staple about which they take place.

THE POWER OF CONGRESS SHOULD BE EXERCISED.

The power of Congress should be exercise.

The power of Congress being established, the next question is as to the propriety of the exercise.

It would seem to require no argument to show the propriety of the exercise of the power, if only the result would be to restore to the people at large the free and untrammeled right of buying and selling, and thus destroy an illegal monopoly confined to the members of two corporations and to the membership of which only a few can be admitted, and these only by the selection of the corporations themselves.

admitted, and these only by the selection of the corporations themselves.

But in addition to this there are certain injurious consequences arising from the dealings which affect both consumer and producer. It is not denied by the advocates of the system that these dealings sometimes raise and sometimes depress for limited periods the price of cotton, though they insist that on the whole the price must be regulated by the supply and demand. The concession even as thus qualified shows the wrong committed by the dealings. American citizens are interested on both sides of the question of prices.

It is the interest of all consumers and producers that the price should not be disturbed, even temporarily, since in this disturbance transactions at abnormal prices take place. Whatever, therefore, depresses prices artificially or raises them in the same manner injuriously interferes with and obstructs commerce to the extent of this artificial change in the laws of trade. The people of America are entitled to free and untrammeled commerce between the States and to free commerce with foreign nations, except such burdens and restrictions as may be placed on it by the power of Congress. This freedom means that there is and can be no power in any corporation, or even in any State, to institute or authorize such regulations in the transactions of this commerce as to interfere artificially with prices. That Congress may so act as to influence these prices artificially does not vitiate the argument, but strengthens it, for such action by Congress is the action of the people and of the States united, under powers conferred by the Federal Government, and necessarily assumes that it will be for the benefit of the whole, and not of sections and separate States, and of a part only of the people.

In the first place let it be noted that only in and through and under

the regulations of the two cotton exchanges in New York and New Orleans can this business be transacted. The cotton exchange in New York is a corporation under the laws of that State. It is composed of less than 500 members, and the number can not be increased beyond that number. The initiation fee is \$10,000, and the new members are elected by the old. No man can deal directly in futures unless he is a member. The corporation has absolute power over the dealings. All disputes and controversies are settled by a court established by the corporation itself, in what is called "arbitration proceedings." Neither party is allowed to call in a Federal or State court. It fixes the grades of all cotton, designates the warehouses in which it shall be stored, fixes the fees and charges for storage, weighing, and all other work done in relation to cotton. It fixes the quotations of prices which are to be published to the world, and these quotations are thus fixed under its rules for months for which there were no actual sales.

It and its members have such wealth that it is claimed, in a published letter of one of the principal members made in response to arguments made on the floor of this body, that the exchange can absolutely dominate and fix prices, as against all others, by flooding the market with offers of an unlimited supply of futures when at other places prices are, in its opinion, too high, and thus break the market; and, on the other hand, when it deems prices too low at other places, may immediately buy all that can be offered.

The New Orleans Cotton Exchange, though located in the largest spot-cotton market this side of the Atlantic, is a mere annex to and a subordinate of the New York Cotton Exchange, and so need not be described further than by saying if it had the will to do good it has not the power.

described further than by saying if it had the will to do good it has not the power.

Such are the agencies and the localities of these dealings, and they are the sole agencies and places for transacting this business.

We conclude, therefore, this part of our report by stating our conviction to be that whilst these dealings in futures can not for any long period control absolutely the price of cotton independent of the supply and demand, yet they clearly sometimes abnormally produce low prices as well as high prices, as is admitted by their advocates, for a temporary period. But generally they depress, to a considerable extent, prices; and that Congress not only has the power to abolish them, but is in duty bound to do so.

Mr. Speaker, the cotton producers for thirty years have been struggling for a square deal in marketing of cotton and cotton fabrics, and have been handicapped in their efforts by the obstruction, interference, and manipulation on the part of the cotton exchanges.

We have begged for relief and our appeals were treated with slient contempt. We threatened and were laughed at recently when we appealed to one of the great Departments for relief. We were threatened with suit for libel and imprisonment. Now. Mr. Speaker, we are in the house of our fathers and appeal to you gentlemen to adopt the resolution under consideration. will prove to be a starter at least and we believe will be effective in causing the cottom exchanges to give us a square deal. I see from the morning Post that the president of the New Cotton Exchange welcomes the investigation. Certainly, then, the House should give a unanimous vote for the pending resolu-

Mr. BURLESON. I yield to the gentleman from Louisiana. Mr. MEYER. Mr. Speaker, without discussing the merits of the proposition to investigate the cotton exchanges of the country, as a representative of a city embracing the New Or-leans Cotton Exchange I offer no objection. I beg leave to read a message just received from the president of that institution, as follows:

NEW ORLEANS, LA., February 4, 1907.

Hon. Adolph Meyer,

Member of Congress from Louisiana, Washington, D. C.:

Thanks for telegram. New Orleans Cotton Exchange has nothing to fear from any investigation; in fact, rather welcomes one.

WM. Mason Smith, President.

Mr. Speaker, from my knowledge of the membership of the New Orleans Cotton Exchange and the methods prevailing there, I am not surprised at their readiness to meet any investigation.

No higher standard of commercial honor and integrity exists in any mart of trade. The interests of the producer and consumer and of all necessary intermediaries are carefully guarded by the rules of the exchange.

It can not but prove to the advantage of all concerned to have developed, as an investigation assuredly will, that the New Orleans institution has benefited the farmer and expedited commerce in the most favorable manner.

Mr. BURLESON. I yield three minutes to the gentleman

from New York

Mr. FITZGERALD. Mr. Speaker, this is a most remarkable solution. The complaint heretofore has been that combinaresolution. tions have been to increase the price of necessaries. Legislation has been aimed at combinations endeavoring improperly to raise prices. This complaint seems to be based upon the fact that certain exchanges, cotton exchanges, have so conducted their affairs that they have decreased the price of cotton to the consumer. If the cotton exchanges have been so conducted as to cheapen the price of cotton to consumers, they have been doing an important work for which they have never been given credit. I am not opposed to this resolution providing for an investigation of these exchanges. Since the investigation is to be had, however, I believe it should be complete, covering not only the cotton exchanges, but the Southern Cotton Growers' Associa-

tion, the chief purpose of which seems to be to restrict the acreage to be pianted in cotton, and the National Ginners' Association, which is engaged in collecting information regarding the cotton crop and publishing estimates of its probable size, and which estimates almost invariably are below the estimates of the Census Office. I do not say that these associations are engaged in improper efforts to force higher the price of cotton. I only suggest the wisdom of including them in any investigation that is ordered.

In my opinion, men who organize to restrict the production of cotton or to restrict the number of acres to be planted in cotton or prevail on the producers of cotton to destroy part of the cropand a number of resolutions have been passed within the last two or three years recommending that a certain percentage of the crop be burned-are equally culpable with others engaged in the practices complained of by those urging this resolution.

Mr. BARTLETT. Will the gentleman specify where that was, where any requests were made by cotton associations that

any part of the crop should be burned?

Mr. FITZGERALD. Well, if it were not to be burned— Mr. BARTLETT. Or to be destroyed. Mr. FITZGERALD (continuing). Well, it was to be withheld from sale and kept from the consumer for a couple of years. Mr. BARTLETT. Your statement can not be sustained.

Mr. FITZGERALD. I have not had a chance to look up the reports, but the resolutions were designed to keep out of the market part of the cotton crop. I believe that men engaged in such operations should be the subject of the same investigation and to the same control as men engaged in operating on the exchanges. I believe that the exchanges welcome this investigation. They have no objection to it. I think the resolution should be broadened, however, so as to get at the producers who are attempting to force up the price of a commodity that is so necessary to the entire people. I want those who desire to increase prices to be the subject of investigation. I would treat alike all engaged in an improper effort to enhance prices. tween the producer and the consumer, I am with the consumer. favor the men who desire to lower the prices.

The South has had recently a wonderful period of prosper-I rejoice at its prosperity and improving condition. It has been getting more for its cotton during the last three or four years than in many years hitherto. A taste of this desirable prosperity has made some people unreasonable, and, not being satisfied with their fair share of prosperity from increasing prices, they desire the strong arm of the Government to still further force up the price of the commodity, so important a product in the South, and the increasing price of which tends to enrich those engaged in growing cotton. So far as I am concerned, I am opposed to the Government enriching one section of the country by excessive tariffs or enriching another in any such peculiar and inappropriate way.

Mr. LITTLEFIELD. Why does not the gentleman offer an amendment broadening the scope of the resolution? Let him ask unanimous consent.

Mr. FITZGERALD. I am unable to do so in the hurry of this proceeding. I wish the gentleman from Maine, with his great legal attainments and his readiness in such matters, would prepare such an amendment. I know it would result in some good.

Mr. RICHARDSON of Alabama. Let me ask the gentleman question.

The SPEAKER. The time of the gentleman has expired. The gentleman from Texas has one minute remaining.

Mr. BURLESON. I yield that to the gentleman from Mis-

sissippi [Mr. Whliams.]

Mr. WILLIAMS. Mr. Speaker, I have listened with a great deal of attention to the gentleman from New York [Mr. Firzgerald]. He evidently does not understand the resolution before the House. This is not invoking the strong arm of the Government in order to raise the price of anything. It is invoking the strong arm of the Government in order to get certain information.

I did not, however, rise for the purpose of dwelling upon that part of his address so much as upon another part. He accuses the cotton planters of the South of having a trust, because they had agreed to hold their product off the market when there was a very large crop and a surplus and the menace of low prices. Mr. Speaker, I need not call your attention, even if it is necessary to call the attention of the gentleman from New York, to the fact that this is rather an old and a scriptural process. Away back in ancient Egypt there were fat years, then there were lean years, and a man very much trusted by the Lord, one Joseph by name, advised Pharaoh to hold back the surplus of the fat years in order that the people might be saved in the lean years; in other words, to equalize the over-

production of one year with the underproduction of another, and the less than reasonable price of one year with the more than reasonable price of another. It is to the interest of both the producer and the consumer of cotton to have stable prices as much as possible. It is to the interest of neither to have a very high price one year and a very low price another. It may seem at first blush that when a man gets 20 cents one year and only 5 the other, the two making 25, that he is richer than if he gets 10 cents one year and 10 the next year, making only 20 cents, but that is not true, because his 20-cent receipts in the high-price year do not go into reproductive enterprises, but are very largely wasted. Besides that, the aggregate amount obtained on the 20-cent crop is reduced by the smallness of the crop itself. My friend from New York, had he been living in those days, would have accused Pharaoh and Joseph of being

a trust. [Applause.]
Mr. LOVERING. Mr. Speaker, this resolution provides for a simply inquiry by the Secretary of Commerce and Labor as to whether the cotton exchanges dealing in futures has the effect to raise or depress the market price of cotton, and if the investigation is properly conducted I have no doubt whatever that it will bring to light all that the gentleman from New York [Mr. Fitzgerald] desires to know. Any association whose purpose is to restrict the acreage of cotton planted or to underestimate the output in order to affect the price of cotton should. and no doubt will, be given the opportunity to explain its methods and operations.

The resolution as reported is drawn very broadly and is not intended to make any specific charges. I understand that the cotton exchanges welcome the investigation.

Mr. Speaker, I call for a vote. The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the resolution was passed. Mr. BURLESON. Mr. Speaker, at the request of several gen-

tlemen, I ask that we be allowed to extend our remarks. Mr. LIVINGSTON. I ask permission to extend my remarks in the RECORD.

Mr. LOVERING. I ask that all gentlemen who have spoken may have permission to extend their remarks in the Record.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that all gentlemen who have spoken may have the privilege of extending their remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 19752. An act for an additional term of court of Quincy,

H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7356. An act granting an increase of pension to Henry

S. 8063. An act to amend an act entitled "An act to amend an act approved August 3, 1894, entitled 'An act concerning leases in the Yellowstone National Park,'" approved June 4, 1906.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9778. An act for the relief of Philip Loney; H. R. 1142. An act for the relief of Ephraim Greenawalt; H. R. 5167. An act for the relief of William H. Stiner & Sons; H. R. 13031. An act granting an increase of pension to Thomas

H. Leslie

H. R. 14634. An act for the relief of George H. Chase;

H. R. 4299. An act for the relief of John Stinson; H. R. 13895. An act to correct the naval record of Michael

H. R. 15594. An act for the relief of John B. Brown; H. R. 1808. An act for the relief of J. J. L. Peel;

H. R. 12560. An act for the relief of John C. Lynch; H. R. 5651. An act for the relief of William H. Beall:

H. R. 18380. An act to complete the naval record of Charles

H. R. 10015. An act for the relief of the estate of Capt Charles E. Russell, deceased;

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water;

H. R. 1443. An act for the payment of Robert D. Benedict for rvices rendered;

H. R. 1738. An act for the relief of Sarah A. Clapp; H. R. 22362. An act for the relief of Esther Rousseau;

H. R. 10595. An act for the relief of Nye & Schneider Com-

H. R. 24932. An act for the extension of School street NW .: and

H. R. 19749. An act to prescribe the duties of deputy collectors of customs.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their

appropriate committees, as indicated below:

S. 8063. An act to amend an act entitled "An act to amend an act approved August 3, 1894, entitled 'An act concerning leases in the Yellowstone National Park,'" approved June 4, 1906—to the Committee on the Public Lands.

S. 7356. An act granting an increase of pension to Henry Schlosser—to the Committee on Invalid Pensions.

S. 6147. An act authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes to the Committee on the District of Columbia.

REPRINT OF BILLS.

Mr. LOUDENSLAGER, by unanimous consent, obtained leave for the reprint of the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and in the war with Mexico.

Mr. DAVIS of Minnesota, by unanimous consent, obtained leave for the reprint of the bill (H. R. 24757) to provide an annual appropriation for industrial education in the agricultural high schools and in city high schools and for branch agricultural experiment stations, and regulating the expenditure thereof.

ORDER OF BUSINESS.

Mr. CURRIER. Mr. Speaker, I move that the rules be suspended and the following order be passed.

The Clerk read as follows:

Ordered, That for the remainder of the session the bill (H. R. 25133) to amend and consolidate the acts respecting copyrights shall have the privilege pertaining to bills reported from committees under leave to report at any time.

The SPEAKER. Is a second demanded?
Mr. WILLIAMS. Mr. Speaker, I will demand a second for the purpose of getting an explanation.

Mr. CURRIER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. CURRIER. This is an order providing that during the remainder of the session the bill reported unanimously by the Committee on Patents, known as "the copyright bill," may have the same privilege as bills reported from a committee having the right to report at any time.

Mr. WILLIAMS. I understand that. But I want to inquire of the gentleman if the bill contains a provision with relation to mechanical contrivances, musical instruments, etc.

Mr. CURRIER. They are not in the bill: they are cut out

of it.

Mr. MANN. I would like to ask the gentleman if it is designed to have this bill conflict with the criminal code bill?

Mr. CURRIER. Not at all. It is very doubtful, of course, this order should pass, whether we could get consideration.

Mr. MANN. The criminal code bill has the right of way, and Members want to know whether this order was designed to conflict with that.

Mr. CURRIER. The committee would not think of interfering with the progress of a bill which had been made privileged before this.

The question was taken; and two-thirds having voted in favor thereof, the order was passed.

PATENTS GRANTED TO OFFICERS AND EMPLOYEES OF THE GOVERNMENT.

Mr. CHANEY. Mr. Speaker, I move to suspend the rules and pass House joint resolution 224, directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the Secretary of Commerce and Labor be, and he is hereby, directed to investigate and report to the Congress what existing patents have been granted to officers or employees of the Government of the United States upon inventions, discoveries, or processes of manufacture or production upon articles used by the Government of the United States, and how and to what extent such patents enhance

the cost or otherwise interfere with the use by the Government of articles or processes so patented.

The question was taken; and two-thirds having voted in favor thereof, the order was agreed to.

HUNGARIAN REFORMED FEDERATION OF AMERICA

Mr. BRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24046) to incorporate the Hungarian Reformed Federation of America.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That Steve Molnar, Steve Papp, Joseph Toth, all of the State of Ohio; Rev. Steve Borsos, Joseph Tomcsanyi, Rev. Alexander Kalassay, all of the State of Pennsylvania; Thomas Madarassi, of the State of Indiana; George Bandre, of the State of Connecticut, officers and members of the Hungarian Reformed Federation of America, and their successors, be, and they are hereby, incorporated and made a body politic and corporate of the District of Columbia under the name of "The Hungarian Reformed Federation of America." And by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may do business and take, receive, hold, and convey real and personal estate necessary for the purposes of the society.

elect officers and agents, and may do business and take, receive, hold, and convey real and personal estate necessary for the purposes of the society.

Sec. 2. That this corporation, composed of the individuals aforesaid and their associates, under the name and style aforesaid, is formed for the purposes, as follows: The intellectual, fraternal, and social welfare of the members; the study of American history and its institutions, and the inculcation of patriotic sentiment among its members; to charitably and fraternally, in the spirit of brotherly love, care for, aid, assist, and relieve its members in the various vicissitudes that may befall them during life, and to give them a Christian burial in death; to provide and pay benefits to suffering and needy members and to the heirs of deceased members, all according to the rules, regulations, by-laws, and constitution of the society. And in pursuance of the objects of the corporation, it may have a constitution, by-laws, rules, and regulations to carry out the same, and shall have power to change and amend its constitution, by-laws, rules, and regulations or amendments thereof do not conflict with the laws of the United States or of any State.

Sec. 3. That said corporation shall have the right to hold its meetings at any place within the United States as may be best suited or most advantageous to the carrying out of the purposes for which this corporation is formed.

Sec. 4. That Congress may at any time amend, alter, or repeal this act.

The SPEAKER. Is a second demanded?
Mr. WILLIAMS. Mr. Speaker, in order to have an explanation of the bill, I would ask for a second.

Mr. BRICK. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. WILLIAMS. Now, if I understand this bill aright, it is to grant a Federal charter to this society.

A District of Columbia charter.

Mr. WILLIAMS. Do the officers reside here and is the seat of business here?

Mr. BRICK. Perhaps I had better read what the bill says on this point:

Officers and members of the Hungarian Reformed Federation of America and their successors be, and they are hereby, incorporated and made a body politic and corporate of the District of Columbia under the name of the "Hungarian Reformed Federation of America."

Mr. WILLIAMS. I have no objection.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. BRICK. Yes. Mr. HEPBURN. What is the necessity for this act of incorporation being passed here? Why can not these gentlemen, if they are to operate here in the District, secure all they desire under the general incorporation laws now in force in the District?

Mr. BRICK. Mr. Speaker, the necessity, if there be any, of any of such organizations under these circumstances is that they desire branches in the various States, and that they may incorporate nationally and then have branch operations and there over the country. It is not to do ordinary business, however. It is a patriotic and fraternal organization, looking after the social, fraternal, and intellectual needs and wants of the membership, and they desire to do this by means of having branches from the central organization here instead of in-corporating in every State of the Union.

Mr. HEPBURN. The object of it is of a race or national

character, is it not, and the membership will be limited to the

people of a single nation?

Mr. BRICK. Yes. Let me read to the gentleman the pur-

poses of the society.

Mr. HEPBURN. Oh, I heard the bill read. Does the gentleman think that is a wise thing for us to do in this country—to create these different national societies?

Mr. BRICK. With the intent and purposes of this organization, I not only think it is a wise thing to do, but I think it is a

very desirable thing to do. These people come to this country to make it their home. They are strangers here among us. They wish to organize for patriotic purposes, for the exalted purposes of homogeneous and loyal citizenship, for purposes of furthering the honor, progress, and development of America. They band together in these societies in the social relations of brotherly love; they associate themselves together in the splendid effort to press forward the intellectual, fraternal, and social advancement of its membership, to give aid and comfort to the needy, relief in death, and succor to the widow and orphan. I will say to the gentleman from Iowa, with all the earnestness of a profound sympathy with the hopes and aspirations of these worthy people, that it is a very desirable as well as an hospitable thing to do.

Mr. HEPBURN. I have not any doubt, if the gentleman will permit me, that it is a very wise thing to teach patriotic lessons and, in fact, all of those lessons that are provided for in this bill, but I do think that it is harmful to the general welfare to per-petuate race or national characteristics and influence in this country. I think when a man comes here he should come here to be an American, and I think there is no reason for thus trying in any way to segregate by incorporations the Hungarians or the Germans or the Irish or anybody else. We are glad to have all come here, but when they come here to come here to be

Americans and not perpetuate their national peculiarities.

Mr. BRICK. Mr. Speaker, I perfectly agree with the gentleman from Iowa, but the real sentiment and object of this organization is the purpose of inculcating patriotic Americanism among these people; in fact, to carry out exactly the sentiments expressed by the gentleman from Iowa.

Mr. MANN. Will the gentleman yield for a question?

Mr. BRICK. Yes.

Mr. MANN. What committee reports this bill?

Mr. BRICK.

The Judiciary. How does the Committee on the Judiciary hap-Mr. MANN. pen to take jurisdiction of this bill to create a corporation in the District of Columbia? Usually these bills come from the District Committee.

Mr. BRICK. It was referred to the Committee on the Judiciary. I understand they have those powers. They did the same thing with reference to the German society at this session, a few weeks ago.

Mr. MANN. Here is an opportunity, if a man can not get a bill through one committee, to go to another committee. I do not charge that in this case, of course.

Mr. BRICK. That is not so in this case. I don't know that

it is true in any case.

Mr. MANN. But there have been many cases here where bills have been introduced by Members, sometimes by the same Member, referred to different committees. The Member gets a favorable report from any committee that he can. It seems to me, with all due deference to the reference powers, that these bills either ought to be referred to the Committee on the Judiciary or to the Committee on the District of Columbia. Some of them come from the District Committee and some identical bills come from the Committee on the Judiciary.

Mr. GARRETT. How much property can this organization

hold?

Mr. BRICK. It does not say anything about property.

Mr. GARRETT. Doesn't it say that they can hold some prop-

Mr. BRICK. Oh, yes; I beg the gentleman's pardon.
Mr. MANN. We have been putting in bills a provision, suggested by the distinguished gentleman from Indiana [Mr. CRUMPACKER], limiting the amount that can be held by such corporations to \$1,000,000.

Mr. BRICK. Just a minute; I was mistaken. It provides to receive, hold, and convey real and personal estate necessary for

the purposes of the society.

Mr. GARRETT. May I ask what the gentleman's opinion is as to the declared purposes in the bill, as to the amount of property they could hold under the provisions of the bill?

Mr. BRICK. It is not an ordinary business corporation; it is not a corporation whose business it will be to hold or deal in real estate. The only property that any necessity might require them to hold would be a hall or a building for the purpose of their meetings.

Mr. GARRETT. Now, this further question: Has the bill the usual provision with regard to Congress having the right to amend, alter, or repeal this act?

Mr. BRICK. Yes, sir. Section 4, "That Congress may at any time amend, alter, or repeal this act."

Mr. GARRETT. I presume it is true that a majority of these incorporators, or a sufficient number of them, do not live in the District of Columbia in order to incorporate under the general laws is the reason they sought this special act. Is that true?

Mr. BRICK. The reason that this act is asked for is that it would be more convenient for them to have an act of incorporation of the District of Columbia with branches in the various States than it would be to incorporate in each State in which they desire to organize and operate.

Well, but the point I am asking about is, we Mr. GARRETT. have a general District Code here, and under the terms of this Code these eleemosynary, charitable, and patriotic organizations

may organize.

Yes, sir; you are right about that. Mr. BRICK.

Mr. GARRETT. I understand that a sufficient number of these incorporators do not live here in the District—

Mr. BRICK. Some of them do not live here; I do not know how many.

Mr. GARRETT. Do all the incorporators live in the United States and are all of them citizens of the United States?

Mr. BRICK. Yes, sir; they are all citizens; some of them I know personally and some of them I do not; but they are all distinguished and eminent citizens of high standing in this country.

Mr. GARRETT. And if they lived here in the District they could organize under the general laws of the District and then organize their branch offices as they desired; so it is really the prestige they get from this incorporation that is the main thing.

Mr. BRICK. That is true; and referring to the racial character of the organization alluded to by the gentleman from Iowa, I want to say this:

They have come to us to better their condition, and I want to

make them feel at home.

They are here to swell the stream of our best citizenship,

numbering now over a quarter of a million souls.

They have come to make this country their permanent dwelling place, to live and abide with us in the truest and most loyal of American sentiment and patriotism.

They inhabit every State and Territory of the United States, and everywhere have they entered into the very essence of our

national spirit, hope, and enterprise; and among other things, this organization is founded upon the lively behest of that desire. Why, Mr. Speaker, I would like to ask the Members of the House, Have you read and pondered over the thrilling story of Hungary's heroic struggle, during a thousand years, for just

such liberty as we possess? An accurate history of Hungarian wars and their heroes would teach even the sons and daughters of the Mayflower and the Concord the awful magnificence of a martyrdom endured by

a great people for freedom.

These children of an heroic ancestry come to us with all the institutions of our civilization implanted in their hearts through twenty generations of turmoil in the pursuit of a liberty they find here.

Every Hungarian in this country can look back over the red pages of their fathers' struggles and trace with boundless pride and satisfaction a strange and startling resemblance between the Hungarian revolution and our own.

Under Kossuth, and Bem, and Klapka, and Dembinski, what did they fight for that would make them alien or strange to us?

They performed unheard of and astounding deeds with one

great idea, the freedom of independence.

They alone of all Europe held aloft the blazing torch of

liberty with dauntless heart and unshaken hand.

They fought with God-like valor for the freedom of the press, a constitution, a ministry, and a representative body to govern their own destinies. They fought for equality before law in all civil and religious affairs-equality of taxation, trial by jury, and local self-government.

These were the principles of the declaration of independence

Kossuth and his followers lived and died for.

Don't you believe that the children of the great Kossuth, the Washington of Hungary; of Klapka, the Wayne of the Magyar, have within their breasts and in the bounding flow of their veins the elements of our most appreciative and liberty-loving, loyal citizenship?

Gentlemen, they are here because they have learned to know, as one of us, our institutions and the American idea taught to them on mother's knee in the lives of the Washingtons, the

Franklins, and the Hancocks of Hungary.

They come here, as Kossuth did, driven out by a tyranny worse than was suffered by us when revolution was conceived and the Republic born.

I compare their great names with our own, because struggle

is the mother of greatness and makes us all akin.

I say it because they have been rocked roughly by the same rude and barbarous nurse, because they have been trained to

hearts of oak and nerves of steel in the same strenuous war for independence, and for this reason I champion their cause.

They have my unbounded sympathy and admiration, because I believe in the cause they have so valiantly fought for, because they come to me with the same hopes and aspirations that I have myself, because I rejoice in the splendid history of their race and the genius of their sons who have enriched the world with the rarest treasures of thought.

I sympathize with and admire them because I know Josef Ectvos, the friend, intimate, and supporter of Kossuth-poet, writer, and statesman—who more than any other Hungarian influenced the course of European literature of his time because I know Madach and have read his "Tragedy of Man," the soul of which was the clarion message of his life sent out to all eternity, "struggle thou and trust"—Because I know and love Maurice Jokai, the Hungarian Shakespeare, who has filled the world with hundreds of the matchless masterpieces of his mind—and, Mr. Speaker, they have my sympathy and admiration because I know Petofi, "a fallen star in the Magyar Sea," who of all the singers of the first half of the nineteenth century brought to poetic creation an inextinguishable glow of passionate patriotism.

He lived a life of meteoric glory that has not faded, nor will

it die.

He vanished like a dream in manhood's morn.

The spot where he has fallen no man knows, and the pathos of his song, the wish of his life, that when all was over flowers might be scattered where he slept, must remain forever unfulfilled.

But the bloom of his day shall through all the ages fill the earth with the perfume of his immemorial glory.

Yes, Mr. Speaker, they spring from a race of unrequited

heroism; a people full of the genius that touches liberty with love and the state with serenity.

They will people the future with a proud progeny.

The sons of Petofi must, and will, glorify us through the generations-of Petofi who smote all the singing chords of that harp of a thousand strings, the Hungarian heart, with deathless strains of immortal valor.

"Upon our graves shall dawn a brighter sun,
Our children rise to bless their natal earth;
Here shall they kneel, and when our course is run
Bless the fair land that gave them a free birth.
By the great God of Hungary we swear
The yoke of slaves we will no longer bear."

Mr. Speaker, with that spirit in their blood they will surely bless the fair land that gives them a free birth.

I ask for a vote on the bill before the House.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and the Chair announced that the noes" appeared to have it. appeared to have it.

Mr. BRICK. Mr. Speaker, I ask for a division. The House divided; and there were—ayes 72, noes 6. So two-thirds having voted in favor thereof, the rules were suspended and the bill as amended was passed.

REFUND OF STAMP TAXES.

Mr. DALZELL. Mr. Speaker, I move to suspend the rules and pass the following bill with amendment found on page 2, line 23.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25187) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898," and for other purposes, approved June 27, 1902.

forth, under the act of June 13, 1898," and for other purposes, approved June 27, 1902.

Be it enacted, etc., That section 3 of an act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes, approved June 27, 1902, be, and the same is hereby, amended to read as follows:

"Sec. 3. That in all cases where an executor, administrator, or trustee shall have paid, or shall hereafter pay, any tax upon any legacy or distributive share of personal property under the provisions of the act approved June 13, 1898, entitled 'An act to provide ways and means to meet war expenditures, and for other purposes,' and amendments thereof, the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, upon proper application being made to the Commissioner of Internal Revenue, under such rules and regulations as may be prescribed, so much of said tax as may have been collected on contingent beneficial interests which shall not have become vested prior to July 1, 1902. And no tax shall hereafter be assessed or imposed under said act approved June 13, 1898, upon or in respect of any contingent beneficial interest which shall not become absolutely vested in possession or enjoyment prior to said July 1, 1902: Provided, however, That all taxes which are directed to be refunded by this act, or which have been collected contrary to the terms thereof, shall be refunded out of any money in the Treasury not otherwise appropriated, any statute of limitations or lack of protest to the contrary notwithstanding."

Sec. 2. That the Secretary of the Treasury, under rules and regulations to be prescribed by him, be, and he is hereby, authorized and directed to refund the sums paid for documentary stamps used on export ships' manifests, such stamps representing taxes which were illegally assessed and collected, and a sum not exceeding \$125,000 be, and it is hereby, appropriated for said purpose, said refund to be made whether said stamp duties were paid under protest or not, and without being subject to any statute of limitations.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, in order to get an explanation I demand a second, and ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Illinois demands a sec ond and asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is entitled to twenty minutes and the gentleman from Illinois is enti-

tled to twenty minutes.

Mr. DALZELL. Mr. Speaker, this is a bill reported unanimously from the Committee on Ways and Means. At the time of the Spanish war, as the House will recollect, a war-revenue bill was passed, and amongst other things that bill imposed a tax upon legacies and distributive shares of personal property. Under the operation of that law the Treasury Department held the tax collectible upon legacies not yet in possession or enjoyment, but contingent in their nature. Subsequent to that time the Supreme Court of the United States held that the ruling of the Treasury Department was erroneous; that such taxes were not properly leviable under the act of Congress. Congress in 1902 passed an act repealing the war-revenue taxes, and subsequent to that time—two or three months after—passed another act ordering a refund of all those taxes that had been held to be not within the purview of the original act. Those taxes would then, under the legislation then had, have been paid as of course; and so the Treasury Department held; but the Comptroller of the Treasury held that an act passed some thirty years ago, in 1872, imposed a statute of limitation of two years, and that consequently the taxes paid more than two years before could not be refunded. Now, it is perfectly apparent that the Comptroller of the Treasury was in error in holding this act applicable, and a number of reasons are set out in the report for my so declaring; but aside from that, the district court of the United States for a Federal district in Massachusetts has passed directly upon the question and held this old statute of limitations not to be applicable.

Now, the proposal of this bill is to carry out the intention of Congress when it passed the refunding act, notwithstanding the ruling of the Comptroller of the Treasury; to get past the

Comptroller, in other words.

Now, then, the second section relates to tax upon ships' mani-In the war-revenue act a tax was imposed upon bills of lading and, in the same paragraph, upon manifests. Now, the Supreme Court of the United States held in the case of Fairbanks v. The United States that the tax on foreign bills of lading was unconstitutional, for the reason that the tax was not upon the instrument itself, but upon the exports, and, consequently, Congress, in this refunding act to which I have already called attention, ordered the refund of the tax upon bills of lading, and they are being paid from time to time. But the same act that imposed the tax upon the bills of lading imposed a like tax upon the manifest, and the Supreme Court held that the manifests upon cargoes for export were in pre-cisely the same situation as the bills of lading for export; in other words, that in both cases the act was unconstitutional. And some of these have been refunded and others have been refused refundment because they were not paid under protest. The object of this bill, in the second section, is to carry into effect the real intent of the refunding act that related only to bills of lading, but ought also to have related to manifests.

I reserve the balance of my time.

Mr. MANN. The bill simply provides for the payment of these moneys that were collected contrary to what should have been the law under the decision of the Supreme Court?

Mr. DALZELL. Exactly.
Mr. MANN. They are to be collected simply upon proper application under the rules and regulations?
Mr. DALZELL. By the Treasury; yes, sir.
Mr. FITZGERALD. Will the gentleman yield for a ques-

Certainly.

Mr. FITZGERALD. As to the refund of taxes upon charitable bequests, is a refund to be made of all payments or on only those made in protest?

Mr. DALZELL. All payments. That brings into view another peculiarity of the ruling of the Comptroller of the Treasury. The refunding act covers three different subjects: First,

taxes on religious and charitable bequests; section 2, taxes paid upon bills of lading, and section 3, to taxes paid upon legacies and distributive shares of personal property. The Comptroller of the Treasury held that this statute of limitations that he dug up did not apply to section 1 or section 2, but did apply to section 3.

Mr. FITZGERALD. And there were some instances where in the same estate protest was made against this fact and not on the other. The one could get it back—

Mr. DALZELL. And the other not. Mr. WALDO. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. WALDO. Does this bill apply to some two or three hundred claims for the refund of collateral inheritance tax?

Mr. DALZELL. Collateral inheritance tax? I believe they would be in some cases collateral inheritance taxes. They are taxes on legacies and distributive shares of personal property. Under the original law the tax was measured by the relationship of the party to the decedent.

Mr. WALDO. Does that affect other cases of collection of revenues that have been made voluntarily and without protest,

or only these two cases that the gentleman mentions?

Mr. DALZELL. Only these two cases, legacies and distributive shares of personalty and manifests on cargoes for foreign

Mr. WALDO. Is there any reason why money that is paid as revenue in these two cases, where it has been paid voluntarily and without protest, should be paid back any more than an ordinary case of customs duty? There are many of those now pending

Mr. DALZELL. The best reason in the world why they

should be paid back is that Congress has said so.

Mr. WALDO. But they have forfeited any right they had by not taking the course that was prescribed by Congress?

Mr. DALZELL. Not at all. Congress had no idea when the refunding act was passed that this old statute, thirty years old, relating to an entirely different subject, would be made to do service in connection with this bill. This legislation is nothing more or less than legislation carrying out the original intention of Congress when it passed the refunding act.

Mr. WALDO. Was there not a limitation of time as to when

these claims must be presented?

Mr. DALZELL. There was not.
Mr. WALDO. None at all? Then the two years' limitation
was the one that was in the original act, some thirty years before?

Mr. DALZELL. That is it, exactly.

Mr. PERKINS. Will the gentleman yield for one question?

Mr. DALZELL. Certainly.

PERKINS. The courts have decided, under the inheritance-tax law, that where a man died prior to the repeal of the act, but one year had not expired until after the repeal of the act, the taxes which were paid in a number of cases were illegally paid. In these cases also the question has arisen whether persons who had not paid under protest and had allowed the two years to pass by could be allowed to ask for a refund. Again, certain actions upon that were brought within the two years, and a large number of other claims were those of people who allowed the two years to expire without bringing action. Now, will these all be affected by the provisions of this

Mr. DALZELL. This bill makes all taxes that are refundable under this particular law refundable without limitation as to time.

Mr. PERKINS. Would it cover the cases to which I have referred?

Mr. DALZELL. I presume it would, because the act which ordered the refund was passed more than two years after the repeal of the war-revenue act, and therefore if the Comptroller of the Treasury were right in holding as he did, then there were certain claims that were refunded and there were others that were equally meritorious that could not be refunded. it is evident that Congress had no such intention in mind.

Mr. MANN. I have no desire to oppose the bill.

Mr. DALZELL. I reserve the balance of my time.

Mr. MANN. But I would like to say this: The gentleman from Pennsylvania would seem to throw some odium on the Comptroller

Mr. DALZELL. Oh, not at all.
Mr. MANN. I had occasion to go over this matter some time ago, and I am satisfied that the Comptroller decided the only way he could decide under the law. When the committee brought in the bill for the refund, those gentlemen not having been here thirty years ago, it was very easy to overlook the law

of thirty years ago; but the Comptroller, whose duty it is to know the law, did find the law of thirty years ago, and held

that it applied.

Mr. DALZELL. I do not think that the committee did overlook anything. The committee stated in the plainest terms it was possible to use "that in all cases." It did not say in "all cases where the claim had been filed within two years," or "where it was subject to the existing statute of limitation," but "in all cases" where the taxes were paid under this particular act. Now, to have construed it in the way the Comptroller did would have been to cut out all those claims where payments had been made more than two years prior to the passage of the refunding In other words, Congress in this last act would have created two classes of claims, making some payable to people who come in on time and refusing payment to others because they did not.

Mr. MANN. That is always the case in a statute of limitation.

Mr. DALZELL. There was no intention on the part of Congress to legislate in that way, because it would have been doing a yain thing.

Mr. MANN. The Comptroller can only decide the intention of Congress by the legislation he finds on the statute books. Now, the House passed a lot of claim bills the other day. the claims allowed by those bills will not be paid, because last session we passed an act providing that no claim should be paid unless a specific appropriation was made in the bill. We passed a number of claim bills the other day providing that the claims should be paid, but there was no provision for appropriation in some of them; and although these bills may become laws, the people will not get their money until they come before Congress again. Now, you say the assumption is that the Comptroller would decide that Congress would not do an idle act. But that is not an assumption that any executive officer has the right to conclude, because that would be a most violent assumption.

Mr. DALZEILL. I do not mean to criticise harshly the decision of the Comptroller. I have no doubt—in fact, I am quite satisfied—that he felt he was right at the time, though I think it is very apparent, in going over the legislation, that he was not right, because among other reasons the statute of limitation act which he applied put the power in the hands of the Commissioner of Internal Revenue to pass upon the cases, whereas in the act that the committee passed the whole thing was placed in the hands of the Secretary of the Treasury, making him the administrative officer and not the Commissioner of Internal

Revenue

Mr. LITTLEFIELD. What is the aggregate amount of the claims?

Mr. DALZELL. I do not know what the aggregate is. The Secretary has not been able to state exactly what the aggregate

Mr. LITTLEFIELD. Not approximately?

Mr. DALZELL. Six or seven hundred thousand dollars.
Mr. MANN. Will the gentleman yield for a question?
Mr. DALZELL. Certainly.
Mr. MANN. The gentleman's committee reported another bill some time ago which was passed, containing a limitation in reference to the payment for revenue stamps. Now, would the gentleman want to discriminate between one class and another, treating arbitrarily as to a matter of time one man who comes up and exchanges stamps for money this day and the next day. What is the distinction between that case and this? Why is not the gentleman willing now to allow a provision to be made so that a man who bought revenue stamps and did not use them should receive the money back

Mr. DALZELL. I do not think Congress wants to pass a bill

of that kind. It is too sweeping in its character.

Mr. MANN. Sell revenue stamps to people and then make them keep the stamps and not use them and not take them back? The gentleman's committee passed a bill refunding the money, but with a limitation of time.

Mr. DALZELL. The gentleman's committee may possibly have been inconsistent. It is not infallible; but that scarcely

answers the objection.

With that admission on the part of that com-Mr. MANN. mittee, I am perfectly satisfied. I thought it was infallible. [Laughter.]

Mr. DALZELL. I am sorry we do not come up to the gentleman's high expectation.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill as amended was passed.

GAME IN ALASKA.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 25032) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902.

The bill was read, as follows:

for other purposes," approved June 7, 1902.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, be amended to read as follows:

"From and after the passage of this act the wanton destruction of wild game animals or wild birds, the destruction of nests and eggs of such birds, or the killing of any wild birds other than game birds for the purposes of selling the same or the skins or any part thereof, except as hereinafter provided, is hereby problibited.

"GAME DEFIXED.—The term 'game animals' shall include deer, moose, caribou, sheep, mountain goats, sea lions, and walrus. The term 'game birds' shall include waterfowl, commonly known as ducks, geese, brant, and swans; shore-birds, commonly known as ducks, geese, brant, and swans; shore-birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan.

"EXEMPTIONS.—Nothing in this act shall affect any law now in force in Alaska relating to the fur seal, sea ofter, or any fur-bearing animal or prevent the killing of any game animal or bird for food or clothing at any time by natives, or by miners or explorers, when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold.

"Sec. 2, Season.—That it shall be unlawful for any person in Alaska to kill any wild game animals or birds, except during the season hereafter provided: North of latitude 62° moose, caribou, sheep, walrus, and sea lions from Angust 1 to December 10, both inclusive: south of latitude 62° moose, caribou, sheep, walrus, and sea lions from Angust 1 to December 10, both inclusive: south of latitude 62° moose, caribou, and sheep from Angust 20 to February 1, both inclusive; deer and mountain goats from April 1 to February 1, both inclusive; deer and mountain goats from April 1 to February 1, both inclusive; deer and mountain goats from April 10 February 11, both inclusive; deer and mountain goats from Ap

birds is prohibited: Provided, That it shall be lawful for dealers having in possession game animals or game birds legally killed during the open season to dispose of the same within fifteen days after the close of said season.

"Sec. 5. Licenses.—That it shall be unlawful for any nonresident of Alaska to hunt any of the game animals protected by this act except deer and goats without first obtaining a hunting license, or to hunt on the Kenal Peninsula without a registered guide, and such license shall not be transferable and shall be valid only during the calendar year in which issued. Each applicant shall pay a fee of \$100 for such license, unless he be a citizen of the United States, in which case he shall pay a fee of \$50. Each license shall be accompanied by coupons authorizing the shipment of two moose, if killed north of latitude 62, four deer, three caribou, three sheep, and three goats, or any part of said animals, but no more of any one kind.

"A resident of Alaska desiring to export heads or trophies of any of the game animals mentioned in this act shall first obtain a shipping license, for which he shall pay a fee of \$40, permitting the shipment of heads or trophies of one moose, if killed north of latitude 62°, four deer, two caribou, two sheep, and two goats, but no more of any one kind; or a shipping license, for which he shall pay a fee of \$10, permitting the shipment of a single head or trophy of caribou or sheep; or a shipping license, for which he shall pay a fee of \$5, permitting the shipment of a single head or trophy of any goat or deer. Any person wishing to ship moose killed south of latitude 62° must first obtain a special shipping license, for which he shall pay a fee of \$50, permitting the shipment of an single head or trophy of any goat or deer. Any person wishing to ship moose killed south of latitude 62° must first obtain a special shipping license, for which he head or trophy of any person wishing to ship moose killed south of latitude 62° must first obtain a special shipping lice

Seattle, Wash., Portland Oreg., or San Francisco, Cal., and he shall forthwith notify the collector of customs at the proper port of entry as to the name of the holder of the license and the name and address of the consignee. All proceeds from licenses, except \$1\$ from each fee, which shall be retained by the clerk issuing the license to cover the cost of printing and issue, shall be paid into a game-protection fund and shall be expended under the direction of the governor for the employment of wardens or the payment of other expenses for the protection of game in Alaska. And the governor shall annually make a detailed and itemized report to the Secretary of Agriculture, in which he shall state the number and kind of licenses issued, the money received, and how the same was expended, which report shall also include a full statement of all trophies exported and all animals and birds exported for any purpose.

"And the governor of Alaska is further authorized to employ game wardens, to make regulations for the registration and employment of guides, and fix the rates for licensing guides and rates of compensation for guides, and fix the rates for licensing guides and rates of compensation for guides, and fix the rates for licensing guides and rates of compensation for guides, and fix the rates for licensing guides and rates of compensation for guides, and fix the rates for licensing guides and rates of compensation for guides, and fix the rates for licensing guides and rates of compensation for guides, and fix the rates for licensing guides and rates of compensation for guides, and fix the rates for licensing guides and rates of compensation of guides, and fix the rates for licensing guides and rates of compensation of guides, and fix the rates for licensing guides and rates of compensation of this act and of the regulations that will report all violations of such laws and regulations of this act and of the game laws or regulations the will report alicense for guide who shall have his license revoked, and in addit

direct.

"Sec. 7. Penalities.—That any person violating any of the provisions of this act or any of the regulations promulgated by the Secretary of Agriculture or the governor of Alaska shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than 2000 or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court. Any person making any false or untrue statements in any affidavit required by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all trophies in his possession, and shall be punished by a fine in any sum not more than \$200 or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court:

months, or by both such line and imprisonment, in the discretion of the court.

"Enforcement.—It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs, all officers of revenue cutters, and all game wardens to assist in the enforcement of this act. Any marshal, deputy marshal, or warden in or out of Alaska may arrest without warrant any person found violating any of the provisions of this act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game birds, and found in the possession of said person in or out of Alaska, and any collector or deputy collector of customs, or warden, or licensed guide, or any person authorized in writing by a marshal shall have the power above provided to arrest persons found violating this act or said regulations and seize said property without warrant to keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury, upon request of the governor or Secretary of Agriculture, to aid in carrying out the provisions of this act.

"Sec. 8. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed."

Mr. MANN. Mr. Speaker, I demand a second.

Mr. MANN. Mr. Speaker, I demand a second.
Mr. HUMPHREY of Washington. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I desire to ask the gentleman if he thinks the United States Government would have the right to take from any party of hunters that might be found in that country, or prospectors, their goods and chattels, guns, and everything they have, simply because they were found to be in possession of some game? Suppose they were prospectors, and it became necessary that they should have some game for food? Does the gentleman think it would be right for the Government to confiscate their outfits?

Mr. HUMPHREY of Washington. I wish to say for the information of the gentleman that prospectors and miners are especially exempted from the provisions of this bill.

Mr. STEPHENS of Texas. They are exempted? Mr. HUMPHREY of Washington. Yes.

Mr. SULZER. And Indians also? Mr. HUMPHREY of Washington.

Yes; and Indians also. Mr. STEPHENS of Texas. Then have you considered the constitutional question, looking at it from the standpoint from which a lawyer would take it up and investigate it? In addition to fining a man and imprisoning him, as you have provided for in this bill, do you think it is constitutional to confiscate his property and take it from him?

Mr. HUMPHREY of Washington. I think it would be, if he

was found violating the law.

Mr. STEPHENS of Texas. Do you know any case that has

gone that far?

Mr. HUMPHREY of Washington. I think if a man was kill-ing game unlawfully in Alaska the Government would have the right to seize the game, and not only to fine him, but to seize the instruments that he used for the purposes of destruction. I think that is a well-settled rule of law. I think that is the law in many States.

Mr. PERKINS. I rise to a question of order, Mr. Speaker. We want to know what this bill is about, and we can not hear

any of the debate.

Mr. SULZER. I will answer the gentleman from New York and explain this bill.

The SPEAKER pro tempore. Does the gentleman from Wash-

ington yield?

Mr. HUMPHREY of Washington. Yes.

Mr. SULZER. First, I would like to answer the question of the gentleman from Texas.

Mr. STEPHENS of Texas. As to whether or not it would be constitutional to confiscate the arms of persons who might be found in the possession of game that they should not have killed in that country.

Mr. SULZER. I do not think that would be unconstitutional. think the Government has the same right regarding Alaska as it has in reference to Yellowstone Park; that it has not alone the right to confiscate arms, but also to fine and imprison a man who carries arms into the country and kills game.

Mr. STEPHENS of Texas. Do you think that would be comparable with the case of Alaska, where there is an immense territory, as compared with this small park, for the government of which special rules have been adopted by the

Mr. SULZER. I certainly do.

Mr. STEPHENS of Texas. In my State it is contrary to law, and a person subjects himself to fine and imprisonment if he carries a pistol. A few years ago the legislature enacted a provision that in addition to the fine and imprisonment the man should forfeit the pistol found upon his person. That provision was held to be unconstitutional by the highest court in my State, and I believe the same rule of law has been held in other States. It seems to me that the two cases would be on all fours, and I do not believe the Government has any right to confiscate a man's property because he is found in the possession of certain game that he should not have.

Mr. MANN. Will the gentleman first inform the House in what way this amends the existing law, so that we may have

that information before the House's

Mr. POWERS. Before the gentleman enters upon that, I would like to ask him a question about the confiscation clause. Is not there a provision for a hearing somewhere before some tribunal?

Mr. HUMPHREY of Washington. Certainly; you can not confiscate a man's property without a trial. The officer can seize it the same as a marshal can seize any property and hold it, but the case must be tried before the court at some time.

Mr. POWERS. Certainly. If not, it would be clearly un-

constitutional.

Mr. HUMPHREY of Washington. Now, replying to the gentleman from Illinois, I will say that the main change of the existing law is this: It changes the seasons slightly, making a different season for the northern part of Alaska from that in the southwestern part. But the main change is that it changes the present system under the Secretary of Agriculture to a license system. Under the present law anyone can go into Alaska without paying any license or paying anything for that privilege, but he is not permitted to bring out any trophies under restrictions by the Secretary of Agriculture. The result has been that while no trophies have been brought out, it does not stop the killing. They go there and hunt without a license, without any guide, without any restrictions whatever, and this bill is an attempt to change the law in that respect, and will change it. It makes a man who wants to go into Alaska pay

for a license. If he is a resident of the United States, he pays \$50; if he is a resident of another country, he pays \$100; if he is a resident of Alaska, he does not have to pay anything.

Mr. PERKINS. I do not want to interrupt the gentleman from Washington now, but I would like to ask some questions after he is through.

Mr. HUMPHREY of Washington. I think I have stated the main changes of the law.

Mr. PERKINS. There are several questions I would like to ask the gentleman

Mr. HUMPHREY of Washington. I will yield to the gentle-

man from New York.

Mr. PERKINS. In the first place, as I understand the bill, you allow the shooting of large game at any time in the year by certain persons?

Mr. HUMPHREY of Washington. Prospectors and natives. Mr. PERKINS. Any native, miner, or explorer can shoot game at any time?

Mr. HUMPHREY of Washington. When in need of food.

Mr. PERKINS. Oh, they are always in need of food. Does not the gentleman think that that provision will shortly destroy all the game there to the very great injury of the people living there?

Mr. HUMPHREY of Washington. I do not.

Mr. PERKINS. Why not?

Mr. SULZER. Mr. Speaker, I know something of Alaska, and I am a sincere friend of the wild game of Alaska, and in fact in all America, and I will gladly tell the gentleman.

Mr. PERKINS. Now, I will give the gentleman an illus-

Mr. SULZER. It is not necessary to give me an illustration. I will tell the gentleman that the miners and prospectors and explorers in Alaska protect the wild game more than the Government, because it is their chief source of food, and they are very much opposed to the hunters coming in from the outside and shooting the game. This policy will continue, rule or no rule

Mr. HUMPHREY of Washington. I can not yield to both

gentlemen at once.

Mr. SULZER. Just a word more. These prospectors and explorers and miners have got to live, and one of the chief sources of their food supply is the large game of Alaska. You

can not prevent them from shooting enough to eat.

Mr. PERKINS. When the gentleman gets through taking my time I would like to state an illustration. The outsider goes up there, employs a guide, and on an average they leave \$500 or \$1,000 that goes to that Territory for every head that they kill, and they would not kill off the game there in ten thousand years. The game is killed off by people who go out and shoot what they want at any time; because a man can always say that he is hungry. I will give the gentleman from New York an illustration that I know to be true of the way the game is slaughtered under the present law. There was an Indian who was allowed to shoot game at any time went out and shot a big moose about 2 miles from where his camp was. Coming back he saw another and shot the second only about a mile distant from his camp, and last of all he saw a moose, the meat of which could be brought in as it was only about a quarter of a mile from his camp, and he shot the third one. Now, an outsider that goes up there and is taking a party of half a dozen would not in the time he was there kill the number of moose that was slaughtered in this one instance under the provision that allows any Indian or any native to kill a wild animal at any time, when all that he has got to say is that he needed it for food.

If the gentleman wants to preserve the game, well and good; if he does not want to preserve the game, well and good. If he does want to preserve the game, there should be a close season This talk about outsiders shooting which applies to everybody.

off the big game is mere exaggeration.

Mr. HUMPHREY of Washington. I yield to the gentleman from Iowa [Mr. Lacey] to answer the gentleman.

Mr. PERKINS. I want to ask some more questions, if the gentleman will allow me.

Mr. MANN. Does the gentleman from New York desire some time?

Mr. PERKINS. I do not want time so much as I want information.

Mr. MANN. He may get information while he gets the time. I yield the gentleman from New York five minutes.

Mr. PERKINS. I will use the five minutes in asking ques-

Mr. HUMPHREY of Washington. Then I yield five minutes to the gentleman from Iowa to answer the questions.

Mr. LACEY. Mr. Speaker, I had the honor to draft the existing law for Alaska, and the feature that the gentleman in- | shall kill but two moose.

quires about was put into the existing law after thorough investigation and inquiry from people living there, who were familiar with the entire situation in the Territory. It seemed to be the universal opinion that any attempt to prevent the natives from killing whatever they needed for food or the miners from killing whatever they needed for food would be absolutely inoperative, and it was useless to attempt to legislate against a hungry miner a thousand miles from somebody else. He is going to kill what is necessary for him to eat, and therefore that provision was inserted making an exception in their favor, simply because it was believed to be utterly impossible to make a law which would have any different effect.

Mr. PERKINS. Will the gentleman yield for a question?
Mr. LACEY. Certainly.
Mr. PERKINS. Does the gentleman think it would be wise, because he thinks it would be difficult to enforce a reasonable provision of law, to make no provision of law, but to allow the process to go on?

Mr. LACEY. No; but I think it is wise where it is impossible to enforce a particular feature of law to insert it in the law, and this was regarded as utterly impossible of operation as against either the miners in the interior or as against the Indians

Mr. PERKINS. And for that reason the gentleman by this bill gives the express permission to any man to kill off just as much game as he wants to.

Mr. BRICK. Just one moment. He can not sell it or ship it.

All he may do is to eat it.

Mr. PERKINS. Well, he kills a moose and eats a pound of it and leaves the animal that is worth to the people of Alaska on an average a thousand dollars, which they can get out of it through guides, through licenses, through people who go there. They allow a man to shoot a thousand-dollar animal to get a single meal. I do not believe that is good policy for the people of Alaska.

Mr. LACEY. The waste by miners is infinitesimal. When a miner kills a moose, that moose in most localities is worth a dollar a pound as soon as he kills it, and he is not going to eat a pound of it and then throw the balance of it away, so that the gentleman's suggestion does not apply to the situation.

Mr. PERKINS. What does the gentleman say about the

waste of the Indians?

Mr. LACEY. Oh, you can not keep an Indian from wasting anything that happens to be plentiful.

Mr. PERKINS. The gentleman knows the Indians slaughter game with more recklessness than any other class of people.

Mr. LACEY. No; I think the Englishman is worse, the most bloody-minded of civilized men. We had an instance which was called to our attention, where it was shown that one Englishman on one island killed 250 walruses for "sport" Mr. LACEY. No; I think the Englishman is worse.

and allowed them to lie there and rot.

Mr. PERKINS. For one Englishman that is a game hog I am sorry to say you will find a hundred Indians. I am against the game hogs of all sorts.

Mr. HUMPHREY of Washington. If the gentleman will yield for a moment, I will give him another instance, where a headman, a German nobleman, so called, went into Alaska and killed seventeen moose, leaving them all there except one head. What is the use of putting restrictions that we know will not be regarded? It is perfectly useless to put in the law a provision preventing a man from killing game when he is in Alaska, hungry and away from civilization. If we did have such a law, he would have a right to do it anyway, and would to protect himself.

Mr. PERKINS. Let me ask the gentleman another question, whether his bill is consistently drawn. Suppose a man goes up there with a license. How much game can he shoot under the provisions of this law?

Mr. HUMPHREY of Washington. Quoting from memory, he can shoot two moose, two walruses, three sheep-

Mr. PERKINS. I think not. It seems to me that the gentleman's bill would allow the game hog who went from outside the State to shoot as much as he pleases, and why not?

Mr. HUMPHREY of Washington. I am simply telling what the bill provides. It provides he may shoot two moose in

Alaska and the fixed number of other animals.

Mr. PERKINS. It says, "Each license shall be accompanied by two coupons authorizing the shipment of two moose," etc., killed under this license. Nothing is said about shooting.

Mr. HUMPHREY of Washington. There is another provision in the bill:

Mr. PERKINS. I do not see it; and I would be glad to have it pointed out.

Mr. HUMPHREY of Washington. Section 3 provides that he

Mr. PERKINS. I hope that is provided for. Let me ask the gentleman another question. Where does latitude 62 come in? It allows no shooting south of latitude 62.

Mr. MANN. It allows it, but they charge a higher price.

Mr. PERKINS. No; I do not see it allows it. Mr. HUMPHREY of Washington. I will read it.

Mr. MANN. It allows a man to kill south of latitude 62 at a hundred and fifty dollars per.

Mr. HUMPHREY of Washington. It is a different size and different kind of moose found south of latitude 62°

Mr. PERKINS. There is nothing here that shows it is a different kind of moose.

Mr. HUMPHREY of Washington. Well, if the law makes him pay more, it is presumed to be a different kind. Mr. PERKINS. If he goes north of latitude 62°-

Mr. HUMPHREY of Washington. I will say to the gentle-man that the largest moose in the world are on the Kenai Peninsula, south of latitude 62°.

Mr. PERKINS. What sort are they north of the Kenai Pen-

Mr. HUMPHREY of Washington. Well, they are the same kind except they are smaller and have much smaller horns.

Mr. PERKINS. Then the result of this bill would be a person on the Kenai Peninsula could only shoot or ship one moose?
Mr. HUMPHREY of Washington. Only shoot two moose and ship two moose.

Mr. PERKINS. I mean on the Kenai Peninsula.

Mr. HUMPHREY of Washington. But it provides either north or south he may kill two, but not both north and south of latitude 62° under the same license. If you are hunting north, the license provides for that, and if you are hunting south, the license provides for that.

Mr. PERKINS. Let me call the attention of the gentleman-I am asking for an explanation—to page 5, where it says "any person wishing to ship moose killed south of latitude 62° must first obtain a special shipping license," which is \$150. If he killed on the Kenai Peninsula, what would he be able to kill?

Mr. HUMPHREY of Washington. He would have to have a license, for which he paid a hundred dollars, unless he be a citizen of the United States, in which case he shall pay \$50 to hunt and to bring out all kinds of game except a moose head, and if he wants to bring out a moose head he has to pay \$150 more

Mr. BRICK. And he is required to have a guide?
Mr. HUMPHREY of Washington. Yes; he is r
have a guide on the Kenai Peninsula. Yes; he is required to

Mr. MANN. I now yield five minutes to the gentleman from

Indiana [Mr. CRUMPACKER]

Mr. CRUMPACKER. Mr. Speaker, I am in accord with the purposes of this bill, and the criticism I desire to make will apply to the existing law as well as to the bill. from Iowa [Mr. LACEY] said he prepared the existing law on the subject. With great deference to my friend, I beg to say it reads to me very much like it was prepared by the chief of one of the bureaus in one of the Departments in this city. It sounds very much like it was prepared by the gentleman referred to by my friend from Illinois [Mr. Mann].

Mr. SULZER. I trust the gentleman will not make that reflection upon the gentleman from Iowa [Mr. LACEY].

Mr. CRUMPACKER. I trust the gentleman will possess himself until I make my criticism. I think it is a vital one and very materially affects the validity of the whole legislation. have but little respect for some provisions of the existing law and just as little for similar provisions contained in this bill. The law as it now exists, in addition to prohibiting the killing of game under certain conditions and establishing close seasons, provides "that the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations prohibiting the sale of game in any locality, modifying the close season hereinbefore established, providing different close seasons for different parts of Alaska, placing further restrictions and limitations on the killing of such animals and birds in any given locality, or prohibiting entirely for a period not exceeding two years in such locality."

Is there a Member of this House that believes that Congress has the power to confer upon the Secretary of Agriculture authority to make law, to repeal statutes, to change or abolish laws that carry with them criminal penalties? The courts, according to my recollection, have held that all legislative power

is vested in Congres

Mr. SULZER. Will the gentleman pardon me?
Mr. CRUMPACKER. The courts have held, when Congress undertakes to vest in the head of an executive office the power

to make regulations that shall have the force and effect of law, the regulations are invalid and can not be enforced.

Mr. SULZER. Will the gentleman pardon me there just for moment? I know the gentleman is a very great lawyer, and I have a great respect for his legal ability, but I desire to say that wherever Congress has conferred power upon any of the Departments to make regulations concerning matters under the jurisdiction of that Department, the rules and the regulations of the Department make our law, and to illustrate it I simply SAY

Mr. CRUMPACKER. I insist upon my time.

Mr. SULZER. And to prove it I only say that the Department of the Interior regulates by its rules and regulations

Mr. CRUMPACKER. Now, if the gentleman please, I only have five minutes' time and I have some important criticisms to make on this bill, and the gentleman has had experience enough in this House to know

Mr. SULZER. I wanted him to answer a question in regard

to that matter.

Mr. CRUMPACKER. No one can make an intelligent criticism of a bill of this importance in five minutes and then have a speech of three or four minutes injected into the middle of it. I desire to be courteous to the gentleman, and I hope he will appreciate the situation I am in. Now, section 7 of the bill

That any person violating any of the provisions of this act or any of the regulations promulgated by the Secretary of Agriculture or the governor of Alaska, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than \$200 or imprisonment not more than three months, or by both such fine and imprisonment.

I absolutely deny the power of Congress to vest the Secretary of Agriculture or any other executive officer with authority to make rules and regulations the violation of which will impose upon a citizen the penalty of forfeiture of his property, the payment of a fine, and incarceration in the county jail.

Now, when you come to look the situation over, take the section I quoted from in the first place, after the bill has established certain closed seasons and imposed certain restrictions, it authorizes the Secretary of Agriculture to undo all of the work by rules and regulations, and the chances are that under exist-ing law not a single restriction imposed by Congress is regarded

as operative in the Territory of Alaska to-day.

The SPEAKER pro tempore. The gentleman's time has ex-

pired.

Mr. MANN. Mr. Speaker, I yield to the gentleman five min-

Mr. CRUMPACKER. Mr. Speaker, I say the chances are that the whole subject of protection and preservation of game in Alaska to-day is not under regulations fixed by Congress, but under rules and regulations adopted and promulgated by the Secretary of Agriculture. Any citizen of the land may violate any rule or regulation imposed by the Secretary of Agriculture with perfect impunity. The courts have so decided. Frequently the courts have held that Congress has not power to vest in an executive officer authority to make rules and regulations, the violation of which will carry a penalty of fine, imprisonment, or political disability, as this bill carries. I think this whole business ought to go back to the committee, and have the committee take up the subject and reform the whole statute and let Congress fix the closed season, and impose the limitations and the only limitations that are to stand and carry the force and effect of law, and prescribe what penalties may be imposed for viola-tions of the law. Penalties ought not to be imposed for violations of rules and regulations promulgated by the Secretary of Agriculture. Why, gentlemen, the bill that we are spending time upon, in my judgment, is not worth a farthing if it should be enacted. It can not be enforced.

As I stated at the outset, I am in accord with the purpose of the law. I would like to see a law that will protect game in Alaska and everywhere else, but I have no patience with the constant effort to confer upon Department officers the power to make regulations governing the affairs of the people and attempting to give those regulations the power and dignity and importance of law.

Mr. HUMPHREY of Washington. Will the gentleman permit an interruption?

Mr. CRUMPACKER.

Mr. HUMPHREY of Washington. All the provisions the gentleman now complain of are already the law. This law will greatly restrict the power of the Secretary, and it is certainly better than the present law.

Mr. CRUMPACKER. I said at the outset my criticism ap-

plies to the law as much as to the bill. The present bill gives the Secretary of Agriculture the power to abolish and repeal every single restriction; it gives him power to abolish every closed season. Under this bill he is authorized by rules and regulations to abolish every restriction upon the killing and transportation of game in Alaska. He is authorized to set up any set of rules and regulations he chooses, and the bill provides that anybody violating these regulations shall be subject to fine or imprisonment in the county fail. Does any lawyer in this House believe that those penalties can be imposed for the violation of mere Department regulations?

Now, what is the use of spending time on a bill like that? believe it will amount to anything if it is enacted. hold that the provisions which confer power on the Secretary of Agriculture to abolish closed seasons and the penal clauses which are attached are utterly void. The restrictions and closed seasons that the law undertakes to establish in this bill authorizes the Secretary of Agriculture to abolish and establish new ones in their stead. The whole law on the subject may be in a code of regulations the Secretary of Agriculture has seen fit to impose. I yield the balance of my time to the gentleman from Illinois.

Mr. BRICK. I understand that the gentleman does not mean to say that the act itself would be invalid because of the Mr. BRICK. Secretary's regulations, which would have the force and effect of law and provides penalties for their violation?

Mr. CRUMPACKER. It might be that the courts would consider them interdependent. It might hold them to be inseparable, and in that event the whole statute would go down.

Mr. MANN. I have no doubt, Mr. Speaker, that the pending bill, if enacted into law, will make a better law than the existing law. On the other hand, if the pending bill be not enacted into law the committee will again take jurisdiction of the subject, and without any great labor on their part they can easily bring in a bill which will be more fair to the citizens of this

country and much greater protection to the game of Alaska.

Mr. SOUTHARD. I see that this bill provides "that any person wishing to ship moose killed south of latitude 62 degrees must first obtain a special shipping license, for which he shall pay a fee of \$150, permitting the shipment of one moose or any part thereof." It would appear that evidently it would cost \$150 to get a license to ship out a moose head. I suppose the word "license" is used in the sense of "permit;" or is it intended to get revenue from the issuance of these licenses?

Mr. MANN. I have no doubt the gentleman from Washington will answer that question in his time in support of the bill.

Mr. SOUTHARD. If it is intended merely as a permit, would it not be better to apply some other regulation, so that somebody who did not have the \$300 in his pocket should have the same privilege, as a matter of pleasure, to be able to ship out a moose head, as the man who does have the \$300?

Now, Mr. Speaker, this bill provides that this provision for license shall not affect the natives, miners, or explorers, so that as far as they are concerned none of the provisions of the bill apply to them, and there is no restriction upon them in the killing of game. The bill in no wise restricts the killing of game by the citizens of Alaska—by the residents of Alaska-but it proposes to require the nonresident to pay a license fee, and if you go to Alaska to-day and wish to purchase and ship out a sheep head you could not bring it down, under any conditions whatever, without paying a license fee of \$50, and a resident of Alaska can ship it out of Alaska on paying a

Now, I fail to see the reason why an American citizen desiring to obtain the privilege of shipping a head of game from Alaska should have the distinction made against him by requiring him to pay \$50 for the privilege, and permitting the resident of Alaska to escape with a payment of only \$5. There is no restriction upon the killing of game by citizens of Alaska, I repeat, the gentleman from Washington to the contrary notwithstanding. It is true a citizen of Alaska must be licensed in order to ship game out of Alaska. We all know, there is not a gentleman within the sound of my voice but what knows, that if the game in Alaska is to be protected it will have to be protected against the people who live in Alaska; and if there is a reason, as I believe there is, for requiring the nonresident to take out a license before he kills game, then there is more reason for requiring the resident who is not a native, miner, or explorer, not covered in this billto require them to take out licenses. It seems to me that for that reason this House should recommit this bill. The purpose of my remarks has been rather to ask the attention of the committee to the fact that if the American people and the American Government desire to protect the game in Alaska, both from the nonresident and from the resident, it will not be long under

this bill until the game there is killed by the people who live there unless there is some restriction placed upon them.

The gentleman from Alaska [Mr. WASKEY] may think they have no "sports" in Alaska. If that be the case, my informahave no "sports" in Alaska. If that be the case, my informa-tion is entirely incorrect. I have before this heard the story how nonresidents kill the game all over the country. I have seen the prairie chickens and the quall and other game largely disappear from the part of the country from which I come, and I know that the disappearance of that game is not principally due to killing by nonresidents, but is due to the killing by residents; and to-day in nearly every State they have restrictions which apply both to the nonresident and to the resident, and that ought to be the case in Alaska.

Mr. HUMPHREY of Washington. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has three minutes remaining.

Mr. MANN. Have I any time remaining?

The SPEAKER pro tempore. The gentleman has four minutes remaining.

Mr. MANN. I yield to the gentleman from Alaska [Mr. WASKEY] four minutes, if he will give the gentleman from Ohio time enough to ask a question.

Mr. WASKEY. Mr. Speaker, for the benefit of the gentleman from Illinois [Mr. Mann] I would like to say that I believe this bill is so framed that it will protect the game in Alaska not only from the onslaughts on nonresidents, but from the residents also. This arbitrary line dividing Alaska into two sections, with different provisions for the country north of 62 degrees and the country south of 62 degrees, will protect the game. The gentleman is laboring under a misapprehension if he thinks the game north of this arbitrary line is in any danger of immediate extermination. It is not. A great portion of Alaska is of such a nature that it never will be inhabited by people who live there permanently. The great body of Alaska is bisected by two immense mountain ranges-one the Endicott Range and one the Alaskan Range. These two ranges are the natural breeding places of all these kinds of big game.

There never will be a permanent population there, and consequently game will not be exterminated. The region will never be settled up, farmed, and inclosed with fences, and there will always be plenty of room for breeding places for the game. The game of northern Alaska can not be killed off. We are just as much in favor of protecting the game there as are We believe this license any of the sportsmen on the outside. system will provide us with funds and with the machinery to enforce our game laws. There are some little things in this bill that I do not agree with, but the main thing is that we want to protect the game in Alaska, and particularly in that part of Alaska known as the Kenai Peninsula, and I believe this bill will furnish effectual means for so doing.

To the gentleman from Indiana [Mr. Brick], who wishes in some way to protect the game from the depredations of Alaskan natives, I wish to say that Alaska is a country of 600,000 square miles. And in the great central portion of Alaska I do not suppose there are 1,500 natives in the whole country. They are scattered around so far apart that if every one of them were to kill a half dozen moose and caribou in a year, it would not have any effect whatever. The game in the interior is in no danger from either natives, prospectors, miners, or explorers, but on the Kenai Peninsula it is in grave danger of being slaughtered by the miners, by the prospectors, and by sports-men who come there from the United States and from European countries. The gentleman will see, if he peruses the bill carefully, that we make them all pay for killing game of the Kenai Peninsula and for shipping trophies out.

Will the gentleman yield for a question? Mr. PERKINS.

Mr. WASKEY.

Certainly.

Where is there any provision in the bill Mr. PERKINS. which makes a miner or explorer who shoots game on the Kenai Peninsula pay for it if he simply kills and eats it and does not ship it out?

Mr. WASKEY. On the Kenai Peninsula there are no miners or prospectors who are dependent to any great extent on game for their meat. The Kenai Peninsula is easily accessible to the outside world. Beef is shipped in there. There is a reliable to the now under construction-

Mr. PERKINS. Yes; but if a miner goes there, or an explorer, why do you allow him to kill game there without a license?

Mr. WASKEY. I will tell you why. There is no need of protection from the miner there. I put in two years on the Kenai Peninsula in 1898 and 1899. For half a dozen years before going there I never missed a fall, and seldom a spring, that

I did not have a hunt. In those two years on the Kenai Peninsula, although I was in the greatest game country in the world, I did not have the time to hunt; I was prospecting and mining, and when I wanted meat I went to the butcher shop, the same as anybody else does, and bought the meat that was for sale. I did not have time to do anything else.

Mr. PERKINS. But other men on the peninsula will not be governed by the same rules as is the gentleman from Alaska. Mr. MANN. Where does the gentleman find anything in the

bill that requires a residence to take out a license?

Mr. WASKEY. Because we are not going to do anything un-less we hunt for trophies, and they will want to ship them out-For instance, in view of the great amount of good the gentleman from Illinois has done for Alaska, I might want to make him a present of one of these magnificent moose heads.

Mr. MANN. If I wanted to bring it down here I would have to pay a large sum of money; if it was north of the Peninsula

of Kenai I should have to pay \$150.

The SPEAKER pro tempore (Mr. Capron). The time of the gentleman from Illinois has expired. The gentleman from Washington is recognized for three minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I wish just a moment to reply to the statement made by the gentleman from Illinois that this bill places no restrictions on the residents of Alaska. The bill places exactly the same restrictions on the residents of Alaska that it places on nonresidents, except as to the license for hunting. It provides for the seasons of the year that he shall hunt, and the number of animals that he shall kill, and if he wants to ship out any trophies he must pay for it, not \$5, as the gentleman says, because it is \$5 only for a deer or a goat. If he ships out other trophies he pays more. If he ships a moose head it is \$150 if it is south of the Kenai Peninsula. Now, Mr. Speaker, I think that the bill is correct in that respect.

I do not believe that the people who live in Alaska so long as it is no more densely populated than it is to-day-I do not believe that these people should be compelled to pay a license for the purpose of hunting. The object of this bill that I had in mind was not to prohibit the men who live in Alaska from kill-ing a reasonable amount of game, but the object in drawing this bill was to compel the head hunters to pay a license, to create a fund to be used to enforce the game laws of Alaska. Congress has never made any provision whereby the game laws of Alaska could be enforced, whereby any regulations could be made, and this law does provide for a license for head hunters, the amount they shall be compelled to pay, to be used to protect the game of that Territory.

Now, in reply to what the gentleman from Indiana has said about regulation by the Secretary of Agriculture, I objected to that portion of the bill myself; but those who are more familiar with the Territory than I, who have greater knowledge than anyone else, insist that it should be there, and inasmuch as it takes away a good deal of power from the Secretary of Agriculture, as the law now exists, I consented to it. To refer the bill back to the committee would mean that we should have no law for another year. Under these circumstances, admitting, as gentlemen do, that this bill is better than the existing law, I ask that it be passed now, and then next year, if necessary, it can be amended. I yield to the gentleman from Indiana.

Mr. BRICK. Mr. Speaker, I would like to ask unanimous

consent that on page 9, beginning on line 4, these words be stricken out of the bill: "Or any of the regulations promulgated by the Secretary of Agriculture or the governor of Alaska." That will eliminate the objectionable feature spoken of by various Members, and I believe it would be a good thing for the bill if that was eliminated.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent for the adoption of the amendment

which he proposes

Mr. LACEY. Mr. Speaker, reserving the right to object, I would like to say to my friend that the judge of a United States district court in Oregon, and also a judge of the district court in Florida, has held that a criminal act can not be created by a regulation. The Attorney-General of the United States, in an official opinion, has held precisely the other way; and I believe that it can be made a criminal offense, notwithstanding the decision of these two judges the other way. Of course the question could not reach the Supreme Court of the United States on appeal, but under a law we have recently passed allowing an appeal where the defendant is discharged, that question can now reach the Supreme Court of the United States.

The SPEAKER pro tempore. The time for debate is exhausted.

Mr. SULZER. Mr. Speaker, we will consent to the adoption of that amendment.

The SPEAKER pro tempore. The Chair understood the gentleman from Iowa [Mr. LACEY] to object.

Mr. LACEY. No, Mr. Speaker. I reserved the right to object, but if the gentleman is satisfied with the amendment, I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

On lines 4 and 5, on page 9, strike out the following words: "Or any of the regulations promulgated by the Secretary of Agriculture or the governor of Alaska."

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the bill as amended was passed.

BRIDGE ACROSS CHATTAHOOCHEE RIVER, GEORGIA.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25043) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia, which I send to the desk and ask to have read.

The Clerk read as follows:

The Cierk read as 1010ws:

Be it enacted, etc., That the Atlanta, Birmingham and Atlantic Railroad Company, a corporation duly organized under the laws, its successors and assigns be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Chattahoochee River near Lagrange, Troup County, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bili.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Adamson, a motion to reconsider the last vote was laid on the table.

DAM ACROSS SNAKE RIVER, WASHINGTON.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to, and it shall be lawful for, the Benton Water Company, a corporation duly organized under the laws of the State of Washington, its successors or assigns, to construct and maintain a dam across the Snake River at or near Fivemile Rapids, in the State of Washington, at a point to be selected by the said company, its successors or assigns, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906. 21, 1906.
SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendment:

On page 1, line 8, strike out the words: "At a point to be selected by the said company, its successors or as-

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair The Chair The question is on the amendment.

The question was taken; and the amendment was agreed to. The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

read the third time, and passed.
On motion of Mr. Jones of Washington, a motion to reconsider the last vote was laid on the table.

REPRINT OF REPORT.

Mr. BANNON. Mr. Speaker, I ask unanimous consent for the reprint of Report 7115, being a report to the bill (H. R. 16479) to make spirituous, malt, vinous, and intoxicating liquors of all kinds in interstate commerce a special class in such commerce, and to regulate in certain cases the transportation and sale thereof.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

JAMESTOWN EXPOSITION.

Mr. LITTAUER. Mr. Speaker, I call up the bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes, with Senate amendments thereto, and I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the bill referred to.

Mr. BARTHOLDT. Mr. Speaker, before that motion is acted upon I would like to ask whether it is intended to have any general debate on this bill?

Mr. LITTAUER. Of course no agreement has been reached as to any general debate, and I take it for granted that if any gentleman desires to enter debate an opportunity will be given. Mr. BARTHOLDT. That is satisfactory.

The question was taken; and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the bill H. R. 24541, the urgent deficiency bill

The CHAIRMAN. The Clerk will report the Senate amend-

The Clerk read as follows:

JAMESTOWN EXPOSITION.

ments.

That for the purpose of alding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, on April 26, 1907, the sum of \$1,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, the said sum to be paid to the Jamestown Exposition Company on the request of the president of said company in amounts as follows: Two hundred and aftry thousand dollars are proposed to the president of the Jamestown pany in amounts as follows: Two hundred and aftry thousand dollars are proposed to the purposes for which the same is appropriated, the Secretary of the Treasury shall appoint a suitable person or persons whose duty it shall be to supervise the disbursement of the same when paid, as herein provided, and to make a full and complete report thereof to him as he may require: *Provided*, That the Company, as herein provided, shall constitute an indebtedness of the said company to the Government of the United States and shall be repaid by said company to the Treasury of the United States. That for the purpose of protecting the Government shall have the first lien upon the grows receipts of said exposition and from all money received any part of this appropriation is paid, as herelabelore provided, the said Jamestown Exposition Company shall execute, to the satisfaction of the Secretary of the Treasury, an instrument in writing giving and securing to the Government a first lien upon its said gross receipts and said exposition company shall execute, to the satisfaction of the Secretary of the Treasury, an instrument in writing giving and securing to the Government a first lien upon its said gross receipts and said exposition company shall execute, to the said government, under suitable penalties, that the said gross receipts and said exposition and unit to the Treasury, of the United States the said gross receipts shall be made by said Jamestown Exposition Company shall report to the Secretary of the Treas

Mr. LITTAUER. Mr. Chairman, I move that the amendments of the Senate, as reported by the Clerk, be amended by substituting for them the following, which I send to the desk

and ask to have read.

The CHAIRMAN. The gentleman from New York moves an amendment to the Senate amendments, which the Clerk will The Clerk read as follows:

JAMESTOWN EXPOSITION.

The Clerk read as follows:

JAMESTOWN EXPOSITION.

For the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition on Hampton Roads, Virginia, the sum of \$800,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the said sum to be paid to the Jamestown Exposition Company in amounts as follows: Three hundred thousand dollars upon the passage of this act, and the said of the present of said company in amounts as follows: Three hundred thousand dollars upon the passage of this act, and the said of the properties of the purposes for which the same is appropriated, the Secretary of the Treasury shall appoint a suitable person or persons whose duty it shall be to supervise the disbursement of the same when paid, as herein provided, and to make a full and complete report thereof to him as he may require: *Provided*, That the amount hereby appropriated, when paid to the Jamestown Exposition and complete report thereof to him as he may require: *Provided*, That the amount hereby appropriated, when paid to the Jamestown Exposition and company to the Government of the United States and shall be repaid by said company to the Treasury of the United States. That for the purpose of protecting the Government and insuring the repayment of said sum of \$800,000 the Government shall have the first lieupon the gross receipts of said exposition company from all paid admissions to the ground of said exposition company from all money received from concessions after the opening of said exposition. That the said Jamestown Exposition Company shall execute, to the satisfaction of the Secretary of the Treasury, an instrument in writing giving and securing to the Government afirst lieupon its real estate, buildings, and appurtenances, and its said gross receipts are then entirely provided, and that the expenditure of the Government to first receive therefrom the amount to be returned to the Treasury, as herein provided, and that t

Mr. LITTAUER. Mr. Chairman-

Mr. GARDNER of Massachusetts. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from New York.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. LITTAUER. Mr. Chairman—Mr. GARDNER of Massachusetts. tleman from New York recognized? Mr. Chairman, is the gen-

The CHAIRMAN. The gentleman from New York has been recognized.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Chairman. At what time would it be proper to offer an amendment to the amendment offered by the gentleman from New York?

The CHAIRMAN. As soon as the gentleman from New York has had five minutes time the Chair will recognize the gentleman from Massachusetts.

Mr. LITTAUER. Mr. Chairman, the urgent deficiency bill came back from the Senate with various provisions covering the Jamestown Exposition project. It was referred to the Committee on Appropriations, who have instructed me to report back the amendment to the Senate amendment which has just been read. In order that the House may be advised of these provisions I will recapitulate them very briefly. In the first place, the fundamental propositions of the Senate are two, the first being an extension of date for the holding of this celebration. In the law passed in 1905 this celebration was to take place between

May 13, 1907, and a date not later than November 1 of that year. The Senate amendment seeks to extend both of those dates, first, by opening the celebration on April 26 and continuing the celebration to November 30. The project of this extension of date would not be a material one were it not that the Senate provision also holds that—

Said date

That is, the extended date-

shall apply to the participation of the United States and foreign countries in said exposition.

Because, as I believe I will be able to prove later on, it may become necessary for the United States to take over the administration and conduct of this exposition it would appear by so extending the date we may extend the liability of the United States to conduct this exposition. The second and main proposition of the Senate amendment is that the Government should loan the exposition company at Jamestown \$1,000,000, such loan to be disbursed under the supervision of the Secretary of the Treasury; that the \$1,000,000 so loaned shall become an indebtedness or practically a first lien against the gross receipts of the exposition company and that there shall be a guaranty made before the loan is made that the gross receipts are free from incumbrance. The amendment specifies the dates of repayment; that 40 per cent of the gross receipts shall be repaid on May 31, and that thereafter on the 15th and the last day of each month 40 per cent of the gross receipts, including admission and moneys taken in from concessions or any other sources connected with the exposition, but with a further provision that on and after July 15 the amount of 40 per cent shall be guaranteed to be such a sum, under the Senate provision, equal to \$100,000, in order that the whole million dollars would be guaranteed to be repaid back by the date of the close of the exposition. The amendment further provides that if default should at any time take place in the repayment of the loan made on the conditions as stated therein, that the Secretary of the Treasury is then authorized to collect, receive, and control all such gross receipts until the full sum of \$1,000,000 has been collected and repaid into the Treasury, and that the Secretary of the Treasury shall in such case first pay out of the money so collected, if default be made, such operating expenses as in his judgment and discretion are necessary and appropriate. Now, the full purport of this is simply to make a loan of a million dollars to the exposition company, and in case the exposition held should not prove a success the Secretary of the Treasury, through his agents, should manage and conduct it up to the proposed closing date of November 30.

The CHAIRMAN. The time of the gentleman from New

York has expired.
Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for ten min-

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from New York may continue for ten minutes.

Mr. KEIFER. Mr. Chairman, I would like to inquire whether debate has been relegated to the five-minute rule by

any order of the committee?

The CHAIRMAN. Nobody asking for general debate, proceedings were opened by the gentleman from New York offering an amendment, which the Chair entertained, and, of course, thereafter debate under the five-minute rule is all that was in order.

Mr. KEIFER. But there was no limitation to the debate.

Mr. MAYNARD. Mr. Chairman, I ask unanimous consent that we have general debate. There are a great many Members in this House who want to be heard on this question, and I

ask unanimous consent we have general debate.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from
Virginia that he ask unanimous consent, if he is going to ask

any at all, for a certain time on each side.

Mr. MAYNARD. My idea was that we have an hour of general debate, with half an hour on each side. I ask unanimous consent for an hour of general debate.

Mr. MANN. Specify by whom it is to be controlled.

Mr. MAYNARD. One-half to be controlled by the gentleman from New York [Mr. Littauer], on the other side, and

one-half by myself, on this side.

Mr. LITTAUER. I would join in that request.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that general debate be had for one hour, one half to be controlled by the gentleman from Virginia and the other half by the gentleman from New York [Mr. Littauer]. Is there any objection?

Mr. GARDNER of Massachusetts. Mr. Chairman, pending the right to object, I would like to have some assurance that I,

as the chairman of the committee before whom this bill originally came, should have a reasonable time within which to express my views

Mr. MAYNARD. Mr. Chairman, with the permission of the gentleman, I will ask that it be an hour and a half—three-

quarters of an hour on each side.

Mr. LITTAUER. Mr. Chairman, I must admit that I can not quite understand the parliamentary situation here. Senate amendment was reported back from the Committee on Appropriations with an amendment, which was the amendment I offered. Is not that amendment, then, originally before the House, so that a general debate can ensue thereon?

The CHAIRMAN. When the Senate amendment was presented to the committee, general debate was in order. eral debate ensued. The gentleman from New York [Mr. Lat-TAUER] offered his amendment. The consideration of that amendment was a waiver of the general debate, and made debate under the five-minute rule in order. If, now, unanimous consent is given, there can be general debate, and that will be followed by five-minute debate in the regular order, when the gentleman from Massachusetts [Mr. GARDNER] will have an opportunity to be heard.

Mr. LITTAUER. Mr. Chairman, can I not call the Chair's attention to the fact that the amendment that I offered was a part of the report of the Committee on Appropriations?

The CHAIRMAN. That did not so appear to the Chair, but the Senate amendment by a motion from the floor on the part of the gentleman from New York [Mr. LITTAUER] to amend that amendment.

Mr. MAYNARD. Mr. Chairman, I renew my request for unanimous consent for an hour and a half of general debate, to be divided equally between the gentleman from New York [Mr.

LITTAUER] and myself.

Mr. GROSVENOR. Reserving the right to object, I think the gentleman from Virginia [Mr. MAYNARD] will make a mistake if he puts it at an hour and a half for general debate and then enter upon five-minute debate, because under that arrangement, if consent is given, the gentleman from Massachusetts or anybody else would be entitled to offer an amendment. So probably you would run so late that you would not have the bill disposed of.

Mr. GARDNER of Massachusetts. Mr. Chairman, a parlia-

mentary inquiry.

The CHAIRMAN. The gentleman will state it.
Mr. GARDNER of Massachusetts. I would like to know if

the Chair has recognized me?
The CHAIRMAN. Not at all. The gentleman from New York has the floor.

Mr. GARDNER of Massachusetts. Then, Mr. Chairman, I. object.

The CHAIRMAN. The Chairman recognizes the gentleman from Virginia [Mr. MAYNARD] to ask unanimous consent that general debate continue for one hour and a half, one half of the time to be controlled by the gentleman from New York [Mr. LITTAUER] and the other half by the gentleman from Virginia

[Mr. MAYNARD]. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Chairman, unless I can be assured that I shall have time to express my views as chairman of the committee and as the first signer of the minor-

ity report, I shall be obliged to object.

Mr. KEIFER. That would not cut off the five-minute debate on amendments.

Mr. MAYNARD. Mr. Chairman, have I the floor? The CHAIRMAN. The Chair has the floor just at present. He is answering a parliamentary inquiry of the gentleman from Massachusetts. Is there objection to the request of the gentleman from Virginia [Mr. MAYNARD]?

Mr. GARDNER of Massachusetts. Mr. Chairman, I object. The CHAIRMAN. The gentleman from New York, by leave Mr. Chairman, I object.

of the committee, has ten minutes.

Mr. KEIFER. Mr. Chairman, I have no objection to the onehour limitation.

Mr. LITTAUER. Mr. Chairman, the Committee on Appropriations, to whom was referred the amendment of the Senate the details of which I have just stated, made a thorough examination of the project and came to the conclusion that it was the duty of the House to hedge about this loan, if it was to be made, with proper security and safeguards. The conservative members of the board of governors of this exposition advised us that a loan of \$800,000, instead of a loan of \$1,000,000, would be sufficient to carry out the plan and scope of the exposition up to its opening day as they now have determined to carry it out. Therefore the amendment offered specifies \$800,000 and, of course, changes the dates for the payment of parts of the loan and specifies different proportionate sums for the repayment of

the loan. I now come to the proposed safeguards to the loan.

provided Congress agrees to make it.

In the original amendment the loan is to be made under the supervision of the Secretary of the Treasury. We declare in this amendment that not only shall be supervise, but that he shall approve the items on which the money loaned shall be expended.

Mr. LITTLEFIELD. When you say "original amendment,"

do you mean the Senate proposition?

Mr. LITTAUER. The Senate proposition. The Senate proposition then declares that the Secretary of the Treasury shall supervise the expenditure of this money. We go one step further and declare that he shall approve, and that the money shall be greated and the control of the specific approve. be spent only for the specific purposes necessary to the opening of the exposition. We now come to the consideration of the The lien that is to be given, according to the Senate provision, is simply a lien on the gross receipts of the exposition In order to safeguard the repayment, in order to get some little security, we have extended the demand so as to include in the lien the real estate, the buildings, and the appurtenances to the buildings of the exposition company, intending thereby to get every possible security that the company pos-

mr. BARTLETT. May I ask the gentleman a question?
Mr. BARTLETT. May I ask the gentleman a question?
Mr. LITTAUER. Certainly.
Mr. BARTLETT. The gentleman understands that as the proposition came originally from the Senate it provided simply for a lien upon the prospective gate receipts. Am I correct?
Mr. LITTAUER. The provision was for a lien upon the

gross gate receipts and upon the receipts from the contracts for concessions, which we were assured were free from mortgage or incumbrance.

Mr. BARTLETT. It would be very hard to put a mortgage upon something that is not in existence.

Mr. LITTAUER. Advances of money under similar conditions are frequently made, the lien being on future receipts.

Mr. BARTLETT. Suppose, for instance, the lien of the Government is put upon the real estate; will the gentleman be pleased to inform the House whether or not that will be a first lien or whether there are other liens on the real estate?

Mr. LITTAUER. Our amendment declares that it shall be

the first lien.

Mr. BARTLETT. How could it be a first lien if there is already in existence a first lien?

Mr. LITTAUER. I do not believe there is. We were in-

formed there was not.

Mr. BARTLETT. That is what I wanted to find out.
Mr. LITTAUER. It would appear that the prospect of failure of the exposition was quite a likely one in the minds of the gentlemen who proposed the loan, so they determined that the Secretary of the Treasury shall, in case of default of the exposition company, take over the exposition and conduct it, and that he shall take out of the gross receipts whatever amount in his discretion be necessary and appropriate for the conduct of the exposition. In the amendment I offered we go further and say that the Secretary of the Treasury will not be privileged to pay out anything more than what has come in directly from the gross receipts, and that under no circumstances shall he enter into any obligation of any kind that would make it necessary for the Government at some future day to liquidate such obligations, as became necessary in the case of the exposition held at New Orleans.

Mr. LITTLEFIELD. Does the amendment require the Secretary to carry on the exposition, whether or no?

Mr. LITTAUER. It does require that the Secretary shall carry on the exposition if default takes place.

Mr. LITTLEFIELD. Does it require him to carry it on after default has taken place?

Mr. LITTAUER. I will read the provision to you. In case

Then and in that case the Secretary of the Treasury is hereby authorized, by his agents and representatives, by him selected and appointed, to collect, receive, and control all the said gross receipts until the full sum of said \$800,000 has been collected and repaid into the Treasury of the United States, as herein provided, and shall have access to and control of all books of accounts and contracts of said company. And the Secretary of the Treasury shall in such case first pay out of the money so collected such operating expenses as in his judgment and discretion are necessary and appropriate, and at no time in excess of said gross receipts, and he shall not, under any circumstances, incur any debt or other obligation for which the Government of the United States would in any way be liable. In accepting the amount hereby appropriated the said Jamestown Exposition Company shall be taken and held to agree to all the terms and conditions upon which the same is made and upon which the same is to be repaid into the Treasury of the United States.

Mr. LITTLEFIELD. But after all, it assumes that the Secretary is to go on with the enterprise.

Mr. LITTAUER. It does. There is no obligation to do so, but it nevertheless assumes that he will in case of the exposition company's default.

Mr. LITTLEFIELD. The distinct contemplation is that the Secretary of the Treasury shall carry it on whether he wishes to

or not.

Mr. LITTAUER. Well, he is authorized to earry it on.
Mr. TAWNEY. The purpose of that is to enable the Government to take advantage of all the security it can possibly have for the repayment of the loan, instead of going into court to have a receiver appointed and let it be run by a receiver. Congress, in making the loan to St. Louis, authorized the short cut to be taken by simply giving the authority for the Government to go in and take possession in the name of the Secretary of the Treasury, and this is the same thing here.

Mr. LITTAUER. If a loan is going to be made we have got to take some chances under it, and there is no question but that this contemplates the possible failure of the exposition.

Mr. LITTLEFIELD. And that the Government has got to run it.

Mr. LITTAUER. And that the Government has got to run it, and the extension of the date simply means that it has got to run it up to November 30; that the celebration must be continued, in connection with the marine celebration, up to that

Mr. LITTLEFIELD. No matter what moral obligations may be incurred.

Mr. LITTAUER. Mr. Chairman, I think the House ought to take into consideration what has been done up to this time, first, for this celebration, and second, for the exposition. We started out in 1905 to commemorate the landing at Jamestown, the birth of the English-speaking American nation, and determined that that celebration should be an international naval, marine, and military celebration. We appropriated \$250,000 and specified each item of appropriation as pertaining exactly to this naval, marine, and military exposition. We appropriated at that time \$50,000 for the expenditures of the commission; \$125,000 for the entertainment of guests, military and naval—one-fifth to the Army and four-fifths to the Navy.

Mr. TAWNEY. Will the gentleman permit an interruption

there?

Mr. LITTAUER. Yes; certainly.
Mr. TAWNEY. We gave that amount to the Tercentennial Federal Commission, not to the exposition.

Mr. LITTAUER. We gave \$50,000 to the Tercentennial Commission, consisting of the Secretary of the Treasury, the Secretary of War, and Secretary of the Navy, for the purposes of carrying out the international naval and marine celebration. One hunded and twenty-five thousand dollars was given for the entertainment of guests, four-fifths to the Navy and one-fifth to the Army, a sum since determined to be not more than enough to wine and dine the officers who will attend the celebration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask unanimous consent that the time

of the gentleman be extended.

Mr. MADDEN. That he be allowed to continue until he completes his statement.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York may continue until he concludes his statement. Is there objection?

Mr. MANN. I object unless there is a limitation.
Mr. MADDEN. I ask unanimous consent for ten minutes.
Mr. LITTAUER. I think I can conclude in five or eight minutes.

The CHAIRMAN. Is there objection to the gentleman continuing for ten minutes?

There was no objection.

Mr. LITTAUER. My sole purpose is to give a fair understanding of this proposition in order that the House may vote intelligently on it. The \$250,000 given in 1905 was specified in amounts pertaining absolutely to this naval and marine celebrations. tion. Then came the following session of Congress in 1906. Their hands were in the crib. They determined that there should be an exposition at Jamestown in connection with this celebration, and in the usual method persuaded Congress in the last sundry civil bill to make appropriation for this exposition. We started out by giving the exposition company, separate entirely from the tercentennial commission, a quarter of a million dollars for their own purposes. Then we gave \$350,000 to build Government buildings. We gave them \$250,000 to conduct the exhibit in the Government buildings. We gave them \$15,000 for a landing pier at Jamestown island, some miles away from the We gave them \$100,000 in aid of the Negro Development Exposition Company of the United States to enable it to make an exhibit of the progress of the negro race in this country. I understand that the first demand under this appropriation was for two years' back salary for the gentlemen who were to manage it.

Mr. LITTLEFIELD. They had been getting ready to manage

[Laughter.]

Mr. LITTAUER. They claimed to have been doing much work before the appropriation was made and asked to be recompensed by a good share of the amount appropriated.

Mr. LITTLEFIELD. They probably had been engaged in get-

ting the appropriation. [Laughter.]

Mr. LITTAUER. I think gentlemen will find that was the fact. Then we gave them \$10,000 to police this place where the monument is to be erected on Jamestown Island. Finally we gave them \$400,000, and I call particular attention to this because connected with this last appropriation of \$400,000 comes the second amendment of the Senate. That \$400,000 was to the end that a ready communication between the ships and the shore might be had so as to convey the soldiers and the visitors from the grounds to the fleet and back again. Two piers were or-dered to be erected, and the Secretary of War was directed to contract for the erection of the piers and the dredging of the basin. Piers have been contracted for, but there is a shoal outside of the piers, and while the basin between the piers is to be such that vessels drawing 10 feet may approach them, there is a spit on the outside which has only about 5 feet of water over it, so that another appropriation is required to dredge a channel to approach the piers.

Mr. LITTLEFIELD. All of which was well known when the

piers were contracted for.

Mr. LITTAUER. Provision was not made for this, if known,

and it shows how careless they are in such matters.

Mr. BARTLETT. May I interrupt the gentleman to say that it was probably known, because estimates were made and presented to the Committee on Industrial Arts and Expositions as to the cost of dredging that, and it was \$39,000?

Mr. LITTAUER. The present estimate is that it will cost \$50,000 to have that dredging done outside the basin.

Mr. LITTLEFIELD. Perhaps some part of that is salary. Mr. LITTAUER. I take it for granted that that is not so.

Mr. JAMES. Can the gentleman from New York inform the House as to the total amount of money that has been appropriated so far for this exposition?

Mr. LITTAUER. So far \$250,000, to be expended for the naval and marine celebration, and in addition to that \$1,325,000

for the exposition.

Mr. BARTLETT. Making a total appropriation of \$1,575,000. Mr. LITTAUER. Yes; making a total appropriation of \$1,575,000. Now, these gentlemen concerned in the exposition came to us last year and stated if we would agree to the budget that they then had prepared for the proposed participation by the Government and if that budget was granted, it would separate the United States entirely from further responsibility and that all the wants of the exposition would be provided for

Their present appeal is based on the statement that it is going to take \$1,675,000 to open the gates of this exposition; that they have got in sight between \$600,000 and \$700,000, so that \$1,000,-000 is necessary to be loaned or necessary to be raised by some means or other. Then they come with a very distinct statement that we led them into this thing [laughter]; that they are to act as our agents; that it is as much our celebration as theirs, and that the honor and dignity of the country require that we should make this loan in order that the exposition may be carried out in such shape as they propose and that we are to pay

Mr. LONGWORTH. May I ask the gentleman a question?

Mr. LITTAUER. Certainly.
Mr. LONGWORTH. Is this exposition a stock company?

Mr. LITTAUER. I will describe in a moment the make-up of the exposition company. I was about to come to that, because I believe the Lord helps those who help themselves and that Congress ought not to help those who do not help themselves. These gentlemen formed a stock company with two kinds of stock. There was the common stock, \$500,000 subscribed, and the conditions of the subscription were that 28 per cent common stock only would be called for on specified dates, and that 28 per cent would be used to purchase the land, and no further call would be made on the common-stock holder unless there came a default on what they called the "preferred stock." The pre-ferred stock of \$500,000 is a sort of deferred bond; that is, the subscribers to it are to have 6 per cent cumulative interest. after the exposition is wound up there is not enough to pay 100 cents on the dollar back to those who held this preferred 6 per cent security, then the common-stock holders are to be assessed for the balance they owe on their subscription, if called upon by the directors, and one may imagine how much such an

assessment will produce. This common stock is one of the securities offered to guarantee repayment for the loan of a million dollars

Mr. LITTLEFIELD. How much cash has been collected from

the stockholders, preferred and common?

Mr. LITTAUER. The preferred stockholders are in large part land companies connected with this neighborhood, railroad, electric, and steam transportation companies. In addition, they have a fairly good general subscription.

Mr. LITTLEFIELD. How much cash?

Mr. LITTAUER. Up to the 1st of January 86 per cent had been called, and 70 per cent of the 86 per cent had been paid in. The balance of the preferred was called January 1, but with what result no official seems to know.

Mr. LITTLEFIELD. Of the preferred?

Mr. LITTAUER. Of the preferred, the 6 per cent interestbearing stock.

Mr. LITTLEFIELD. About \$350,000.

Mr. BARTLETT. Yes. Mr. LITTAUER. Of the common stock I am informed that 28 per cent had been called on the 1st of January, and about 70 per cent of the 28 per cent had been paid in, and that they were bringing suits to compel delinquents to pay the balance.

Mr. PAYNE. How much collected?

Mr. LITTAUER. Somewhere between \$100,000 and \$125,000. Mr. PAYNE. A little less than \$100,000. Mr. LITTAUER. That is about it.

Mr. GARDNER of Massachusetts. When the gentleman from New York [Mr. LITTAUER] says that this understanding with the common-stock holders was that only 28 per cent should be paid, does he mean that that agreement appears in that prospectus which he had in his hand—that any such statement as that was made?

Mr. LITTAUER. I will read all that the prospectus states. Twenty-eight per cent was specified to be paid on certain dates, and then the balance was subject to being called for by the board of directors. Now, who are this board of directors?

Mr. GARDNER of Massachusetts. Mr. Chairman, I merely wanted to ask the gentleman whether the fact was not, as I un-

derstand it, that this was said in private to the stockholders, and that there was no statement made either in the prospectus or to the committee that they only proposed to call 28 per cent?

Mr. LITTLEFIELD. That is, that it was a confidential un-

derstanding?

Mr. LITTAUER. That is my understanding. Mr. GARDNER of Massachusetts. That it was a confidential understanding.

Mr. LITTAUER. It was so understood, and the exposition directors have persuaded themselves into the belief, and claim that having the 72 per cent still in the hands of the subscribers to the common stock was good security for the repayment of any prior liens, if money to pay them had to be raised.

The CHAIRMAN. The time of the gentleman from New

York has again expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from New York may proceed for five minutes. Is there objection?

There was no objection.

Mr. LITTLEFIELD. Was the \$450,000 all paid in in stock? Mr. LITTAUER. Four hundred and fifty thousand dollars from stockholders, preferred and common. Such as has been paid in has been paid in in cash, I am advised.

Mr. LITTLEFIELD. How much has been paid by anybody else outside of the United States Government?

Mr. LITTAUER. The State of Virginia has given the exposition \$200,000.

Mr. LITTLEFIELD. Yes.

Mr. LITTAUER. And the city of Norfolk has built waterworks, I think, for \$110,000, and built a boulevard that leads out to the exposition at a cost of \$75,000.

Mr. LITTLEFIELD. That is in Norfolk and for Norfolk?

Mr. LITTAUER. That is in the suburbs of Norfolk.

Mr. LITTLEFIELD. That is a permanent improvement of Norfolk?

Mr. LITTAUER.

Mr. LITTAUER. Yes.
Mr. LITTLEFIELD. Is that all?

Mr. LITTAUER. That is all as far as I know. Of course, twenty-three States have signified their intention of putting up buildings there, and many have been begun.

Mr. Chairman, this is not going to be a great educational exposition. It is going to be an attractive spot, in connection with the marine, naval, and military celebration, which, after

all, is the chief attraction of all that is going to draw the crowd together at this place. These gentlemen figure they are going to have 5,000,000 people come there; they are sure they are going to have 3,000,000. How they are ever going to get them there on the basis of the character of celebration and what they have got to show them I do not know, for, after all, the exhibits to the exposition will be largely exhibits of the United States or exhibits of those who pay for the privilege of exhibiting, and I have no doubt a large midway or a pike, or some such lot of concessions to draw the crowd.

Mr. JAMES. I would like to ask the gentleman whether or not he believes that the stockholders of this exposition company could go to New York and contract a loan of a million dollars on the security offered in this bill to the Government?

Mr. LITTAUER. Oh, that would be perfectly ridiculous to consider; nobody would listen to such a proposition for a moment. They have not any security worth speaking of. They have prospective security in the gross receipts-what they will amount to no one knows-and therefore the Government of the United States is asked to come in and practically pay for this whole show. I do not feel that the local people have done anything at all commensurate with what was done at St. Louis. At St. Louis the stockholders had paid in \$5,000,000, the city of St. Louis had paid in \$5,000,000, and the State of Missouri had given a million dollars before they came to Congress for a loan of \$460,000.

Mr. GILBERT of Kentucky. How did the fact that the State of Missouri and city of St. Louis had contributed these large sums of money add to the security of the Government?

Mr. LITTAUER. Because it placed in the exposition grounds a great international exposition, an exposition that would draw millions of people to it.

Mr. GILBERT of Kentucky. The Government security con-

sisted in entrance fees from the gates.

Mr. LITTAUER. Yes; and the prospects in one case were twenty-five times as great to my mind to what they are in the

Mr. JAMES. Then you think it is a matter of great doubt whether or not the Government will be reimbursed?

Mr. LITTAUER. I think everybody who has considered the matter thinks so. The Senate amendment is based on that contingency, for they provided in the amendment that the Gov-ernment of the United States shall continue the exposition, in case of default in repayments on the loan, up to the day of closing, and set the day of closing thirty days later, so as to guarantee the Government's participation to November 30.

Several Members rose.

Mr. LITTAUER. Now, gentlemen, let me finish. I want to read a statement made here last December, two months ago, by Mr. Wool, one of the leading counsel, who declared this-this was on December 19, 1906:

It is possible that if this loan was not made we might be able to get along on a little less, and that we might in some way raise such an additional amount as will enable us to open the exposition; but I say to you now that it would not be done, and could not be done in such a manner as you would want to see it done, knowing that the whole world had been invited to come here and help us and participate with us in a great celebration.

This gentleman tells you that the honor and dignity of the United States is in your keeping, and unless you make ample provision to carry out the projects as he and his friends have designed to carry them out, then disgrace and humiliation is bound to come to the country. Now, Mr. Chairman, I trust that the amendments that have been suggested by the Committee on Appropriations will be accepted by this House; but I want to be plainly understood that, whether they be accepted or not accepted, it is my purpose to move to nonconcur to the entire proposition.

Mr. HULL. I would like to ask the gentleman, on the statement of the gentleman, will it not be much more economical to the Government to donate \$800,000 with the provision that they are never to come in for anything more?

Mr. LITTAUER. I believe it might be, if the prohibition you add to it would amount to anything.

Mr. HULL. That is, they would come again.
Mr. LITTAUER. They would have the right to come, and from experience we know they will come.

Mr. TOWNE. I wish to ask the gentleman briefly to recapitulate the point of difference between the Senate amendment and that submitted by his committee.

Mr. LITTAUER. The Senate amendment would loan \$1,000,000; we propose to loan \$800,000. The Senate amendment would extend the date of holding the exposition; we propose not to change the date in the law as it now stands for the celebration. The Senate provision makes the loan, if made, a lien on the gross receipts

Mr. LITTLEFIELD. Only?

Mr. LITTAUER. On the gross receipts only. We extend it to be a lien on the gross receipts plus the real estate, the land, the buildings and other appurtenances, and a first lien. ate provision is that the Secretary of the Treasury shall supervise the disbursements of the money; we provide that he shall not only supervise but approve the objects for which the moneys loaned are to be spent. And, lastly, that in case of default in repayment of the loan, the Senate provision is that the Secretary of the Treasury should pay the running expenses out of the gross receipts; we emphasize that by saying that he shall incur no obligations of any kind whatever that may be in the future holden against the United States.

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. GARDNER of Massachusetts. I desire to offer an amendment to the amendment offered by the gentleman from New York [Mr. LITTAUER].

The CHAIRMAN. The gentleman from Massachusetts offers an amendment to the amendment offered by the gentleman from New York. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "act," in line 12, page 1, of the amendment, down to and including the word "seven," in line 2, page 2, and insert in lieu thereof the following:

"Two hundred thousand dollars during the month of February, provided that at the time of payment at least 50 per cent of the subscriptions to the common stock of this company shall have been paid into its treasury; \$200,000 during the month of March, provided at the time of payment at least 65 per cent of said subscriptions shall have been so paid, and \$100,000 during the month of April, 1907, provided that at the time of payment at least 75 per cent of said subscriptions shall have been so paid."

Mr. CARDNER of Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Chairman, the effect of the adoption of this amendment, in conjunction with that of the gentleman from New York, would be that the commonstock holders of this company must pay up their subscriptions just as fast as the Government pays over its loan. On the passage of the bill the exposition company would get \$300,000; but further payments would be conditional on further payments by the common-stock holders.

Now, I agree with every word of the amendment offered by the gentleman from New York [Mr. LITTAUEB], although I am not certain that anyone can give a valid lien on assets which are not yet in existence-a lien, for instance, on gate receipts

of the future.

I am very glad that the amendment provides for a lien on the real estate as well. The reason that the real estate has not been mortgaged already is that the common-stock holders who, by the way, alone have the votes, have held it unencumbered to protect themselves from the claims of the preferred-stock holders in case the assets of the company are insufficient. That is why no mortgage has yet been placed on the real estate.

Mr. Chairman, the representatives of the Jamestown company appeared before our committee last year and told us that were going to raise a million dollars locally. Instead. they have raised about \$400,000. It is true that a million dollars has been subscribed locally, but the common stockholders do not intend to pay. The railroads, the street railways, the land companies, and the electric light companies, all holders of preferred stock, have paid up, because they are secured.

Mr. LITTLEFIELD. If the gentleman from New York [Mr. LITTAUER] is correct, they have paid up 70 per cent only.

Mr. GARDNER of Massachusetts. The gentleman is mis-

taken. The gentleman from New York is correct and the gentleman from Maine is mistaken. The preferred stockholders have almost entirely paid up, but only 28 per cent of the common stock has been called. It now appears, gentlemen, that no one ever meant that more than 28 per cent should be called, yet we in the committee were misled into supposing that they were going to raise a million dollars locally for this undertaking.

Mr. LITTLEFIELD. Mr. Chairman, I call the attention of the gentleman from Massachusetts to the fact that the gentle-man from New York [Mr. LITTAUER] has stated within fifteen minutes that only 70 per cent of this preferred stock has been

paid up-\$350,000 out of \$500,000.

Mr. GARDNER of Massachusetts. If the gentleman will excuse me I will explain it, if it is worth while. The last call came on the 1st of January. It will probably be paid up without any trouble. As a matter of fact, Mr. Chairman, there has been raised a little over \$400,000 instead of \$1,000,000. Now, I say, make those gentlemen pay up. Who are these common stockholders? The common stockholders have the entire vote down there by the agreement of the preferred stockholders. I have a complete list of the common stockholders on my desk, but I will read from the hearings, as follows:

The Chairman. Can you tell us who the stockholders are in common stock?

Mr. Meyers (governor of ways and means of the exposition). The large owners are largely prominent in the management of the company. The Chairman. That is, individuals like yourself?

Mr. Meyers. Yes. The largest ones are in the room here, warying from \$2,500 to \$8,000.

In other words, the very gentlemen who have been drawing on that pay roll of \$5,000 a month. Of course they are not going to vote to make themselves pay up that 72 per cent that is still out if they can get Uncle Sam to come up with the

Now, are we going to get the proposed loan back? We are not, in my opinion, unless we protect ourselves in every way. The Secretary of the Treasury says they must have three millions of paid admissions before they can pay us back. general counsel, Mr. Bachelor, I think, last year predicted only three or four million paid admissions. In other words, unless their own enthusiastic predictions are fulfilled, they can not pay the United States in full. The amendment of the gentleman from New York [Mr. LATTAUER], if adopted, will give us a lien on their real estate, which may be worth three or four hundred thousand dollars. My amendment, if adopted, will put \$250,000 more into their treasury.

I do not know how long the new money will last, but some of it may remain unspent. At all events, we can not get any of this money at all if we are obliged to sue for it after the expo-

If we adopt the Senate amendment, we take the whole risk of the show's failure. If things fizzle out Uncle Sam will lose the money instead of these stockholders. If the show succeeds, the stockholders get the benefit, not Uncle Sam.

Mr. GILBERT May I interrupt the gentleman a moment?

Mr. GARDNER of Massachusetts. Certainly. Mr. GILBERT. I understood the gentleman from New York to say a while ago that the common stockholders subscribed with the understanding that they were only obligated to pay 28 per cent.

Mr. GARDNER of Massachusetts. The prospectus says "and the balance, 72 per cent, shall be paid on the call of the di-

rectors." In other words, on their own vote.

The CHAIRMAN. The time of the gentleman has expired. Mr. GARDNER of Massachusetts. I move to strike out the

last word of the Senate amendment.

The CHAIRMAN. Is there objection to the gentleman continuing his remarks? A motion to strike out the last word is not in order.

Mr. PAYNE. Why does not the gentleman ask for more time? How much time do you want?

Mr. GARDNER of Massachusetts. I do not care.

PAYNE. I ask unanimous consent that the gentleman

may have ten minutes additional time.

The CHAIRMAN. Is there objection to the gentleman being allowed ten minutes further time? [After a pause.] The Chair

Mr. GARDNER of Massachusetts. Now, the gentleman from Kentucky asked as to whether there was a contract that this 72 per cent should not be called. On the contrary, there was no There was a private understanding between the such contract. common stockholders and themselves. That is to say, among those managers with the voting power. They did not say a word That is to say, among to your committee about any such understanding, and not one

word is said in their prospectus.

Their prospectus says, "The balance, 72 per cent, shall be paid on the call of the directors," or words to that effect. I wrote to the governor of ways and means, Mr. Meyers, asking "What will happen if the directors do not call that 72 are safe." What will happen if the directors do not call that 72 per cent? He wrote me back that the court could force its payment to satisfy the debts of the company. I knew that before, as well as everybody else; but that is the only answer I ever got. Now, the common stockholders tell us that they did not understand they were going to be called upon for that money. Apparently a subscription to the common stock was supposed to mean nothing at all. In other words, the common stockholders intended to pay themselves salaries, and Uncle Sam is to furnish the cash. Now, I do not so much blame these promoters. These methods

are not very different from those pursued by other expositions. That is the reason that I, as chairman of the Committee on Industrial Arts and Expositions, am on my feet to-day to bring this House's attention to the fact that it is time to call a halt

on these expositions.

Expositions are contemplated in San Francisco, Atlanta, Topeka, New York. Some of the schemes have not yet hatched out, but are in process of incubation. To-day I have been asked by the Washington delegation to call a meeting of the committee to consider an exposition in Seattle. So earnest were they that I could scarcely refuse them. Next year they will not take "No" for an answer; but I believe that at last

we have come to the turning point. I hope that Jamestown will end Government aid to expositions.

Mr. LIVINGSTON. We have never made any application for any appropriation for Atlanta.

Mr. GARDNER of Massachusetts. That has not been made.

I only saw it in the Atlanta Journal. Mr. LIVINGSTON. They have withdrawn the idea of even

holding one Mr. GARDNER of Massachusetts. I am very glad they have withdrawn it. At all events, Mr. Chairman, it is well for us to

remember what we are doing. Mr. LITTLEFIELD. I would like to have the gentleman state, for the information of the committee, what is meant when the gentleman says the pay roll is \$5,000 a month in salaries? What is the aggregate amount of salaries that are now being paid, and how long have they been paid out-before they have had any exposition at all?

Mr. GARDNER of Massachusetts. I can not say exactly to the gentleman, but on February 19, 1906, they were running a pay roll of \$4,000 a month, and it was growing.

Mr. LITTLEFIELD. That is \$48,000 a year, and that is what

it was a year ago.

Mr. GARDNER of Massachusetts. It has been gradually growing. I know very well that the House will not do what wish it would do-knock out this loan altogether. Therefore I am simply asking you to make it as secure as you possibly can. I am on my feet to-day not thinking so much of the present as of the future. I am fighting not only the Jamestown loan, but

the entire principle of Government aid to expositions.

Mr. MAYNARD. Mr. Chairman, there are some things I want to say to this House about the matter pending before it now that probably I have said privately a good many times; but I should like to have the attention of the House while I try to say to it as a body some of the things that I want them to know about the matter that is now occupying the attention of

the House.

I am sure it is unnecessary for me to call the attention of this House to the fact that every gentleman who has occupied time here in the advocacy of the pending amendments, which, in his opinion, would perfect this bill will when the bill is so perfected, if the House shall decide to pass these amendments, vote against loaning the Jamestown Exposition Company 1 cent. One million dollars or \$800,000, it all looks alike to them. They are against the whole proposition. And in this body, as in the other legislative bodies in which I have served in my own State, when members were opposed to a measure it was usually their custom, when they were afraid the good judgment of the body would pass the proposition over their opposition, to seek to cripple it, first by amendments, and then, if the amendments were adopted, to try to defeat the whole measure. I want to say to you, gentlemen, that that is the object, in my opinion, of the amendments that are offered here to-day. We will take first the amendment for \$800,000 instead of \$1,000,000. The gentlemen who will finally oppose this bill from this floor will tell you that they are opposing it because they believe the principle of the Government lending money to expositions, or to any other cause, is not a correct principle, and they are opposed to this proposition for that reason. Then what difference does it make to them whether they vote against \$1,000,000 or vote against \$800,000? The thing for them to do is to vote against the principle.

Mr. LITTAUER. Is the gentleman asking a question?
Mr. MAYNARD. I do not ask a question, but I am ready to

let the gentleman answer it.

Mr. LITTAUER. The difference is \$200,000 to the Treasury of the United States. That is the only answer that we can make That is the only answer that we can make to the question. What is the difference between \$800,000 and

\$1,000,000?

Mr. MAYNARD. This House by an overwhelming majority has put itself on record that the celebration to be held in commemoration of the first settlement of English-speaking people in this country shall be one that the people in this country may be proud of. The Congress of the United States up to this time has done all that the Representative of that important district and the other Representatives from the State of Virginia have asked them to do. They have said that this, the greatest event in American history, ought to be properly celebrated in the vicinity of Jamestown Island in the year 1907. Now, if we want to celebrate it at all, it looks too cheap, when we come here and show that we need a million dollars to finish this exposition, that any committee of this House or any number of Members of this House should get together and bargain with us and say, "We think you ought to have some, but take off \$5 or \$10 or \$100,000 or \$200,000." I want to say that when this matter comes before the membership of this House for a vote, if they think the principle is wrong, that there is no security and no precedent that entitles us to come here and ask this consideration at your hands, then vote against a million dollars and vote against \$800,000. Give us what we have asked for in good faith or give us nothing. So much for the cut of \$200,000. Now, the next proposition is that the Secretary of the Treas-

ury shall not only supervise the expenditure of this money, but also that the Secretary of the Treasury shall give his time to passing upon what they do with the money that has been loaned them in good faith, for which they give such bond and security as Congress has exacted at their hands; that then if they want to buy a needle or a paper of pins or a telegraph pole, they shall ask the Secretary of the Treasury to give his approval to the purchase of a needle or a paper of pins or a telegraph pole. It is ridiculous on its face; and, after this Congress has dealt so generously with St. Louis, with Buffalo, and with all the other expositions that have been held heretofore, it is a shame that any Member of this House should rise, when an exposition is to be given in another part of the country, and make an on-slaught upon the people who are behind that exposition, whose faith and credit and honesty and standing are as high as those of the people of any other part of this country.

I do not believe that the representatives of the American people are going to agree to that. I believe that the representatives of the American people upon this floor are going to put their protest against such talk, and when the vote is taken on this matter they will not only give them the million dollars or give them nothing, because the principle is wrong and they have not the security, or they are going to give them everything they ask for and going to treat fairly the people of that section who are to make this celebration the greatest celebration of its kind

ever held in this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAYNARD. Mr. Chairman, I ask unanimous consent that I may be permitted to conclude my remarks.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. MAYNARD. Now, Mr. Chairman, nearly all the expositions that have been held in this country when the time came to open the gates have not been ready. I want to present to you the unique condition of this exposition as compared with other expositions. The time fixed in the compromise bill, which the friends of the exposition accepted from the hands of this House when the celebration was authorized, was not the time that the people who are behind the exposition wanted, and the bill was not what they wanted, but we had to accept that because the session would expire the next day by limitation and there would have been no bill, and we were forced to accept that one. It fixed the time of the opening of the exposition on the 13th

of May and closed it on the 31st day of October.

Now, Mr. Chairman, we will not only be ready to open that exposition on the 13th day of May, but we ask you to let us open in advance of that time, on the 26th day of April. I want to tell you why we have asked for the 26th day of April, why the 26th day of April is the most appropriate day in the year 1907 for the exposition to open. On the 26th day of April, three hundred years ago, in 1607, John Smith and his colonists were driven in between the capes by adverse winds and landed near Cape Henry and went up into the country and were driven back by the Indians. That was three hundred years ago on the 26th day of April that these colonists first put their feet upon American soil, and not the 13th of May, as was proposed in the bill that passed at the session I referred to. This exposition obviously could not be held on Jamestown Island proper, for there are no buildings there, no conveniences, and the land is swampy. There is no place there to take care of visitors, and the celebration had to be held at some convenient point near Jamestown Island. The present site was selected, and it is very near the spot where Smith's colonists first put their feet on American soil. For that reason the 26th day of April is the most proper day in this year for the opening of that celebration.

I trust that it will be the good judgment of this House to fix the date for the opening of the exposition on the 26th day of April, when it will be ready and when the President of the United States, who has already accepted an invitation, will be present and deliver a speech on that day of the

opening of the exposition.

Now as to the closing. In our climate the month of November is probably the most pleasant month we have in the entire year. We have little if any frost, we have no weather so warm that we need a sunshade to protect us from the rays of the sun. It is a pleasure and a delight to be out in open weather

during the month of November around Norfolk. For that reason it would be a pleasant month for visitors to visit the exposition. In addition to that, as the gentleman from New York [Mr. Littauer] said to the House, in reciting the terms of the payment, that after a certain time there were to be semimonthly payments, every two weeks of \$100,000, and including the month of November, this would take us up to the 1st of December. After receiving 40 per cent up to a certain time, you would have ten payments; after having three or four payments, in which you received 40 per cent, not only of the gate receipts, but also the receipts from concessions, you would receive ten payments, each payment of which would be equal to one-tenth of the entire loan, or \$100,000, and so, keeping open in the month of November-and I want to say that there will be a great many more visitors in the month of November— it would increase the security of the Government, because it would give one month longer in which to collect two payments of this money as further security on the loan. gates of this exposition on the 31st day of October, as contemplated by the gentleman from New York [Mr. LITTAUER] would cut off from us the possibility of paying back this loan with re-. ceipts for the month of November, which will be, in my opinion, larger probably than the receipts of any other two months of the exposition.

Mr. LITTAUER. Will the gentleman permit an interruption?

Mr. MAYNARD. Certainly.
Mr. LITTAUER. Not to close the gates, but to make the Government's participation in the celebration not later than the 1st of November. The exposition company, having control of the gates, could keep them open as long as it pleased

Mr. MAYNARD. That is a distinction without a difference, as suggested by a gentleman near me. They can keep the gates open until the following Christmas, if they want to; but after the Army and the militia and the Navy and the merchant marine and the Government exhibits have been moved away, and all the principal features of the exposition are gone, what is the use of our keeping the gates open as long as we please? The minute the ships sail away, the minute the soldiers are gone, the minute it is announced that the Government has withdrawn its exhibit, then the exposition is closed, and nobody knows that better than does the gentleman from New York [Mr. LITTAUER].

There will not be anything left, will there? Mr. PAYNE.

[Laughter.]

Mr. MAYNARD. Oh, yes; there will be a lot left, and if the gentleman will come down we will try to give him a more liberal education, which would allow him to see better things in expositions hereafter.

Mr. PAYNE. I think we will all get our eyeteeth cut on this

Mr. LITTLEFIELD. In this particular case.
Mr. MAYNARD. There will be a lot there. But you advertise to the world, when the Government of the United States, which has inaugurated this exposition, which has—well, to please the gentleman from New York [Mr. LITTAUER], I will say inaugurated this celebration, and it is all a part of the same celebration.

Mr. LITTAUER. This celebration could have taken place without the exposition.

Mr. MAYNARD. Oh, yes.
Mr. LITTLEFIELD. Does the gentleman refer to this innocuous bill reported by the gentleman from Minnesota [Mr. TAWNEY] several terms ago as being the inauguration of this celebration?

Mr. MAYNARD. The first bill that was ever reported to this House was, by direction of the committee, reported by me, providing for a celebration, containing an exposition also. A compromise measure was afterwards passed, which was never reported from any committee which provided for this.

Mr. LITTLEFIELD. That inaugurated it?

Mr. MAYNARD. Yes.
Mr. LITTLEFIELD. That is what I supposed all the time.
Mr. MAYNARD. This celebration is inaugurated by the Government. It has invited all the nations of the earth to participate, and, as I remember it now, every country in the world, with the exception of Siam, and possibly one other of about the same importance, will be represented by representations of their army and navy at this celebration. And there are other rea-The convenience of the people ought to be considered in this matter. During the month of November there will be moving east from the west a great many people, coming to Washington. It is the time of the year when there is a great movement in this direction, and that will give these people an opportunity to see this exposition. It is the convenience of the people of the country that we want to consider, because the object of

holding these celebrations outside of the commemoration of the event is for the purpose of educating the people. Expositions are like universities in that they are a means of educating the people and bringing them together, so as to broaden their views and increase their patriotism and make of them a better people.

Mr. GILBERT. What less security is provided by this than

was provided at St. Louis?

Mr. MAYNARD. I am very glad that question has been asked. Mr. Chairman, if they are going to lend this exposition company a million dollars, what do they want to require at the hands of this exposition company that was not required at the hands of any other exposition company? The language of this bill—and I defy successful contradiction on this point is in word, if not in fact, and I believe almost word for word, the exact language of the St. Louis bill. I do not believe they want to feed St. Louis and the West out of one spoon and feed Virginia and the South out of another. This bill is in the exact language of the St. Louis bill, with the exception that the bill authorizing this celebration appointed a national committee, consisting of the Secretary of the Treasury, the Secretary of the Navy, and the Secretary of War, who are to conduct this celebration on the part of the Government. They met and considered the bill, and the only difference between this and the St. Louis bill is that we put in this bill language guaranteeing that this commission, as far as it could, would see to the return of this money to the Government, and making the loan as safe as possible. One of the gentlemen who helped to draft the provision which was inserted at their request in the bill is now the Attorney-General of the United States, Mr. Bonaparte. I say we have offered the same security that was offered by the St. Louis Exposition and accepted. What is there in our situation, what is there in our people, what is there in this condition that surrounds us which says that one-fifth of the sum which was loaned to St. Louis on the same security you will not loan to us?

Now the Appropriations Committee has provided another amendment, and that other amendment is that as a further guaranty that there shall be a first mortgage upon certain real estate owned by the exposition company. Now, in the St. Louis loan, which is a precedent for this loan, there was no such requirement. You would answer that by saying that they did not have the land to mortgage. Then they were not as safe to loan money to as we are, because we have more security safe to loan money to as we are, because we have more security that the Government will get its money back besides the gate receipts and concessions. We own a piece of land there, upon which the exposition is built, that could be sold in the open market to-day, if it were for sale, for at least \$500,000. Now that brings me to the question of the common stock.

Mr. MADDEN. Will the gentleman permit me to ask a spection?

question?

Mr. MAYNARD. Certainly. Mr. MADDEN. I would like to ask the gentleman from Virginia how much the preferred stock amounts to and how much the common stock amounts to?

Mr. MAYNARD. I will be glad to answer the question. I

was going to answer it anyhow.

Mr. MADDEN. Then, how much has been paid in on the

preferred stock and how much on the common?

Mr. MAYNARD. The preferred stock amounts to \$500,000, or some hundred or two dollars more. The common stock amounts to \$500,000, and the preferred stock is paid in to the amount of about 90 per cent. The last call was made on the 1st of January, 1907, and proceedings have already been in-augurated against any stockholder who is in default on his assessment and it will be collected by due process of law. Now, as to the common stock, various assertions have been made here upon the floor, and I want to state something that is a fact. It is not a matter of agreement between individuals. The prospectus or the slip that was signed and handed in by the men who signed for common stock provided that up to 1907 no call for more than 28 per cent should be made upon the conmon stock, and it enabled the men who took the preferred stock to take common stock for this reason—that the common stock was held as a guaranty that in the event that the exposition did not make enough money to take up the preferred stock and the other debts of the company that there was this further security in the uncollected assessment on the common stock to guarantee this preferred stock and also to guarantee the other debts of the company, and the fact that that assessment of 72 per cent has not been collected on the common stock is further security that this Government, if it makes this loan of a million dollars, will get it back. To collect that money, as asked for by the gentleman from Massachusetts [Mr. Gardner], is to put that money where it may be used for other purposes and defeat the object for which the two classes of stock were

created, common and preferred, the common to be a guaranty to the people who had faith in the exposition to pay its preferred stock and at the same time had faith in the exposition to take a contract from it to perform work or services, that they might have this much guaranty, at least that there was a fund at the last instance that could be called upon to make good the debts of the exposition.

Mr. MADDEN. Will the gentleman from Virginia allow me to ask him another question?

Mr. MAYNARD. All right, sir; go ahead. The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. MAYNARD. Certainly. Mr. MADDEN. What per cent of the total preferred stock has been called and how large a percentage of the stock has been paid?

Mr. MAYNARD. The entire preferred stock has been called

and about 90 per cent is paid.

Mr. MADDEN. That would be about \$450,000?

Mr. MAYNARD. The last call was made on the 1st day of January.

Mr. MADDEN. Now, the statement of the gentleman is to the effect that 90 per cent of the \$500,000 of preferred stock has been called and paid. That makes \$450,000. Now, what percentage of the common stock has been called and what percentage of that common stock has been paid?

Mr. MAYNARD. Twenty-eight per cent of the common stock

has been called.

Mr. MADDEN. How much has been paid?

Mr. MAYNARD. I have to speak in round numbers; I should

say about 90 per cent in round numbers.

Mr. MADDEN. Twenty-eight per cent of that, in round num-

bers, would be \$100,000.

Mr. MAYNARD. And those people who are in default on the assessment are paying in that money every day, and I can not say to-day what has been paid in, but the statement made in a hearing held three months ago would not be a correct statement

and should not be accepted as true to-day.

Mr. MADDEN. And the point I want to make is to get the gentleman's statement clear before the House as to just what the situation is, how much has been paid in by the people in control of this exposition, and how much of a resource they have in the unpaid assessments that are to be levied in the future, so that the House will understand how much money the exposition company can collect, if it is obliged to collect, to help the exposition from sustaining any loss for which the Government of the United States may be held responsible.

Mr. MAYNARD. The exposition company has dealt in good faith all the way through. They come here and regret that they are not situated so as to be in a rich and large community like that of the gentleman from Chicago [Mr. MADDEN] or the gentleman from New York [Mr. Littauer]. We are not ashamed to say that our people are not rich. Virginia has been building up wonderfully since the civil war, but we have not yet reached that stage in commercial life or that stage in commercial wealth where we are rich and can subscribe millions to an enterprise. If we could, we would not be asking help. We are not a rich community, and most of that stock is held in one and two share subscriptions. The working people—the clerks, and merchants, and everybody—have worked together to make this thing a success to the best of their ability, and the people who are behind the enterprise are bending their energy to get in every cent that will make this thing go. They will collect and get from other sources about \$500,000 in addition to what we have already spent.

In addition to the million that we are going to borrow from the Government, we will have a million and a half to complete this exposition and not to go further and inaugurate new enterprises there, but to complete that which is already undertaken. With the \$500,000 that we will get from other sources and the million dollars that we will borrow from the Government, when the gates of that exposition open there will not be a dollar of floating debt upon it, and the only obligation that they will have will be its obligation to its preferred stockholders and its obligation to the Government of the United States, which will be amply protected by the security which we offer, if we are to take the precedent which has already been set us as a mark to go by.

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Virginia [Mr. MAYNARD] yield to the gentleman from Massachusetts?
'Mr. MAYNARD. Certainly.

Mr. GARDNER of Massachusetts. I understood the gentleman to say that, in connection with the subscriptions to stock, on the blank upon which you subscribe to common stock it was said that 78 per cent should not be called?

Mr. MAYNARD. Seventy-two.

Mr. GARDNER of Massachusetts. Seventy-two per cent should not be called. Was it not a fact that it says "shall be called on the vote of the directors," and is it not a fact that the directors are themselves the largest holders of common stock?

Mr. MAYNARD. Some of them are and some of them are

not

Mr. GARDNER of Massachusetts. I have the list here. Mr. MAYNARD. My interest in this thing has been, as far as I could in my humble way, to help to make it, in connection with the other people who live down there, a success. not been looking for a point upon which to attack the people who live in Virginia and in that section. Now, if I had directed my attention to attacking the exposition that was held at Buffalo, and the people who were behind that exposition, or the exposition held at St. Louis, or the people behind that or any of the other expositions; I or some other Representative upon this floor might have found some point upon which we might have directed a lecture on the methods of those people connected with those expositions. [Applause.]

Mr. GARDNER of Massachusetts. May I ask the gentleman

another question?

Mr. MAYNARD. If it is a short one and can be answered

shortly.

shortly.

Mr. GARDNER of Massachusetts. I have in my hand here a list of the preferred stockholders and a list of the common stockholders. I think that the gentleman pointed out that these preferred stockholders took common stock as well. He did not include the railroad and steamship companies, did he,

in that category'

Mr. MAYNARD. There are seven trunk lines and a number of steamboat lines that operate between the northern cities and this city in Virginia, and all of these seven railroads and two or three electric lines and all these steamboat companies in the aggregate own \$100,000 of both classes of stock, and they would have you believe that this is a thing on which they are trying to get you to loan a million dollars of the people's money so that the railroads may be benefited only. The amount of stock that they hold in the exposition gives a denial to that emphatically, and it is not necessary to give that statement further answer.

Mr. GARDNER of Massachusetts. Is it not true that the railroads have paid in one-quarter of the money that has been

Mr. MAYNARD. I did not catch the question.

Mr. GARDNER of Massachusetts. Is it not true that the railroads have paid in one-quarter of all the money that has

been paid in?

Mr. MAYNARD. I would answer that if the railroads subscribed one-quarter of the common stock I have no information of it. It does not make any difference what the railroads subscribed, whether it was one-fourth, one-fifth, or one-half. I presume that the railroads have been made to stand up and deliver everything they promised to deliver. And if they have not, I understand they have begun legal steps to make them do That answers the gentleman. I started to say that I have dealt all the way through in perfect good faith. Does this House think that we ought to make a mortgage on the real estate when we have given a mortgage on all its receipts; and if the receipts for concessions and the gate do not meet the debt of the million dollars we will owe the Government, if this House vote for it, then we will have the land to pay that debt and all the other debts of the exposition. Now, we made a bargain with the common stockholders, and we are going to keep faith with them, and I say to the House that we are going to keep faith with the Government and the common stockholders; and to borrow a million dollars we are not going back to the people and say to those who earn a few dollars a day and by installments contributed to this stock that we have broken faith with them so that we may borrow money somewhere. We are going to deal in good faith with the people and the Government both, and when this exposition is over you will say that for the amount of money invested it was the greatest exposition ever held on the American continent. You are all going to be proud of it, and it will be pretty hard to find the man who would get up here and confess that he fought it. [Cries of "Vote!"]

I want to say that an examination of the manner in which this bill is brought in will show the purpose is to kill it; why they have incorporated in this bill a whole lot of amendments If they wanted to permit the bill to pass they would have come in and offered one amendment, one after another, and have given you a chance to vote on them; but they hope that a strong one will carry a weak one, and in that way get them all in and thus have the bill crippled. Then they would get up and say that the bill ought not to pass, because the Govern-

ment under the Constitution has no right to lend money to this

or any other exposition.

This bill went to the Committee on Industrial Arts and Expositions of this House, and the amendment which was put on by the Senate was the earnest work of the committee of which Mr. GARDNER of Massachusetts is chairman, and which he is here to-day opposing, without having made a minority report. We made it after earnest consideration of this subject. having witnesses, after investigating it thoroughly, the committee made a report to this House, and that report was taken up by the Senate and, without dotting an "i" or crossing a "t," the Senate put in as a Senate amendment the bill that was reported by instructions of the committee of which Mr. GARDNER is chairman. They reported that bill as a Senate amendment on the House appropriation bill, and you are not considering an amendment put on the bill by the Senate committee, but an amendment the language of which was framed in this House committee, and which we could not get up in the House. know I stood up here, and the friends of the bill stood up here, day after day and strove to have consideration of the bill, but we could not get unanimous consent. This bill was sent to the Appropriations Committee, and you will find that after the bill is amended, if it is amended, if you poll the committee on Appropriations you could not get a majority of the votes of the committee on this floor for the passage of this bill for a loan of \$50, and they report this amendment and they ask you to adopt it and kill the bill. I ask you to vote down the amendment of the gentleman from Massachusetts and the amendment of the Committee on Appropriations, and either loan us what we ask for or defeat this bill. [Loud applause.]

Mr. BARTHOLDT. Mr. Chairman, I ask the attention of the

House for a few minutes, not to discuss the financial features of the bill, but to call attention to the character of this proposed exposition. As the Representative of a St. Louis district, I can not well vote against this amendment, because a similar favor was extended to the management of the St. Louis World's Fair, but I feel it my duty to call the attention of this House and the country to what kind of a show the Jamestown Exposition is really going to be. I hold in my hand a copy of the Portsmouth Star containing, as an official advertisement of the exposition management, a list of the "attractions" of the com-

ing show. Some of these are as follows:

Greatest military spectacle the world has ever seen.
Grandest naval rendezvous in history.
International races by submarine war ships.
Magnificent pyrotechnic production of war scenes.
Reproduction of the famous battle between the Monitor and Merrimac at the place where that battle was fought.
Great museum of war relies from all nations and all ages.
Greatest gathering of war ships in the history of the world.
Prize drills by the finest soldiers of all nations and by picked regiments of United States and State troops.
Races of military air ships of different nations.
The largest military parade ground in the world.
Contests of skill between soldiers and sailors of different nations.
Dally inspection of war ships in the harbor and troops in camp.
The greatest military and naval parade ever witnessed.
More naval and military bands than were ever assembled in time of peace.

More naval and ministry bands than were ever assembled in time of peace.

Greatest array of gorgeous military uniforms of all nations ever assembled in any country.

More members of royalty of different countries than ever assembled in peace or war.

The grandest military and naval celebration ever attempted in any age by any nation.

A great living picture of war with all of its enticing splendors.

According to this astonishing programme, the main purpose of the exposition seems to be a glorification of war, a thing which no monarchical, no military country of the Old World has ever dared to propose to its patient subjects. And that this is not an individual conception is best shown by the managers of the proposed exposition themselves. To leave no doubt as to the proposed exposition themselves. To leave no doubt as to the real character of the show they have named the great en-tertainment promenade "The Warpath." In Chicago it was the "Midway Plaisance," in St. Louis it was "The Pike," and at Jamestown it is to be the "Warpath." There is only one thing lacking now to add to the realistic effects and to make the picture complete, and that is a real battle, in which men are being actually butchered and killed, and, judging from the rapid evolution we have witnessed from plans which appealed to the noble instincts of human nature to those which appeal only to what is brutal in us, we may yet see advertisements in the pa-pers calling for men who are willing to be killed to illustrate the vivid glories of war.

Mark this evolution:

"As late as June the intended character of the exposition was described in the official organ by the statement that the historical occasion which the exposition commemorates would be 'fittingly observed, first, by emphasizing the great historical events that have marked the progress of America from the first settlement; second, by an industrial exhibition primarily of

American skill and art; and, third, by an international military,

naval, and marine celebration.'

'In July the intended scope of the celebration has become: '1. A great international naval and military assemblage, in-augurated and controlled by the United States government. 2. An exposition inaugurated and controlled by the Jamestown Exposition Company, with exhibits on history, art, education, industry, etc. 'If Congress shall pass the appropriation bill industry, etc. 'If Congress shall pass the app now pending,' this would be the order of things. ment's original appropriation had been but \$200,000. Before the issue of the August journal the additional appropriation of \$1,500,000 had been made; and some of the uses to which an amount double that of the total original appropriation are to be put are announced, as follows:
"'Building for rendezvous for the soldiers and sailers of the

United States Army and Navy and foreign armies and navies at the exposition, \$75,000. Building for the commissioned officers of the Army and Navy of the United States and of, foreign countries, \$50,000. For transportation of United States, State, and foreign troops to and from the exposition, \$100,000. reproduction of battle of Monitor and Merrimac on Hampton Roads, \$10,000. Official entertainment of foreign military and

naval officers at exposition, \$125,000.'

"In July, as in June, 'the main idea is historical' still, but with hints at readjustment. In August the first two items of the summary of the Jamestown Exposition in brief are: 'Official name, Jamestown Ter-Centennial Exposition; character, military, naval, marine, and historic exposition.' Militarism is now distinctly and avowedly at the front; and in September we find sanctioned on the first page of the official journal the frank declaration, 'The exposition will be primarily a military and naval celebration, commercialism being relegated to the

rear.'
"'The Jamestown Exposition will be a continuous and vary"'The Jamestown Exposition will be a continuous and will be a continuous and will be a continuous and will be a continuous an ing scene of martial splendor from beginning to end,' we are informed in the official journal. 'Every branch of the United States Army will be represented, the whole force to act as the military hosts of the foreign troops.' In addition to these forces, 'which alone would make a display unequaled,' great bodies of State troops are to be brought from all parts of the country to encamp and parade in the exposition grounds. For the first time in an American exposition 'the policing will be by United States soldiers.' The presence of foreign troops, hitherto forbidden in the Republic, will be a marked and exciting feature. 'The United States has never hitherto permitted armed companies of foreign soldiery to visit this country. sequently, for the first time Americans will see an international encampment, and the size of this one may be imagined when we realize that almost every foreign country will send one of its crack regiments."

"The exhibits of the War and Navy Department will be 'extremely comprehensive.' The first 'will run the gamut from the 2,400 pound cast-iron projectiles' down, with all 'the various styles of machine guns' and 'cartridge-making machines in operation;' and the naval museum will show models of battle ships and cruisers galore, samples of the 'big guns,' and even a model dry dock in which 'a minature war vessel will be docked and undocked each day.' There will be decorative victures of famous payal battles, and so forth, ad nauseam." pictures of famous naval battles, and so forth, ad nauseam."

This is the true picture of the coming Jamestown Exposition, according to the official announcements of its own management. I want to say right here that the managers themselves are perhaps not as much to blame as Congress, which made the appropriations and plainly indicated the purposes for which the peo-ple's money is to be spent. But the managers have certainly entered into the spirit of the thing with a zeal worthy of a better There are those who believe that the best use to which a cause. battle ship might be put is to have it exhibited, and for my part I wish that "that most colossal collection of fighting strength that has ever been gathered in one spot," as the official journal characterizes it, could be kept at Jamestown for all time to come. There is some consolation, perhaps, in the fact that the military folk have at last taken the "one step too far" which was necessary to sicken the American people and shock their common sense into reaction.

But I ask this House, What would the founders of the American Republic say to this amazing programme? Does it not involve treason to all for which they have labored and aspired? As is stated in the protest of a number of members of the exposition's advisory board, it was precisely to help lead the world away from these baleful old vanities and wrongs that

the Christian world should be led by interest to respect and at length to imitate." He would not consent to build up a new nationality merely to create more armies and navies to perpetuate the crimes and follies of Europe. "Our Government should not be permitted," he said, "to include in the miserable ambitions that had made the Old World a hell and frustrated the hopes of humanity." "Are there no means of coercing injustice," he asked, "more gratifying to our nature than a waste of the blood of thousands and the labor of millions of our fellowcreatures?" He demanded the same rational settlement of our differences between nations as between individuals and looked forward to the supplanting of armies and navies by courts and an international police. "War," he said, "is an instrument entirely inefficient toward redressing wrong. It multiplies instead of indemnifying losses."

What were the words of Washington concerning "war with all of its enticing splendors," with whose laudation his country is now invited to celebrate "its natal day?" "My first wish is to see this plague to mankind banished from the earth." He desired to see men "employed in more pleasing and innocent amusements than in preparing and exercising implements for the destruction of mankind." To this pushing of militarism to the primacy and the relegation of industry, science, and commerce to the rear his rebuking word after the century still rings strong: "It is devoutly to be wished that the manly employment of agriculture and the humanizing benefits of commerce would supersede the waste of war and the rage of conquest, that the wings of your young military men who are soaring after glory might be clipped, and the inhabitants of the world become as one band of brothers striving who should contribute most to the happiness of mankind."

These are the judgments of the founders of the Republic concerning "war's enticing splendors." These will be the Republic's judgments so long as it is faithful to their memory and their principles. The words of Washington and Franklin and Jefferson are the words also of their illustrious associates. The programme of "the great living picture of war" at Hampton Roads is the programme of our recreancy, and its fitting climax is the boast that the pageant will be witnessed by "more members of royalty than ever before assembled."

For one, Mr. Chairman, I fully agree with the members of the

For one, Mr. Chairman, I fully agree with the members of the executive board, above referred to, who in their protest against the diversion of the Jamestown Exposition to the service of militarism say:

militarism say:

We are not of those who impugn the Army and the Navy; they have their proper and necessary place. We are here urging no objection to dignified military and naval participation is the ceremonies of the Jamestown Exposition. We do not criticise commercial enterprise; we applaud the local energy and ambition behind our great expositions. We do not plead for any parsimonious policy toward them on the part of our National or State governments; and we would here heartily record our appreciation of the wise and useful purposes to which the funds appropriated for the Jamestown Exposition alike by the nation and the States have mainly been assigned. We would especially commend the plans so ably outlined by the eminent scholar at the head of the department of history and education and his neglected plea that "the central thought of the Jamestown Exposition should be the thought of the first English colony and its influence." We solemnly protest against the association of that high thought with the "enticing splendors of war" and the prostitution of a great national festival planned to commemorate our New World birth and the representative American achievements of these three centuries into an enterprise which "will be primarily a military and naval celebration," with history and education, industry, and commerce relegated to the background.

I realize that it is too late to change the exposition's pro-

I realize that it is too late to change the exposition's programme now, but I trust that the few remarks I have submitted will serve notice on the people of this and other countries that this Republic is still a democracy, and that the ideals of its founders have not perished on American soil. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] to the amendment offered by the gentleman from New York [Mr. LITTAUER] to the amendment of the Senate.

The question being taken, the amendment of Mr. GARDNER of

Massachusetts was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. Littauer] to the amendment of the Senate.

The question being taken, on a division (demanded by Mr. LITTAUER) there were—ayes 74, noes 95.

Accordingly the amendment was rejected.

Mr. LITTAUER. I move that the committee recommend to the House noncurrence in the Senate amendment.

Mr. MAYNARD. I move that the committee recommend that

the House concur in the Senate amendment.

The CHAIRMAN. The question is first on the motion of the gentleman from Virginia [Mr. MAYNARD] that the committee recommend that the House concur.

The question being taken, the Chairman announced that he was in doubt, and on a division there were-ayes 114, noes 82.

Accordingly the motion that the committee recommend that the House concur in the Senate amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. LITTAUER. Mr. Chairman, I move that the committee recommend to the House nonconcurrence in the Senate amend-

Mr. MAYNARD. I move, Mr. Chairman, that the committee recommend to the House concurrence in the Senate amendment. Mr. OLMSTED. A parliamentary inquiry, Mr. Chairman. The CHAIRMAN. The gentleman will state it.

Mr. OLMSTED. Is there more than one Senate amendment

pending?

The CHAIRMAN. There are two Senate amendments. This is the second.

Mr. LITTAUER. Mr. Chairman, this amendment concerns the \$65,000 that is now claimed to be necessary to complete the channel of approach to the piers that were authorized last year, that the \$400,000 appropriated will be expended upon, to the end that there should be ready communication between the ships and the shore. The Secretary of War in that same provision was authorized to enter into a contract for the building of those piers,

and he took the precaution, before entering into the contract, to get an agreement from the exposition that if Congress did not appropriate the \$65,000 the exposition would do the dredging and expend the sum necessary therefor.

Mr. SULZER. A point of order, Mr. Chairman.

Mr. LITTAUER. Now you have taken one step toward giving them \$1,000,000, which it seems to me is \$200,000 more than is necessary, and I think that you had better let them pay the \$65,000 out of the million dollars.

Mr. SULZER. Mr. Chairman, I make the point of order that

the gentleman has no right to the floor.

The CHAIRMAN. The gentleman from New York was recognized by the Chair. The question is on the motion of the gentle-The gentleman from New York was recogman from Virginia that the committee recommend to the House concurrence in the Senate amendment.

The question was taken; and on a division (demanded by Mr.

LITTAUER), there were—ayes 91, noes 68.

So the committee determined to recommend to the House con-

currence in the Senate amendment.

Mr. LITTAUER. Mr. Chairman, I move that the committee

do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. Dalzell, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration two amendments of the Senate to the House bill 24541 and had instructed him to recommend to the House concurrence in the Senate amendments.

The SPEAKER. Is a separate vote asked for on any amendment?

Mr. LITTAUER. I ask for a separate vote on the first amendment.

The SPEAKER. The gentleman asks for a separate vote on the first amendment.

Mr. LITTAUER. I ask for the yeas and nays, Mr. Speaker. The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 91, answered "present" 13, not voting 164, as follow:

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NOT VOTING-164.

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So the amendment was concurred in. The Clerk announced the following pairs:

Knopf

For the vote:

Davey, La.

Mr. Morrell (in favor) with Mr. Fassett (against). Mr. MUDD (in favor) with Mr. MURPHY (against).

Mr. CRUMPACKER (in favor) with Mr. CROMER (against).

Mr. Talbott (in favor) with Mr. Hull (against).

For the day:

Mr. KENNEDY of Ohio with Mr. RHINOCK.

Mr. Dawson with Mr. Shackleford.

Mr. Acheson with Mr. Webb. Mr. Thomas of Ohio with Mr. Trimble.

Mr. Cassel with Mr. RYAN.

Mr. REEDER with Mr. LAMAR. Mr. Ames with Mr. Keliher.

Mr. Bates with Mr. Clark of Florida.

Mr. MINOR with Mr. RIORDAN.

Mr. RODENBERG with Mr. LINDSAY.

Mr. HAMILTON with Mr. Pujo.

Mr. Alexander with Mr. Aiken. Mr. Bartholdt with Mr. Beall of Texas.

Mr. Bede with Mr. Bowie.

Mr. Burleigh with Mr. Broussard.

Mr. Burton of Delaware with Mr. Burgess.

Mr. CONNER with Mr. BYRD.

Mr. Campbell of Kansas with Mr. Clayton.

Mr. Cousins with Mr. Davey of Louisiana.

Mr. Denby with Mr. Garber. Mr. Dwight with Mr. Field. Mr. Powers with Mr. Gaines of Tennessee.

Mr. Foss with Mr. RAINEY.

Mr. GILLETT with Mr. UNDERWOOD. Mr. Howell of New Jersey with Mr. Granger.

Mr. Graham with Mr. Goldfogle.

- Mr. KAHN with Mr. HENRY of Texas.
- Mr. LAFEAN with Mr. GUDGER.
- Mr. LE FEVRE with Mr. HEARST
- Mr. Lilley of Pennsylvania with Mr. Hill of Mississippi. Mr. McCall with Mr. Robertson of Louisiana.
- Mr. McKinley of Illinois with Mr. Hopkins.
- Mr. Madden with Mr. RIXEY.
- Mr. Marshall with Mr. Johnson.
- Mr. NEEDHAM with Mr. RANDELL of Texas.
- Mr. OLCOTT with Mr. CLAUDE KITCHIN.
- Mr. PRINCE with Mr. LEWIS.
- Mr. McCleary of Minnesota with Mr. McLain.
- Mr. Samuel W. Smith with Mr. Reid, Mr. Esch with Mr. Rucker,

- Mr. Hale with Mr. Finley. Mr. Boutell with Mr. Bowers.
- Mr. SNAPP with Mr. Van DUZER. Mr. Vreeland with Mr. Smith of Kentucky.
- Mr. WM. ALDEN SMITH with Mr. SLAYDEN.
- Mr. WACHTER with Mr. SOUTHALL,
- Mr. Watson with Mr. Weisse.
- Until further notice:
- Mr. BRADLEY with Mr. GOULDEN.
- Mr. Weeks with Mr. Stanley. Mr. Smith of Iowa with Mr. Brundidge.
- Mr. BINGHAM with Mr. COCKRAN.
- Mr. DEEMER with Mr. KLINE.
- For the session:
- Mr. WANGER with Mr. ADAMSON.
- Mr. VAN WINKLE with Mr. McDermott.
- Mr. SHERMAN with Mr. RUPPERT.
- The result of the vote was announced as above recorded. The SPEAKER. The question now is on concurring in the second Senate amendment.
- The question was taken; and the amendment was concurred
- On motion of Mr. MAYNARD, a motion to reconsider the votes by which the two amendments were concurred in was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. GOULDEN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of W. H. Tracy (H. R. 13224, 59th Cong.) and in the case of G. B. Chapin (H. R. 1544, 59th Cong.), no adverse reports having been made thereon.

REPRINT OF BILL

Mr. PEARRE, by unanimous consent, was granted leave for a reprint of the bill (H. R. 24282) to provide for the examination and license of all telegraph operators engaged in handling block signals and telegraphic train orders affecting the movement of trains on all railroads engaged in interstate commerce in the United States, and to limit their hours of employment to eight hours in each day of twenty-four hours.

- ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:
- H. R. 10032. An act granting an increase of pension to Octavo
- H. R. 10033. An act granting an increase of pension to Samuel C. Roe
- H. R. 10219. An act granting an increase of pension to George S. Boyd :
- H. R. 10240. An act granting an increase of pension to John H. Curnutt
- H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick ;
- H. R. 10400. An act granting an increase of pension to Thomas Harrison
- H. R. 10402. An act granting an increase of pension to Albert H. Campbell
- H. R. 10403. An act granting an increase of pension to James H. Odell;
- H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;
- H. R. 10721. An act granting an increase of pension to Harriett I. Levis;
- H. R. 10738. An act granting an increase of pension to Thomas
- H. R. 10773. An act granting an increase of pension to George C. Rathbun
- H. R. 10916. An act granting an increase of pension to Charles H. Shreeve:

- H. R. 11141. An act granting an increase of pension to Jesse S. Miller
- H. R. 11169. An act granting an increase of pension to Robert P. Call:
- H. R. 11174. An act granting an increase of pension to Isaac Richards;
- H. R. 11232. An act granting an increase of pension to Aaron
- H. R. 11307. An act granting an increase of pension to Joseph J. Roberts
- H. R. 11322. An act granting an increase of pension to Luther H. Starkey
- H. R. 11362. An act granting an increase of pension to Nicho-Ias A. Bovee; H. R. 11562. An act granting an increase of pension to Adam
- H. R. 11564. An act granting an increase of pension to James
- Morrow H. R. 11636. An act granting an increase of pension to Law-
- rence Hagan; H. R. 11701. An act granting an increase of pension to Marvin
- Waldorph: H. R. 11708. An act granting an increase of pension to Jesse
- A. Ask; H. R. 11869. An act granting an increase of pension to Henry
- A. Geduldig: H. R. 11959. An act granting an increase of pension to Henry J. Rice
- H. R. 12106. An act granting an increase of pension to George W. Reagan:
- H. R. 12124. An act granting an increase of pension to Howard
- H. R. 12152. An act granting an increase of pension to Leonidas E. Mills
- H. R. 12370. An act granting an increase of pension to Mary E. Randolph
- H. R. 12497. An act granting an increase of pension to Allen M. Haight:
- H. R. 12523. An act granting an increase of pension to Gancelo Leighton; H. R. 12554. An act granting an increase of pension to Wil-
- liam Larraby H. R. 12557. An act granting an increase of pension to John
- C. Berry H. R. 12574. An act granting an increase of pension to Jacob
- R. Burkhardt; H. R. 12676. An act granting an increase of pension to Fran-
- cis M. Morrison : H. R. 13053. An act granting an increase of pension to Eli
- Bunting H. R. 13054. An act granting an increase of pension to James
- M. Brown ; H. R. 13253. An act granting an increase of pension to Robert M. C. Hill:
- H. R. 13740. An act granting an increase of pension to Jeremiah Bard
- H. R. 13805. An act granting an increase of pension to Isaac Gordon:
- H. R. 13806. An act granting an increase of pension to John Campbell:
- H. R. 13813. An act granting an increase of pension to Samuel Brown;
- H. R. 13815. An act granting an increase of pension to Christian M. Good; H. R. 13956. An act granting an increase of pension to Alfred
- Featheringill; H. R. 13975. An act granting an increase of pension to Thomas
- H. Primrose; H. R. 14238. An act granting an increase of pension to Wil-
- liam H. Van Tassell; H. R. 14378. An act granting an increase of pension to Charles
- Settle: H. R. 14673. An act granting an increase of pension to David
- H. Semans H. R. 14675. An act granting an increase of pension to James
- Davis H. R. 14689. An act granting an increase of pension to Herman G. Weller
- H. R. 14690. An act granting an increase of pension to Henrietta Hull;
- H. R. 14715. An act granting an increase of pension to Harmon W. McDonald;
- H. R. 14767. An act granting an increase of pension to Henry Simon;

H. R. 14860. An act granting an increase of pension to William D. Campbell;

H. R. 14862. An act granting an increase of pension to Ann E. White;

H. R. 14884. An act granting an increase of pension to Henry Stanffer:

H. R. 14983. 'An act granting an increase of pension to R. T. Dillard Zimmerman:

H. R. 14985. An act granting an increase of pension to Mary Gramberg:

H. R. 14995. An act granting an increase of pension to James H. Bell:

H. R. 15017. An act granting an increase of pension to Joseph Strope:

H. R. 15139. An act granting an increase of pension to James P. Mullen;

H. R. 15150. An act granting an increase of pension to John O'Connor;

H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford;

H. R. 15297. An act granting an increase of pension to Nelson Hanson;

H. R. 15317. An act granting an increase of pension to James B. F. Callon;

H. R. 15421. An act granting an increase of pension to Paul Diedrich:

H. R. 15430, An act granting an increase of pension to Oliver Lawrence;

H. R. 15455. An act granting an increase of pension to John D. Brooks:

H. R. 15463. An act granting an increase of pension to John Robb, 1st;

H. R. 15580. An act granting an increase of pension to James P. Hudkins;

H. R. 15631. An act granting an increase of pension to Henry C. Worley:

H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel:

H. R. 15239. An act granting an increase of pension to Mary J. Burroughs:

H. R. 15860. An act granting an increase of pension to Sarah C. Morris;

H. R. 15868. An act granting an increase of pension to William H. Scullen;

H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;

H. R. 15890. An act granting an increase of pension to Hiram C. Barney;

H. R. 15980. An act granting an increase of pension to John T.

H. R. 16087. An act granting an increase of pension to Charles

H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;

H. R. 16249. An act granting an increase of pension to Thomas

Miller; H. R. 16488. An act granting an increase of pension to Charles

Hopkins; H. R. 16493. An act granting an increase of pension to William T. Sallee;

H. R. 16546. An act granting an increase of pension to Louis F. Beeler:

H. R. 16895. An act granting an increase of pension to William M. Baker; H. R. 17094. An act granting an increase of pension to James

H. Sperry; H. R. 17172. An act granting an increase of pension to John

Short; H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;

H. R. 17486. An act granting an increase of pension to Ru-

dolph Papst; H. R. 17539. An act granting an increase of pension to Am-

brose D. Albertson;
H. R. 17646. An act granting an increase of pension to James

M. Sheak; H. R. 17770. An act granting an increase of pension to Julia

P. Grant;
H. R. 17773. An act granting an increase of pension to Julia
P. Grant;
H. R. 17773. An act granting an increase of pension to Carel

Lane; H. R. 17810. An act granting an increase of pension to Saul

Coulson; H. R. 17864, An act granting an increase of pension to Mary E. Austin; H. R. 17958. An act granting an increase of pension to Alexander Dixon:

H. R. 17969. An act granting an increase of pension to Charles Walrod;

H. R. 18031. An act granting an increase of pension to Daniel
 H. Toothaker;
 H. R. 18089. An act granting an increase of pension to Daniel

H. R. 18089. An act granting an increase of pension to Daniel J. Harte;

H. R. 18114. An act granting an increase of pension to Henry
 B. Parker;
 H. R. 18155. An act granting an increase of pension to Frank

S. Hastings; H. R. 18179. An act granting an increase of pension to Wil-

liam G. Baity; H. R. 18218. An act granting an increase of pension to Joseph

L. Topham; H. R. 18242. An act granting an increase of pension to Francis

Anderson;
H. R. 18247. An act granting an increase of pension to Wil-

liam Baird;
H. R. 18248. An act granting an increase of pension to John

H. R. 18261. An act granting an increase of pension to John T. Mitchell:

H. R. 18295. An act granting an increase of pension to Joshua B. Casey;

H. R. 18410. An act granting an increase of pension to Andrew J. Cushing;

H. R. 18474. An act granting an increase of pension to Robert Sturgeon;

H. R. 18494. An act granting an increase of pension to Emmagene Bronson;

H. R. 18574. An act granting an increase of pension to Levi Miles;

H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman:

H. R. 18608. An act granting an increase of pension to Mary
 E. Strickland;
 H. R. 18634. An act granting an increase of pension to Mary

Sullivan;
H. R. 18637. An act granting an increase of pension to Mary

L. Sparks;
H. R. 18758. An act granting an increase of pension to Mary

A. Daniel; H. R. 18761. An act granting an increase of pension to Ben-

jamin Bolinger;
H. R. 18771. An act granting an increase of pension to William G. Bailey:

liam G. Bailey; H. R. 18797. An act granting an increase of pension to John M. Defoe:

H. R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;

H. R. 18884. An act granting an increase of pension to Weymouth Hadley;

H. R. 19023. An act granting an increase of pension to John T. Lester:

H. R. 19044. An act granting an increase of pension to Samuel C. McCormick;

H. R. 19045. An act granting an increase of pension to Mary

H. R. 19048. An act granting an increase of pension to Alfred Branson;
 H. R. 19117. An act granting an increase of pension to Mary

E. Higgins; H. R. 19216. An act granting an increase of pension to Theo-

phil Brodowski; H. R. 19237. An act granting an increase of pension to James

Rout; H. R. 19280. An act granting an increase of pension to Peter

J. Williamson; H. R. 19281. An act granting an increase of pension to Peter J. Williamson;

Gillem; H. R. 19363. An act granting an increase of pension to Mary J.

dore Bland;
H. R. 19386. An act granting an increase of pension to Robert

Stewart;

H. R. 19412. An act granting an increase of pension to Jefferson K. Smith;
 H. R. 19420. An act granting an increase of pension to Eliza

H. R. 19420. An act granting an increase of pension to Eliza A. McKean; H. R. 19426. An act granting an increase of pension to George

N. Griffin;
H. R. 19448. An act granting an increase of pension to Abiram
P. McConnell;

H. R. 19479. An act granting an increase of pension to George

H. R. 19510. An act granting an increase of pension to Richard B. West.

H. R. 19541. An act granting an increase of pension to Job F. Martin:

H. R. 19553. An act granting an increase of pension to James Robertson:

H. R. 19577. An act granting an increase of pension to Mary L. Patton;

H. R. 19579. An act granting an increase of pension to Robert F. Mayfield;

H. R. 19584. An act granting an increase of pension to Joseph B. Pettey

H. R. 19603. An act granting an increase of pension to Jacob

H. R. 19629. An act granting an increase of pension to Oliver Morton:

H. R. 19639. An act granting an increase of pension to Lucy A. Kephart;

H. R. 19648. An act granting an increase of pension to Sarah

H. R. 19651. An act granting an increase of pension to Joseph

H. Prendergast: H. R. 19661. An act granting an increase of pension to Jacob

McWilliams :

H. R. 19672. An act granting an increase of pension to Thomas McDermott

H. R. 19703. An act granting an increase of pension to Seth

H. R. 19708. An act granting an increase of pension to William A. Lefler

H. R. 19713. An act granting an increase of pension to Mary B. Mason;

H. R. 19715. An act granting an increase of pension to Susan M. Brunson:

H. R. 19716. An act granting an increase of pension to Mary F. Johnson;

H. R. 19722. An act granting an increase of pension to William H. Burns;

H. R. 19738. An act granting an increase of pension to Benjamin St. Clair;

H. R. 19758. An act granting an increase of pension to Josefita Montano:

H. R. 19762. An act granting an increase of pension to Clara C. Edsall;

H. R. 19807. An act granting an increase of pension to John W. Marean;

H. R. 19818. An act granting an increase of pension to William F. Clinkscales;

H. R. 19858. An act granting an increase of pension to Rich-

ard E. Clapper; H. R. 19871. An act granting an increase of pension to John G. Kean, alias Cain:

H. R. 19872. An act granting an increase of pension to Richard

E. Hassett; H. R. 19873. An act granting an increase of pension to Robert

H. R. 19885. An act granting an increase of pension to Frank

H. R. 19891. An act granting an increase of pension to Edwin D. Bates

H. R. 19907. An act granting an increase of pension to James Butler:

H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman:

H. R. 19923. An act granting an increase of pension to Bettie Ferguson:

H. R. 19949. An act granting an increase of pension to Charles Van Ostrand;

H. R. 19963. An act granting an increase of pension to Charles Carter

H. R. 19967. An act granting an increase of pension to Martin

L. Ohr; H. R. 19990. An act granting an increase of pension to Susan F. Christie;

H. R. 19998. An act granting an increase of pension to Eunice

H. R. 20029. An act granting an increase of pension to John B.

H. R. 20061. An act granting an increase of pension to Caswell

H. R. 20064. An act granting an increase of pension to William C. Arnold;

H. R. 20078. An act granting an increase of pension to Walter M. English;

H. R. 20085. An act granting an increase of pension to Robert Lafontaine

H. R. 20087. An act granting an increase of pension to Cassia Tyler

H. R. 20088. An act granting an increase of pension to Mary J. Thurmond:

H. R. 20096. An act granting an increase of pension to There-

H. R. 20117. An act granting an increase of pension to Preston J. Michener

H. R. 20129. An act granting an increase of pension to John Lemly;

H. R. 20146. An act granting an increase of pension to Harriet C. Kenney

H. R. 20154. An act granting an increase of pension to George H. Dver :

H. R. 20166. An act granting an increase of pension to Sarah Salmon:

H. R. 20198. An act granting an increase of pension to Mary Maddox H. R. 20199. An act granting an increase of pension to Joseph

Cadieux H. R. 20219. An act granting an increase of pension to Ellen

Downing H. R. 20222. An act granting an increase of pension to Henry Joseph:

H. R. 20229. An act granting an increase of pension to Jehu F. Wotring;

H. R. 20250. An act granting an increase of pension to Thomas McBride:

H. R. 20269. An act granting an increase of pension to Sarah A. Galloway;
H. R. 20272. An act granting an increase of pension to James

L. House: H. R. 20279. An act granting an increase of pension to Ed-

mund Hostetter H. R. 20286. An act granting an increase of pension to Bar-

tholomew Holmes H. R. 20303. An act granting an increase of pension to John

Crowley H. R. 20350. An act granting an increase of pension to Theo-

dore F. Reighter ; H. R. 20351. An act granting an increase of pension to Peter M. Simon

H. R. 20357. An act granting an increase of pension to Jane Auldridge

H. R. 20363. An act granting an increase of pension to Otis E. Rush:

H. R. 20384. An act granting an increase of pension to Mary Wilson: H. R. 20391. An act granting an increase of pension to Mary

Jane Meldrim; H. R. 20415. An act granting an increase of pension to John

H. Krom; H. R. 20424. An act granting an increase of pension to George

W. Wheeler H. R. 20431. An act granting an increase of pension to John

Neumann: H. R. 20463. An act granting an increase of pension to Nicho-

las D. Kenny; H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;

H. R. 20581. An act granting an increase of pension to Nettie

H. R. 20586. An act granting an increase of pension to Calvin Judson;
H. R. 20587. An act granting an increase of pension to Francis

McMahon: H. R. 20613. An act granting an increase of pension to Hiram

H. R. 20614. An act granting an increase of pension to James

Howardson; H. R. 20683. An act granting an increase of pension to James

Bond; H. R. 20712. An act granting an increase of pension to Samuel

W. Searles H. R. 20715. An act granting an increase of pension to Charles Ballantyne;

H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;

H. R. 20721. An act granting an increase of pension to James O. Pierce:

H. R. 20724. An act granting an increase of pension to Rhoda

H. R. 20726. An act granting an increase of pension to Mary J.

H. R. 20735. An act granting an increase of pension to Berge

Larsen; H. R. 20829. An act granting an increase of pension to David M. Watkins

H. R. 20844. An act granting an increase of pension to Milton Russell

H. R. 20851. An act granting an increase of pension to Henry Hamme

H. R. 20852. An act granting an increase of pension to Theo-

H. R. 20896. An act granting an increase of pension to James F. Henninger;

H, R. 20899. An act granting an increase of pension to Charles W. Carpenter:

H. R. 20928. An act granting an increase of pension to Reuben A. George:

H. R. 20955. An act granting an increase of pension to Edward L. Carpenter :

H. R. 20958. An act granting an increase of pension to Darius E. Garland:

H. R. 20962. An act granting an increase of pension to Franklin H. Bailey

H. R. 20964. An act granting an increase of pension to John

H. R. 20965. An act granting an increase of pension to Harvey

Sine H. R. 21001. An act granting an increase of pension to George

Rhodes H. R. 21015. An act granting an increase of pension to Evan

H. R. 21019. An act granting an increase of pension to Benja-

min F. Fell; H. R. 21033. An act granting an increase of pension to Wil-

liam P. Huff; H. R. 21045. An act granting an increase of pension to Unity

A. Steel: H. R. 21054. An act granting an increase of pension to William G. Wilson;

H. R. 21058. An act granting an increase of pension to William H. Isbell:

H. R. 21086. An act granting an increase of pension to Jerry

H. R. 21119. An act granting an increase of pension to Alex-

ander Boshea; H. R. 21124. An act granting an increase of pension to William B. Crane

H. R. 21142. An act granting an increase of pension to Joseph Rose

H. R. 21148. An act granting an increase of pension to Jacob A. Graham :

H. R. 21162. An act granting an increase of pension to John W. Humphrey

H. R. 21179. An act granting an increase of pension to Charles

Green H. R. 21185. An act granting an increase of pension to Mary

H. R. 21216. An act granting an increase of pension to Eliza J. McCardel;

H. R. 21228. An act granting an increase of pension to Pleasant Crissin:

H. B. 21302. An act granting an increase of pension to Nicolans Kirsch:

H. R. 21304. An act granting an increase of pension to Jacob Kohl: H. R. 21307. An act granting an increase of pension to Samuel

Fauver H. R. 21519. An act granting an increase of pension to Monte-

zuma St. John;

H. R. 21575. An act granting an increase of pension to Calvin E. Morley

H. R. 21641. An act granting an increase of pension to Levi Eddy: H. R. 21749. An act granting an increase of pension to Annie

Reaney H. R. 21828. An act granting an increase of pension to Noah

H. R. 21849. An act granting an increase of pension to John

P. Dix;

H. R. 21859. An act granting an increase of pension to Simon Stone:

H. R. 22052. An act granting an increase of pension to James A. Meredith;

H. R. 22207. An act granting an increase of pension to William A. Harlan :

H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher; H. R. 22280. An act granting an increase of pension to Emily

V. Ackley:

H. R. 22281. An act granting an increase of pension to Leonard Tyler:

H. R. 22416. An act granting an increase of pension to Barbara E. Schwab;

H. R. 22424. An act granting an increase of pension to William Faulkner

H. R. 22566. An act granting an increase of pension to Joseph L. Six;

H. R. 22568. An act granting an increase of pension to John H. Christman;

H. R. 22607. An act granting an increase of pension to John T. Hetherlin;

H. R. 22684. An act granting an increase of pension to William

H. R. 22717. An act granting an increase of pension to Mary A. Brick

H. R. 22932. An act granting an increase of pension to Bryngel Severson

H. R. 22937. An act granting an increase of pension to Edward Murphy

H. R. 22997. An act granting an increase of pension to Edmond D. Doud:

H. R. 23307. An act granting an increase of pension to Andrew

H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased

H. R. 17099. An act to authorize the refund of part of fines

imposed on the vessels Sotie R, Mathilda R, and Helen R; H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa

H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the

Calumet River in the State of Indiana;
H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;

H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.

H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals;

H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on

the property of the United States at Paducah, Ky.; H. R. 21402. An act permitting the building of a dam across

the Savannah River at Gregg Shoals;
H. R. 9577. An act for the relief of Charles H. Stockley;
H. R. 24104. An act transferring Phelps County to the eastern

division of the eastern judicial circuit of Missouri; H. R. 21043. An act granting an increase of pension to Robert

J. Dewey : An act for the relief of Charles B. Bentley

H. R. 19105. An act granting an increase of pension to William H. Moser

H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.

H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves;

H. R. 20988. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved

February 21, 1903; and H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 5 o'clock and 44 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for pier of Aqueduct Bridge, District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting a report of inspection of construction of battle ships Connecticut, New York, and Louisiana—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, for the consideration of Congress, a list of judgments rendered by the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report as to pounds of and receipts from second-class mail matter to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George Graham against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Hennessey against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha Catlett against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Milton Shaver against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Emaline Dicus against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Warren Brown against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Josiah Cunningham against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Wagner, executrix of estate of David Weiss, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Newton Knight and others against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. A. Fitzpatrick, administrator of estate of James Dougherty, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of M. A. Jackson, administrator of estate of James Addison, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Carrie R. Thomas, administratrix of estate of William Thomas, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret G. Reid against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. D. Whittington, administrator of estate of William T. Bettis, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Lankford, administrator of estate of Littleberry Roberts,

against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. M. Reed, guardian of heirs of estate of J. W. Reed, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James R. Duncan against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Amanda Jackson, administratrix of estate of Thomas Jackson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William G. Anderson against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas W. Stonestreet, administrator of estate of Samuel E. Stonestreet, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elisha Blevins against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Mason against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jackson W. Brown, administrator of estate of Alfred Brown, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph M. Pilkington against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action filed by the court in the cases of William H. Vaughan and others against The United States, dismissed for want of further jurisdiction—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action of the court in the cases of C. E. Lamar, administrator, and others against The United States, dismissed on motion of the Attorney-General—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action by the court in the cases of Lucy Cordell and others against The United States, dismissed for want of jurisdiction—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action by the court in the cases of Anna Hood, administratrix, and others against The United States, dismissed by stipulation of parties—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of documents distributed by the War Department during the fiscal year ended June 30, 1906—to the Committee on Printing, and ordered to be printed.

A letter from the vice-president of the Chesapeake and Potomac Telephone Company, transmitting the report for the year 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for expense of a bridge at Fort Snelling, Minn.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting supplemental estimate of appropriation for the naval service—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a detailed statement of refunds of customs duties for the fiscal year ended June 30, 1906—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations needed to complete the service of the current fiscal year and for the postal service payable from postal revenues-to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24366) authorizing the enlargement of military reservations by exchange of lands, reported the same with amendment, accompanied by a report (No. 7288); which said bill and report were referred to the Committee of the Whole House on the state of the Union

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7776) to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River Irrigation projects, and for other purposes, reported the same with amendment, accompanied by a report (No. 7289); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin," reported the same with amendment, accompanied by a report (No. 7287); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15320) to remove charge of desertion standing against Peter Parsch, reported the same with amendment, accompanied by a report (No. 7285); which said bill and report were referred to the Private

He also, from the same committee, to which was referred the bill of the House (H. R. 19932) for the relief of John Lavine, reported the same with amendment, accompanied by a report (No. 7286); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, adverse report was delivered to the Clerk, and laid on the table, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13463) to correct the military record of Joseph Nichols, reported the same adversely, accompanied by a report (No. 7284); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolution of the following titles were introduced and severally referred as follows:

By Mr. HUNT: A bill (H. R. 25358) to promote the safety of passengers and employees by compelling common carriers engaged in moving interstate traffic to adopt and use certain safety devices and appliances whose standard of efficiency shall be determined by the Interstate Commerce Commission according to the requirements of this act—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 25359) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, savings banks, and trust companies, and real estate brokers, in the District of Columbia-to the Committee on the District of Columbia.

By Mr. SCHNEEBELI: A bill (H. R. 25360) to authorize the Secretary of War to issue certificates of discharge to cer-tain members of the Pennsylvania Volunteer Militia and the Provisional Pennsylvania Militia—to the Committee on Military

Also, a bill (H. R. 25361) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania

military organizations—to the Committee on Military Affairs. By Mr. HEPBURN: A bill (H. R. 25362) to increase the efficiency of the personnel of the Revenue-Cutter Service-to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 25363) to provide two additional judges and other officers for the district of Alaska, and for other purposes—to the Committee on the Judiciary

By Mr. KINKAID: A bill (H. R. 25364) pertaining to the public lands in Nebraska described and affected by an act approved April 28, 1904, and amendatory of said act—to the Committee on the Public Lands.

By Mr. MARSHALL: A bill (H. R. 25365) to permit the State of North Dakota to sell a portion of certain lands heretofore granted to it as a memorial park on the White Stone Hills battlefield, for the purpose of raising funds for improving and beau--to the Committee on the Public Lands. tifying such park-

By Mr. BOWERS: A bill (H. R. 25366) to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H. R. 25367) to readjust the boundaries of the naval reservations in Porto Rico, established in pursuance of the act of July 1, 1902-to the Committee on Naval

Also, a bill (H. R. 25368) to provide for the harbor accommodation, movements, and anchorage of foreign vessels of war visiting Hampton Roads during the Jamestown Exposition-to

the Committee on Interstate and Foreign Commerce.

By Mr. TYNDALL: A bill (H. R. 25369) to prevent the unlawful employment of Senators and Representatives as attorneys and to suppress lobbying in the National Congress—to the

Committee on the Judiciary.

By Mr. DE ARMOND: A bill (H. R. 25370) to fix the limitation applicable in certain cases—to the Committee on the Judi-

By Mr. WEEKS: A resolution (H. Res. 814) to provide additional compensation for the resolution and petition clerk of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred, as follows:

By Mr. ADAMSON: A bill (H. R. 25371) granting an increase of pension to Sarah C. Roberts—to the Committee on Pensions. By Mr. BONYNGE: A bill (H. R. 25372) granting an increase of pension to Annie T. Penrose—to the Committee on Invalid

By Mr. BUTLER of Tennessee: A bill (H. R. 25373) for the relief of the estate of Henry M. Neely, deceased-to the Com-

mittee on War Claims.

Also, a bill (H. R. 25374) granting a pension to Lela Ellis—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 25375) granting an increase of pension to Clara A. Keeting—to the Committee on Pensions.

Mr. DIXON of Montana: A bill (H. R. 25376) granting an increase of pension to Malachi Cordiero-to the Committee on Invalid Pensions

By Mr. FLOYD: A bill (H. R. 25377) granting an increase of cension to Robert A. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25378) to correct the military record of William Green Mhoon—to the Committee on Military Affairs, By Mr. FRENCH: A bill (H. R. 25379) granting an increase

of pension to Mary Lemon-to the Committee on Invalid Pen-

Also, a bill (H. R. 25380) granting a pension to Sarah J. Ralph—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 25381) granting an increase of pension to Ruth J. McCann-to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 25382) granting an increase of pension to Robert Fitzgerald-to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 25383) granting an increase of pension to William Heiney-to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 25384) granting an increase of pension to Benjamin Fye-to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 25385) granting a pension to H. P. Kohn—to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 25386) granting an increase of pension to Penrose Forsythe-to the Committee on Invalid By Mr. MANN: A bill (H. R. 25387) granting a pension to

Elijah M. Clark—to the Committee on Invalid Pensions. By Mr. MOON of Tennessee: A bill (H. R. 25388) for the relief of the estate of William Duncan, deceased-to the Committee on War Claims.

Also, a bill (H. R. 25389) granting an increase of pension to Foster Drake—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 25390) granting an increase of pension to Samuel S. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25391) granting an increase of pension to Richard Gogin—to the Committee on Invalid Pensions. By Mr. REYNOLDS: A bill (H. R. 25392) granting an in-

crease of pension to Thomas McCallion-to the Committee on

Also, a bill (H. R. 25393) granting an increase of pension to Jacob Dibertto the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 25394) granting an increase of pension to Eli D. Hopkins-to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 25395) granting a pension to

Annie Belle Yeager—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 25396) granting an increase of pension to Robert J. Whitehurst—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 25397) for the relief of James P. Walker—to the Committee on Military

By Mr. WASHBURN: A bill (H. R. 25398) granting a pension to Parker Alvin Emery—to the Committee on Invalid Pen-

By Mr. WILSON: A bill (H. R. 25399) granting an increase of pension to Walter W. Winney—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 25005) granting a pension to Emeline H. Hardie-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25175) granting an increase of pension to James -Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25264) granting a pension to John Egner—Committee on Invalid Pensions discharged, and referred to the Com-

mittee on Pensions. A bill (H. R. 25265) granting a pension to Augustus H. Ewell—Committee on Invalid Pensions discharged, and referred

to the Committee on Pensions. A bill (H. R. 24416) granting a pension to James F. Flynn-Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions. A bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe-Committee on Invalid Pensions discharged, and

referred to the Committee on Pensions. A bill (H. R. 24961) granting an increase of pension to Augustus H. Hansell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5162) granting an increase of pension to James Travis-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 24530) granting a pension to David Miller—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Karl Feige and others, of

Cleburne, Tex., against enactment of pending legislation on immigration—to the Committee on Immigration and Naturaliza-

Also, petition of Lodge No. 164, Order of Railway Conductors, of Eagle Grove, Iowa, for bill S. 5133 (the sixteen-hour bill) to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boone and Crockett Club, for retention of the Biological Survey as a bureau of the Agricultural Department—to the Committee on Agriculture.

Also, petition of the Preperty Owners' Association of the Philippine Islands, for equal treatment relative to banking mat-

ters—to the Committee on Insular Affairs.

Also, petition of Mountain Gem Lodge, No. 637, Brotherhood

of Locomotive Firemen, and other labor organizations, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodges Nos. 339 and 418, Brotherhood of Railway Trainmen, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Papers to accompany bills for relief of David Potts and Washington Snodgrass--to the Committee on Invalid Pensions.

Also, petition of General Alexander Hays Post, No. 3, against abolition of the Pittsburg pension agency—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Petition of the Manufacturers' Record Publishing Company, of Baltimore, Md., against increase of postage on newspapers-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Columbus (Ga.) dental profession, for bill S. 2355—to the Committee on Military Affairs.

By Mr. BARCHFELD.: Petitions of citizens of Jasper, Iowa, and Nicollet and Lesueur counties, Minn., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of citizens of Philadelphia, Pa., and Warren, Mo., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of citizens of Vermilion, Ill.; Winnebago, Wis.; Philadelphia, Pa., and Jackson, Mich., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BELL of Georgia: Paper to accompany bill for relief of John C. Addison-to the Committee on War Claims.

Also, paper to accompany bill for relief of Mary M. Evans-to the Committee on Pensions.

By Mr. BOUTELL: Petition of the West End Woman's Club. of Chicago, for free art legislation—to the Committee on Ways and Means.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of estate of H. M. Neely-to the Committee on War

By Mr. CALDER: Petition of Prof. Frederick S. Converse, of Harvard University, Cambridge, Mass., for bills S. 6330 and H. R. 19853—to the Committee on Patents.

By Mr. CAPRON: Petition of William Mills & Son and other photographers of Providence, R. I., relating to the copyright bill-to the Committee on Patents.

Also, paper to accompany bill for relief of Josiah T. Middleton-to the Committee on Invalid Pensions.

Also, resolution of the Massachusetts State board of agriculture, for liberal appropriation to suppress the gypsy and browntail moths-to the Committee on Agriculture.

Also, petition of the Rhode Island Press Club, protesting against proposed changes in rates and regulations for transmitting newspapers and periodical publications through the mails-

to the Committee on the Post-Office and Post-Roads.

By Mr. CROMER: Petition of Fidelity Lodge, Brotherhood of Railway Trainmen, for the Gilbert injunction bill—to the Committee on the Judiciary.

Also petition of Fidelity Lodge, Brotherhood of Railway Trainmen, for the sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of S. D. Smith, of Stanton, Minn., for an amendment of the free-alcohol billthe Committee on Ways and Means.

By Mr. DAWSON: Petition of R. W. Rosenberger et al., for the McCumber bill—to the Committee on Pensions.

Also, petition of the Iowa Association of Cement Users, for continuance of the appropriation for investigation of cement and building material-to the Committee on Appropriations.

Also, petition of the Grand Army Association of Philadelphia and Vicinity, against abolition of pension agencies-to the Committee on Appropriations

Also, petition of the thirty-first general assembly of Iowa, for an amendment of Constitution abolishing polygamy-to the Committee on the Judiciary.

By Mr. DENBY: Petition of the Ford Motor Company, of Detroit, Mich., to amend the free-alcohol law—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Jane Bingham Abbott et al., composers, for bills S. 6330 and H. R. 19853—to the Committee on Patents.

By Mr. ESCH: Paper to accompany bill for relief of Albert

M. Harriman—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of Leonard Keeling-to the Committee on Military Affairs.

Also, papers to accompany bills for relief of James L. Waller. Robert McFarland, and James Burkett-to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the National Business League, for revision of the land laws-to the Committee on the Public

Also, petition of the Inland Waterways Association, for construction of a waterway from Norfolk to Beaufort Inlet, North Carolina-to the Committee on Rivers and Harbors.

Also, petition of the National German-American Association of the United States, against passage of the immigration billto the Committee on Immigration and Naturalization,

Also, petition of Edgar T. Gaddis, against the no-attorney-fee provision of the McCumber pension bill (S. 976)-to the Committee on Pensions.

By Mr. GRAHAM: Petition of citizens of Allegheny County, Pa., for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Jane Bingham Abbott et al., composers of music, for bills S. 6330 and H. R. 19853—to the Committee on

Also, petition of the National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories, for a liability law and Saturday half-holiday bill for Government employees-to the Committee on Naval Affairs.

Also, petition of Lieutenant James M. Lysle Post, No. 128, Grand Army of the Republic, for bill S. 976 (the McCumber bill)—to the Committee on Invalid Pensions.

Also, petition of the United National Association of Post-Office

Clerks, for increase of salaries of post-office clerks—to the Com-

mittee on the Post-Office and Post-Roads. By Mr. GRANGER: Petition of the Boston Society of Civil Engineers, for an increased appropriation for gauging streamsto the Committee on Appropriations.

Also, petition of 20 photographers of Providence, R. I., against the proposed amendment to copyright bill—to the Committee on Patents.

Also, petition of Rhode Island Press Club, against change in the postage rates for newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Papers to accompany bills for relief of H. E. Soule, Robert Fitzgerald, Hanson F. Ambrose, Ebenezer J. McCormick, Ezra I. Timms, Eliza L. Thorn, Anthony Barleon, John Coffman, and Reuben McCormick-to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of the Illinois Association of ex-Prisoners of War, for bill H. R. 15585 (the Hamilton bill)— to the Committee on Invalid Pensions. Also, petition of Mrs. J. E. Davis et al., for inquiry into the

affairs in Kongo Free State-to the Committee on Foreign Affairs

Also, petition of the Afro-American Ministers' Alliance, for support of Senator J. B. FORAKER'S efforts in behalf of the discharged companies of the Twenty-fifth Infantry-to the Committee on Military Affairs.

By Mr. HAYES: Petition of the California State Federation

of Labor, for a ferry between Mare Island Navy-Yard and Vallejo—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of Herman Von Werthen—to the Committee on Invalid Pensions.

Also, petition of the California State Federation of Labor, for the Pearre anti-injunction bill (H. R. 18752)—to the Committee on the Judiciary.

Also, petition of the San Francisco Labor Council, favoring

the peace programme of the Interparliamentary Union-to the Committee on Foreign Affairs.

Also, petition of the San Francisco Board of Trade, for a breakwater at Hilo, Hawaii-to the Committee on Rivers and

Also, petition of the San Francisco Board of Trade, for bill H. R. 21671, for a tariff drawback on building material for San

Francisco—to the Committee on Ways and Means.

Also, petition of the San Francisco Board of Trade, against a parcels-post law-to the Committee on the Post-Office and Post-Roads.

By Mr. HERMANN: Joint resolution of the Oregon legislature, that stockmen be granted the right of way over the Umatilla Indian Reservation—to the Committee on Indian Affairs.

Also, petition of the Oregon legislature, for repeal of the tariff on raw jute, jute fabric, and jute bags-to the Committee on

Ways and Means.

By Mr. HINSHAW: Petition of the senate of Nebraska, against the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of various clubs of women's organizations of

Falls City, Nebr., for the Beveridge child-labor bill-to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of New Jersey: Petition of the street and water commissioners of Newark, N. J., against closing the drawbridge on the Passaic River—to the Committee on Rivers

By Mr. HULL: Petition of the assembly of the State of Iowa, for a constitutional amendment abolishing polygamy-to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: Paper to accompany bill for relief of heirs of Mrs. C. M. J. Williamson—to the Committee on War Claims.

By Mr. KENNEDY of Nebraska: Papers to accompany bills for relief of John Trimmer and William H. Gray-to the Committee on Invalid Pensions.

By Mr. KNOWLAND: Paper to accompany bill for relief of Albert Falcon—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of John W.

Gillman-to the Committee on War Claims.

By Mr. LINDSAY: Petition of Jane Bingham Abbott, for bills S. 6330 and H. R. 19853—to the Committee on Patents.

Also, petition of the National League of Employees of Navy-Yard et al., for a liability and Saturday half-holiday bill—to the Committee on Naval Affairs.

By Mr. McKINNEY: Petition of Rock Island Division, No. . 106, and Monmouth Division, No. 406, Order Railway Conductors; Black Hawk Lodge, No. 114, Brotherhood of Locomotive Firemen, and Lake Superior Division, No. 302, Brotherhood of Locomotive Engineers, for bill S. 5133 (the sixteen-hour bill) to the Committee on Interstate and Foreign Commerce

By Mr. McMORRAN: Petition of Mrs. Addie A. Wilson et al., for the Littlefield bill for the regulation of commerce-to the Committee on the Judiciary.

Also, petition of John Mackenzie, for a monument for the

battlefield of the Big Horn—to the Committee on the Library.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John E. Dunean, administrator of the estate of William Dunean—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of Jane Bingham

Abbott et al., for bills S. 6330 and H. R. 19853-to the Committee on Patents.

Also, petition of Robert Ridgley Campbell et al., of Philadelphia, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. MURPHY: Petition of the Missouri legislature, against extension of the time for building a bridge on the Winner piers across the Missouri River-to the Committee on Interstate and Foreign Commerce

By Mr. OVERSTREET of Indiana: Petition of the German societies of Indianapolis, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of L. A. Thomas Division, No. 492, Brotherhood Locomotive Engineers, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the alliance of various German societies of Indianapolis, Ind., against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petition of Max Ruber et al., against the

pending immigration bills-to the Committee on Immigration and Naturalization.

Also, petition of the C. F. Kenneweg Company et al., favoring reciprocal demurrage relative to railroad-rate matters-to the Committee on Interstate and Foreign Commerce.

By Mr. POLLARD: Petition of the Nebraska State senate. against ship-subsidy legislation-to the Committee on the Merchant Marine and Fisheries.

Also, petition of various women's clubs of Falls City, Nebr., for enactment of child-labor laws—to the Committee on Labor. By Mr. REYNOLDS: Papers to accompany bills for relief of

Emma Bussard and John B. Tobias-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas McCallion-to the Committee on Pensions.

Also, paper to accompany bill for relief of Jacob Dibert-to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Jacob R. Miller and Joseph Snowden—to the Committee on Invalid Pensions.

By Mr. RHODES: Paper to accompany bill for relief of John

W. McDowell—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Providence Council, No. 9,
Daughters of America, for an educational test in immigration
bill—to the Committee on Immigration and Naturalization.

By Mr. SIMS: Petition of Subdivision No. 93, Brotherhood of Locomotive Engineers, for bill S. 5133-to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of the Minnesota legislature, for free lumber-to the Committee on Ways and

Also, petition of Camp Merwin M. Carleton, Army of the Philippines, of St. Paul, Minn., for bill H. R. 18276 (badges for Philippine war service)—to the Committee on Military Affairs. By Mr. VAN WINKLE: Petition of the boards of streets and

water commissioners of Newark, N. J., against closing the draw-bridges on the Passaic River—to the Committee on Rivers and Harbors

By Mr. VOLSTEAD: Petition of L. E. Lien et al., for an amendment of the free-alcohol law-to the Committee on Ways and Means.

By Mr. WALDO: Papers to accompany bill H. R. 21204-to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: Petition of the Boston Society of Civil Engineers, for restoration of the appropriation for work of the States geological survey in gauging streams and otherwise investigating the water resources of the United States—to the Committee on Appropriations.

SENATE.

Tuesday, February 5, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Journal of yesterday's proceedings was read and approved.

AFFAIRS IN THE INDIAN TERRITORY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting copies of letters which have passed between the President and the Secretary in reference to the report of the Select Committee of the Senate on Affairs in the Indian Territory, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company, of the District of Columbia, for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

DISPOSITION OF USELESS DOCUMENTS.

The VICE-PRESIDENT. On February 1 the Chair laid before the Senate a communication from the Secretary of the Treasury, transmitting schedules of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of the public business, and had it referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Alabama [Mr. Pettus] and the Senator from New Hampshire [Mr. Gallinger], and requests that the House of Representatives be notified thereof.

CREDENTIALS.

Mr. KITTREDGE presented the credentials of Robert J. GAMBLE, chosen by the legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the House had passed the bill S. 925, an act for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 24046. An act to incorporate the Hungarian Reformed Federation of America;

H. R. 24928. An act authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company;

H. R. 25032. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved

June 7, 1902; H. R. 25043. An act to authorize the Atlanta, Birmingham and

Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia;
H. R. 25187. An act to amend "An act to provide for refund-

ing taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898," and for other purposes, approved June 27, 1902;

H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes; and

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases.

The message also announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 20928) granting an increase of pension to Reuben A. George; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 976. An act granting pensions to certain enlisted men, soldiers and officers who served in the civil war and in the war with Mexico;

H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered:

H. R. 1738. An act for the relief of Sarah A. Clapp; H. R. 1808. An act for the relief of J. J. L. Peel;

H. R. 4299. An act for the relief of John Stinson;

H. R. 5167. An act for the relief of William H. Stiner & Sons;

H. R. 5651. An act for the relief of William H. Beall;

H. R. 9778. An act for the relief of Philip Loney

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. R. 10595. An act for the relief of Nye & Schneider Com-

H. R. 12560. An act for the relief of John C. Lynch;

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie:

H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 15594. An act for the relief of John B. Brown;

H. R. 18380. An act to complete the naval record of Charles W. Held;

H. R. 19749. An act to prescribe the duties of deputy collectors of customs

H. R. 19752. An act for an additional term of court at Quincy, III. ;

H. R. 22362. An act for the relief of Esther Rousseau;

H. R. 24932. An act for the extension of School street NW. H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee; and

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislature of the State of Minnesota, in favor of an appropriation for the construction of a canal in Aitkin County, Minn.; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[H. F. No. 45.]

Joint memorial asking the Congress of the United States to appropriate a sufficient sum of money to construct a canal in the county of Aitkin, State of Minnesota, at the point hereinafter designated, for the purpose of relieving a large body of land located in said county from periods. odical overflow.

pose of relieving a large body of land located in said county from periodical overflow.

Whereas there exists in the county of Aitkin, in the State of Minnesota, upward of 100,000 acres of the most fertile land in the Mississippi Valley, which is subject to periodical overflow, caused by floods on the Mississippi River, at which times large bodies of cultivated land are flooded and crops, cattle, and farm machinery are destroyed; and Whereas said Mississippi River at said point is under the jurisdiction of the United States, and the United States has constructed reservoirs above and below said point, designed for the purpose of controlling said floods; and

Whereas it is our belief that the construction of the canal hereinafter referred to would be an aid to said reservoir system as well as reclaiming said lands: Now, therefore, be it

Resolved by the legislature of the State of Minnesota in session assembled, That the Congress of the United States be, and it is hereby, requested to appropriate a suitable sum of money to construct a canal in the county of Aitkin, in the State of Minnesota, from a point on the Mississippi River in section 10, township 48, range 25 west of the fourth principal meridian, to a point on the Mississippi River in section 13, township 136 north of range 25 west of the fifth principal meridian, as shown on the annexed plat and marked "Proposed route No. 3."

Resolved, That our Senators and Representatives in Congress are re-United States

United States.

Resolved, That the secretary of state is hereby instructed to forward copies of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

Approved February 1, 1907.

United States of America, State of Minnesota, Department of State.

I, Julius A. Schmahl, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original act in my office of H. F. No. 45, being a "Joint memorial asking the Congress of the United States to appropriate a sufficient sum of money to construct a canal in the county of Aitkin, State of Minnesota, at the point hereinafter designated, for the purpose of relieving a large body of land located in said county from periodical overflow," approved February 1, 1907, and that said copy is a true and correct transcript of said act and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 1st day of February, A. D. 1907.

Julius A. Schmahl, Secretary of State

JULIUS A. SCHMAHL, Secretary of State.

The VICE-PRESIDENT presented the petition of J. Franklin Moulton, of Denver, Colo., praying for the enactment of certain legislation granting pensions to widows of soldiers of the civil war; which was referred to the Committee on Pensions.

He also presented a petition of the Property Owners' Association of Manila, P. I., praying for the enactment of legislation granting to the Banco Espanol Filipino the same treatment as that accorded to the Porto Rico Bank; which was ordered to lie

on the table.

Mr. PLATT presented a petition of the executive committee of the Interchurch Conference on Federation, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Episcopal Church of Fredonia, the First Baptist Church of Hermon, and the Presbyterian Church of Westhampton, and of sundry citizens of Perry and West Glens Falls, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

He also presented a memorial of sundry citizens of Oxford, Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on

the District of Columbia.

Mr. FRYE presented a memorial of the Maine Press Association, remonstrating against the adoption of certain changes in the postal laws relative to newspapers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the convention of the Cali-fornia State Federation of Labor, praying for the enactment of legislation to regulate the issuance of restraining orders and

injunctions; which was referred to the Committee on the Judi-

ciary He also presented a petition of the Board of Trade of San Francisco, Cal., praying that an appropriation be made for the construction of a breakwater at Hilo, Hawaii; which was re-

ferred to the Committee on Commerce.

He also presented a petition of sundry citizens of Los Angeles and Ontario, in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of San Francisco, Cal., praying that an appropriation be made for the defense of the ports on the Pacific coast; which was referred

to the Committee on Naval Affairs.

Mr. CURTIS. I present the memorial of John Bullette, relative to his claim against the Government of the United States under the treaty between the United States and the Cherokee Indians. I move that the memorial and accompanying papers be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CURTIS. I present a concurrent resolution of the legislature of Kansas, in favor of an appropriation of \$75,000 to protect the banks of the Missouri River at Elwood, in that State. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the concurrent resolution was re-ferred to the Committee on Commerce and ordered to be printed

in the RECORD, as follows:

House concurrent resolution No. 11.

Whereas the Missouri River at a point bordering on the city of Elwood, in Doniphan County. Kans., is washing and cutting away the land within said city, and endangering the homes of the people residing

Whereas said city is in danger of being washed entirely away and the linhabitants of said city are in danger of great loss of property and of much suffering; and

Whereas no steps have ever been taken or means employed by the General Government to protect the banks along said river at said places; and

Whereas the sums of money heretofore appropriated by the Congress of the United States, and intended by Congress to be used in protecting the banks on both sides of said river at said place, have been used exclusively to protect the banks and property on the Missouri side only: Therefore, be it

*Resolved by the house of representatives (the scate concurring therein), That the Senators and Representatives from Kansas in Congress be instructed to use every honorable effort to secure an appropriation by Congress of not less than \$75,000, to be used exclusively on the Kansas side of said river to protect the banks thereof at the point where said river borders upon said city of Elwood; and that a copy of this resolution be sent by the secretary of state to each Senator and Representative in Congress from this State.

I hereby certify that the above concurrent resolution originated in the house, and passed that body January 30, 1907.

J. S. SIMMONS,

J. S. SIMMONS,

Speaker of the House.

D. Y. WILSON,

Clerk of the House.

Passed the senate January 31, 1907.

W. J. FITZGERALD,
President of the Senate.
W. F. CRITSINGER, Secretary of the Senate.

Approved February 1, 1907.

E. W. Hoch, Governor.

Mr. CURTIS presented a petition of sundry citizens of Salina, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Walden, Batavia, Westerleigh, Halsey Valley, Philmont, and Vermilion, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cornwall and Firthcliffe, in the State of New York, praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

Mr. LATIMER presented a petition of the Dark Tobacco

Planters' Protective Association, of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation to repeal the internal-revenue tax on leaf tobacco; which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Abbeville, S. C., praying for the passage of the so-called "reciprocal demurrage bill;" which was referred to the Committee on In-

terstate Commerce.

Mr. DU PONT presented a petition of sundry citizens of Southwest Wilmington, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PATTERSON (for Mr. Teller) presented the petition of Hal Sayre, of the State of Colorado, and the petition of Mrs. Ella L. C. Dwinell, of the State of Colorado, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

He also (for Mr. Teller) presented petitions of sundry citizens of Denver and Pueblo, all in the State of Colorado, praying for the enactment of legislation to extend the provisions of the present Chinese-exclusion law so as to include Japanese and Koreans; which were referred to the Committee on Immigration.

Mr. NELSON presented petitions of sundry citizens of Appleton, Le Sueur, and Chippewa County, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of West Point, Nebr., praying for the adoption of a certain amendment to the present denatured-alcohol law; which was referred

to the Committee on Finance.

He also presented a petition of sundry citizens of Falls City, Nebr., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the

He also presented the petition of John L. Thorburn, of the State of Nebraska, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on

He also presented sundry affidavits to accompany the bill (S. 7294) granting an increase of pension to William P. Pattison; which were referred to the Committee on Pensions.

He also presented the petition of William Stull, of Omaha, Nebr., praying that an appropriation be made for the improvement of the Missouri River; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Orleans, Kenesaw, Alma, and Gearing, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Nicholasville, Ky., and a petition of sundry citizens of Columbus, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG presented petitions of sundry citizens of Gray, Kingman, and Stafford counties, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Rice County, Kans., praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Newton and Wichita, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the executive committee of the Inter-Church Conference on Federation, of New York City, N. Y., praying for the adoption of the so-called "Lodge resolu-tion," to investigate the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a petition of the Vermont Dairymen's Association, praying for the enactment of legislation raising the status of the dairy division, Department of Agriculture, to that of a bureau; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Marion County, Kans., praying for the enactment of legislation to regulate the employment of child labor, and also for the passage of the so-called "parcels-post bill;" which was ordered to lie on

He also presented a concurrent resolution of the legislature of the State of Kansas, favoring an appropriation to relieve the encroachment of the Missouri River on the Kansas side at and near Elwood, Doniphan County, in that State; which was

referred to the Committee on Commerce.

Mr. CLARK of Wyoming. I present a memorial of the conference of the Broadway Baptist Church, of Ardmore, Ind. T., relative to the sale of certain land in that city the title to which was acquired by the Government of the United States from Indian tribes under and by virtue of a treaty between the United States and the Choctaws and Chickasaws. that the memorial be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CARMACK presented a petition of the Woman's Christian Temperance Union of McConnell, Tenn., and a petition of sundry citizens of Smithville, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the

Mr. FULTON presented a petition of the Woman's Christian Temperance Union of Milton, Oreg., and a petition of sundry citizens of Scotts Mills, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. LODGE presented a petition of the Boston Society of Civil Engineers of Massachusetts, praying that an appropriation be made for the continuation of the hydrographic work of the Geological Survey; which was referred to the Committee on Appropriations.

CONSERVATION OF FORESTS.

Mr. WARREN. I have in my hand a petition, or rather a series of resolutions, adopted by the National Wool Growers' Association at their recent meeting in Salt Lake City. perhaps the oldest live-stock association in the world, having been organized in 1864, and also the largest one which we know anything about.

As the resolutions touch upon subjects being debated on this floor to some extent lately regarding forests, the grazing of public lands, etc., and as the resolutions are short, I ask unani-

mous consent that they may be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[Organized 1864.]

[Organized 1864.]

HEADQUARTERS THE NATIONAL WOOL GROWERS'
ASSOCIATION OF THE UNITED STATES,
Cheyenne, Wyo., January 28, 1907.

The honorable members of the Senate and
House of Representatives, Washington, D. C.

GENTLEMEN: I have the honor to transmit herewith copy of resolutions adopted by the woolgrowers and sheep breeders of the United States in forty-third annual convention assembled, Salt Lake City, Utah, January 19, 1907, and respectfully ask for your careful consideration of the same.

Be it resolved. That we believe the general policy of the Government in conserving the forests for the future use of the people is right, but the method of administering the rules governing the same need remedying in many instances. We most earnestly protest against the creation of forest reserves in regions where there are no forests and where none can be created, thereby withdrawing from the use of the people lands which are of inestimable value for grazing purposes, and which can be used for no other nurpose. used for no other purpose.

Section 1. We ask that the Wool Growers' Association, now in session at Salt Lake City, Utah, appoint a committee of not to exceed three men from each of the arid States and Territories, active stockmen, to meet the Land Commission in the near future to confer with them relative to the Government control of the public domain, said committee to be instructed by this convention to try to show the Commission that under the now existing circumstances it would be better for all concerned to defar Government control of these domains until the forest-reserve policy is more definitely settled, and also discuss the most feasible and fairest way to all persons interested in these domains whereby one person's interests will not be ruined to build up another's. With due respect, this convention and the people owe this to the President of the United States, as Mr. Pinchot has explained to you. II.

Sec. 2. It is further recommended that a meeting with the United States Land Commission and the members of this committee at some convenient place in the very near future be held, said committee to name place of meeting.

We protest against the present fees charged for grazing sheep in the forest reserves as being excessive. The fee charged for grazing sheep is greater in proportion to the amount of feed consumed than that charged for cattle.

We further demand an equitable division of the grazing ground in the forest reserves as between sheep and other kinds of stock, and where practicable that each kind of stock should be made to graze within its allotted district.

We are unqualified in our indorsement of the present import tariff duties on wool, woolen fabrics, hides, meat, and meat animals, and oppose emphatically any legislation which shall tend to decrease or disturb the present prosperous condition of the wool and live-stock industry of the United States. VI.

We favor the enactment of a law to require all railroads handling live stock in shipments of ten cars or more to maintain a speed limit of not less than 17 miles an hour including stops.

Whereas a bill has been introduced in the United States Senate by Senator Burkert, known as Senate bill 7618, which authorizes the President of the United States to establish, from time to time, by proclamation, grazing districts upon the public land of the United States; and

States; and
Whereas we believe said bill to not be specific enough in some of its
terms and provisions and does not make due allowance for the magnitude and variety of the interests and conditions involved, and, finally,
will confer, if enacted, upon the Department and Bureau administrative officers certain powers practically legislative, and, further, does not
make any provision whereby the various States interested may have a
voice in the administration thereof: Therefore,

Be it resolved, By the forty-third annual convention of the National
Wool Growers assembled, that we insist that if such a law be passed
it be under joint Government and State control of the unreserved and
unappointed lands of the United States. We view with jealous alarm
any innovation that threatens to throw our affairs into confusion and
which may deprive us of any voice in the management of our grazing
privileges.

which may deprive us of any voice in the management of our grazing privileges.

Be it further resolved. That we respectfully protest against the proposed Senate bill No. 7618 and urgently request the President of the United States to appoint a commission of live-stock men representative of the grazing interests which will be affected by the proposed legislation, which said commission shall be authorized to confer and act with the present Government Land Commission with a view to suggesting and formulating such amendments to said proposed law as may be deemed wise and proper and for the best interests of those concerned. concerned.

Be it further resolved, That the secretary of this association shall send a copy of these resolutions to the President of the United States and every Senator and Representative in Congress.

VIII.

Whereas we people of the United States are being buncoed daily by shoddy and cotton goods, misrepresented as wool; and Whereas the United States Government does protect the people by means of pure-food laws and meat-inspection laws from food adulteration; and

Whereas it is right and just in the abstract that any government protect its people from frauds and counterfeits and adulteration: Therefore, be it tect its people from frauds and countertest test its people from frauds and countertest fore, be it Resolved, That we have Government inspection to protect us from Resolved, That we have Government inspection to protect us from shoddy and cotton counterfeits of wool, and we hereby request our Congressmen and the United States Senators to introduce, work, and vote for an act requiring manufacturers of goods and clothing to brand their product, designating the percentage of wool, cotton, shoddy, or any other material contained in said clothing and goods; and be it

any other material contained in said clothing any other material contained in said clothing further Resolved, That the President of the United States be made acquainted with this wish of the people of the United States so that he may recommend, if he deems proper, to Congress the necessary remedial legislation,

GEO. S. WALKER, Secretary.

CONSOLIDATION OF RAILWAY LINES IN INDIAN TERRITORY.

Mr. TILLMAN. I present an important memorial coming from the Oklahoma constitutional convention, remonstrating against the consolidation of certain lines of railway in the Indian Territory. The memorial is short, and I ask that it be read and referred to the Committee on Interstate Commerce.

The Secretary read the memorial, as follows:

Resolution No. 77. By the constitutional convention of the proposed State of Oklahoma.

[Introduced by Hon. R. L. Williams, District No. 108, on the 1st day February, A. D. 1907, and adopted by unanimous vote of the convention.]

CERTIFICATE.

I hereby certify that the within resolution was introduced and passed by the constitutional convention on the date and in the manner above stated.

JNO. M. YOUNG, Secretary.

RESOLUTION. Whereas the following special has been sent out from Washington;: FRISCO MERGER—CONGRESS ASKED FOR RIGHT TO CONSOLIDATE TERRITORY LINES.

WASHINGTON, January 30.

Frank Evans, assistant attorney of the Frisco, with headquarters at St. Louis, is here pushing a bill authorizing the Frisco Rallway Company to consolidate several small branch lines in the Indian Territory. The bill has been reported favorably by the Committee on Indian Affairs and will be passed in a few days and go to the Senate. The lines to be consolidated into the Frisco system follow: St. Louis, San Francisco and New Orleans road, running from Hope, Ark., through the Indian Territory via Ardmore to the Red River, distance 280 miles; St. Louis and Oklahoma City road, from Sapulpa to Oklahoma City, distance 105 miles; St. Louis, Oklahoma and Southern, running from Sapulpa to Red River, distance 193 miles; Oklahoma City and Western road, running from Oklahoma City to the Red River on the west, distance 182 miles.

Therefore this constitutional convention hereby protests against the passage of any such act and memorializes Congress not to enact any such legislation as will permit the consolidation of said lines of railways, but to leave the new State of Oklahoma to investigate these matters and deal therewith as its legislature may see proper, and if it is necessary for the Congress of the United States to deal therewith, that it can be more properly done after the State of Oklahoma has two members in the United States Senate and five Representatives in the lower House, and for such reasons said protest is urged.

WM. H. Murray, President.

Attest: JNO. M. YOUNG, Secretary.

Mr. CULBERSON. Mr. President, it is not material to me, of course, to what committee this protest shall go. from South Carolina asked its reference to the Committee on Interstate Commerce, but I call his attention to the fact that the resolution itself recites that this contemplated legislation is pending in the Committee on Indian Affairs

Mr. TILLMAN. Yes; at the other end of the Capitol.
Mr. CULBERSON. At the other end of the Capitol?
Mr. TILLMAN. Yes. As one of those roads crosses the
State line of Arkansas I suppose that interstate commerce is I am indifferent as to which committee it goes, but involved. I suggest that the Committee on Interstate Commerce is the proper committee for it to go in case the bill pending in the other House ever gets over here.

Mr. CULBERSON, I misunderstood the purport of the me-

morial, Mr. President, and therefore its disposition one way or

the other does not matter.

The VICE-PRESIDENT. Without objection, the memorial will be referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17618) granting an increase of pension to Anna

F. Burlingame

A bill (H. R. 19537) granting an increase of pension to Edward S. E. Newbury

A bill (H. R. 19499) granting an increase of pension to Thomas Milson;

A bill (H. R. 19498) granting an increase of pension to Sarah

A bill (H. R. 19450) granting an increase of pension to Henry C. Eastep;

A bill (H. R. 19369) granting an increase of pension to John F. G. Cliborne ;

A bill (H. R. 19175) granting an increase of pension to Josiah B. Arnott;

A bill (H. R. 19131) granting an increase of pension to Edward K. Mull

A bill (H. R. 19042) granting a pension to Georgette K. Collum:

A bill (H. R. 18968) granting a pension to Vance Perkins;

A bill (H. R. 18602) granting an increase of pension to James E. Netser

A bill (H. R. 18450) granting an increase of pension to Eliza Howell:

A bill (H. R. 18344) granting an increase of pension to William Todd

A bill (H. R. 18245) granting an increase of pension to Samuel

D. McCurdy; A bill (H. R. 18213) granting an increase of pension to William Ingram

A bill (H. R. 17831) granting an increase of pension to James Bowman

A bill (H. R. 17783) granting an increase of pension to James West

A bill (H. R. 17750) granting an increase of pension to John Gustus

A bill (H. R. 17061) granting an increase of pension to Iva

O. Shepardson A bill (H. R. 16978) granting an increase of pension to Max Mueller

A bill (H. R. 16907) granting an increase of pension to Clarke S. Cole

A bill (H. R. 16855) granting an increase of pension to Mil-

ton Peden A bill (H. R. 16391) granting an increase of pension to Wil-

liam Jackson A bill (H. R. 16046) granting an increase of pension to David

A bill (H. R. 16322) granting an increase of pension to George C. Limpert; A bill (H. R. 16020) granting an increase of pension to An-

drew Brink A bill (H. R. 15903) granting an increase of pension to Henry

S. Seudder A bill (H. R. 15353) granting an increase of pension to Abby

J. Bryant : A bill (H. R. 15189) granting an increase of pension to Sid-

ney S. Skinner: A bill (H. R. 15136) granting an increase of pension to

George H. Justin; A bill (H. R. 15012) granting an increase of pension to Oliver

A bill (H. R. 14777) granting a pension to Mary A. Clark; A bill (H. R. 13960) granting an increase of pension to Thomas B. Manning

A bill (H. R. 13920) granting an increase of pension to Oren D. Curtis

A bill (H. R. 13835) granting an increase of pension to William Crane; and

A bill (H. R. 13769) granting an increase of pension to David

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3204) granting an increase of pension to Charles H. Anthony

A bill (H. R. 3002) granting an increase of pension to David C. Johnston A bill (H. R. 2878) granting an increase of pension to John

A bill (H. R. 2781) granting an increase of pension to Martin V. B. Wyman

A bill (H. R. 21832) granting an increase of pension to John W: Wilkinson A bill (H. R. 21026) granting a pension to Delia S. Hum-

phrey A bill (H. R. 2777) granting an increase of pension to Albert

F. Durgin; A bill (H. R. 2246) granting an increase of pension to Henry

Damm: A bill (H. R. 2049) granting an increase of pension to Henry

Arey; A bill (H. R. 1778) granting a pension to Jefferson L. Jen-

nings A bill (H. R. 1373) granting an increase of pension to Flor-

ence Bacon A bill (H. R. 1233) granting an increase of pension to Lucretia Davis

A bill (H. R. 1019) granting an increase of pension to Daniel B. Bayless;

A bill (H. R. 830) granting an increase of pension to Hezekiah Dezarn;

A bill (H. R. 529) granting an increase of pension to Francis L. Arnold :

A bill (H. R. 8718) granting an increase of pension to William T. Rowe:

A bill (H. R. 8673) granting an increase of pension to Mar-

A bill (H. R. 8586) granting an increase of pension to Milton J. Timmons

A bill (H. R. 8164) granting an increase of pension to Jack-

A bill (H. R. 7918) granting an increase of pension to John M. Buxton :

A bill (H. R. 7538) granting an increase of pension to Thompson H. Hudson;

A bill (H. R. 7416) granting an increase of pension to Joseph R. Boger

A bill (H. R. 7415) granting an increase of pension to George

W. Brawner; A bill (H. R. 6943) granting an increase of pension to Linas

A bill (H. R. 6887) granting an increase of pension to James E. Taylor

A bill (H. R. 6880) granting an increase of pension to Marine

A bill (H. R. 6589) granting an increase of pension to Manoah

W. Dunkin; A bill (H. R. 6575) granting an increase of pension to Raw-

leigh M. Monin; A bill (H. R. 6491) granting an increase of pension to Albert

Riley A bill (H. R. 6161) granting an increase of pension to Horatio

A bill (H. R. 5856) granting an increase of pension to Martin Offinger

A bill (H. R. 5854) granting an increase of pension to Jonas Gurnee

A bill (H. R. 3977) granting an increase of pension to John Vorous

A bill (H. R. 3352) granting an increase of pension to George

R. Roraback; and A bill (H. R. 5709) granting an increase of pension to Mary H. Patterson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12496) granting an increase of pension to Hurl-

butt L. Farnsworth;
A bill (H. R. 12458) granting an increase of pension to

Thomas J. Saylor; A bill (H. R. 12355) granting an increase of pension to Thomas B. Thompson;

A bill (H. R. 12250) granting an increase of pension to

A bill (H. R. 19578) granting an increase of pension to Mary A. Rogers

A bill (H. R. 12154) granting an increase of pension to Henry E. Collins

A bill (H. R. 12095) granting an increase of pension to Atticus Lewis

A bill (H. R. 12033) granting an increase of pension to George

A bill (H. R. 11994) granting an increase of pension to Martha W, Wright;

A bill (H. R. 11980) granting an increase of pension to Wil-

liam H. Boulton;
A bill (H. R. 11754) granting an increase of pension to Charles W. Helvey

A bill (H. R. 11740) granting an increase of pension to Robert R. Dill

A bill (H. R. 11693) granting an increase of pension to James

H. Davison A bill (H. R. 11535) granting a pension to Margarette R.

Bacon A bill (H. R. 11523) granting an increase of pension to Robert L. Hamill;

A bill (H. R. 11098) granting an increase of pension to Joseph A. Robinson;

A bill (H. R. 10874) granting an increase of pension to Fred-

A bill (H. R. 10598) granting an increase of pension to Robert W. Mills

A bill (H. R. 10188) granting an increase of pension to James L. Conn;

A bill (H. R. 9655) granting an increase of pension to William Crooks

A bill (H. R. 9576) granting an increase of pension to Henry Wagner

A bill (H. R. 9450) granting an increase of pension to Alexander Brown:

A bill (H. R. 9073) granting an increase of pension to Melissa McCracken; and

A bill (S. 7628) granting an increase of pension to John P. Wildman.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with

amendments, and submitted reports thereon:
A bill (S. 7923) granting an increase of pension to William H. Brady

A bill (S. 7553) granting an increase of pension to A. P. Clark; and

A bill (S. 2971) granting an increase of pension to H. O. Bennum.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7555) granting an increase of pension to James T. Piggott

A bill (S. 6245) granting an increase of pension to Susan Mahany; and

A bill (S. 7231) granting an increase of pension to Oscar F. Richards

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 616) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20616) granting an increase of pension to Isaac Fornwalt:

A bill (H. R. 19592) granting an increase of pension to William B. Corley;

A bill (H. R. 19613) granting an increase of pension to James A. Pryce

A bill (H. R. 19775) granting an increase of pension to Greenup Meece;

A bill (H. R. 20008) granting an increase of pension to Caroline A. Smith:

A bill (H. R. 20125) granting an increase of pension to Mary Küchler

A bill (H. R. 20126) granting an increase of pension to Margaret Pint;

A bill (H. R. 20243) granting an increase of pension to Anton

A bill (H. R. 20261) granting an increase of pension to Burris Subers

A bill (H. R. 20283) granting an increase of pension to Henry D. Bole

A bill (H. R. 20413) granting a pension to Eva Louise Eberlin; A bill (H. R. 20446) granting an increase of pension to Andrew H. Groves

A bill (H. R. 20455) granting an increase of pension to Harvey McCallin;

A bill (H. R. 20493) granting an increase of pension to Charles F. Connery; and

A bill (H. R. 20577) granting a pension to Mary Kaisted.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (H. R. 8970) authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations, under certain conditions, reported it with an amendment, and submitted a report thereon.

Mr. CLARK of Montana, from the Committee on the Library, to whom was referred the bill (S. 8292) providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the battle of New Orleans at Chalmette, La., and making the necessary appropriation therefor, reported it without amendment, and submitted a report thereon.

BOARD ON GEOGRAPHIC NAMES.

Mr. PLATT, from the Committee on Printing, to whom was referred the resolution submitted by Mr. Lodge on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Public Printer be ordered to print and bind 2,500 copies of the Third Report of the United States Board on Geographic Names for the use of the Board.

REPORT OF GOVERNOR OF OKLAHOMA FOR 1906.

Mr. PLATT, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates 1,500 additional copies of the report of the governor of Oklahoma for 1906 for the use of the Department of the Interior.

DOCUMENTARY HISTORY OF THE CONSTITUTION, ETC.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. Wetmore on the 22d ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the concurrent resolutions passed February 9, 1901, and May 10, 1902, providing for the publication of the Documentary History of the Constitution, and the Bulletins of the Bureau of Rolls and Library of the Department of State, are hereby continued in force and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, for the public printing and binding and the distribution of public documents.

ELIZABETH R. GORDON.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (S. 8040) for the relief of Elizabeth R. Gordon, to report it favorably without amendment, and I submit a report thereon. I call the attention of the junior Senator from Maine to the report.

Mr. FRYE. It is a very short bill, and I ask unanimous consent that it receive consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-It directs the accounting officers of the Treasury to allow to Elizabeth R. Gordon, widow of George A. Gordon, deceased, late major Fifth United States Cavalry, the amount found due by the Second Auditor of the Treasury March 10, 1885, on account of the services of George A. Gordon as an officer of the Army, and appropriates \$2,146.78 for the payment of this claim.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time, and

passed.

REVISION OF COPYRIGHT ACTS.

Mr. KITTREDGE. From the Committee on Patents I submit a report to accompany the bill (S. 8190) to consolidate and revise the acts respecting copyrights, heretofore reported favorably by me from the committee.

Mr. SMOOT. I desire to give notice that to-morrow there will be a minority report filed with the bill.

The VICE-PRESIDENT. The report just presented will be printed and lie on the table.

NINTH JUDICIAL CIRCUIT.

Mr. KITTREDGE. I report back with amendment, from the Committee on the Judiciary, the bill (H. R. 23394) to provide for an additional district judge for the northern and southern districts of California. I call the attention of the junior Senator from Washington to the bill.

Mr. PILES. I ask for the immediate consideration of the

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and to insert:

was to strike out all after the enacting clause and to insert:

That there shall be in the ninth judicial district two additional circuit judges, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to circuit judges of the United States: Provided, That whenever one vacancy in the office of circuit judge in the ninth judicial circuit shall occur the same shall not be filled, and thereafter there shall be four circuit judges only in said court.

SEC. 2. That in the ninth judicial circuit at least one term of the circuit court of appeals shall be held each year in the city of Seattle.

SEC. 3, It shall hereafter be the duty of all circuit judges when not sitting in the circuit court of appeals, or engaged in work connected with hald court, to hold terms of the circuit court and transact the business at chambers and otherwise, which devolves by law upon circuit judges.

SEC. 4. That there shall be in the northern district of California an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation provided by law in respect to other district judges.

SEC. 5. That the senior circuit judge of the ninth circuit or the rest.

judges. 5. That the senior circuit judge of the ninth circuit, or the resident circuit judge within the district, shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

The VICE-PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. FULTON. I should like to know what change is proposed. I should like to have some one in charge of the bill explain the change made by it.

Mr. PERKINS. The change as to an additional district judge?

Mr. FULTON. Yes; and as to the place of holding the courts.
Mr. PERKINS. The bill as originally introduced and considered by the committee provided that an additional judge should be appointed for both districts in California, and this designates the judge for the northern district of California. I understand that a judge can be assigned in the southern district if it is necessary under great pressure of business.

Mr. FLINT. The senior Senator from California has been absent from the Chamber; and I desire to state that the bill

has been materially amended in this, that it not only provides for an additional district judge, but for two circuit judges. The provision in the amendment that the Senator from Oregon requests information about is in reference to the time of holding court by the circuit judges.

Mr. FULTON. The court of appeals.

Mr. FLINT. The court of appeals. The amendment provides that terms of the circuit court of appeals shall be held in Seattle the same as are now provided by law.

Mr. FULTON. If the Senator will allow me, I think I under-

stand it now. The Senator from Wisconsin [Mr. Spooner] has explained it to me. I understand that it does not interfere with the existing law authorizing a term of court to be held elsewhere in the Northwest-for instance, at Portland.

Mr. SPOONER. It does not.

Mr. FULTON. At the present time it may be held there.
Mr. CULBERSON. Mr. President, I understand there are
already three circuit judges in the ninth circuit. This bill proposes to increase the number by two. That makes it, so far as
the number of judges are concerned, the largest circuit in the United States, larger than the eighth, which has the greatest

volume of business of any circuit in the country.

I should like to have some Senator familiar with the facts state the reason why this increase in the number of the judges is made. I am a member of the Committee on the Judiciary, but I was not impressed with the necessity for the appointment of two additional circuit judges for this circuit, making it larger than any circuit in the United States in the number of its judges, while the volume of the business there is not as great as in other circuits, particularly not as great as in the eighth circuit.
The VICE-PRESIDENT. The question is on agreeing to the

amendment reported as a substitute by the Committee on the

Judiciary

Mr. HEYBURN. I should like to have it read again,

The Secretary again read the amendment. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed. The title was amended so as to read: "An act to provide for additional circuit judges in the ninth judicial circuit, and for an additional district judge in the northern district of California, and for other purposes."

Mr. HALE. The Senator from Minnesota [Mr. Clapp] an-

Mr. HALE. The Senator from Minnesota [Mr. CLAPP] announced that he would ask the Senate to proceed at the end of the routine morning business with the Indian appropriation bill. It is so important that the appropriation bills shall be pushed at present that I must hereafter object to the consideration of any bill, as the appropriation bill is ready for action.

ARMY APPROPRIATION BILL.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, to report it with amendments, and I submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. WARREN. I wish to give notice that I shall undertake to call up the bill immediately following the consideration of the Indian appropriation bill now before the Senate. may occur to-morrow or the next day, I wish to insert in the RECORD a brief statement of the changes in figures in the bill, so that it may appear in the morning.

so that it may appear in the morning.

I should like to be permitted to say also in this connection, in view of the large increase made in the total, that the bill came from the House appropriating a little less than seventy-two and a half million dollars. It has been increased by the Committee on Military Affairs to about eighty-one and a half million dollars. The estimates originally made, under which the bill was prepared, were over \$79,000,000. To that have been added estimates since made amounting to some \$10,000,000, and requests from the War Department not in the form of and requests from the War Department, not in the form of

official Treasury estimates, were for some \$350,000. So the estimates amount really to something over \$90,000,000.

The bill, as I have said, carries about eighty-one and a half million dollars. This entire amount is a direct carrying out of existing law, furnishing supplies that the law provides for, excepting, perhaps, three or four items, amounting to three hundred and odd thousand dollars, and these items are strictly in line with the general tenor of the bill.

The increases in the bill are partly due to the differences between appropriations made by the House and the Treasury estimates, where the members of the committee of the Senate felt that there should be some increase made, but a still larger amount and the main increase comes by reason of legislation enacted since the bill passed the House—that is to say, the "artillery efficiency bill," so called.

I ask that the figures I send to the desk may be inserted in

The VICE-PRESIDENT. Without objection, permission is

The matter referred to is as follows:

TREASURY ESTIMATES FOR THIS BILL.	
	\$79, 301, 303. 82
For expenses of Signal Service in Cuban pacification	100, 000. 00
For extra-duty pay to enlisted men employed as switch- board operators at interior posts (H. Doc 304)	8, 000. 00
thorpe, Ga. (H. Doc. 562)	921, 549. 00
Doc. 12)	35, 271. 10
For expenses incident to increase in Artillery Corps, Treasury estimate ad- ditional, itemized as follows (S. Doc.	
Signal Service of the Army \$2,700.00 Pay, etc., of the Army 1,171,034.00 Subsistence of the Army 332,776.35 Regular supplies 1,275,511.07 Incidental expenses 75,394.40 Horses for cavalry, artillery, engineers, etc. 100,000.00 Barracks and quarters 4,367,119.00	
Transportation of the Army and its supplies 1, 766, 949. 25 Clothing and camp and garrison	
equipage 634, 573, 92 Medical and hospital department 39, 000, 00	
Small-arms target practice 27,000.00	9, 792, 057. 99
Total estimates	90, 158, 181. 91
ADDITIONAL AMOUNTS RECOMMENDED BY WAR DEPARTMENT.	
For Washington-Alaska military cable \$190,000 For detail of officer, with rank, pay, and allowances of major, to Bureau of Insu-	
For additional dental surgeon for Military	
Academy 1, 800 For acquisition of lands near Fort Taylor, at Key West, Fla 150, 000	
at Key West, Fla	345, 300, 00
	345, 300. 00 90 503 481 91
Total	90, 503, 481. 91
	1-07-00-00-00-00-00-00-00-00-00-00-00-00-
Amount of bill as it passed House	90, 503, 481. 91
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House Increase recommended by Senate committee (see items below) Decrease recommended by Senate committee (see items below) 72, 137. 24	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House Increase recommended by Senate committee (see items below) Decrease recommended by Senate committee (see items below) Total of bill as reported by Senate committee For United States service schools For Washington-Alaska military cable For expenses of Signal Service in Cuban pacification For additional officer (major), Bureau of Insular Affairs For additional dental surgeon for Military Academy For contract surgeons For enlisted men employed as switch-board operators at interior posts For mileage to officers and contract surgeons For flags to use in decorating graves of soldiers and sailors of Union Army in national cemeteries For payment of 256 approved claims For payment of 256 approved claims For barracks and quarters For transportation of Army and its supplies Total of bill as reported by Senate committee 72, 137. 24 \$5,000.00 \$5,000.00 \$8,000.00 \$5,000.00 \$5,271.10 \$50,000.00 \$5,271.10 \$50,000.00 \$702,964.72	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House Increase recommended by Senate committee (see items below) Decrease recommended by Senate committee (see items below) Total of bill as reported by Senate committee For United States service schools For Washington-Alaska military cable For expenses of Signal Service in Cuban pacification For additional officer (major), Bureau of Insular Affairs For additional dental surgeon for Military Academy For contract surgeons For enlisted men employed as switch-board operators at interior posts For mileage to officers and contract surgeons For mileage to officers and contract surgeons For mileage to officers and contract surgeons For glass to use in decorating graves of soldiers and sailors of Union Army in national cemeteries For payment of 236 approved claims For payment of 236 approved claims For lands near Fort Taylor, Fla For barracks and quarters For clothing and camp and garrison 702, 964. 72 20, 000, 00	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65
Amount of bill as it passed House Increase recommended by Senate committee (see items below) Decrease recommended by Senate committee (see items below) Total of bill as reported by Senate committee For United States service schools For Washington-Alaska military cable For expenses of Signal Service in Cuban pacification For additional officer (major), Bureau of Insular Affairs For additional dental surgeon for Military Academy For contract surgeons For enlisted men employed as switch-board operators at interior posts For mileage to officers and contract surgeons For flags to use in decorating graves of soldiers and sailors of Union Army in national cemeteries For payment of 256 approved claims For payment of 256 approved claims For barracks and quarters For transportation of Army and its supplies Total of bill as reported by Senate committee 72, 137. 24 \$5,000.00 \$5,000.00 \$8,000.00 \$5,000.00 \$5,271.10 \$50,000.00 \$5,271.10 \$50,000.00 \$702,964.72	90, 503, 481, 91 72, 291, 876, 89 9, 406, 733, 65

For amounts allowed in estimate of expenses incident to increase in Artillery Corps, itemized as follows: Signal Service of the Army	
Pay, etc., of the Army\$1, 171, 034, 00	
Subsistence of the Army 332, 776, 35 Regular supplies 678, 863, 00	
Regular supplies 678, 863, 00 Incidental expenses 43, 083, 00	
Horses for cavalry, artillery, engi-	
neers, etc 93, 723. 37	
Barracks and quarters 2, 495, 497. 00	
Transportation of the Army and its supplies 960, 828. 00 Clothing and camp and garrison	
equipage 423, 069, 28	
Medical and hospital department22, 286, 00 Small-arms target practice	
	\$6, 221, 160.00
Total increase recommended	9, 478, 870. 89
For 25 master electricians \$63, 300.00 For additional pay for length of service 6,000,00	
For claims at West Point, Ky 2,837.24	100
	72, 137. 24
Net increase	9, 406, 733, 65
BILLS INTRODUCED.	

Mr. TALIAFERRO. On behalf of my colleague [Mr. Mallory], who is unavoidably absent from the Chamber, I intro-

The bill (S. 8302) granting a pension to Ella B. Morrow was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 8303) to establish the Foundation for the Promotion of Industrial Peace; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims

A bill (S. 8304) for the relief of the estate of Samuel L. Gilbert, deceased:

A bill (S. 8305) for the relief of Jonathan Lewis:

A bill (S. 8306) for the relief of the heirs of Austin Nix,

A bill (S. 8307) for the relief of the estate of Aaron Turner,

deceased; and . A bill (S. 8308) for the relief of the estate of Josiah White, deceased.

Mr. CLARKE of Arkansas introduced a bill (S. 8309) for the relief of the Grand Lodge of Free and Accepted Masons of the State of Arkansas; which was read twice by its title, and, with

the accompanying paper, referred to the Committee on Claims.

Mr. WHYTE introduced a bill (S. S310) granting an increase of pension to Henry C. Hoover; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 8311) granting an increase of pension to George W. Bennett, alias George Venette; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PATTERSON (for Mr. Teller) introduced a bill (S. 8312) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as "Baird's ranch," in the Territory of New. Mexico; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Private Land

Mr. PATTERSON introduced a bill (S. 8313) for the relief of the Mosca Milling and Elevator Company, a corporation doing business in the State of Colorado; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 8314) granting a pension to James P. Worrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pen-

Mr. PERKINS introduced a bill (S. 8315) to reimburse the State of California for arms, ordnance and ordnance stores, quartermaster's supplies, medical property, signal property, and other stores, supplies, and property belonging to said State and furnished by the United States and lost or destroyed in the city of San Francisco, State of California, in the earthquake of April 18, 1906, and the fire subsequent thereto; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 8316) for the establishment of a park on the northern portion of the Coeur d'Alene Indian Reservation, in Idaho; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. SCOTT introduced a bill (S. 8317) granting an increase of pension to Anna Cox Stephens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 8318) granting an increase of pension to Thomas B. Parks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 8319) for the relief of Dr. George M. Hendren; which was read twice by its title, and

referred to the Committee on Claims,

He also introduced a bill (S. 8320) granting an increase of pension to Albert Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 8321) granting a pension to Noah Miles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 8322) authorizing the President to appoint and place William H. Crook on the retired list of the Army with the rank of major; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McLAURIN introduced a bill (S. 8323) for the relief of Frank J. Ladner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public

Lands.

Mr. FORAKER introduced a bill (S. 8324) to authorize the issue of patents to public lands in certain cases; which was read twice by its title, and referred to the Committee on Public Lands

Mr. LODGE introduced a bill (S. 8325) granting an increase of pension to Samuel W. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Com-

Mr. TILLMAN introduced a bill (S. 8326) for the relief of Eliza Gribble, administratrix of James Richards, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULBERSON introduced a bill (S. 8327) to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HEYBURN introduced a joint resolution (S. R. 90) providing for the issuance of patents in land and mining applications in certain cases; which was read twice by its title, and

referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LATIMER submitted an amendment proposing to appropriate \$87,660 to enable the Secretary of Agriculture to make inquiries in regard to systems of road management throughout the United States, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. McENERY submitted an amendment proposing to make \$40,000 of the appropriation of \$150,000 for cotton boll weevil investigations immediately available, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and or-

dered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate \$3,000 for widening and grading Minnesota avenue from Pennsylvania avenue northward as far as land may have been dedicated therefor, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be

printed. Mr. PATTERSON submitted an amendment proposing to appropriate \$28,800 for a sewer in the valley of Broad Branch between Rock Creek and Soapstone Branch, etc., and \$75,000 for beginning work on sewer on the west side of Rock Creek

between P street and the Military road, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and

ordered to be printed.

He also submitted an amendment proposing to appropriate \$500,000 for the construction of a public building for post-office, court-house, and other public uses in Denver, Colo., upon site authorized to be purchased by Congress and selected by the Secretary of the Treasury, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment intended to be pro-

posed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to

be printed.

He also submitted an amendment proposing to appropriate \$57,000 for the erection of a drill hall and \$16,500 for a band barracks at Fort Meade, S. Dak., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) submitted an amendment authorizing the Secretary of the Treasury to transfer to the credit of John Bullette, out of the funds of the Cherokee Nation, the sum of \$3,948.38, etc., intended to be proposed to the Indian appropria-tion bill; which was referred to the Committee on Indian Af-

fairs, and ordered to be printed.

Mr. HEYBURN submitted an amendment relative to the in-

clusion in forest reserves of sections Nos. 16 and 36 within public land States, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$10,000,000 for the purchase of certain land in the District of Columbia, to make present and future provision for the erection and maintenance of public buildings for the Government of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$200,000 for completing the survey of the public lands within

the State of Idaho, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee

on Appropriations, and ordered to be printed.

Mr. LODGE submitted two amendments intended to be pro-posed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

JOHN M'KINNON, ALIAS JOHN MACK.

Mr. HALE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1160) entitled "An act to correct the military record of John McKinnon, alias John Mack."

HOUSE BILLS REFERRED.

H. R. 24046. An act to incorporate the Hungarian Reformed Federation of America was read twice by its title, and referred to the Committee on the Judiciary

The following bills were severally read twice by their titles,

and referred to the Committee on Commerce:

H. R. 24928. An act authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company;

H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the

Chattahoochee River, in the State of Georgia; and H. R. 25242. An act to authorize additional aids to naviga-

tion in the Light-House Establishment, and for other purposes. H. R. 25032. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, was read twice by its title, and referred to the Committee on Territories.

H. R. 25187. An act to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898," and for other purposes, approved June 27, 1902, was read twice by its title, and referred

to the Committee on Finance.

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases was read twice by its title, and referred to the Committee on Patents.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. HEYBURN submitted the following resolution; which was referred to the Committee on Pacific Railroads, and ordered to be printed:

Senate resolution 247.

Senate resolution 247.

Whereas Congress by act of July 2, 1864, created a corporation under the name and title "Northern Pacific Railroad Company," to construct and maintain a continuous railroad and telegraph line from Lake Saperior to Puget Sound, and conferred upon said corporation a grant of more than 40,000,000 acres of public lands to aid in the construction of said railroad and telegraph line; and Whereas whilst there have been two so-called "reorganizations" of the Northern Pacific property, one in the year 1875 and the other in the year 1896, neither was ratified by Congress, and it is charged that neither reorganization took place under any valid judicial sale, but that in each instance the alleged reorganization was effected by a mere exchange of securities; the stock of the original Federal corporation always remaining as a basis of ownership, said stock, after 1867, having been held in trust for a partnership association composed of J. Gregory Smith, of Vermont, and his associates, calling themselves "proprietors," the same being subsequently acquired from

said so-called "proprietors" by an unincorporated joint stock association of bondholders formed in the year 1875 as the reorganized "Northern Pacific Railroad Company," and on July 13, 1896, a majority of the shares of stock and obligations of this latter organization of 1875 having been delivered by J. P. Morgan & Co., reorganization annagers, to the Wisconsin corporation, now known as the Northern Pacific Railway Company, in exchange for the latter's stock and bonds under the terms of a written agreement wherein the Northern Pacific estate was valued at \$345,000,000, being \$155,000,000 in excess of all indebtedness whatsoever, real or alleged, existing against it, over \$215,000,000 in excess of the mortgage bonds thereupon issued by said Wisconsin corporation, and over \$60,000,000 in excess of the entire stock and bonds issued by said Wisconsin corporation in fulfillment of the so-called "reorganization;" and Whereas it is charged that the said so termed reorganization of 1896 was effected by a fraudulent conspiracy against the organization of 1875, and to the injury of the stockholders thereof, and that it results in a fraud upon the Government of the United States by wrongfully making it appear that the ownership of the Northern Pacific Railroad, telegraph line, and land grant is no longer vested in a corporation of Congressional creation over which Congress is possessed of direct and immediate legislative and visitorial power, and it appears that the said Wisconsin corporation in Illigation against it instituted by the United States Government, hath undertaken to defend against the enforcement of the act of Congress of August 7, 1888 (Rev. Stat. sec. 5269), relative to the exercise of telegraphic franchises by railroad and telegraph companies subsidized by the United States and hath averred therein that it is not subject to the provisions of the said act of Congress because it never received any subsidy from the United States, and because it "is not engaged in operating its said railroad or telegraph inne

EXTENSION OF ALBEMARLE STREET NW.

The VICE-PRESIDENT laid before the Senate a message from the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 7795) for the extension of Albemarle street NW., District of Columbia.

The VICE-PRESIDENT. Without objection, the bill will be

recommitted to the Committee on the District of Columbia,

Mr. HANSBROUGH. I understand, Mr. President, that that action was heretofore taken on the motion of the chairman of the committee [Mr. Gallinger] a few days ago.

The VICE-PRESIDENT. That action was taken before the

bill had been returned to the Senate by the House of Represent-

Mr. HANSBROUGH. If necessary, then, I move that the bill be recommitted to the Committee on the District of Columbia. The motion was agreed to.

BRIDGE AT KANSAS CITY, KANS.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri

Mr. LONG. I move that the bill returned from the House of Representatives be indefinitely postponed.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the Ascal year ending June 30, 1908.

The reading of the bill was resumed at page 86, on line 21. The next amendment of the Committee on Indian Affairs was, The next amendment of the committee of Indian Alfans was, under the subhead "Carson School," on page 87, line 3, after the word "Nevada," to insert "\$50,300;" and in line 5, before the word "hundred," to strike out "fifty-two thousand one" and insert "one thousand eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., \$50,300, and for pay of superintendent, \$1,800.

The amendment was agreed to.

The next amendment was, on page 87, after line 17, to insert:

The next amendment was, on page 87, after line 17, to insert:

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June 17, 1902 (32 Stat. L., p. 388), known as the "reclamation act," and which may make possible and provide for, in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general allotment act, the Secretary of the Interior is hereby authorized to cancel all such allotments, including any trust patent which may have issued therefor, and in lieu thereof to reserve for and allot to each Indian having an allotment of such irrigable land and legally entitled to the same, 10 acres of irrigable land, which shall be exempt from the payment of any charges by the allottee assessed under the act of June 17, 1902 (32 Stat. L., p. 389), but such expense shall be borne by the United States: Provided, That any of the lands which may have been included in the canceled allotments and which are not needed or reserved for allotment in smaller areas shall be restored to the public domain, to be disposed of subject to the provisions of the above-mentioned reclamation act: Provided further, That the Secretary of the Interior be, and he hereby is, authorized to expend annually for ten years not to exceed \$12,064 to repay to the reclamation fund moneys expended by him therefrom in extending the Truckee-Carson irrigation project to 4,800 acres of land in Churchill County, Nev., being a part of the lands embraced with other lands in Indian allotments which have either been voluntarily relinquished in consideration of receiving reallotments of 10 acres of irrigable land, or which it is proposed to cancel under authority of this act.

Mr. HALE. I make the point of order, Mr. President, that this is a close time of the lands embraced with the lands of order, Mr. President, that this is a close tick.

Mr. HALE. I make the point of order, Mr. President, that this is a clean piece of general legislation upon an appropriation bill. I do not need to argue it, because the terms of the amendment which has just been read show that plainly enough without

Mr. CLAPP. I call the attention of the Senator from Maine to the fact that the Department asks for this provision. not know, however, whether that makes any difference.

Mr. HALE. I understand that, but of course that does not

bring the amendment within the rule.

The VICE-PRESIDENT. The Chair has examined the provision in advance

Mr. NEWLANDS. Mr. President-

The VICE-PRESIDENT. And the Chair is prepared to rule on the point of order.

Mr. NEWLANDS. If the Chair is prepared to rule against it, of cours

The VICE-PRESIDENT. The Chair is very clearly of the opinion that the proposed amendment is subject to the point of

order interposed by the Senator from Maine [Mr. Hale].

Mr. NEWLANDS. Mr. President, may I urge the Senator from Maine not to make that point of order? I do so in the interest of the Government itself. This great reclamation projections of the control of the co ect now going on in Nevada is the reclamation of land belonging to the United States Government, which is about to be turned into homes for home seekers. The Indians have a large reservation in that vicinity. Arrangements have been made to divide up that reservation and allot the lands to the Indians. lands will be of almost no service to the Indians in their present condition, for they have no water. In order to supply them with water, it is necessary to bring them under the present irrigation project that is now approaching completion. It is proposed, therefore, to substitute for their present large holdings of land, to allot to these Indians very much smaller holdings. The Government would supply to each one of these smaller holdings water from this irrigation project, and thus enable the Indian to cultivate the soil allotted to him.

It also provides that, so far as the Indian's smaller allotment is concerned, he shall not be called upon to make the compensatory payment required by the reclamation act. Under that act every settler is compelled to pay back to the Government a portion of the cost of reclamation in ten annual installments; but it would be obviously unfair to impose that payment upon the Indians to whom these lands have been allotted. It is therefore proposed that, so far as these small allotments are concerned, compensatory payments to the reclamation fund shall be paid out of the General Treasury. That is done under the general power and control of the General Government over these Indians as the wards of the nation.

The expenditure involved, as I understand, will be very small. The improvement is of the greatest importance. It is of the highest importance to the Indians, who are about to be released practically from the control of the Government by the destruc-tion of this reservation, that they should have immediate means of livelihood. The Senator from Maine will recognize the fact that if these Indians are simply turned out upon the sagebrush, upon desert land, and obliged to depend upon such allotments for support, they will make a very meager support; in fact, they will be unable to make any support. In the interest, therefore, of the Indians it is important that this matter should be immediately adjusted.

This amendment has not been urged by any of the Senators or

by the Member from the State of Nevada. It came originally from the Indian Office in the interest of the Indians. that the interest of the Government, the interest of the Indians, and the interest of the entire reclamation project would be prejudiced by postponing legislation upon this subject.

Mr. HALE. I wish I could see my way clear to withdraw the point of order. But the trouble with an amendment of this kind, and with this amendment, is that it is a radical change of the irrigation law passed by Congress, and there is no opportunity for the Senate to fairly consider it as an amendment upon an appropriation bill.

The object and purpose of an appropriation bill, Mr. President, is not to carry such provisions as this, but simply to make ap-

propriations to carry out existing law.

The Senator from Nevada advances some good reasons for the passage of a bill covering this point. We are now at the There has been a long session and this sesend of a Congress. sion; there is a Committee on Irrigation for the consideration of such subjects-matter as this, and I do think that Senators interested in a project of this kind ought to have invoked the jurisdiction of the Committee on Irrigation to report any change of the irrigation law that Congress has established. I can not withdraw the point of order for the reason that there is no chance to fairly consider the matter on this bill.

Mr. NEWLANDS. Mr. President, would it not satisfy the Senator from Maine to suspend for a moment the making of his point of order and have this amendment referred to the Committee on Irrigation of the Senate? Then, if passed on favorably by that committee, let the proposition be considered on its merits by the Senate later on in connection with this bill.

Mr. HALE. I do not know that we can do that. We certainly can not do that on this bill. The Senator can introduce his bill, and I think he should have done so, and have it referred to that committee. If that committee can get a bill through, that is another thing.

I think I must insist upon the point of order. We can not do anything of the kind on this bill, as the Senator will see.

The VICE-PRESIDENT. The Chair sustains the point of or-

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Albuquerque School," on page 89, line 12, after the name "New Mexico," to insert "\$50,300;" and in line 14, before the word "hundred," to strike out "fifty-two thousand one" and insert "one thousand eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., \$50,300, and for pay of superintendent, \$1,800.

The amendment was agreed to.

The next amendment was, on page 89, line 20, to increase the appropriation for support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., etc., from \$61,900 to \$62,100.

The amendment was agreed to.

The next amendment was, under the subhead "Santa Fe school," on page 89, line 24, after the name "New Mexico," to insert "\$50,300;" and in line 26, before the word "hundred," to strike cut "fifty-two thousand one" and insert "one thousand eight; " so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., \$50,300, and for pay of superintendent, \$1,800.

The amendment was agreed to.

The next amendment was, on page 90, after line 15, to insert:

That the Secretary of the Interior be, and is hereby, authorized to cancel the allotments made to members of the Jicarilla tribe of Indians in New Mexico, provided all the members of said tribe relinquish all their individual right, title, and interest in the allotted lands to the United States, or he may cancel any of said allotments upon the relinquishment thereof by the allottee or his heirs; and each Indian taking advantage of the foregoing provisions, and each unallotted member of the tribe, shall be allotted not exceeding 10 acres of agricultural land and not exceeding 640 acres of other land, the areas to be in the discretion of the Secretary of the Interior, and he shall cause patents to issue therefor in accordance with the fifth section of the act of February 8, 1887 (24 Stat. L., p. 388): Provided, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable.

That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

Mr. KEAN. Mr. President, I was going to make a point of The next amendment was, on page 90, after line 15, to insert:

Mr. KEAN. Mr. President, I was going to make a point of order on that amendment, but I will withhold it to hear some

Mr. CLAPP. Mr. President, the Commissioner of Indian Affairs, on page 55 of the report, sets forth the reasons for this provision and points out the necessity for the reallotment of law if it came in independently. The bill to which it is at-

these lands. This, Mr. President, differs very materially from the amendment just tied up. As I read this amendment, it does not change any existing law. It simply provides for carrying out the process of allotment; and it hardly seems to me that it will be subject to the point of order if it is insisted upon. The Department recommends the provision, and I think it is a very worthy one.

Mr. McCUMBER. I should like to understand what the point

of order is which is raised against this provision.

Mr. KEAN. The only point that could be raised—that it is general legislation,

Mr. McCUMBER. Mr. President, that again raises the question whether dealing with a specific tribe of Indians in an Indian appropriation bill intended to make appropriations for the Indian service, in determining how those appropriations shall be expended, referring not to anyone else, not even to Indians in general, but referring simply and solely to the Indians of a certain tribe and allowing said Indians a certain right and granting privileges, dealing with them particularly, is general

It has been suggested several times by the Senator from Maine [Mr. Hale], upon the proposition of general legislation, that any law which changes in the slightest degree a general law must of necessity be general legislation, and wherever there is no law upon the subject it is general legislation. Again, I desire to call the attention of the Chair to the fact that this is, we will say, a new law; there is no general legislation, we will say, upon the subject; it is absolutely a new law and, being a new law, affecting only a certain tribe, by its terms declaring that it affects only a certain tribe, how can it be considered to be general legislation or even legislation affecting a general law?

I do not want to go so far, and I believe Senators generally will not go so far, as to say that every bill which affects gen-

eral legislation even is in itself general legislation.

I desire to call the attention of the Chair to this fact: We have, for instance, a general law providing that any soldier who served ninety days in the civil war may obtain a pension under certain conditions. We introduce a special bill here for John Doe, reciting that he has served but eighty-nine days and that he shall be placed under the provisions of the pension laws, notwithstanding the fact that he has only served eighty-nine So far as that special bill is concerned, it necessarily varies the general law so that it takes in one individual and one individual only. We are passing these special bills every day, and every one that we pass widens or changes the general law, so that it affects a particular individual; but that certainly the Senator would not claim to be general legislation.

Mr. HALE. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. With pleasure.

Mr. HALE. What the Senator is saying now is just what I want to be done. When we vary the general pension law by applying it to a single pensioner, one after another, in hundreds of cases, we submit separate bills. We do not try to put them all in an appropriation bill, because if we did, they would be subject to the point of order.

Mr. McCUMBER. Let me correct the Senator right there. Mr. HALE. I do not think that the Senator's contention is

sound.

Mr. McCUMBER. The place where we put it does not determine whether it is general or special legislation. If it would change a general law, it would change it whether it comes be-fore us independently or whether it is placed upon an appropriation bill. To determine whether it is general or special we must determine not on what bill it is attached or whether presented separately, but what the effect of it may be.

Mr. HALE. That is just where it arises under the provision

of the rule that general legislation shall be excluded, and the question whether a proposition affecting one man is or is not general legislation does not arise except when it is sought to be put upon an appropriation bill. However, I do not wish to

interrupt the Senator further.

Mr. McCUMBER. Suppose that in this bill we should insert provision that a certain Indian of a certain tribe who had been wounded in the line of his duty as policeman should draw

a pension, should come under the pension laws. Would that be a change of the general pension laws?

Mr. HALE. Undoubtedly, on an appropriation bill.

Mr. McCUMBER. What I contend is that it does not make any difference whether it is on an appropriation bill or not. The proposition is that a general law can not be attached to an appropriation bill, and it does not become a general law because it is so attached any more than it would be a general

tached or whether it comes in independently can not govern the question of its character as being general or special legis-

It seems to me that dealing directly with a tribe and for the purpose of benefiting that tribe and dealing with the subject which is dealt with on the Indian appropriation bill, it is not

general legislation.

Mr. CLAPP. Mr. President, I can see a vast difference between placing a provision in an appropriation bill to pension an Indian, which I think is clearly objectionable, and a provision that simply disposes of the property of Indians which they have received and held under treaty.

Mr. McCUMBER. It would be objectionable because it would not be pertinent to anything that is in the bill, but not because

it is general legislation.

Mr. CLAPP. It would differ materially from this. Mr. HALE. Mr. President, I am glad the Senator from North Dakota has raised this point, because the Senate may as well consider it now as at any other time. The rules of the Senate and the course of legislation do not in any way recognize what is claimed here as special legislation. The distinction is broad and clear between private legislation and general legislation, and although a subject-matter may be confined to one State or one class or one community and does not apply to the whole United States, the Congress in enacting it is not passing private legislation, but general legislation, and not special legis-The volumes of the statutes make the division, and it does not follow because an amendment to an appropriation bill does not cover the whole country that it is, therefore, special legislation and can be considered. It is dealing with general law. If you may divide a subject-matter that has been embraced by general legislation and take up piecemeal separate portions of it and report it upon an appropriation bill, you may thus emasculate the rule as to general legislation.

Take, for instance, the great question of irrigation. That was a subject in which the West was interested, and not the country generally, but nobody raised the point that it was not general legislation. It confined itself to a portion of the United States, but it was passed by Congress as general legisla-If you can take that general law of irrigation, on the ground that it is special legislation, and provide on an appropriation bill for certain propositions relating to irrigation and making law only applying to one reservation or to one Territory or to one State or to a group of States, you have destroyed the whole theory upon which "general legislation" is

placed in the rules.

The Senator from North Dakota has before made the point that it is not general legislation, because it does not apply to Within the last few years all the country.

Mr. McCUMBER. If the Senator will permit me, I have

made no such claim.

Mr. HALE. I think the RECORD will show that the Senator

has made that point. But I leave that.

Take the instance of legislation we had upon Alaska. It applied not to Maine, not to Wisconsin, not to Minnesota, not to the Dakotas. It applied to one single and distinct body of land, territory belonging to the United States. But nobody ever claimed that it was special legislation. Should we now attempt in an appropriation bill to change that legislation by certain new provisions of law relating to certain matters in Alaska and only to certain matters in Alaska, just as these matters refer only to a particular tribe or a reservation, the body of our general parliamentary law would be destroyed and

you could put anything upon an appropriation bill.

I think the trouble is that Senators do not realize the purpose and object of an appropriation bill. It is in terms to appropriate money to carry out existing law, not law that does not exist, not law that is created in an appropriation bill, but existing law; and it never was intended when the rules were originally framed, when the Committees on Appropriations were created in both House and Senate, or by the old committees that had charge of appropriations, that the mission of appropriation bills should be anything else than to appropriate money to carry out existing law. All the mischief that has come by reason of these propositions and these amendments on appropriation bills has come from forgetting this fundamental and cardinal proposition.

Mr. PATTERSON. Mr. President-The VICE-PRESIDENT. Does the

Does the Senator from Maine yield to the Senator from Colorado?

Certainly. Mr. HALE.

Mr. PATTERSON. The Senator from Maine suggests that appropriation bills are intended to make appropriations under existing laws. It seems to me that anyone who has paid any attention whatever to the general appropriation bills must

realize that if that is the intention and the purpose it is most thoroughly and completely ignored in every Congress. hardly take up any appropriation bill which does not contain provisions not related to appropriations under existing laws or for the purpose of carrying out or enforcing existing laws. The importance of that is to show a general interpretation placed upon such bills by Congress.

When the framers of the rule used the term "general legislation" it could not have been the purpose to exclude from an appropriation bill a matter which first is germane—it must be germane—and at the same time is not general legislation. the Senator has the Revised Statutes on his desk-he has there a book that looks like it-which is intended to contain all of the general laws now in force, he will find in it no such legislation as is proposed in this amendment to the pending bill. But it is treated by the compilers of the statutes-and because Congress enacts the statutes after they have been compiled it is treated by Congress itself—as special legislation, as local in its character, not pertaining to all the country and not pertaining to all the people of the country, and therefore it is incorporated in a separate volume in which local or individual legislation is contained.

It seems to me that the point made by the Senator from North Dakota [Mr. McCumber] is perfectly valid. It is not general legislation. Ask any lawyer at first blush what he understands by "general legislation," and I think his statement would be it

by "general legislation," and I think his statement would be it is legislation that refers to all the people.

Mr. McCUMBER. May I call the attention of the Senator to the fact that it may be general legislation, although it applies simply to a genus or species, so long as it is general in its application to all those? It may still be general legislation. Thus a law that deals only with the pensions of soldiers, while it does not affect anybody but soldiers, is general legislation.

Mr. PATTERSON. It relates to all of a particular class.

Mr. McCUMBER. Yes; and is general legislation.

I wish to explain that I do not think it must apply to everybody in the United States or in the country generally, but it

must apply generally to a class or a species.

Mr. PATTERSON. It seems to me perfectly clear that if there were an amendment added by the Senate committee to the Indian appropriation bill which related to one particular individual, and the legislation was germane to the bill, it would not be general legislation in any sense of the term.

Mr. HALE. That point is met by the rule-clause 1 of Rule

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation.

Such an amendment would be obnoxious to that clause with-

out regard to the other point. Mr. PATTERSON. But I was speaking of legislation that

does not appropriate money.

Mr. McCUMBER. May I call the Senator's attention to the fact that that rule refers to measures which would take money from the United States Treasury? But this is a payment out of funds belonging to the Indians themselves. It is not a general

appropriation. Mr. HALE. That is another point-about the money. general provision may not contain anything about taking money

from the Treasury. That is not the point raised here.
Mr. PATTERSON. It seems to me that where I

It seems to me that where legislation refers to a group that may be distinguished, segregated, set apart, comprising relatively few of the entire population, it is not general legislation within the meaning of the rule.

Mr. HALE. I am very glad the Senator has made that point, and I hope the Chair has noted it carefully, because that brings out what I have stated, that the Senator from North Dakota had made that point here and he now rather shrinks from it. The Senator from Colorado does not shrink from it. He makes the general proposition that legislation, no matter how broad it may be, establishing new law, which applies only to a distinctive class and not to all the people of the United States, is special and not general legislation. I take issue directly with the Senator on that point.

Mr. PATTERSON. With the modification made by the Senator from North Dakota it seems to me that the point is perfectly well taken. Any general legislation ought to be contained

in the Revised Statutes of the United States.

Mr. HALE. Not necessarily. There is a great deal of general legislation that has been passed since the statutes were revised which is found in the volumes of the United States Stat-

Mr. McCUMBER. We call them "the general statutes."
Mr. HALE. We call them "general statutes." So the division is marked and clear between general and private legislation,

Mr. PATTERSON. Can the Senator state a rule under which general and private legislation may be differentiated—some rule by which the Chair would be able to determine unerringly whether legislation is general or private? I will not use the word "private." The language of the rule is "general legisla-Can the Senator state a rule by which the Chair can unerringly hold that a certain proposition is or is not general

Like any other provision of the rules, that must depend upon the judgment and the discretion of the presiding officer when the appropriation bill is before the Senate. He must settle that. The framers of the rule, when they put the restriction in the rule-and this rule was framed, I think, by the Committee on Rules when my colleague was chairman of it—did not consider that it was necessary to make a bill of items of what constituted general legislation; but the line had been up to that time so well recognized between general and private legislation that the Committee on Rules did not think it necessary to do any more than to declare in terms, in order to protect appropriation bills, that general legislation should not be incorporated in them. And that is left-

Mr. PATTERSON. I desire to make just a suggestion to the Senator from Maine, and then I will refrain from interrupting him further.

The rule provides that legislation which is general and not germane is inimical to general appropriation bills.

Mr. HALE. No; the provision Mr. PATTERSON. It is not at It is not any proposition that is not general which may be added to an appropriation bill. It must be germane to the bill.

Mr. HALE. The Senator now is thinking about another clause of the rule, which has nothing to do with this clause.

Mr. PATTERSON. I am thinking now of the third clause of the sixteenth rule, and that is the rule which provides against general legislation upon an appropriation bill. I think it is on page 15 of the Manual, or page 16-one or the other.

Mr. McCUMBER. Page 16.
Mr. PATTERSON. That legislation must first be germane.

Mr. HALE. That is distinct.

Mr. PATTERSON. And then it shall not be general.
Mr. HALE. Yes; but the two are entirely distinct.
Mr. PATTERSON. Yes; you may have private legislation,
which, if it was not germane, would have to be ruled out in all

probability, and you may have an amendment germane and yet proposing general legislation, and it would be ruled out under But where you have a proposition that, first, is germane to the bill, and then that does not come under the head of general legislation, so that it affects the country at large, it seems to me it was intended by the framers of the rule, and by Congress in adopting it, and in the almost uniform practice of Congress since I have been in this body, as an examination of the appropriation bills for many years back will disclose, that such amendments belong to the bill and shall be passed upon by the body of the Senate.

Mr. HALE. I am glad the Senator makes that point distinct-that the provision must apply to all the country, or it is

not general legislation.

When the Senator from Colorado rose I was coming to another point which he suggests very properly and fittingly. says that observation of the appropriation bills will sustain him in the proposition that just such provisions as this or kindred to it have been enacted upon appropriation bills. They have been. They have been incorporated upon a great many appropriation bills by unanimous consent, where no point of order was raised, as is raised here; and that does not carry the force of the settlement of the question except to the extent that the Senate

has submitted to it.

The other day, in considering this bill, I withdrew the point of order in one case, a point of order which I believed was clearly strong and good parliamentary law, because I was convinced, on the statement of the Senator in charge of the bill, that it was one of those cases where we agree, and nobody op-poses it, to putting provisions on an appropriation bill that do not under this rule and this body of rules belong there. We are doing that all the time. We shall do it again at this session. Other committees besides the Committee on Indian Affairs will report such amendments. Quite likely in some rare cases the Committee on Appropriations will do so, calling the attention of the Senate to the fact that the amendment is subject to the

I may as well say that the reason why the point is made here and is insisted upon with as much force as we can put behind it is that this bill for the first time is covered and loaded and shingled with these amendments that are not proper here. It is wholesale. The chairman seems very fair and reasonable in his

conduct of the bill, and when points of order are made that clearly appeal to him, he has not insisted that an undue time shall be taken up in discussion. I do not know how it is that all these matters came upon this bill, but I do say that in my experience in Congress I have never seen an appropriation bill which, from start to finish, from the first page to the end, had so many propositions of this kind, amendments subject to the point of order, some of them carrying immense sums of money, some of them reviving old claims, several of them being mere private claims, which go out upon the rule being invoked. It is be-cause the bill is so dangerous in that regard and different from every other bill that I have ever seen that Senators, not only I myself, but other Senators, old Senators, have invoked the rule. I am not charging the chairman of the committee with being unduly in favor of any of these things. I think he is not. I think he is conducting the bill with great wisdom and discre-

tion, as he always does.

Mr. President, I accept the distinction, the point as made by the Senator from Colorado [Mr. Patterson], that any legislation on an appropriation bill is not general legislation unless it is general in its application to all the people of the United States. I am entirely willing to take the ruling of the Chair upon that.

Mr. McCUMBER. I wish the Senator from Maine, in discussing this question, had given us his definition of the word "general" as applied to legislation, and the word "special" as applied to legislation. Necessarily the one is intended to be the opposite of the other.

Mr. HALE. Where does the Senator get the word "special?"
Mr. McCUMBER. I take "special" as being the opposite in meaning of the word "general."
Mr. HALE. No; "private" legislation is the opposite. The

Mr. HALE. No; "private" legislation is the opposite. The rules never have said anything about "special" legislation.

Mr. McCUMBER. I differ with the Senator upon the question whether the word "private" is the opposite of the word "general." The word "general" has its opposite word, which would be "special." The Senator gives the opposite meaning of the word "general" as though it were "private," which is more restricted than the word "special." Suppose a treaty had been made with a tribe to sell its reservation, and that treaty been made with a tribe to sell its reservation, and that treaty with that particular tribe were incorporated in one of these appropriation bills, as we have from time to time done. Is that treaty general legislation? Is that agreement with a special tribe general legislation?

Mr. HALE. That is covered by clause 4, which says

Mr. McCUMBER. It may be irrelevant, but we must not confuse the idea of general legislation with irrelevant legislation. There may be many pieces of legislation attempted to be placed in this bill, which possibly would be open to the objection of absolute irrelevancy, but that does not make them general legislation.

Mr. HALE. If the Senator will allow me-

Mr. McCUMBER. Certainly.

Mr. HALE. The rules are very exhaustive. They provide for all cases that may arise. The question the Senator has submitted about a treaty being general legislation is taken care of by clause 4 of this rule, which says:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The rules are exhaustive upon everything. They deal with general legislation; they deal with private legislation, and there is nowhere in the body of the rules, from beginning to end, any reference to or any use of the word "special." It has been introduced by Senators themselves who are seeking for a distinction which will relieve them from the general proposition about general legislation. The rules deal only with "general"

and "private."

and "private."

Mr. McCUMBER. I am trying as much as I can to get at the meaning of the word "general." I want to separate it entirely from the question of relevancy or irrelevancy. The opposite of the word "private" is not "general." It is "public." We have "public" and "private." We have "general" and "special." Neither of them is synonymous with the other of the opposite side by any means.

Mr. HALE. I think if the committee had selected the term

"public legislation" it would have covered. I am glad the Senator used that illustration. I think if the committee had used the term "public legislation," as opposed to "private, the two would cover everything; but they chose to put in the

word "general."

Mr. McCUMBER. You can see the difference. Private legislation might refer to one individual. Thus a private pension bill would be the proper name for a bill to pension a single individual. But that is more restricted than "special legislation." We may have special legislation, because it deals with

a limited or in a special manner with a special subject. Let us take the word "general" as it is given in the dictionary. The first definition is:

Of or pertaining to genus or kind; pertaining in common to all as of a class, group, order, race, or community.

It is to be general as applied to any of those; that the law would be general. Although it would affect only one community, or one race, or one class, or one group, it would still be of a general character.

Taking the third definition, it is as follows:

Large or unlimited in scope, meaning, or contents; not restricted in application or jurisdiction; opposed to particular or special.

In brief, to be opposed to particular or special-

Hence, indefinite or vague.

Now, coming down to the synonyms, we have the following: Common, universal. Universal applies to all, without exception; general applies to all with possible or comparatively slight exceptions.

That would bring it within the general definition. The only way that we can understand clearly the meaning of a word is to also comprehend the true meaning of the word of exactly the opposite intent. Taking the two, special and general, and the definition as we understand it of the word "general," it seems to me that it is only general legislation when it applies generally and universally to a class or to a kind. If it is brought into smaller dimensions than a class or kind, but applies to a few or to a special group or subdivision, then it ought to be considered as special legislation and not general legislation.

Mr. CLAPP. Mr. President, should like to ask the Senator from Maine a question, not in any spirit of criticism, but to get his specific view. Where there is a treaty with an Indian tribe. does he regard legislation designed to allot the lands and close up the affairs of that tribe as objectionable and subject to the point of order on an Indian appropriation bill?

Mr. HALE. Yes; I should consider that, although it applies

only to one tribe, it is general legislation.

Mr. CLAPP. I will state the reason why I asked the question. It is true that this bill contains a good deal of constructive legislation, aside from the matter of some claims. The presence of the constructive legislation is due largely to the suggestion

of the Commissioner of Indian Affairs.

I do not say that to place the responsibility on him, because I had supposed that legislation designed to close up the affairs of a tribe who held their reservation under treaties would be proper in the bill. It has been customary. There has got to be a great deal of additional legislation of this kind as the time approaches when the affairs of the tribes are wound up and closed up. For that reason I asked the question, because if that is the case there should be bills brought in for that specific purpose instead of putting them into this bill.

Mr. HALE. The Senator has struck what, Mr. President, is the remedy. There is a Committee on Indian Affairs for the purpose of considering precisely such matters.

The Senator uses another word that is almost as broad as the term "general legislation" when he says there is a good deal of constructive legislation upon this bill. Now, appropria-

tion bills are not for constructive legislation.

I hope hereafter in the early stages of the session the Committee on Indian Affairs-for it has got to have these subjects before it, as the Senator says, in closing up Indian affairs in great volume and extent—will, in its meetings, deliberate and decide upon proper bills for this purpose and bring them in here, as the Senator from Wyoming [Mr. WARREN] the other day brought up a measure, and he reported from his committee this morning a measure adding eight or nine or ten million dollars to the artillery branch of the service. He did not claim that that was proper on an appropriation bill, because it so distinctively and only applied to one class—a portion of the Army, as a reservation embraces a portion of the Indians-but he did what I hope the Senator will do hereafter. He reported his bill from his committee as a separate measure, had it considered by the Senate, and it passed both bodies and was approved by the President. Then he reported, as he had a clear right to do under the rules, a provision in the Army appropriation bill for the appropriation of the money necessary to carry out the existing law.

If the Senator from Wyoming had put that proposition on the Army appropriation bill as an amendment, I certainly would have made the point of order against it, and no doubt it would have been sustained. It was a provision that did not apply to the whole Army, but only to one branch of it; it was special; it was segregated; it was a part of the running establishment; and he did what I hope the Committee on Indian Affairs will do hereafter. I hope they will report the bills which involve legislation and involve the appropriation of money and let the

two Houses pass them, and then we will provide the money on the appropriation bill.

Mr. CLAPP. Mr. President, I perhaps ought to add a word, that there may be no misunderstanding of my reference to the Commissioner. He ought not to be in any manner responsible for any mistake that has been made in placing this provision on the bill. There has always been a great deal of legislation on the Indian appropriation bill. So far as placing what I have termed "constructive legislation" on it is concerned, while the legislation was suggested by him I was responsible for placing it on the bill. He is laboring very hard and very earnestly to gradually close up and bring to a termination the affairs of the Indian tribes; he desires to get some of this constructive legislation; and it was my own misapprehension of what perhaps is the strict rule that resulted in this class of legislation being placed on the bill.

Mr. PATTERSON. Mr. President, I would not indulge at all in this controversy were it not that there are some matters in the bill in which my colleague is interested, and also some matters in which at least one of my constituents is interested. Whenever the decision is made I suppose it will be an end to all controversy, and we are really saving time by taking a little time now. At least that is the way I shall feel whenever the

decision of the Chair is made.

I wish to call the attention of the Chair to definitions found in Bouvier's Law Dictionary. It seems to me they are applicable and that they solve the matter on the side the Senator from North Dakota [Mr. McCumber] is contending for. I read from page 877 of 1 Bouvier:

The later constitutions of many of the States place restrictions upon the legislature as to passing special laws in certain cases. In some States there is a provision that general laws only may be passed in cases where such can be made applicable. Provisions requiring all laws of a general nature to be uniform in their operation do not prohibit the passage of laws applicable to cities of a certain class having not less than a certain number of inhabitants, although there be but one city in the State of that class.

With that class of legislation we are all familiar.

The wisdom of these constitutional provisions has been the subject of grave doubt.

See Cooley's Constitutional Limitations, etc.

When thus used the term "general" has a twofold meaning. With reference to the subject-matter of the statute, it is synonymous with "public" and opposed to "private."

Citing a number of cases and Sedgwick on Statutory Limita-

But with reference to the extent of territory over which it is to operate it is opposed to "local," and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction.

Citing a number of authorities.

Further, when used in antithesis to "special," it means relating to all of a class instead of to men only of that class.

Citing a number of authorities.

When the constitution forbids the passing of special or local laws in specified cases, it is within the discretion of the legislature to decide whether a subject not named in the constitution is a proper subject for general legislation. The fact that a special law is passed in relation thereto is evidence that it was thought that a general law would not serve, and in such a case clear evidence of mistake is required to invalidate the enactment.

It seems to me, Mr. President, that when the term "general legislation" is used it is opposed, so far as the operation of the legislation is concerned, to local, and it means that the statute or the legislation to which it applies operates throughout the

whole of the territory subject to the legislative jurisdiction. Now, the whole of the United States and outlying territory is the territory that is subject to the jurisdiction of Congress, and it follows almost as a corollary to my mind that where legislation affects simply a group of persons, as a tribe or a band of Indians, or the particular land that is occupied by a tribe or a band of Indians, that that legislation from the very necessity of the case is local legislation as distinguished from general legis-

It is true that whether an act of Congress relates to an individual or the interests of an individual or to a number of individuals it is general in so far as it is an act of Congress. there are but a dozen individuals who may be designated by name, and the legislation is intended to confer some special benefit upon that dozen or to deprive them of some privilege or right that they had theretofore enjoyed, it is general in the sense that it is a law that is passed by the lawmaking power of the country, but it is local so far as those people are concerned.

And more especially would it be local, Mr. President, it seems to me, if the proposed legislation related to some particular, identical piece of territory in which they had an interest, and that the legislation was intended to affect, and the legislation could only relate to that particular piece of land, without including any other than the special individuals or the par-ticular special piece of land. If that does not constitute something that is the very converse of general legislation, then I can hardly imagine what is either special legislation or private legislation.

The framers of the rules, and the Senate in adopting the rules, used the very broadest general term that could be used for the purpose of excluding proposed amendments under that particular rule, general legislation, legislation that is applicable not to any particular piece of land, but legislation that is applicable to the entire country. If there were a number of cities or towns scattered all over the country and the legislation related to those towns scattered all over the country, then it would be general legislation.

The VICE-PRESIDENT. The Senator from Colorado will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary

The Secretary. Senate resolution No. 214, that a duly qualified entryman is entitled to patent up land, etc.

Mr. CARTER. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily The Senator Without objection, it is so ordered. laid aside. from Colorado will proceed.

Mr. PATTERSON. But, as I understand, the particular item that is now in controversy and all the rest that may be challenged by the Senator from Maine, they relate to specific segregated portions of land, and they relate to specific bands or tribes of Indians, one band or one tribe, and, since only general legislation in the broad sense is excluded under the paragraph of the rule that is applicable in this case, it seems to me that whatever does not come under the head of general legislation, however else it may be designated, whether as private legis-lation or special legislation, is not inimical to the rule. If that is the doctrine to be applied, it seems to me that the point of order made by the Senator from Maine is not well taken.
Mr. DEPEW. Mr. President, it seems to me that the matter

under discussion here is not one to be decided by the dictionary or by a critical examination of the meaning of words. What was the intent of the Committee on Rules when it framed these rules and what was the intent of the Senate when they As I have always understood them in referwere adopted? ence to appropriation bills, the words were employed for the purpose of making appropriation bills appropriation bills and nothing else. So that Senators who were not interested in that particular class of appropriations might be absent without fearing that legislation would take place in the bill which would be against anything which they believed and thought ought to pass.

I know that in the Indian appropriation bills especially there has been at different times just that class of legislation which the Senator from Colorado [Mr. Patterson] calls local, because it applies to a particular tribe or particular piece of land; and yet it is well known that some of the greatest outrages that have ever been perpetrated upon the Indians have been done under these general clauses.

There are in the United States a number of highly intelligent, philanthropic people, men and women, who meet every year at Lake Mohonk or other places for the purpose of looking after these wards of the nation, and they discover that, rigid as may have been their examination of the files of the two Houses of Congress, there has been put in by the Senate, by way of amendment, which seldom comes to the public and goes to the newspapers, after the bill has passed the House, clauses which accomplish just the outrage that they are organized to prevent.

Mr. CLAPP. May I ask the Senator a question?

Mr. DEPEW. Certainly. Mr. CLAPP. Of course these suggestions probably do not

apply to any recent legislation.

Mr. DEPEW. I will say to the Senator I have in mind the tribe of Poncas and the legislation in respect to them, which was about as bad as anything which is alleged against the actions in the Kongo Free State.

Mr. CLAPP. When was the Poncas legislation passed? Mr. DEPEW. Ten or twelve years ago.

Mr. CLAPP. I do not make it as any criticism, but I want to correct the Senator--I am not doing it to oppose the Senator's argument as to special legislation—but the worst legislation that was ever passed occurred in general legislation. It was the law under which, inadvertently perhaps, the United States Government released all control over every Indian who took an allotment, so far as regulating the sale of liquors to Indians was concerned. That was general legislation passed in 1887.

Mr. McCUMBER. Let me ask the Senator, if he will permit

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from North Dakota?

Mr. DEPEW. Certainly. Mr. McCUMBER. I ask the Senator if, also, the law removing restrictions generally was not done by general law and not on an appropriation bill.

Mr. CLAPP. Yes, sir. Mr. McCUMBER. The law known as the "Curtis law."

Mr. CURTIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Kansas?

Mr. DEPEW. Certainly. Mr. CURTIS. The Senator is mistaken about the Curtis law removing restrictions. The Curtis law did nothing of the kind. I simply want to make this correction so that it may be

known to members of the Senate.

Mr. DEPEW. Mr. President, if a separate bill for the specific object of taking the lands away from these Indians which the Government has assigned to them and on which they are living in comfort and happiness, and dividing it up among speculators who rush over the borders and get it, is put in a bill and passes the ordeal of committees and debate in the House and Senate, then there is an opportunity for the Senators and the Members of the House and these benevolent bodies to find out what is being done, and the chances of wrong being done under such circumstances are exceedingly limited. But when an appropriation bill has passed the House and everybody who looks into that matter interested in Indians knows what it is and it goes to the Senate there is very little scrutiny or knowledge as to what are the amendments put in here, because the general presumption is that there will not be specific legislation for special purposes.

Now, take some of the provisions which are in this bill. How do we know, without it having been properly debated, the justice or the injustice of breaking up an Indian reservation, of taking away the lands which the Government has assigned for these Indians to live upon and to have their homes, and then as an act of alleged extreme generosity allowing them a minimum, as this item does here, of 10 acres of good land and 600 acres of arid land? How do we know whether the Indian is competent to irrigate arid land? How do we know whether he is an engineer, or they have engineers among them who can provide reservoirs and ditches and all the paraphernalia necessary for making such lands valuable? If these Indians are to be assigned lands upon which they can live they ought at least to be assigned lands which they are accustomed to cultivate and know how to cultivate.

But I am opposed to all this kind of legislation in appropriation bills, whatever I might do if a bill relating to a specific subject came up, so that there would be an opportunity for those who are interested, who understand these questions, and know about the Indians, their needs, and wants could be heard.

Now, I come back to my original proposition, that general and special legislation under the rule prohibiting general legislation in appropriation bills means that these bills should make appropriations to carry out the specific purposes which these bills are designed, and that anything else is general legislation and

falls under the prohibition.

Mr. McCUMBER. Mr. President, the Senator from New York has given us another idea of what was intended by the word "general." In substance, he states that the object of the rule was that no legislation other than mere appropriations

should be considered in appropriation bills.

I should like to ask the Senator, then, why an intelligent House and Senate, if they intended that there should be no legislation, did not say "no legislation" instead of saying "no general legislation?" The very fact that they used the words that there should be "no general legislation" in the bill carries with it the idea that they considered that there might be special legislation other than the mere fact of an appropriation. Otherwise it would have been easy to have said that no legislation other than that of a mere appropriation shall be considered in appropriation bills. If that had been their intention it was the easiest thing in the world to have said it. The very fact that they did not say so, but added another term, "general," presupposes therefore that it would not exclude the word "spe-" and also presupposed that the intent of Congress-was that special legislation might be inserted in these appropriation

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. I make the point of order that it is general leg-

The VICE-PRESIDENT. The Chair has given this subject as much consideration as has been possible since the bill was presented to the Senate. He has examined the practice and proceedings of the Senate during a number of sessions of Congress when Indian appropriation bills have been under consideration. He has discovered that the divergence of view disclosed this morning in the debate is not entirely new.

The Senate has frequently put upon appropriation bills amendments proposing general legislation clearly in contravention of the rule. This has been done without objection, and therefore affords no guide for the ruling of the Chair.

The precise definition of what is general legislation within the intendment of the rule is not to be found, so far as the Chair has been able to discover, in connection with bills such as the one under consideration.

The Chair has examined the language of the amendment with some attention, and it seems as though it is, in effect, an amendment of the act passed in 1887, and that it falls within the classification of general legislation. It does not seem to the Chair that it is fairly embraced within the definition which is generally entertained with respect to the subject-matter of an appropriation bill.

It seems to the Chair that the amendment is clearly in contravention of the rule of the Senate, and the point of order is

therefore sustained.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Senecas of New York (treaty)," at the top of page 92, to strike out:

For interest, in lieu of investment, on \$75,000, at 5 per cent, per act of June 27, 1846, \$3,750.

For interest, at 5 per cent, on \$43,050 transferred from the Ontario Bank to the United States Treasury, per act of June 27, 1846, \$2,152.50.

And to insert .

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury to the credit of the Seneca Indians of New York the sum of \$118,050, being the value of the stocks held in trust for the Indians and taken by the United States and canceled under authority of the act of June 27, 1846 (9 Stat. L., p. 35), said amount to be deposited in the Treasury to draw interest at 5 per cent per annum until Congress shall direct the principal to be paid to the Indians, and the Secretary of the Interior is authorized to pay per capita to the members of the Seneca tribe of New York the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

Mr. McCUMBER. I will ask the Senator from New York if he desires to interpose the objection to this provision?

Mr. DEPEW. What is the provision? My attention was

diverted for a moment.

Mr. McCUMBER. The provision on page 92. It is of the same character as the one we have been discussing; but in this case it relates to the New York Indians. 'If the Senator from New York does not wish to raise the point of order, I raise the point of order that it is general legislation.

Mr. HALE. It is of the same kind as the other.
Mr. CLAPP. I want to call attention to the wo

I want to call attention to the word "directed," on page 92, line 11. I had intended to move to strike that out.

The VICE-PRESIDENT. The amendment to the amendment of the committee, proposed by the Senator from Minnesota, will be stated.

The Secretary. On page 92, line 11, it is proposed to amend the amendment by striking out the words "and directed;" so as to read:

That the Secretary of the Treasury is hereby authorized to place on the books of the Treasury, etc.

The amendment to the amendment was agreed to.

Mr. DEPEW. So far as the item under consideration is concerned, I do not know where it came from; but certainly no one has appealed to me on the subject, and I have not read it closely enough to know whether the objection of the Senator from North Dakota is valid or not; but if it comes within the opinion which I have heretofore expressed, I think it ought to go out.

Mr. McCUMBER. Mr. President, the legislation seems to be entirely the same as that on page 90. That on page 90 was to correct errors where there have been errors, and matters somewhat complicated in allotment by cancellation of the allotments and reallotting. This is to change general laws in exactly the same way. I believe that both amendments are really good legislation and proper legislation. I therefore withdraw the point of order, feeling that the amendment should go through, because it is proper in this case, as it was in the other.

The VICE-PRESIDENT. The Senator from North Dakota withdraws the point of order.

Mr. CLAPP. If the Senator will pardon me, I will suggest

that that amendment might be passed over to allow the Senator from New York [Mr. Depew] an opportunity to look it up and familiarize himself with it.

The VICE-PRESIDENT. Does the Senator from Minnesota wish the amendment passed?

Mr. CLAPP. Oh, no; let the reading of the bill proceed.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 93, line 1, after the word "all," to strike out "\$11,902.50" and insert "\$124,-050;" so as to read:

In all. \$124,050.

The amendment was agreed to.

The next amendment was, under the subhead "Cherokee School," an page 93, line 12, after the name "North Carolina," to insert "\$26,820;" and in line 15, before the word "dollars," to strike out "twenty cight thousand these burdends and to strike out "twenty-eight thousand three hundred and twenty" and insert "one thousand five hundred;" so as to make the clause read:

For support and education of 160 pupils at the Indian school at Cherokee, N. C., \$26,820, and for pay of superintendent, \$1,500.

The amendment was agreed to.

The next amendment was, under the head of "North Da-

The next amendment was, under the head of "North Dakota," on page 93, after line 23, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause an additional allotment of not less than 2½ acres nor more than 10 acres of timber land to be made to each member of the Standing Rock band of Sloux Indians, to whom allotment is made under the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sloux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes:" Provided, That this act shall benefit those members only who are alive and in being at the close of the work of allotting said Indians under said act of March 2, 1889, and said additional allotments shall be subject to the provisions of the said act of March 2, 1889, and the amendments thereto.

The amendment was agreed to.

The next amendment was, on page 94, after line 16, to insert: That article 3 of the act approved April 27, 1904 (33 Stat. L., p. 321), modifying and ratifying the agreement with the Indians of Devils Lake Reservation, in North Dakota, is hereby so far modified so as to permit the payment of the annual installments provided for in said article to be made in the month of April of each year, instead of

Mr. HALE. That only operates to change the time of payment?

Mr. CLAPP. That is all. I move that the word "so," at the beginning of line 22 of the amendment, on page 94, be stricken out.

The VICE-PRESIDENT. The amendment proposed by the

Senator from Minnesota to the amendment will be stated.

The Secretary. On page 94, line 22, after the word "modi-

fied," it is proposed to amend the amendment by striking out the word "so;" so as to read:

Is hereby so far modified as to permit the payment, etc. The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 95, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, with the consent of the Indians to be obtained in such manner as he may deem best, to cause an allotment of 80 acres to be made from the lands of the Fort Berthold Reservation, including the lands to be restored, to each member of the several tribes belonging on and occupying said reservation, now living and to whom no allotment has heretofore been made; and where any allotment of less than 80 acres has heretofore been made, the allottee, if now living, shall be allowed to take an additional allotment, which with the land already allotted shall not exceed 80 acres.

The amendment was agreed to.

The next amendment was, under the subhead "Fort Totten School," on page 95, line 22, after the word "Dakota," to insert "\$54,575;" and in line 24, before the word "dollars," to strike out "fifty-six thousand two hundred and seventy-five" and insert "one thousand seven hundred;" so as to make the clause

For support and education of \$25 Indian pupils at the Indian school, Fort Totten, N. Dak., \$54,575, and for pay of superintendent, \$1,700.

The amendment was agreed to.

The next amendment was, under the subhead "Wahpeton School," on page 96, line 7, after the name "North Dakota," to insert "\$16,800;" and in line 9, before the word "hundred," to strike out "eighteen thousand three" and insert "one thousand five;" so as to make the clause read:

For the support and education of 100 Indian pupils at the Indian school at Wahpeton, N. Dak., \$16,800, and for pay of superintendent, \$1,500.

The amendment was agreed to.

The next amendment was, on page 96, after line 12, to insert: For sinking and constructing a well and necessary machinery or apparatus for supplying said school with water therefrom, \$15,000, or so much thereof as may be necessary, said sum to be immediately available.

The amendment was agreed to.

The next amendment was, on page 96, line 17, to increase the total appropriation for the support and education of 100 Indian pupils at the Indian school at Wahpeton, N. Dak., from \$20,300 to \$35,300.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," at the top of page 97, to insert:

That the act of June 5, 1906, entitled "An act to open for settlement 505,000 acres of land in the Klowa, Comanche, and Apache Indian Reservation, in Oklahoma," be, and the same is hereby, amended so as to permit the allotment of those children of enrolled members of the Klowa, Comanche, and Apache tribes who were not allotted under the provisions of said act because they were not of known Indian parentage: Provided, however, That the total number of allotments made hereunder shall not exceed twenty-five.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

That all restrictions as to sale and encumbrances as to 40 acres each of the lands heretofore allotted in Oklahoma to No wa hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, are hereby removed

Mr. CLAPP. It is due to the Commissioner to say that he has filed a protest against that amendment.

Mr. CURTIS. I desire to call the attention of the Senator to the fact that under public law No. 149, approved May 8. 1906, the parties named in this amendment have the right to go before the Secretary of the Interior and if they make a proper showing they may receive a patent. I think for that reason the amendment should be rejected.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 98, after line 4, to insert:

to insert:

That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$215,239, the same being the difference between 32½ cents per acre heretofore paid to the Mexican Kickapoo Indians in the Territory of Oklahoma and the amount realized by the United States for their surplus land in Oklahoma, the said sum to be paid by the Secretary of the Treasury to Pah-ke-tah and Martin J. Bentley, the authorized representatives of said Indians, through any national bank by them designated; the said sum to be immediately available and the indorsements of the warrant issued in payment thereof to be deemed to be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States, and said payment shall be considered and deemed a final settlement of all claims of every kind whatsoever of said Indians against the United States, and severy kind whatsoever of said Indians against the United States, and severy kind whatsoever of said Indians against the United States, and severy kind whatsoever of said Indians against the United States, and the severy sevences purporting to have been executed and acknowledged in the Republic of Mexico, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances or any of them appear to have been procured by fraud or fraudulently executed he shall, by his assistant specially employed, appear and defray the costs of proceedings in the proper courts on behalf of said Indians and their trustees to cancel and to set aside said conveyances and to clear the title of said Indians and their trustees to said land from any and all cloud thereon, the result of such fraudulent conveyances. He is further directed to prosecute in the proper courts any and all parties to said fraudas, and he is authorized to employ for said purposes some suitable attorney as his assistant who has the confidence of said Indians. For sai

Mr. HALE. I do not know much, if anything, about the merits of this amendment, but I call the attention of the chairman of the committee to the provision in the first clause of Rule XVI. It is not such a provision as we have been before discussing. It is as follows:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Of course the amendment is subject to that point. As to the merits of the claim I do not know anything whatever.

Mr. CLAPP. Mr. President, before I discuss the amendment at all, I wish to suggest that on line 1, page 99, after the word "Mexico," the words "or elsewhere" be inserted.

This claim is based, as partially appears from the language of the amendment, upon the sale of land by the Government that the amendment, upon the safe of land by the Government that it acquired from the Indians under a treaty. My idea was that that relieved it of the objection, and as to that point I was favorable to placing it in the bill. It is a matter in which the senior Senator from Colorado [Mr. Teller] is very much interested, and as we have passed several other matters in the bill, osted, and as we have passed several other matters in the bill,
I suggest that for the present we pass the pending amendment.
Of course, if we reach it finally before he returns to the Senate,
we will have to dispose of it.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. Certainly.
Mr. McCUMBER. Before the Senator asks that that amendment be passed over, I have here a very brief statement of the question, which I should like to have the Secretary read. will give us in a nutshell the whole matter. It is only two

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from North Dakota.

The Secretary read as follows:

The Secretary read as follows:

The Kickapoo Indians, to which the pending bill relates, and now known as the Mexican Kickapoo Indians, is that majority division of the Kickapoo Indian tribe referred to in the fourth article of the treaty of June 28, 1862, and who elected to emigrate to the Indian Territory and who afterwards, during the civil war, went to Mexico and became known as the Mexican Kickapoos.

Speaking abstractly, these Indians had an absolute title to more than 750,000 acres of land in eastern Kansas. By the treaty of 1862 this tract was reduced to 150,000 acres, and out of that a diminished reserve was set aside for those who elected to remain in Kansas, leaving 123.832 acres.

was set aside for those 123,832 acres.

was set aside for those who elected to remain in Kansas, leaving 123,832 acres.

A stipulation contained in article 4 of the treaty of 1862 provided that this land should be sold at not less than \$1.25 an acre, and that the sum so received (\$167,290) should be invested in Indian Territory land, and the lands which were purchased and upon which these Indians were settled in conformity with the said article 4 of the treaty of 1862 were obtained from the Creek and Seminole Indians at 30 cents per acre. And while the United States should have purchased 557,633 acres, the amount actually purchased and set aside for these Indians by Executive order was 206,466 acres.

In 1891, by an alleged treaty, the Kickapoos ceded to the United States 183,965 acres, for which the United States paid them 224 cents an acre and which was sold by the United States for \$1.50 per acre, which would have left a balance due the Kickapoo Indians of \$215,239.

Had the United States fully and honestly complied with the terms of the Iteraty of 1862 these Kickapoos would have been entitled to the full proceeds of the 123,832 acres at \$1.25 an acre. These lands were sold to the Atchison and Pike's Peak Railway Company, and had the Indians received the quantity of land due them in the Indian Territory the acreage would have amounted to \$737,948. By any consistent line of computation the Government of the United States owes these Indians the above-cited difference, growing out of the last two treaties made with them. In addition to which in law and in equity, and as held in the New York Indian case and others, these Indians are entitled to the difference between 50 cents an acre and \$1.25 an acre on 600,000 acres of land ceded by them under the terms of the treaties of 1862 and 1864, or a total of \$1,188,448.

Mr. LONG. Do I understand the Senator from Minnesota to vertex that this items acres and acres of land ceded by them under the terms of the treaties of 1862 and 1864, or a total of \$1,188,448.

Mr. LONG. Do I understand the Senator from Minnesota to request that this item go over?

Mr. CLAPP. Yes. Mr. LONG. Before that is done, I ask, in connection with the paper that has just been presented by the Senator from North Dakota [Mr. McCumber], that a letter from the Com-missioner of Indian Affairs, found on page 66 of the report, be printed in the RECORD.

Mr. CLAPP. I would call the attention of the Senator to the fact that on page 61 of the report begins the discussion of this matter and includes the law in question. Before it goes over

Mr. KEAN. Why not put the whole of it in the Record?
Mr. CLAPP. It is already in the report.
Mr. KEAN. Yes; but if part of it is going to be printed in

Mr. CLAPP. Very well. Then, I will ask that the report on this question, commencing with the word "Oklahoma," on page 61 of the report, and going down to the word "Osages," on page 73, be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request?

The Chair hears none, and permission is granted. The matter referred to is as follows:

OKLAHOMA—KICKING KICKAPOOS—HISTORY OF THAT TRIBE OR BAND OF INDIANS KNOWN AS "MEXICAN KICKAPOOS."

ORLAHOMA—KICKING KICKAPOOS—HISTORY OF THAT TRIBE OR BAND OF INDIANS KNOWN AS "MEXICAN KICKAPOOS."

On October 25, 1824, the Kickapoo Indians, in company with the Shawnee Indians, presented themselves to the alcalde of the city of Austin, in the then Republic of Mexico, to whom they stated that they were being crowded and pursued by the Anglo-Saxon race in the North, and that they desired to acquire land and a home with the Mexican people. This alcalde took up the matter with his superior officer, the governor of the province, representing to him that the Shawnees and those affiliating with them were both "entertaining and industrious," and he believed that if they were given some territory to the north of the capital, which was often in those days raided and harassed by the attacks of the Wacos, Comanches, and other hostile and refractory Indians who then lived in and infested that region, they would be a protection to the capital.

The King of Spain, Charles III, made a concession to these Indians, granting to them all that tract of country lying north of where the San Antonio road crosses the San Angelo River, the boundary to continue up said river to its source, then east to the Sabine River, and down said river to its source, then east to the Sabine River, and down said river to the crossing of the San Antonio road, and accordingly the Kickapoos, Shawnees, and some Cherokees and Delawares who affiliated with them, settled upon this tract, where they resided from about the year 1825 to 1842, at which time the Indians had one permanent village on this tract, containing more than 700 inhabitants.

The provisional government of Texas, during the time it was a Republic, through its duly appointed commissioners, made a treaty with these Indians wherein this grant to them was ratified. Afterwards a second treaty was made whereby the Republic of Texas acquired this tract, and the Indians were, by consent and at the expense of the State, moved to another grant of land, 40 miles square, northwest of the present capit

tract and the plains of western Texas until the time of the early agitation preceding the civil war. When Gen. Sam Houston counseled with the Indians and persuaded them to move out of the State of Texas, he advised them that there was going to be war and that they had better move into the Indian Territory where they would be less liable to molestation, and accordingly the Indians moved. Some settled on the Little Red River, in southwestern Indian Territory, and the Shawnees and Kickapoos settled farther north. The Shawnees occupied the country along the Little River, which is now in Pottawatomie County, Okla., and the Kickapoos occupied the country along the North Canadian River and Squirrel Creek, between the present cities of Shawnee and Tecumseh, Okla.

The acute agitation growing out of the civil war proved exceedingly annoying to these wild Indians. First the North and then the South appealed to the Indians to take sides with them. The Shawnees, who were their neighbors on the south, were loyal to the United States; they removed to Walnut, Kans., where the able-bodied members of the tribe enlisted and became a part of Company K of the Fourteenth Kansas Cavairy. The Seminoles, who occupied the country immediately to the east, were owners of slaves, and naturally sympathized with the South. Chief Big George (Mah che ma net), of the Kickapoos, who in history should be known as their Tecumseh, said to his people: "We do not understand what these white people are wanting to fight about; none of them have injured us, and why should we stain our lands with their blood? We will leave and go to the wilds of Texas, and take no part in this fight." And accordingly the Kickapoos, in the early fall of 1862, broke camp and started south a thousand strong, their objective point being the Little Concho River, Tom Green County, Tex. In December of that year they arrived at the ranch of William Tankersley, which is 2 miles from the present town of Knickerbocker, Mr. Tankersley, who, though very old, is still living and prom

Tex. In December of that year they arrived at the ranch of William Tankersley, which is 2 miles from the present town of Knickerbocker, Tex.

Mr. Tankersley, who, though very old, is still living and prominently known in Texas, states that the Kickapoos appeared at his ranch, having with them a large herd of horses, in the early winter of 1862. Though alone at his home, he states that he invited the Kickapoos to camp, which they did, getting water from his well to prepare their dinner, and that he sold them such provisions as he could spare. He had known many of them years before. They had assisted him in recovering stock that had been stolen from him by the Comanches and other thieving Indians who then roamed over the great plains of Texas. He says he invited them to make a permanent camp on his possessions on the river, 4 miles from his ranch house, and that after dinner they proceeded to the place designated by him. The next day a large company of Confederate cavalry appeared at his place, inquiring for the Kickapoos. He assured the officer in command that he need not be concerned about the Kickapoos—that they were friendly and would, during the war, be a protection to him and the neighboring ranchmen against the raids of other hostile Indians who had become emboldened because of the absence of many of the Texans. who were absent on account of the war. To this the officer replied that the Kickapoos had many fine horses, which interested him more and would be of more value to the Confederacy than Indian friendship, and he proceeded to pursue and attack the Kickapoos.

When the Indians saw the cavalry approaching, they sent forward an old buck bearing a white fiag, and accompanied by an aged squaw on either side. As soon as the cavalry came within range, this trio was ruthlessly shot down and the main camp charged upon. Though not anticipating this attack, the Indians offered stubborn resistance, and sixteen cavalrymen fell from their horses mortally wounded. Then the cavalry retreated for reenforcements, and

north that of the Stera der Cammi Range. They followed down this range far into the State of Coahulla, finally taking up their home at Nacimiento.

The whole region around this place was then occupied by the fierce and murderous Lipans, Apaches, and Comanches, who had driven the Mexican population entirely out of the northern part of the State and as far south as the city of Muzquis, Mexico.

The State and Federal authorities welcomed these Indians, because they were a protection to the peaceful native population of the country and in remembrance of the protection that these same Indians had been to them when Texas was a part of the Republic, in 1824. The President, Benito Juarez, made a service grant to them and a treaty with them, by the terms of which the Kickapoos agreed to and did render the Mexican army valuable service in exterminating the Lipans and in subduing and driving the Comanches beyond the borders of Mexico.

Thus it will be seen that these Indians, from 1824 to 1874, a period of fifty years, had lived practically all their lives either in Texas, when it was a part of Mexico, or in the present Republic. As a matter of fact all the Kickapoo Indians of the age of 20 years or over, at the time of the opening of their land in Oklahoma, were native-born Mexicans. Even Big Jim (Wah pah meh ah peto) (Plain Straight Road), the last chief of the Shawnees and the grandson of Tecumseh, was born on the Angelo River, in what was then Mexico, where he died. By reason of their nativity and of race similarity and their acquisition of the Mexican language, these Indians naturally consider Mexico their home.

For several years after the civil war they continued to raid the country east of the Rio Grande River, stealing large herds of horses and cattle from Texans, which they drove across the Rio Grande River, where they were secure with their plunder. A considerable renegade element of Mexicans operated with and encouraged them in this, and they were a constant source of annoyance and danger to the border ranchme

a constant source or annoyance and danger to the border ranchmen of Texas.

The cavalry stationed at Fort Bracket and Fort Stockton were kept constantly employed in pursuing these and more often other Mexican Indians who then preyed upon the west Texas ranchmen. All the cavalry could do was to follow the Indians to the Rio Grande River, and the Indians, once on the other side, were immune from further pursuit.

Major MacKenzie, then in charge of the cavalry at Fort Bracket, became so exasperated by his repeated failure to check or capture these Indians, that, without instruction from the War Department, and in total disregard of international law, he headed his command across the Rio Grande River and followed the Indians through one of the most rugged and mountainous countries on the American Continent to the Kickapoo Reservation, 150 miles from the Rio Grande River in the interior of Mexico, where he shot down and murdered the Indians who resisted, capturing the women and children and all who would submit to capture and then returning them as prisoners of war to the American side. It so happened at the time of the MacKenzie raid that a very considerable number of the male adults of the tribe were absent on a

hunting expedition, and upon their return where the wife and all the children had been taken the father followed and united with his family where they were temporarily held as prisoners of war at San Antonio,

hunting expedition, and upon their return where the wife and all the children had been taken the father followed and united with his family rex.

From the time of this raid until the military authorities arrived with the control of the control of

prey upon these Indians and without interference, and the Kickapoos again fell into a state of disaffection. They said: "The Government has quit our agent, and we will quit the Government and go back to Mexico, where we can have our own agents and have some voice in the conduct of our affairs." And they moved, and would be contented and successful in their new location if their affairs could be taken entirely out of the hands and control of the Indian Department and they left to do for themselves as the other half of the tribe has done for forty years in Mexico.

A special agent was detailed during the summer of 1905 by the Department, who visited the President of the Republic of Mexico and the governor of the State in which the Kickapoos had their home, advising the executive officers of the Federal and State governments that a renegade element of wild American Indians was being located in their country, and against the will and wish of the United States, and that his great and good Government had sent him to warn its sister Republic of the character and of the danger of these undesirable emigrants.

ign the executive officers of the Federal and State governments that a renegrade element of wild American Indians was being located in a renegrade element of wild American Indians was being located in a renegrade element of wild American Indians was being located in a renew of the control of the American Congress and the fact that the great Department of the Interior had sent him to Mexico His man he cited the guildility of the American Congress and the fact that the great Department of the Interior had sent him to Mexico His man he cited the guildility of the American Congress and the fact that the great Department of the Interior and under the above representations, he elicited the ald and support of the control of

long as they would obey the law and respect the property of the landowners when hunting or cutting timber, etc.

This is precisely what these Indians have been about since then. At
present they are considering the purchase of either the hacienda De
Piedra Blanca, or that of Zamore. The first named is very suitable
for cattle raising and surrounded by extensive hunting grounds in the
mountains. It is situated at about 40 leagues northwest from here;
the other, a very short distance from the town, is all first-class
farming land, with an abundance of water for irrigation. But what can
they do without having at their disposal the money to which they are
entitled, or at least being sure of getting it in time? Therefore, they
shall be very grateful to you, dear Father, if you will have the kindness to help them to get their money. Before concluding this letter
allow me to state the following facts:

First. The Kickapoos consider Mexico as their country, in accordance with the traditions of their tribe (with regard to their traditions,
I may mention that they keep with great care two large-sized silver
medals of merit with the respective diplomas, Medalla Grande de Merizo de Capitan, with which King Charles III of Spain decorated two
of their chiefs).

Second. The Mexican Government under Benito Juarez rewarded
their valuable services in the war against the hostile tribes of the
Comanches, Lipans, and others with the grant of two squares each of
land at El Nacimiento.

Third. The Oklahoma Kickapoos went to the Indian Territory a litthe more than thirty years ago, not spontaneously, but obliged by
force, for in 1874 a Captain MacKenzie, making with his soldiers an
inroad into this State, came to El Nacimiento when most of the Indians
were absent on a hunting exposition, and after capturing all the Indians he could take by surprise, principally women and children, he
took them along to the United States as prisoners of war. Of this I
myself have been an eyewitness.

Thanking you beforehand for anything you

Francisco de P. Andres, Presbyter, Muzpuiz, Coahuila.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, April 5, 1996.

Hon Moses E. Clapp, Chairman Senate Committee on Indian Affairs, Washington, D. C.

Washington, D. C.

Sir: In response to the oral request of your committee, at the instance of Senator La Follette, for a report on an amendment to the Indian appropriation bill which he had in mind to propose, I beg to submit the following:

The amendment is preceded by a preamble of considerable length, and is intended for the relief of the Mexican Kickapoo tribe of Indians in Oklahoma.

By the first paragraph of the preamble the fact that the "treaty" was concluded with these Indians on the 9th of September, 1891, is stated. The second paragraph declares that these Indians ceded 183,965 acres to the United States at 32½ cents per acre. The third paragraph declares that the Government is disposing of the lands not allotted in severally to these Indians at \$1.50 an acre, while the concluding paragraph of the introduction declares that the Indians concluded the "treaty" under a misunderstanding as to the price to be paid.

concluding paragraph of the introduction declares that the Indians concluded the "treaty" under a misunderstanding as to the price to be paid.

It enacts that there shall be appropriated, out of any money in the Treasury not otherwise appropriated, the difference between the amount paid the Indains and the sum that the lands would bring at \$1.50 per acre, or \$215,239.

It is provided that after a census is made by some person nominated by the chief and council of the tribe, whose appointment shall be indorsed by the Secretary of the Treasury, the roll so prepared shall be made in triplicate and approved by the chief and councilmen of the tribe. It is to include the names of all members living on the 1st day of May, 1906. The census and enrollment are to be attested under oath by the persons appointed to make the census and enrollment, and it is to bear the approval of the Secretary of the Treasury before any payments are made.

It is further provided that the money appropriated shall be divided equally and distributed among the Indians so enrolled, the shares of the minors to be paid to the parents or next of kin having the care and custody of the minors, and the receipt of the United States from the payee in every instance is to be deemed a receipt in full for all demands on the United States and shall be held to be a final settlement by and between the Government and the Mexican Kickapoo tribe of Indians and all members thereof to whom payment or distribution is made.

Refore treating of the provisions of the amendment, it is deemed ad-

by and between the Government and the Mexican Kickapoo tribe of Indians and all members thereof to whom payment or distribution is made.

Before treating of the provisions of the amendment, it is deemed advisable to invite attention to the history of these people and to examine the title they had to the lands for which it is now proposed to pay them. I quote the office records.

As far back as 1863 or 1864 a considerable number of the Kickapoos, then living in Kansas, being dissatisfied with the provisions of the treaty of June 28, 1862 (13 Stat. L., 623), left their reservation and went to Mexico, joining a number of their people who had gone there some years before. These Indians became a source of annoyance to the frontier settlements in Texas.

By the act of July 15, 1870 (16 Stat. L., 359), \$25,000 was appropriated to collect bands of Kickapoos and other Indians roaming on the borders of Texas and Mexico and locate and subsist them in the Indian Territory. By the act of March 3, 1871 (16 Stat. L., 569), \$40,000 more was appropriated for the removal of these Indians to a reservation within the United States and for their subsistence thereon. The efforts made under these acts failed.

A commission was appropriated for make another attempt to remove them to some point in the Indian Territory. This commission in 1873 succeeded in removing three or four hundred of them to Indian Territory, where they were joined by 114 others in 1875. In 1876 they were reported as numbering 312, while in 1883 they numbered 418.

These Indians were located on the lands for which the amendment proposes to pay them. The tract on which they lived was bought by the United States from the Creek Indians under the provisions of the treaty concluded June 14, 1866 (7 Stat. L., 786), article 3. The Creeks were paid 30 cents per acre. After the Kickapoos were removed to this tract of land on motion of this Office the President, on August 15, 1883, by Executive order set aside the lands under consideration for the use and occupancy of the K

Here, then, is their title to the lands for which it is now proposed to pay them an additional sum over and above the price agreed on. Their care and control was a constant source of trouble and annoyance, the Indians refusing to do anything for themselves or to take any steps which would lead to the breaking up of their tribal relations and their savage mode of life.

Finally an agreement was concluded with them on September 9, 1891, which was approved by the act of March 3, 1893 (27 Stat. L., 557). By this agreement the Kickapoos ceded, conveyed, transferred, and relinquished, forever and absolutely, without any reservation whatever, all their claim, title, and interest of whatever kind or character to the lands in question. Each member was given the right to an allotment, and they were paid \$64,650.

In this connection attention is invited to the provisions of article 5 of the agreement, specifying the amount of money that shall be paid to the Indians. It reads:

"In addition to the allotments above provided for and the other benefits to be received under the preceding articles, and as the only further consideration to be paid for the cession and relinquishment of the title above recited, the United States agree to pay the said Kickapoos," etc. As to the allegations that the representatives of the Indians concluded the agreement under a misunderstanding as to the price to be paid, I think the history of the transaction as it appears on the Government records wears enough of the guise of regularity to call for further investigation before accepting the charge of deception, either intentional or accidental, as proved. The commissioners appointed to obtain the agreement first negotiated with the Indians in Oklahoma, and the form the agreement was to take was there drawn up under date of June 21, 1891, but the matter was held open and finally completed on the 9th of September. 1891, in this city, the cause for the delay being that the Indians did not wish to take lands in severalty, but preferred a diminished re

three men named therein to make an agreement for the sale of their reservation, but stipulating that the agreement should be concluded in this city. All the details of the agreement were settled at Oklahoma City except this matter of allotment or holding the reservation in severalty.

The delegation and the commissioners came here and discussed the matter fully with the Secretary of the Interior, who decided on September 9, 1891, that the Indians should take allotments in severalty. The names of fifty-one persons were then signed to the agreement by the three men alleged to be empowered to act for the tribe. Agent Patrick certified that from the best of his information the male adults of the tribe numbered about fifty, and that he was certain they did not exceed fifty.

On return of the delegation of Indians to Oklahoma, Agent Patrick reported on November 5, 1889, that a council was called, but nothing was done because of the absence of the Interpreter who accompanied the delegation; that afterwards another council was held, at which the agreement was explained and a vote taken, nearly unanimous satisfaction being expressed. Afterwards there appears to have been a split, one faction expressing itself as dissatisfied and the other as pleased with the agreement. These two factions were of nearly equal strength. From the records, therefore, it appears that the Government has twice paid for the lands, and the proposed amendment would authorize a third payment. First, it bought the lands of the Creeks at 30 cents an acre, then purchased the possessory right of the Kickapoos for a little more than 32 cents, which was stipulated to be the final and only compensation they were to receive, and the proposed amendment is designed to give them something more than \$1.17 per acre additional. The committee may form its own conclusions as to how much of a title Kickapoos had to the land. All that they received was obviously a mere gratuity given them in the hope of inducing them to settle down in one place and become citizens.

The representatives of the tribe submit the following:

STATEMENT IN RELATION TO THE KICKAPOO INDIANS OF OKLAHOMA FOR THE DIFFERENCE BETWEEN 32½ CENTS PER ACRE AND \$1.50 PER ACRE.

Under the stipulations of an alleged treaty, concluded with the Mexican Kickapoo Indians in the office of the Secretary of the Interior, in the city of Washington, dated September 9, 1891, the Kickapoo Indians ceded to the United States 183,965 acres, at 32½ cents per acre.

These ceded lands were, under the act of March 3, 1893, open to homestead entry at \$1.50 per acre; and it is the contention of the Kickapoo Indians, first, that they never made any treaty, that the alleged treaty was never in any sense understood by them, and, second,

It is contended for them that had the treaty been made understandingly larger and \$1.50 per acre, received by the Government.

In support of the contention that the treaty was now a content of the treaty was now and the streaty of the Indiana gent in charge of the Indiana immediately precoding the time of the making port of the top of the Indiana gent in charge of the Indiana immediately precoding the time of the making port of the two part 1881 will be found the following paragraph:

"It is exceedingly difficult to get them to accept any innovations have process in the case of allotment. The Cherokee Commission met this tribe in conneil in 1890 and once during the present year, at all of the intervent of the strength of the

That the Government of the United States owes these Indians the difference contended for there can be no question in equity or otherwise. Under date of April 24, 1906, Hon. Henry M. Teller, in speaking of this matter, as shown by the Congressional Record of that day, page 5889, said: "The amendment may be amenable to a point of order. The chairman of the committee seems to think it is. The Government of the United States bought this land from these people, who had the title and sold it. The Supreme Court of the United States declared in a similar case that the Government must respond as trustee to the Indians for the full amount it received for the land. Ordinary rules of law would also require the trustee to do that. The law does not allow the trustee to make any money out of the ward's property, and that is all there is in this claim."

Speaking further on the subject, Senator Clapp said: "Is not this a case where the evidence showed that a man came up here with one Indian and negotiated a treaty and got \$5,000 for negotiating it, and the money was paid him by the Government?" To which Senator Tellers replied: "That is exactly what did happen in this case. It was a most scandalous affair under any phase of it." And further on in his remarks the Senator said: "But independent of that, Mr. President, the Government of the United States was dealing with its ward. It took its title from its ward and then sold the land for a different sum from what it responded to these Indians. The Supreme Court of the United States in a case some years ago entitled, as I recollect, "The New York Indians," settled that question. I need not say to the lawyers here that it is the rule that a trustee is never allowed to make any money out of the property of his ward. He is not allowed to make any money out of the property of his ward. He is not allowed to deal with them in that way."

Quoting from the Commissioner's annual report for 1891, page 364, which is the statement of the Indian agent who had charge of the Kickapoo Indians in

MEXICAN KICKAPOOS.

MEXICAN KICKAPOOS.

This is a restless, suspicious, and stubborn tribe of Indians. They will sacrifice all comforts and benefits allowed them by the Government rather than deviate from their own nonprogressive notions, for fear of putting themselves in jeopardy of being civilized. They, like Big Jim's band of Upper Shawnees, refuse to patronize schools or allow themselves to be enrolled or enumerated.

The past year, owing to the failure of crops from drought, they were almost in a condition of famine, several of them actually starving to death. On representation of the facts, I obtained authority to purchase for them seven months' rations out of the funds appropriated for the support of Kickapoos. After the provisions were purchased they actually refused to enroll for the purpose of drawing the same, notwithstanding their starving condition, and the rations had to be sold. The cause of this was their fear that the enrollment might in some way serve to force an arbitrary allotment upon them.

It is extremely difficult to get them to accept any innovation into their customs and usages of living. Especially has it proven a tedious process in the case of allotments. The Cherokee Commission met this tribe in council twice in 1890 and once during the present year, at all of which councils the common result was reached—the Indians absolutely refusing to treat for the sale of the residue as surplus lands.

At the last meeting with them the argument was presented that they were situated on their present location merely by Executive order—a clemency that might at any time be revoked and the same power used to remove them to other lands; that they should take advantage of the present opportunity to secure permanent homes and a good competence arising from the sale of the surplus. To this they replied that their reservation was no larger than sufficient for their needs; that to become definitely located would be to destroy their visiting, feasts, and dances; that if they did not own the reservation it would not be right t

DISTRICT OF COLUMBIA, United States of America, ss:

United States of America, ss:

On this 18th day of January, personally appeared before me the undersigned authority, Benjamin F. Beveridge, who, being by me first duly sworn, deposes and says:

I have resided in the city of Washington, D. C., for more than thirty years last past, and was, in the month of September, in the year 1891, engaged in the hotel business in said city. That on or about the 1st of September, 1891, a delegation arrived at the Baltimore and Ohio depot, from Oklahoma Territory, consisting of two Kickapoo Indians and two white men, one of whom, I was told, was an adopted Kickapoo Indian. II's name was Joe Whipple.

I remember distinctly the arrival of said party because I sent a car-

riage to meet them, which the white man, John T. Hill, who seemed to be in control of the party, refused to take. He engaged another carriage and drove with his party direct to the Indian Office. The Commissioner of Indian Affairs detailed a messenger who brought the party on foot to my house.

The two white men seemed to guard and to prevent any person from talking to the two full-blood Indians who were with them. Joe Whipple, the adopted Indian of the party, told me that he and Hill had brought the Indians to Washington to try to get them to make a treaty; that he spoke the Kickapoo language, and would do the interpreting.

About the 10th of September this man Whipple became very much dissatisfied. He said that Hill was to be paid \$5,000 for fooling the Indians into a treaty, and that Hill had agreed to pay him \$500 and give him a good time in Washington for helping to fool the Indians; that he had misinterpreted to them and was afraid that he would be killed when he went back to the Oklahoma country for lying to them, because they did not understand they were making any treaty; that he thought Hill was acting in bad faith with him, and he said if Hill did not pay him he would go back to the Secretary of the Interior and give the whole thing away. During the winter of 1895 a delegation of Kickapoo Indians also stayed at my house. They were very persistent in declaring to me that they had not made any treaty, and said they never would take their allotments.

BENJAMIN F. BEVERIDGE.

BENJAMIN F. BEVERIDGE

Subscribed and sworn to before me this 18th day of January, 1907. JOHN S. WOOD, Notary Public.

[SEAL.]

JOHN S. Wood, Notary Public.

TREATY WITH THE KICKAPOO INDIANS, JUNE 28, 1862.

ART. 4. To those members of said tribe who desire to hold their lands in common there shall be set apart from the present reservation of the tribe an undivided quantity sufficient to allow one-half section to each chief, one-quarter section to each other herad of family, and 40 acres to each other person, and said land shall be held by that the whole reserve has been and set apart by the same tenure as the whole reserve has been did by set apart by the same tenure as to 1854. And upon such land being assigned in common the persons to whom it is assigned shall be held to have relinquished all title to lands assigned in severalty and in the proceeds of sales thereof whenever made, or should a majority of the adult males of said class decide to remove to the Indian country south of Kansas, then, and in that case, their new home shall not be limited to the quantity above designated, but shall be as large as can be purchased with the proceeds of the sale of the tract to which they would have been entitled had they determined to remain upon the present reservation, computing the same at the rate of at least \$1.25 per acre: Provided, That the purchase of such new home shall be made by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, and at such locality within said Indian country as he may select: And provided also, That such new home shall be purchased and the late of the survey herein provided on two years after the completion of the survey herein provided on two years after the completion of the survey herein provided on two years after the completion of the survey herein provided on two years after the completion of the survey herein provided on the years after the completion of the survey herein provided on the years after the completion of the survey herein provided on the years after the provided of the years of their full proportion share of all assets belonging to said tribe in the

Referring to the provision for bringing sult, the Commissioner says:

"I consider this legislation highly desirable because it may result in the final settlement of the question whether Martin J. Bentley, who has had charge of the Kickapoo Indians who migrated to Mexico, or the Department of the Interior, which, from conscientious motives, has done its best to defeat his plan, has presented the situation the more honestly to the public. If the charges which the Department has brought against Mr. Bentley are true, he ought to be severely punished. If the counter charges he brings against representatives of the Government are true, they ought to be severely punished. It is impossible that both sides should be right. If both are wrong, then by all means, in justice to everybody, let us find it out."

Mr. CLAPP. Before the amendment is passed, I should like to have the words "or elsewhere" inserted in line 1, page 99.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 99, line 1, after the words "Re-

public of Mexico," it is proposed to amend the committee amendment by inserting the words "or elsewhere."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The amendment of the committee

as amended will be passed over.

as amended will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Chilocco School," on page 99, after the word "Oklahoma," to insert "\$116,400;" and on page 100, line 2, before the word "dollars," to strike out "one hundred and nineteen thousand four hundred" and insert "two thousand five hundred;" so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Chilocco, Okla., \$116,400, and for pay of superintendent, \$2,500.

The amendment was agreed to.

The next amendment was, on page 100, line 6, to reduce the total appropriation for support and education of 700 Indian pupils at the Indian school at Chilocco, Okla., etc., from \$144,400 to \$143,900.

The amendment was agreed to.

The next amendment was, under the subhead "Osages (treaty)," on page 100, line 18, after the date "1838," to strike and said sum shall draw interest at 5 per cent per annum, and insert:

And said sum shall be distributed to the members of said tribe of Osage Indians in Oklahoma entitled thereto equitably per capita, and paid in the same manner as provided by the act of April 21, 1904, 33 Statutes at Large, page 201, it being the purpose of this provision to close said account and distribute said funds.

So as to make the clause read:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Osage tribe of Indians in Oklahoma the sum of \$69,120, the amount due the tribe under the sixth article of the treaty of June 2, 1825 (7 Stat. L., p. 153), being the value of fifty-four sections of land set apart by said treaty for educational purposes, per Senate resolution of January 9, 1838, and said sum shall be distributed to the members of said tribe of Osage Indians in Oklahoma entitled thereto equitably per capita and paid in the same manner as provided by the act of April 21, 1904, 33 Statutes at Large, page 201, it being the purpose of this provision to close said account and distribute said funds.

The amendment was agreed to.

The next amendment was, at the top of page 101, to strike out: For interest on \$69,120, at 5 per cent per annum, being value of fifty-four sections of land set apart by treaty of June 2, 1825, for educational purposes, per Senate resolution of January 9, 1838, \$3,456.

The amendment was agreed to.

The next amendment was, under the subhead "Pawnees (treaty)," on page 101, after line 24, to insert:

treaty)," on page 101, after line 24, to insert:

That there is hereby granted to the town of Pawnee, in Pawnee County, Okla,, for park, educational, and other public purposes, all of that part of section 32, in township 22 north, range 5 east, Indian meridian, in said county, described as follows, to wit: Commencing at the northwest corner of the northeast quarter of section 32, in township 22 north, range 5 east, Indian meridian, in said county; thence running due east on the north line of said section 32 forty-four one-hundredths chain, more or less, to the west boundary line of the Morris road; thence in a southwesterly direction along the west boundary line of said Morris road 16.25 chains; thence west parallel with the north line of said section 7 chains to a point; thence in a southwesterly direction parallel with the west line of said Morris road and 7 chains distant therefrom to a point in the center of the main channel of Black Bear Creek; thence in a southwesterly direction following the center of the channel of said creek to the dividing line between the northeast quarter of the southwest quarter and the northwest quarter of the southwest quarter of said section; thence north on said dividing line extended to the north line of said section, the same being the place of beginning; and the said lands hereby granted being a portion of the Pawnee Indian Reservation set apart for agency and school purposes at the Pawnee Agency in said county under act of Congress approved February 8, 1887, as amended by act of Congress approved February 28, 1891, and in accordance with the instructions from the Acting Commissioner of Indian Afairs dated March 17, 1891, the said lands hereby granted to said town of Pawnee being subject to the rights of way of the Eastern Oklahoma Railway Company and the Arkansas Valley and Western Railway Company heretofore acquired.

That the said lands are to be held and used by the said town of

Company and the Arkansas Vaney and Western Rahlway Company heretofore acquired.

That the said lands are to be held and used by the said town of
Pawnee for park, educational, and other public purposes: Provided,
That the board of trustees of said town may authorize the board of education of said town to use the same for the erection and maintenance
of school buildings thereon and the necessary grounds for use in connection therewith: Provided further, That Pawnee Indian children
shall be admitted to any school thus maintained, free of charge and on
terms of equality with the white pupils in such school: Provided further, That said city shall pay \$1.25 per acre for said land.

The amondment was agreed to.

The amendment was agreed to.

The next amendment was, under the subhead "Sacs and Foxes of the Mississippi (treaty)," on page 103, after line 24, to strike

For interest on \$200,000, at 5 per cent, per second article of treaty of October 21, 1837, \$10,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 2, to strike

For interest on \$800,000, at 5 per cent, per second article of treaty of October 11, 1842, \$40,000: Provided, That the sum \$1,500 of this

amount shall be used for the pay of a physician and for purchase of medicine.

The amendment was agreed to.

The next amendment was, on page 104, after line 8, to insert:

The next amendment was, on page 104, after line 8, to insert:

That the Secretary of the Treasury is hereby authorized and directed
to place upon the books of the Treasury, to the credit of the Sacs and
Foxes of the Mississippi tribe of Indians, the unappropriated sums of
\$200,000 due under the second article of the treaty of October 21, 1837
(7 Stat. L., p. 540), and \$800,000 under second article of treaty of
October 11, 1842 (7 Stat. L., p. 596); and the Secretary of the Interior
is authorized to pay per capita to the members of the tribe entitled
thereto the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904
(33 Stat. L., p. 201).

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 104, line 26, before the word "dollars," to strike out "fifty-one thousand" and insert "one million and one thousand;" so as to make the clause

In all, \$1,001,000.

The amendment was agreed to.

The next amendment was, under the head of "Oregon," on page 105, line 4, to increase the appropriation for support and civilization of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oreg., including pay of employees, from \$5,000 to \$8,000

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "Salem School," on page 105, line 13, after the word "Oregon," to insert "including Alaskan Indians and Esquimaux, \$100,700;" and in line 16, before the word "dollars," to strike out "one hundred and two thousand seven hundred" and insert "two thousand;" so as to make the clause read:

For support and education of 600 Indian pupils at the Indian school, Salem, Oreg., including Alaskan Indians and Esquimaux, \$100,700, and for pay of superintendent, \$2,000.

Mr. CLAPP. Before we pass this amendment on page 105, line 14, at the suggestion of the Department I move to substitute the word "natives" for "Indians."

The VICE-PRESIDENT. The amendment of the Senator

from Minnesota to the amendment of the committee will be

The SECRETARY. After the word "Alaskan," in the amendment of the committee, in line 13, page 105, it is proposed to strike out "Indians" and insert "natives."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 106, after line 5, to insert:

The next amendment was, on page 106, after line 5, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to purchase from Karl A. Torgerson and Charles E. Heyn 80 acres of land, more or less, now occupied by John Smith and Jane Isaac, allottees of the Grande Ronde Indian Reservation in Oregon, and to pay for said lands the sum of \$650, and to use for this purpose \$132.67 of the funds now in the Treasury belonging to the Grande Ronde Indians and derived from the sale of their surplus unallotted lands, and the further sum of \$550, or so much thereof as may be necessary, which is hereby appropriated out of any money in the Treasury not otherwise appropriated: Provided, That the lands so purchased shall be patented to the said John Smith and Jane Isaac as a part of their respective allotments.

The amendment was agreed to.

The next amendment was, under the head "Pennsylvania," on page 107, after line 7, to strike out:

For employees' quarters, \$5,000.

Mr. CLAPP. At the time that amendment was made the committee had in mind the possibility of beginning at this time to gradually eliminate nonreservation schools, and Carlisle being the farthest from the Indians, it intended to commence with that school. This thought was abandoned, and if the school is to be retained, probably the House provision ought also to be retained.

Mr. McCUMBER. I want to ask a question. I did not know that that theory had been abandoned.

Mr. CLAPP. It was abandoned as to this bill. We do not

report anything of the kind.

Mr. McCUMBER. That is rather a surprise to me. I supposed that it was agreed upon at one time by the committee. I was not present at any time when any change was made.

I was not present at any time when any change was made.

Mr. CLAPP. Yes; at a subsequent meeting of the committee it was agreed not to report it at this session.

Mr. McCUMBER. May I ask the Senator, then, what was done with the other school down at Hampton, Va.?

Mr. CLAPP. That was also left out.

Mr. McCUMBER. No provision was made for discontinuing

either of them?

Mr. CLAPP. No.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 107, line 9, to reduce the total appropriation for support and education at Indian school at Carlisle, Pa., for transportation of pupils, etc., from \$169,000 to \$164,000.

Mr. CLAPP. That will have to be disagreed to.

The amendment was rejected.

Mr. CLAPP. Returning to page 104, I ask that the vote by which the Senate committee amendment was adopted be reconsidered and that the amendment be passed over for the present.

The VICE-PRESIDENT. Without objection, the vote is reconsidered, and the amendment will be passed over.

Mr. KEAN. Which one is that?

Mr. CLAPP. The whole thing.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 108, after line 3. to insert:

PINE RIDGE AGENCY.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay for buildings and repairs of buildings and for water supply at Pine Ridge Agency, S. Dak., \$10,000.

Mr. CLAPP. I move, on page 108, to strike out line 5 of the Senate amendment, including the words "authorized and directed to pay" in line 6, and that the word "for" commence with a capital F.

The VICE-PRESIDENT. The Secretary will state the proposed amendment to the amendment.

The Secretary. On page 108, in the committee amendment, it is proposed to strike out

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay-

And to begin the word "for" with a capital F; so as to read: For buildings and repairs of buildings and for water supply at Pine Ridge Agency, S. Dak., \$10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 108, line 11, after the words "South Dakota," to insert "\$33,400;" and in line 14, before the word "dollars," to insert "one thousand six hundred;" so as to make the clause read:

For the support and education of 200 Indian pupils at the Indian school at Chamberlain, S. Dak., \$33,400, and for pay of superintendent, \$1,600.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 108, line 23, after the words "South Dakota," to insert "\$62,825;" and in line 25, before the word "dollars," to strike out "sixty-four thousand six hundred and twenty-five" and insert "one thousand eight hundred. dred;" so as to make the clause read:

For support and education of 375 Indian pupils at the Indian school Flandreau, S. Dak., \$62,825, and for pay of superintendent, \$1,800.

The amendment was agreed to.

The next amendment was, on page 109, line 1, after the word "improvements," to insert "including completion of industrial and domestic building and veneering old building;" in line 3, before the word "thousand," to strike out "five" and insert "eight;" and in the same line, after the word "dollars," to insert "of which \$3,000 shall be immediately available;" so as to make the clause read:

For general repairs and improvements, including completion of industrial and domestic building and veneering old building, \$8,000, of which \$3,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 109, line 5, to increase the total appropriation for support and education of 375 Indian pupils at the Indian school at Flandreau, S. Dak., from \$69,625 to \$72,625.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "Pierre School," on page 109, line 9, after the word "South Dakota," to insert "twenty-five thousand one hundred and fifty dollars;" and in line 12, before the word "dollars," to strike out "twenty-six hundred and fifty" and insert "one thousand five hundred;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Pierre, S. Dak., \$25,150, and for pay of superintendent, \$1,500.

The amendment was agreed to.

The reading was continued to the end of line 18, on page 109. Mr. CLAPP. Before we leave the Pierre School, it seems that the boiler house has burned since this bill was prepared, and I send to the desk an amendment to be inserted between lines 14 and 15, on page 109.

The VICE-PRESIDENT. The Senator from Minnesota pro-

poses an amendment, which will be stated.

The Secretary. On page 109, after line 14, it is proposed to insert-

For rebuilding and repairing boiler house and installing and equipping heating and lighting plant, \$4,000, to be immediately available.

The amendment was agreed to.

Mr. CLAPP. That will necessitate a change of the total. In line 18. I move to amend it so as to read:

In all, \$47,650.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 109, line 21, after the words "South Dakota," to insert "\$42,150;" and in line 24, before the word "dollars," to strike out "forty-three thousand seven hundred and fifty and insert "one thousand six hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Rapid City, S. Dak., \$42,150, and for pay of superintendent, \$1,600.

The amendment was agreed to.

The next amendment was, on page 110, line 1, after the word "For," to strike out "office building" and insert "employees' quarters;" so as to make the clause read:

For employees' quarters, \$3,000.

The amendment was agreed to.

The next amendment was, on page 110, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to pay to Jane E. Waldron, for judgment obtained in the United States circuit court for the district of South Dakota in the case entitled "Jane E. Waldron v. Black Tomahawk and Ira Hatch, agent of the Cheyenne River Agency," and to reimburse her for expenses incurred in said case, \$3,860.39 : Provided, That before said amount is paid the said Jane E. Waldron shall satisfy said judgment, and shall also file a receipt in full of all claims.

The amendment was agreed to.

The next amendment was, on page 110, after line 16, to insert:

The next amendment was agreed to.

The next amendment was, on page 110, after line 16, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due, with the right of appeal as in other cases, in the claim of the Medawakanton and Wahpakoota bands of Sloux Indians, otherwise known as "Santee Sloux Indians," for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: Provided, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act, and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the

break; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by any of the attorneys for said Indians who are thereunto authorized by contract with said Indians, on file in the Department of the Interior, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 12, 1897, or their assignees or associates, and the said cause shall be advanced on the docket of the Court of Claims, and of the Supreme Court of the United States if the same shall be appealed; and the court shall find and award to the attorneys of said Medawakanton and Wahpakoota bands of Sioux Indians who have conducted said cause a sum equal to 10 per cent of the amount of said judgment, and distribute the sum thus awarded to the attorneys and their associates as their respective interests may appear under agreements between themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon the rendition of final judgment and certification of the same to the Secretary of the Treasury by the cierk of the Court of Claims, which sum is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of such judgment.

And the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of \$2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said cause in the taking of testimony therein and defraying the expenses of printing incidental thereto.

Mr. SPOONER. I should like to ask the Senator in charge of

Mr. SPOONER. I should like to ask the Senator in charge of the pending bill whether there is any objection to this provision going over?

Mr. CLAPP. None at all.
Mr. KEAN. I thought I would make a point of order upon it.
Mr. SPOONER. The point of order can be made just as well when it comes up again.

Mr. KEAN. Does the Senator think it had better be passed

Mr. TILLMAN. Why should we continue to defer the settlement of points of order on a matter like this? This amendment is very indefinite. It is an appropriation of an unknown sum of money, without any report to tell us just how much is involved. It may involve one million or five millions.

Mr. LODGE. Mr. President

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.
Mr. LODGE. If the Senator from Wisconsin wants to have it passed over of course I have no objection, but I think we might as well settle it now.

Mr. SPOONER. I do not care about its being passed over.

Then let us settle it now.

Mr. SPOONER. It is a matter which affords a legitimate subject for very considerable debate.

Mr. LODGE. It is clearly out of order.

Mr. SPOONER. It is an old acquaintance,
Mr. CLAPP. The Senator will pardon me for a moment. I
do not care to discuss the point of order, but I do desire to call the attention of the Senator from South Carolina [Mr. Till-MAN] to the fact that on page 76 and succeeding pages of the hearings before the committee there is a full account of this

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Massachusetts?

Mr. SPOONER. I do.
Mr. LODGE. I have read over what the Senator from Minnesota refers to, but it does not seem to me to meet the objection of the Senator from South Carolina at all. It does not give the amount of money that is involved here. It gives what is in-

tended to dispose of in the way of claims.

The amendment provides that the attorneys shall be paid out of the Treasury of the United States, after which the United States is to be reimbursed from the award. It appropriates a sum of money to enable the attorneys to carry on the case against the Government. It seems to me it is as objectionable legislation of that kind, so far as the attorneys go, as I have ever seen.

Mr. SPOONER. The heart of it, if the Senator will permit me, is line 4, page 111, where it repeals the act of forfeiture of the annuities of said bands, approved February 16, 1863.

Mr. TILLMAN. Why should it repeal that? Nobody tells

Mr. SPOONER. That act was passed shortly after these Indians committed the massacre at New Ulm.
Mr. TILLMAN. Why should the lawyers get in it?
Mr. SPOONER. I am not talking about that. If the suit is

authorized to be brought, and lawyers are legally employed, and they conduct the suit, they should be paid. The question is whether this forfeiture ought to be repealed and the suit be permitted to be brought. That is the question for the Senate to determine.

Mr. LODGE. Time is precious at this period of the session. This amendment makes a charge on the Treasury not estimated for, and it provides for the payment of a claim. I make the

point of order against it.

The VICE-PRESIDENT. The Chair has examined the proposed amendment with some care, and is clearly of the opinion that it is in contravention of the rule, and therefore sustains the point of order.

Mr. CLAPP. I wish to call attention to one thing: In reporting a provision sending the claim to the court we could hardly state what the court should find. The number of acres are stated here, as well as all the other information available.

Mr. SPOONER. There is nothing due these Indians confessedly under the treaty of 1837 as annulties unless this provision is enacted into law, because it repeals the act of 1863, which, because of the murders and outrages which these bands had committed, forfeited those annuities. The Government in 1863 appropriated nearly a million dollars out of the Treasury to pay the people who still lived after the outbreak of Indians in northern Minnesota for damages which resulted from their course of conduct. It is a very large subject.
Mr. GAMBLE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. SPOONER. Certainly.

Mr. GAMBLE. Mr. President, I think it is true that a million or a million and a half dollars was appropriated by the Federal Government and paid over to the State of Minnesota to be used by the State in liquidating the damages. But that sum was charged up against these forfeited annuities.

This is not unusual legislation, because the Sisseton and Wahpeton claim, which was very nearly in line on facts with this claim, was, in 1901, referred to the Court of Claims to re-turn findings. But owing to the indefiniteness of the reference

no findings could be returned by the Court of Claims and at the last session of Congress the claim of the Sisseton Indians, under substantially the same facts and in the same language, was referred to the Court of Claims. Hence this is following the rule that then prevailed.

Now, a word or two in regard to the facts. Under the treaty of 1837, on account of the cession of lands of these Indians, I think, east of the Mississippi River, a perpetual annuity of \$15,000 was agreed to be paid to them, and on account of the cession of nearly 15,000,000 acres largely in Minnesota and Iowa, under the treaty of 1851, \$61,450 was to be paid annually for fifty years; and for a certain number of years those annuities On account of the massacre and the outrage that came in 1862 in the State of Minnesota, Congress forfeited those annuities. Appropriations of money have been made since for the benefit of both of these tribes. This reference is proposed to the Court of Claims to find the fact whether or not there be any moneys due these Indians. If the act of for-feiture had not been passed, something like three million, or upward of three million, dollars would be due them. But, as already stated, a million and a half dollars was appropriated by the Government and charged up to these Indians, which was paid to the settlers. Large sums of money have been, as gratuities, under treaties and voluntarily, given by the Government to these Indians to such an extent that it is claimed by the Department that more has been paid than would be sufficient to liquidate their entire claim.

Now, it is insisted (and the matter has been before the Senate, I am sure, a good many times before, and fully dis-cussed) that these facts should be determined. I have no apology to offer for the outrages that were committed by these

Indians in 1862.

Mr. CLAPP. Will the Senator from South Dakota pardon me for a moment?

Mr. GAMBLE. Certainly.

Mr. CLAPP. As to those outrages, I may say that years ago, when they were far fresher in the memory of the people of Minnesota than they are to-day, my predecessor, Senator Davis, investigated this matter very thoroughly and favored the repeal of that forfeiture law. I understand these Indians are now in South Dakota very largely, but I do not believe there is any feeling in my State against them, nor is there any feeling that the forfeiture which Congress undoubtedly had no authority to make at the time should any longer stand on the

statute books of the country.

Mr. McCUMBER. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Da-kota yield to the Senator from North Dakota?

Mr. GAMBLE. I will be through in a moment.

Mr. McCUMBER. Very well, I will wait. Mr. GAMBLE. I wish to call attention further to the fact, as there have been some severe criticisms, that on account of these outrages, I think something like 296 or 306 Indians were by a military court tried and condemned. The court ran with such expedition that I think thirty or forty or fifty were condemned in a single day. The records of those trials were gone over by President Lincoln and the findings were reversed as to all but 39, and they were executed and justice was meted out. I will correct myself there. I think something like 37 were convicted for committing the massacre. The others were engaged in actual warfare. A limited number of these Indians are residents of my State. They are largely residents of the State of Nebraska, to which State they were removed. Many, especially of the half breeds, live in the State of Minnesota.

Mr. President, all that is asked here, after a very exhaustive examination and hearing, is that this matter shall be referred to the Court of Claims to find the facts and return a judgment. No money is to be paid unless there is an appropriation by Congress in liquidation of that judgment as it sees fit. It is entirely proper, it seems to me, that an appropriation of \$2,500, whatever it may be, should be authorized from the funds of the Indians to secure the evidence, to pay for the printing, etc., in order that these matters may be properly presented to the

Court of Claims. Now, as I said, I do not care to go into the facts at large. have simply said what I did in justification of the report that is made here. The matter has been repeatedly reported here-

twice been referred to the Court of Claims.

Mr. McCUMBER. Mr. President, there are one or two very important features in this case which I do not think have been touched upon. I have not read the bill carefully enough to know. exactly what the terms of the pending amendment are, but I desire to call the attention of the Senator from Wisconsin and other Senators to the treaty of 1837, which granted the an-

That treaty provided in express terms that these bands, or the Sioux tribe, were not to make war upon white citizens. It also provided in express terms that if members of the tribe should pillage the country or commit any offenses the Government would pay for anything they destroyed and deduct it from those annuities. So the very thing that the Indians did in 1862, unless it can be regarded as a war by the entire Sioux

Nation, was provided for under the terms of the treaty.

Then the question naturally arises, was this a war by the Sioux Nation against the white settlers or was it an uprising by a large number of irresponsible members of that tribe? lieve it has been well established that the majority of the Sioux Nation was opposed to the outbreak. All the old men spoke against it. Many of them attempted to check the impetuosity of the younger men of the tribe who joined in this great

slaughter of 1862.

After the war was over the annuities were forfeited. They were forfeited of course upon the assumption that the entire Sioux Nation, the party with whom the treaty had been made, had engaged in a war against the United States. Of course, as a penalty against the Sioux Nation, under the rules that would govern any people in war with another, we had a right, legally and morally, to forfeit those annuities; but if it was not a war by the Sioux Nation, but merely a war or an uprising by certain bands of that nation, without the authority of the entire nation, then it was provided for in the very treaty. And inasmuch as we have paid those sums to the white settlers affected, and probably paid everything, I have myself come to the conclusion that the forfeiture never ought to have been made.

We forfeited annuities in the case of many Indian tribes, and I do not think there is a single instance left in which we forfeited the annuities of Indians because of uprisings where we have not reinstated them. This is the only one. Last year we showed rather conclusively that what were known as the "lower bands," the Wahpetons and Sissetons, except a very few of them, did not engage in this great massacre. We established also that practically all those who did engage in it, so far as we can ascertain, were punished, some of them by imprisonment and others by being hanged, and those who were not reached in that way were persons who escaped entirely from the tribe, and that

there are none of them left-Mr. CLAY. Mr. President

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. CLAY. As I understand the amendment, those who participated in the outrages would not draw anything under its provisions?

Mr. McCUMBER. They would not, if you can find them.

Mr. CLAY. I notice this—
Mr. McCUMBER. But I want to say to the Senator that I have no doubt that every one of them could show that he did not participate. Remember, this was in 1862, and it is probable that most or very many of those who participated are now dead, and those who are left, if there are any, we will admit we could scarcely identify at this time.

Mr. CLAY. I notice that the amendment provides-

Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Mr. McCUMBER. I understand, and I can say in explana-tion that my information is there are not now living fifty that we could say engaged in any degree in that massacre, and they for the most part are those who took a minor part in it and suffered imprisonment. So their names are known. The information is already within the Department. So practically it would be very easy to segregate those from the rest.

I desire to say just one word upon the attorney feature of this I intended, as I read the amendment over very rapidly, to offer an amendment, so that instead of 10 per cent, to provide for a reasonable attorney's fee to be determined by the court. But inasmuch as we have already relieved in the same manner those of two of the bands constituting the Sioux at that time, I can see no injustice in applying the same law to the remainder of them, the other two bands, if they come under similar conditions.

Mr. GAMBLE. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. GAMBLE. I will say to the Senator from North Dakota that I have prepared an amendment in regard to the provision for attorney's fee, embodying in the amendment, if it shall be passed, the same provision that was in the Sisseton provision last spring. In other words, it would be left to the Court of Claims to pass upon the amount.

Mr. TILLMAN. Mr. President, I rise to a parliamentary in-

quiry.

The VICE-PRESIDENT. The Senator from South Carolina rises to a parliamentary inquiry. He will state it.

Mr. TILLMAN. Has this amendment gone out on the point of order raised by the Senator from Massachusetts?

The VICE-PRESIDENT. It has. Mr. TILLMAN. What is the use of this discussion?

Mr. McCUMBER. I do not know, unless it would be to have the Senator who made the point of order withdraw it, which he might possibly do in justice to all of those bands of Indians. The point of order was made without considering or going into the merits of the case, and we have passed many amendments of like character. But, Mr. President, I simply submit that we ought to treat all of these Indians alike. We have allowed the other two bands of the same tribe to go to the Court of Claims and establish the facts.

Mr. SPOONER. Will the Senator from North Dakota permit

me to ask him a question?

Mr. McCUMBER. Certainly. Mr. SPOONER. When did that occur?

Mr. McCUMBER. At the last session; last winter, I think. The case is now pending in the Court of Claims.

Mr. GAMBLE. It was referred on a prior occasion, I think in 1901:

Mr. McCUMBER. I will say to the Senator that it was fully argued on the floor here, and it was passed after argument.
Mr. LODGE. In a separate bill?

In a separate bill?

Mr. McCUMBER. No; it was in the appropriation bill. Mr. SPOONER. Mr. President, only a word. My information as to the real effect of this proposition if it were enacted into law, in dollars and cents to the Government, as well as in some other respects, came to me from a conversation with Senator Platt of Connecticut, one of the most faithful Senators who ever served in this body as well as one of the ablest. He was bitterly opposed to it after a searching investigation of the facts. think it is an extraordinary proposition, outside of the questions which have been suggested here.

The Senator from South Dakota is quite mistaken, as I under-

stand the amendment, in his statement, that it will call upon the Court of Claims only to report the facts.

Mr. GAMBLE. And to render judgment. Mr. SPOONER. Ah, the Senator said, report the facts. It

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due, with the right of appeal as in other cases, in the claim of the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as Santee Sioux Indians, for any an-

It would be impossible to confer any greater jurisdiction upon the Court of Claims. The Court of Claims can not issue out of its court execution against the Government. All final judgments rendered by the Court of Claims are to be appropriated for by Congress, and they generally are appropriated for by

The Chair has ruled upon this proposition, and I do not intend to take any time in discussing the suggestion that Congress had not the constitutional power to forfeit annuities by the act of 1863. That is a question upon which lawyers may be very well divided. I knew something of some of these In-dians myself once; and long before the Senator from South Dakota I expect ever heard of South Dakota I marched 800 or 900 miles across that territory, and I think, outside of a fort, that I saw no habitation but at Yankton, which was then a little hamlet between Fort Randall and up about where the Northern Pacific now crosses the Missouri, near Bismarck. The Indians remaining of that tribe up there at that time did not have a very enviable reputation. Of course it is perfectly easy for these Indians to show that no Indian now alive participated in that massacre. They can establish the saintship of all the living Indians by each other's testimony. There is a history somewhere, upon which I can lay my hands, of the outbreak in Minnesota.

Mr. McCUMBER. If the Senator will allow me right there, I must say that there are undoubtedly very many of the Indians who engaged in that massacre who are alive other than those who are known to have engaged in it, and who are still members of the band, but I think all of them have joined other bands in other sections of the country.

Mr. SPOONER. I think the Senator was absolutely correct in his statement that it will turn out, if this suit is permitted to be brought, that there are no Indians of those bands now alive who participated in the massacre.

Mr. McCUMBER. The Senator is mistaken, if I may cor-

rect him. I said there are about fifty who are known, all of

whom I think suffered terms of imprisonment.

Mr. GAMBLE. I will state in reply to the Senator from Wisconsin that I myself have seen some of the Indians who were recognized and known as having participated in the devastation and destruction in Minnesota. My information is, as stated by the Senator from North Dakota, that there are about fifty still living, and those Indians are largely across the river at Fort Niobrara, in the State of Minnesota, and only in limited numbers are they with the Flandreaus in my State. I think a large number of the mixed bloods are in the State of

I wish to make just one further suggestion. I understand it to be a historical fact that there were certain treaties abrogated with the Five Civilized Tribes during the war, and that every dollar of their annuities was restored to them, and in addition there was paid an excess price for their land over and above that agreed to in the original treaty.

Mr. SPOONER. sacring the whites? Was that a premium or a reward for mas-

Mr. GAMBLE. I am simply stating the fact. Of course, I have not undertaken any justification of it. But there was a terrible punishment imposed upon a large number of these Indians. Four hundred of them were imprisoned for some four or five years, and during that time I think 160 of them died in prison, 39 of them were executed, and between 800 and 900 of them fled as fugitives from justice and have remained since that time in Canada. Not a dollar is appropriated to them, because they were largely the guilty people.

I think it is shown in the record here that upward of 1,500 of these people were taken up to the military post between Minneapolis and St. Paul to be protected, not only from the In-dians, but from the white people. Many of them had rescued and had risked their lives to rescue the white settlers and protect them. They were the enemies of the Indians. The white people thought they were their enemies, and the Indians had to flee for protection. I am speaking of the innocent; and the innocent should not be punished for the limited number of guilty, who already have been punished so severely.

Mr. SPOONER. At the very last session, I think, before Senator Quay left this Chamber we appropriated some money to a number of Indians who rescued the children and one or two women from one of these bands.

Mr. GAMBLE. I am sorry to say that that proposition failed d conference. We passed it in the Senate a number of times.

Mr. SPOONER. The Senator speaks about the terrible punin conference.

ishment. I know a woman whose husband was killed at this massacre, who carried two of her children 60 miles through

Mr. HALE. In her arms?

Mr. SPOONER. In her arms, without food, lying among the trees and concealing herself by day and traveling by night. She came out a maniac, with her mind destroyed for twenty years afterwards. A long time has elapsed, but the horror of that outbreak, which was no ordinary outbreak, remains. It took a great many troops to put it down. It is fresher in my memory, though I did not live in Minnesota, than it is in the memory of others who were more remote from that region.

I wish to say, Mr. President, this debate shows what the Senator from Maine has been constantly contending for, that no proposition of this kind ought ever to find a place in an appropriation bill. If this is a meritorious proposition, why not introduce a bill covering it, so that it may not in the last hours of the session be brought here, but may be investigated by a committee and thoroughly debated on the floor of the Senate?

Mr. GAMBLE. If the Senator will pardon me, I will state that this identical bill was favorably reported by the Commit-

tee on Indian Affairs.

Mr. SPOONER. Is it on the Calendar? Mr. McCUMBER. It was on the Calendar under Rule VIII, but went over under objection to Rule IX. It has been on the Calendar since the last session of Congress.

Mr. SPOONER. Having gone over under objection, it finds its way into the appropriation bill. I do not think it is good

legislation.

Mr. McCUMBER. Mr. President, I wish simply to ask the Senator from Massachusetts, in view of the fact that we have passed exactly the same character of legislation for the other two bands and in view of the fact that many Senators have not looked into this and many other matters are to be passed over, that he will withhold for the present his objection. Of course,

that is entirely within his power. It may be raised at any other time in the proceeding, but I wish he would withhold it for a short time

Mr. LODGE. Mr. President, I do not intend to withdraw the point of order, but I am perfectly willing to withhold it. I only made the point of order now in the hope of saving time on the bill. If the Senator from South Dakota wants me to withhold it, of course I will do so. I will withhold it, Mr. President, and ask that the amendment be passed over.

The VICE-PRESIDENT. The Senator from Massachusetts

withholds his point of order, and the amendment will be passed

The reading of the bill was continued.

The next amendment of the Committee on Indian Affairs was, under the subhead "Sioux, Yankton tribe (treaty)," on page 115, line 2, after the word "For," to strike out "nineteen" and insert "nineteenth;" so as to make the clause read:

For nineteenth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April 19, 1858, \$15,000.

The amendment was agreed to.

The next amendment was, on page 115, after line 16, to insert: For erecting laundry building and equipment thereof at Canton, S. Dak., Indian Insane Asylum, \$6,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 116, after line 14, to insert:

The next amendment was, on page 116, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, with the consent of the Indians of the respective reservations, to be obtained in such manner as he may deem best, to cause an allotment of 320 acres of land to be made to each woman belonging on the Pine Ridge Reservation or Cheyenne River Reservation, in South Dakota, or on the Standing Rock Reservation, in North Dakota and South Dakota, now living, and who is not entitled to and has not received an allotment under existing law by reason of her having been a married woman at the date of the order of the President authorizing allotments on the reservation to which she belongs: Provided, That the allotments as made hereunder shall be subject to the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sloux Nation in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," and the amendments thereto.

The amendment was agreed to.

The amendment was agreed to.

Mr. CLAPP. The amendments following, commencing on line 8, page 117, down to and including line 9, on page 118, should go out.

The next amendment was, on page 117, after line 7, to insert: That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment upon the claim of Esther Rousseau, for horses belonging to her and killed and destroyed upon the Cheyenne River Indian Reservation, or elsewhere, in the State of South Dakota, by the Indian agent in charge of said Cheyenne River Indian Reservation and other persons under his authority, with right of appeal as in other cases.

The amendment was rejected.

The next amendment was, on page 117, after line 15, to insert:

That a petition may be filed by the attorneys of the said Esther Rousseau in said court within forty days from the approval of this act, and service of said petition shall be had by filing copies thereof with the Attorney-General and the Secretary of the Interior, and answer thereto shall be filed in said court within sixty days after the service of the petition.

The amendment was rejected.

The next amendment was, on page 117, after line 21, to insert:

The court may receive and consider all papers, depositions, records, correspondence, and documents heretofore filed in the Executive Departments of the Government, together with any other evidence offered, and shall render a judgment or decree thereon for such amount, if any, without interest, as the court shall find legally or equitably due to the said Esther Rousseau.

The amendment was rejected.

The next amendment was, on page 118, after line 3, to insert: Said cause shall be advanced on the calendar of said court, and the amount for which judgment may be rendered, when paid to the party named in said judgment, or her duly authorized and accredited attorneys, shall be received in full and final settlement of the claim for said unlawful destruction of said horses.

The amendment was rejected.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to certain Sioux Indians at the Rosebud Agency, S. Dak., losses claimed to have been sustained by said Indians on account of property taken from them in the years 1876, 1877, and 1878, as reported by J. M. Lee, Ninth United States Infantry, acting Indian agent, \$8,200. The next amendment was, on page 118, after line 9, to insert:

The amendment was agreed to.

The next amendment was, under the subhead "Southern Utah School," on page 118, line 24, after the word "Utah," to insert ** \$12,525;" and on page 119, line 2, before the word "dollars," to strike out "thirteen thousand seven hundred and twenty-five" and insert "twelve hundred;" so as to make the clause

For support and education of seventy-five pupils at the Panguitch Indian school in southern Utah, \$12,525, and for pay of superintendent \$1.200.

The amendment was agreed to.

The reading of the bill was continued to page 120, line 10. Mr. CLAPP. On page 120, lines 6 and 7, an amendment was adopted by the committee, but in some manner it was left out in the printing. I should like to send it up and have it read and ask for its incorporation in the bill.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 120, after line 6, insert:

That the sum of \$5,000, for the purchase of lands and sheep for the San Juan Plute Indians, and \$10,500, for the support and civilization of the Kaibab Indians in Utah, etc., appropriated in the Indian act for the fiscal year 1907, are hereby reappropriated and made available for the use of the Piute Indians in southern Utah and northern Arizona.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Indian Affairs was, under the head of "Washington," on page 120, after line 16, to insert:

For rebuilding and repairing the sawmill on the Tulalip Indian Reservation, \$2,000.

The amendment was agreed to.

The next amendment was, at the top of page 121, to insert:

For the construction of a telephone line on the Yakima Reservation, \$4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 121, after line 7, to insert:

That the Secretary of the Interior, in his discretion, is hereby authorized, with the consent of the Indians, to be obtained in such manner as he may deem best, to sell, under rules and regulations to be prescribed by him, any tract or part of any tracts of land heretofore set apart and reserved for cemetery and church purposes in the Indian addition to the city of Tacoma, Wash., not now needed for these purposes, and to use the proceeds of said sale for fencing and otherwise improving the part or parts now used, occupied, or needed for the cemetery and the church.

The amendment was agreed to.

The next amendment was, under the subhead "Spokanes (treaty)," on page 122, after line 11, to insert:

In payment of the Indians residing on the Colville Reservation for the cession by said Indians to the United States of 1,500,000 acres of land opened to settlement by an act of Congress "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes." approved July 1, 1892, being the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the act approved June 21, 1906, ratifying the agreement ceding said land to the United States under date of May 9, 1891, \$1,500,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the subhead "Hayward School," on page 123, line 6, after the word "Wisconsin," to insert "\$35,570;" and in line 9, before the word "dollars," to strike out "thirty-seven thousand and seventy" and insert "one thousand five hundred;" so as to make the clause read:

For the support and education of 210 pupils at the Indian school at Hayward, Wis., \$35,570, and for pay of superintendent, \$1,500.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the subhead "Tomah School," on page 123, line 16, after the word "Wisconsin," to insert "\$42,050;" and in line 19, before the word "dollars," to strike out "forty-three thousand seven hundred and fifty" and insert "one thousand seven hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., \$42,050, and for pay of superintendent, \$1,700.

The amendment was agreed to.

The next amendment was, under the subhead "Chippewas of Lake Superior," on page 124, after line 6, to insert:

Lake Superior," on page 124, after line 6, to insert:

Any adult Oneida Indian to whom any trust patent has been issued prior to the Sth day of May, 1906, containing any restrictions upon the right of alienation may file a petition in the United States district court for the eastern district of the State of Wisconsin, alleging that such Indian is competent to manage his or her affairs, or that the interests of said Indian would be served and promoted by the removal of all restrictions as to sale, incumbrance, or taxation upon the land heretofore allotted in severalty under the provisions of any act of Congress to said Indian; and if upon the hearing of said petition the court is satisfied as to the truth of the matters alleged in such petition, it shall make its findings of fact and order for judgment accordingly, and the record of a copy of said findings and order, with judgment, shall be entered in the office of the register of deeds in and for the county in which said land is situated; and thereupon the trust patent so heretofore issued shall be held and deemed a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of the land described therein shall be removed.

Mr. CLAY. I desire to ask the Senator in charge of the

Mr. CLAY. I desire to ask the Senator in charge of the bill if this is not rather peculiar legislation and something new? Heretofore when we desired to remove restrictions in regard to the sale of Indian lands have we not left it to the Secretary of the Interior, or has Congress provided what restrictions should be made? This amendment simply authorizes the Indians to petition the court and the court to hear the facts and determine whether the restriction shall be removed and the Indian be allowed to sell his land.

Mr. CLAPP. The Commissioner does not favor this provision very strongly. My own judgment is that it is the proper

way to reach this question. It is true that heretofore we have provided that an Indian may have his restrictions removed by applying to the Secretary, or, as in the case of some of the Indians in my own State last year, I had a law passed removing their restrictions, which exceeded my most sanguine expectations in the favorable outcome of the legislation. But these Indians are citizens of a State. They can only bring their case before the Department through agents, and in many cases they are induced to believe that they must employ some one to accomplish that for them.

The Secretary of the Interior can not know these Indians; he must act only on the advice of subordinates, and it does seem to me, while this was not initiated by myself, that it is a very wise departure; that where allotment restrictions are to be removed as to individual Indians by anyone it should be done by the court instead of by a Department residing hundreds or thousands of miles away and relying upon subordinates for in-

formation.

That is all I have to say. It is a matter that pertains to the State of Wisconsin. The Senator from Wisconsin [Mr. LA Fol-LETTE] is here, and if there is any further discussion desired I think he will be able to explain it fully.

Mr. CURTIS. Mr. President, I make the point of order against the amendment that it changes existing law and that it

is general legislation.

Mr. LA FOLLETTE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. CURTIS. Certainly.

Mr. LA FOLLETTE. I ask to have read a communication from one of the members of this tribe.

The VICE-PRESIDENT. The Secretary will read the com-

munication in the absence of objection.

Mr. LA FOLLETTE. I will say just a word, with the permission of the Senator, if he will yield me the floor. Of course, I understand that the point of order can be insisted upon and the proposed amendment forced out. I am very certain that it would be an injustice to these Indians if that should be done. They are citizens of the State; they are in a highly civilized condition, and the terms of the court are held in close proximity to where these Indians are located. They find it very difficult to get action by the Indian Office simply because their cases can not be reached. The communication sets forth the fact that but two of them have succeeded in having their cases acted upon within the last year, I think. I should say that the writer of this letter is an Indian, one of the members of this tribe, a very intelligent and capable man.
The VICE-PRESIDENT. The Secretary will read, as re-

quested by the Senator from Wisconsin.

The Secretary read as follows:

FEBRUARY 2, 1907.

The Secretary read as follows:

February 2, 1907.

Dear Sir: Without intending to impute any motive repugnant to good intentions to the Commissioner of Indian Affairs, the desire of the Oneidas to have a right to appear before a competent tribunal in proceedings to remove restrictions as to sale of their land arises. In the fact that great delay often occurs when applications are made through the Indian Office for a determination whether or not applicants for patents in fee simple are competent to care for their property.

Two years ago a large number of the Oneidas filed applications for patent in fee simple. Two of the number engaged attorneys to secure the patents for them; the balance of the number left the matter to be attended to by the Indian agent. The two who engaged attorneys have had their patents over a year; of the balance not more than five have received any consideration, notwithstanding that the agent recommended the applicants and their names were inserted in the Indian appropriation bill approved June 21, 1906, and the Secretary of the Interior was authorized to issue patents, in his discretion, to them.

The Commissioner admits that there are a large number of Oneidas who are competent to care for themselves. All desire patents in fee simple. Yet it has taken two years and more for five Indians to get their patents on the strength of that knowledge.

The Commissioner has issued directions to the Indian agent at Oneida to investigate every application carefully for the purpose of ascertaining whether a patent issued would be caref for or not, and to advertise to the reservation for the production of any objections which might be in the knowledge of any person showing that the applicant ought not to be given a patent, and to inform all applicants that if they engaged any assistance in securing their patents in the way of attorneys, such action would be deemed evidence that the applicant is incompetent to care for himself, etc.

That intelligent Indians should refuse to expose themselves to any

That intelligent Indians should refuse to expose themselves to any such proceedings is not to be wondered at. The amendment proposed is in line with all American law and is based in a high sense of justice and equity. If the Indian Department has any suspicion that any oneida is going to fool the honorable court of the district named, it will be its duty to appear forthwith before it and apprise it of the intended fraud.

Real experience has taught the Oneidas to regard the intentions of the Indian Department as coming from a conscientious desire to do good, but very slow in execution. In fact, we regard the Indian who would willingly leave his interests to be cared for by the Indian Department as conclusively incompetent.

Very respectfully,

Dennison Wheelock.

Hon. Robert M. La Follette,

United States Senate, Washington, D. C.

Mr. LA FOLLETTE. Mr. President, I will also ask to have read by the Secretary all that the Commissioner of Indian Affairs says in opposition to this provision. I have marked in the document which I send to the desk the portion which I desire to have read.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Wisconsin.

The Secretary read as follows:

ONEIDA RESTRICTIONS REMOVED.

The Commissioner submits the following:

"Although I do not know of any particular reason why this paragraph should not be enacted, I do not see exactly what need there is for it. Under existing law, any Indian who is capable of caring for his affairs is entitled to a patent in fee; and I think I am safe in saying that no Oneida Indian who has asked for a patent in fee simple has been denied it. I know the Oneida Indians more or less well, and I am confident that a large number of them are competent to care for their own affairs and ought not to be denied a fee to their lands. A number of patents have already been ordered by the Secretary to be issued to the Oneidas, and perhaps a dozen applications are yet pending here. I dare say that a good many more are still before the superntendent at the agency, as, under departmental instructions he must post a notice for thirty days, so that anyone having evidence to offer can do so.

"The only question that arises in my mind as to the wisdom of passing this paragraph is that which would arise in connection with

can do so.

"The only question that arises in my mind as to the wisdom of passing this paragraph is that which would arise in connection with any special provision of legislation where a general provision already exists. But if the Senate does not agree with me, or if it believes that the United States district court for the eastern district of Wisconsin would be better qualified than the Department to pass upon the competency of any allottee, it will be all right to transfer jurisdiction to that court, especially as the Indian, if he is incompetent, will have to fall back upon the State of Wisconsin, and not the United States, for support in case he becomes a pauper."

Mr. LA FOLLETTE. Mr. President, I do not know that I can say enything that will implace the Senetor to withhold the

can say anything that will induce the Senator to withhold the point of order which he has made against the amendment. will say that I would not under any circumstances favor it if I believed that a single Oneida Indian who would be given the right to alienate his property would not be as capable of taking care of it as the average citizen in Wisconsin. I believe that that is true with respect to this particular band or tribe of Indians.

I believe further that the court there, on the ground, where testimony can be taken, and much more testimony than can or will be taken if a hearing is had here before the Indian Department, is in a vastly better position to judge what is best for the

Indian in each case.

Mr. CURTIS. Mr. President, I am satisfied if the Senator from Wisconsin [Mr. La Follette] had looked into the record and examined the cases where the United States court in years gone by was permitted to grant citizenship to Indians he would not insist upon this amendment. This policy has been tried before by the Government, and it was a decided failure. The United States courts were busy. Applications were made for Indians by people who desired to purchase their land and others who desired to have the land placed upon the tax roll. As a result, in a majority of cases where the court acted, the Indians lost their lands by tax titles or were robbed of them by people who desired to secure the title. I believe it would be a very unwise policy to put this matter into the hands of any United States judges or United States courts. The act of May 8, 1906, not yet a year old, was passed to meet just such cases as this. If the members of the tribe referred to by the Senator from Wisconsin are competent-and I know that many of them areto transact and manage their own affairs, they can go to the Secretary of the Interior under that act—not as the Senator from Wisconsin says they did years and years ago, but under the act of May 8, 1906—and have the restrictions removed. I am satisfied if they pursue that course their interest will be protected much more fully than it will be if the matter is left to the United States court. I hope Congress will never make the mistake of referring the question of removing restrictions to the United States judges.

Mr. CLAPP. Mr. President, personally I do not think the United States courts should have any jurisdiction in this case. The State courts should, in my humble judgment, have jurisdiction; but anyone who has had experience with the present system would turn to almost anything as better than the pres-

ent one.

In the first place, they have to depend upon agents and employees who are far removed, susceptible to influences, making contracts, and sometimes attorneys getting contracts. my office a roll, I think, of 100 Indians who were induced to sign an agreement to pay \$150 apiece to get their restrictions removed in my own State. That taught them one lesson, which was that they should not squander their money in that way. They do not have to pay to get their rights and to get justice from the Government. I believe that it is a mistake to handle these individual allotments through the mechanism of the Department of the Interior. I believe it should be passed upon by a tribunal of some sort in the community where the Indians live.

Restrictions rest upon an Indian upon the ground that he is incapable of doing business, and the tribe becomes the subject of guardianship at the hands of the court and not at the hands of the executive officer. The whole theory of an executive officer dealing with incapacity and guardianship, in my humble

judgment, is a false theory.

I have no interest in this particular item. It comes from the State of Wisconsin, and is not even in my own State; but I do believe, with the experience I have had in this matter, that if these restrictions are to be removed as to individual Indians they should be removed by some tribunal in the neighborhood where the Indian is living and where it can know something of the qualifications and not depend upon some subordinate clerk or agent of the Department.

Mr. McCUMBER. I simply want to say, in answer to the suggestion of the Senator from Minnesota [Mr. Clapp], that any tribunal that we can arrange for in any State in the Union where they have Indians will be a tribunal to assist the man who wants to get the land to get it. That is the result wherever

it has been tried.

Let us suppose, now, that we select any tribunal—suppose a court, if you see fit, in a county in the State of Minnesota. A wants to get the land of the Indian B, and he applies to have the restrictions removed. A appeals. B says he knows how to take care of his property, because he wants to sell, and A swears that B can take care of his property, because he wants to buy, and he probably will get two or three more friends to testify that B is absolutely capable of taking care of his property, and the restrictions will be removed. In twenty minutes after the restrictions have been removed, in practically every case, there will be a transfer of the land; and in twenty days after the Indian has received his money he will be begging for some place to live, and the white man will have both his land and his money. That has been the experience.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Da-kota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. Now, granting the result which the Senator from North Dakota states, that when an allottee sells his property he soon squanders his means, yet if we are going to have any plan, the question is which is the better for disposing of these restrictions in individual cases. I would ask if there is anything in the position of an Indian agent calculated to lift him up to such altruistic heights that he is less susceptible to these influences than would be the courts-probate, district, or otherwise-to influences brought to bear upon them?

Mr. McCUMBER. That is very easily answered, Mr. Presi-The Secretary of the Interior acts for and on behalf of the Indian. The Secretary of the Interior will take it for granted, unless the contrary be established beyond any question, that the Indian is not capable of taking care of his property. The Secretary of the Interior acts as the friend of the Indian. He acts as one who desires to protect him in his property rights and to shield him from being deprived of them. On the other side, your local influence wants to get the property away from the Indian. The Secretary's influence is to keep the Indian's That is the difference, and it is all the differproperty for him. ence in the world.

Mr. CLAPP. That argument, Mr. President, proceeds upon the theory that the Secretary is personally supervising and investigating these matters. He can not do it. He must accept the information furnished him by his subordinates, the agents and others upon whom he relies. There is nothing in my experience with them that leads me to believe that they are less suscepti-

ble to influences than are the ordinary courts.

Mr. McCUMBER. They may not be less susceptible to influences, Mr. President, but I think the Senator will agree with me that the sentiment, not only of the head of the Interior Department, but of every one in the Department, is to protect the Indian and to shield him in his property rights. The Secretary in and out of season has been making a strenuous fight against any attempt to dispossess the Indian of his property, and all of the subordinates in the Department have seconded the desire of the head of the Department. So you have that force at work all the time, actuated by that sentiment-to protect the Indian. On the other hand, removing the judge from this position to that in the State, you will have every influence desiring to get the property away from the Indian, and the result will be that in every instance he will lose his property.
I believe, Mr. President, that the Secretary would refuse appli-

cations in probably two-thirds of the cases. Any court that you might select in the State would grant them, probably, in nine-

tenths of the cases.

Mr. CURTIS. Mr. President, I shall insist upon the point

of order, and, in answer to the Senator from Minnesota, I will state that I think any Indian competent to manage his own affairs has judgment enough to apply to the Interior Department to have restrictions removed. If he has not, then he is not competent to manage his own affairs.

Mr. CLAPP. Mr. President, I concede that; but suppose he has not sense enough to manage his own affairs, and is induced to apply under the manipulation of others to the subordinate? That is the weak point in this thing—the subordinate, upon whom devolves the duty of making the report, perfecting the evidence, and submitting it to the Secretary of the Interior.

Mr. CURTIS. The answer made by the Senator from Wis-

consin [Mr. La Follette] is a direct answer to the question asked by the Senator from Minnesota, that out of all the appli-

cations made only five have been granted. The VICE-PRESIDENT. The Senator from Kansas [Mr. CURTIS] interposes a point of order. The Chair thinks the amendment proposes general legislation within the contemplation of the rule, and is therefore out of order. The Chair there-

fore sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Shoshone School," on page 125, line 7, after the word "Wyoming," to insert "\$28,225;" and in line 9, before the word "dollars," to strike out "thirty thousand and twenty-five" and insert "one thousand eight hundred;" so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school, acknowledges and the support of superintendent, which is the support of superintendent, which is the support of superintendent, and support of superintendent, support of support of superintendent, superintendent, support of superintendent, support of superintendent, supe Shoshone \$1,800.

The amendment was agreed to.

The next amendment was, under the subhead "Shoshones and Bannocks (treaty)," on page 126, line 7, before the word "thousand," to strike out "one hundred" and insert "twentyfive; " so as to make the clause read:

For the purpose of carrying out the provisions of article 4 of the agreement ratified by the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and make appropriation for carrying the same into effect," \$25,000 of the amount specified by said fourth article to be immediately available and to be reimbursed from the proceeds derived from the sale of surplus lands, as provided by said act.

Mr. CLAPP. Mr. President, there is a mistake in that amendment. In line 7 "one hundred" should be restored and "twenty-five" should be stricken out. Then, on line 8, after the word "article," should be inserted "\$25,000;" so that it will read:

Twenty-five thousand dollars, to be immediately available.

The VICE-PRESIDENT. The question is on agreeing to the amendment in line 7, striking out "one hundred" and inserting "twenty-five."

The amendment was rejected.

The VICE-PRESIDENT. The Senator from Minnesota now moves an amendment, which will be stated.

The Secretary. On page 126, line 8, after the word "article," it is proposed to insert "\$25,000;" so as to read:

For the purpose of carrying out the provisions of article 4 of the agreement ratified by the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and make appropriation for carrying the same into effect." \$100,000 of the amount specified by said fourth article, \$25,000 to be immediately available and to be reimbursed from the proceeds derived from the sale of surplus lands, as provided by said act.

The amendment was agreed to.

The next amendment was, on page 126, after line 10, to in-

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1.401, the same to be immediately available for meandering the north bank of the Pope Agle River through township 2 south, range 2 east; townships 1 and 2 south, range 3 east; township 1 south, range 4 east, and the south bank of Big Wind River, through townships 1 north and 1 south, range 4 east, and township 3 north, range 3 west, surveying fractional townships 1 and 2 south, range 2 east, and making such retracements and resurveys as may be necessary in the diminished Shoshone Indian Reservation, Wyo.

Mr. HALE. Mr. President what is the force—I suppose per-

Mr. HALE. Mr. President, what is the force—I suppose perhaps it has some application in surveying—of the word "mean-

dering," in line 14?

Mr. CLAPP. It is not only surveying the river, but, as I understand, fixing the course in the field notes and subsequently on the plat, so that the river is not only a boundary, perhaps, but the field notes and the plat show where that boundary is. I understand that is what they call "meandering" a stream or "meandering" a lake.

Mr. HALE. Is that a word commonly in use in surveys?

Mr. CLAPP. I think so. It is commonly used in connection with water courses.
Mr. HALE. I suppose so.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 126, after line 22, to insert:

That the Secretary of the Interior be, and he hereby is, authorized, with the consent of the Indians of the Shoshone Reservation, Wyo., to be obtained in such manner as he may deem best, to lease for a term not exceeding twenty-five years, lot 1 of section 2 in township 1 south of range 1 west of the Wind River meridian, in said reservation, for the erection of a sanatorium, at such rate of rental and subject to such rules and regulations as he may prescribe.

Mr. TILLMAN. Mr. President, I should like to ask the Senator to explain who is going to run this sanatorium and for what purpose, and what has the Secretary of the Interior got to do

with running sanatoriums?

Mr. CLAPP. There are several questions—
Mr. CLARK of Wyoming. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. CLAPP. Certainly.

Mr. CLARK of Wyoming. I was going to suggest that a full explanation of this amendment may be had from a letter of the Secretary of the Interior to be found on page 82 of the report, which is perhaps more concise than an explanation would be.

Mr. TILLMAN. Probably the Senator can give it to us in a

few words.

Mr. CLARK of Wyoming. I can give it to you in a very few words. Close by the Shoshone or Wind River Agency is a great health hot spring. There is no rule or regulation or law under which that spring can be taken advantage of, and there have been numerous applications made by outside parties to lease that spring and prepare baths for the use of the Indians and The Secretary has no authority under the law to make any such lease for any business purpose. The object of the amendment is to give the Secretary authority to lease for that purpose this particular piece of land that has been reserved from allotment for the benefit of the Indian tribes, for the benefit of the troops who are stationed near there, and for the benefit of others who may go there. That is the sum and substance of it.

Mr. TILLMAN. Well, if it is in the interest of health and a utilization of some of nature's blessings in the shape of good mineral water, I can see some sense in it; but there is no explanation of it here.

Mr. CLARK of Wyoming. Of course there could not be an explanation of it in the bill, but there is an explanation of it

in the report accompanying the bill.

Mr. TILLMAN. I do not ask for it in the bill. The provision is worded very vaguely and indefinitely. I should think if this were a good thing we might as well buy it from the Shoshone Indians and let Uncle Sam own it, as he does the Hot Springs of Arkansas. Then we could take care of it for all future time, instead of for twenty-five years, and get some fellow stuck in there with a lease, and after that come along with another amendment to purchase it.

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the committee.

The amendment was agreed to. The reading of the bill was concluded.

Mr. CLAPP. If agreeable now, I should like to move the Department amendments which I called attention to as we progressed with the reading and which were printed and laid on the table. The first is on page 7.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The Secretary. On page 7, after line 4, it is proposed to insert:

Insert:

That the Secretary of the Interior is hereby authorized and directed, from time to time, to designate any individual Indian belonging to any tribe whom he may deem to be capable of managing his or her own affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: Provided, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor.

Mr. HALE. It is difficult to tall from marchy listening to the

Mr. HALE. It is difficult to tell from merely listening to the anding what is the scope of the amendment. Will the Senator reading what is the scope of the amendment. explain just what it refers to, how much of an innovation it is, and what its purpose is?

Mr. CLAPP. I will.

Mr. SPOONER. Let the amendment be again stated.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary again read the amendment proposed by Mr.

Mr. CURTIS. May I ask the Senator from Minnesota a question?

The VICE-PRESIDENT. Does the Senator from Minnesota vield to the Senator from Kansas?

Mr. CLAPP. Certainly.
Mr. CURTIS. Is that the same as the bill which was recommended by the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. CLAPP. I can not say whether it is or not. I was going to make a statement to the Senate covering the entire subject. Mr. CURTIS. Does the Department recommend the adoption

of that amendment?

Mr. CLAPP. The Commissioner of Indian Affairs does. will state for the benefit of the Senate that some time ago the proposition was made, and discussed somewhat in the committee, of providing for placing the funds standing to the credit of the Indian tribes to the credit of the individual Indians, and a bill passed the House of Representatives this which provided that the President might designate from time to time any individual Indian or any tribe that he might deem capable of managing his or their own affairs, and then, after he had thus designated the Indian as capable of managing his own affairs, or the tribe of managing theirs, segregation was to be made and the money paid subsequently under the direction of the Secretary of the Interior. The Senate committee in December reported that bill with amendments, and instead of devolving this duty upon the President, which, it seemed to the committee, was entirely beneath the dignity of the Presidential office, it left the duty incumbent on the Secretary, and then provided that when he found an Indian so capable of managing his or her own affairs he might cause to be allotted to any such Indian his or her pro rata of the tribal funds

Now, the House provided that before an individual Indian could have his share paid him he must file a release of all sub-sequent accretions to that fund. While it is true that a man engaged in business association may sometimes, for the sake of taking his capital out, be required to make some concession, the accretions to an Indian fund do not depend upon an individual Indian's share remaining in that fund. It comes from sources wholly independent of the question whether that Indian's share remains there or not, and the committee was very clearly of the opinion that he ought not to be required to release his right in order to obtain his share of the fund as it then existed.

Then the committee proceeded on the theory that, if the Secretary found that the Indian was capable of managing his affairs, somewhere the string should be cut loose and the restraint and control over the Indian as to that particular fund Consequently they reported this bill with these I have the following letter from the Commisshould cease. amendments.

Department of the Interior,
Office Commissioner of Indian Affairs,
Washington, January 30, 1907.

My Dear Senator Clapp: Will you kindly offer on the floor, if it meets with your approval, an amendment embracing the text of House bill 5290, Fifty-ninth Congress, second session, which you reported with the amendments of your committee on December 17, 1906? This is the bill "providing for the allotment and distribution of Indian tribal funds," which passed the House and was somewhat made over by your committee.

I consider the completion of this act a very important matter, especially in view of some of the new legislation we are contemplating in the Indian appropriation bill. If this were left out, we should find ourselves in the position of permitting the Secretary to give noncompetents their share of tribal funds before any provision were made to take care of the competent Indians. That would be rather a "cart-before-the-horse" arrangement. With this proposed amendment and the one enabling us to relieve the necessities of some of the very old, decrepit, maimed, or otherwise incompetent people we should have a very good system, easily workable, and resulting in the greater good to the greatest number.

I hate to add to your burdens as chairman conducting the bill through the Senate, but I know you believe as more constructive legislation.

greatest number.

I hate to add to your burdens as chairman conducting the bill through the Senate, but I know you believe as much as I do in furthering constructive legislation, and that both of us have to sink our prejudices for keeping the appropriation bill strictly an appropriation bill for the sake of getting work done.

Sincerely, yours,

F. E. Leupp, Commissioner

F. E. LEUPP, Commissioner.

Hon, Moses E. Clapp, United States Senate, Washington, D. C.

It is not the bill the House passed. That bill, as I say, provided that the Indian should not have his share until he re-leased his rights, and it also provided that after he had been found capable of managing his own business and was put on the roll for that particular purpose the money should still be subject to further control.

I think that is all I care to say, unless some questions are

asked.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. CLAPP. With pleasure.

Mr. TILLMAN. It seems to me this is a better way to distribute these funds than to wait and get the Indians tired out, some of them dead, and then have lawyers employed to come here and lobby through this distribution. I am inclined to think this is a good provision.

Mr. CLAPP. Of course the chairman of the committee understands that this and many of the amendments which he will offer are subject to points of order, and he simply leaves it to the Senate to determine whether the exigencies warrant per-

mitting them to go on the bill.

Mr. HALE. The amendment as read appears to be very sweeping, very far-reaching, embracing not one, but all tribes. and is a method of selecting by the Commissioner, to control all of these hundreds and perhaps thousands of allotments. does not seem to have been either adopted by the House or by the committee of the Senate in reporting the bill, and comes to us, as the Senator says, at the suggestion of the Commissioner of Indian Affairs.

Mr. CLAPP. Will the Senator from Maine pardon me?

Certainly.

The Senator must have misunderstood me. The Senator must have misunderstood me. The House bill Mr. HALE. Mr. CLAPP. Senate Committee on Indian Affairs did report the House bill amended so as to read now as this proposed amendment does. That was done some time ago.

Mr. HALE. In this bill? Mr. CLAPP. No; not in

Mr. CLAPP. No; not in this bill. Mr. TILLMAN. It was an independent bill?

Mr. HALE. An independent bill. But, as I say, on this bill neither the House nor the committee here have reported it. The Commissioner seems to be anxious for it. I am free to say that on the subject of allotments, which we had up rather extendedly at the last session-

Mr. CLAPP. This is not an allotment of land, but an allot-

ment of money.

Mr. HALE. I know it is not an allotment of land. I will say an apportionment. That is a better word. I do not know much about this. Other Senators with more experience in dealing with the Indians know more about it. But I can see that it is a very sweeping amendment, and the Senator has been, as he has been all through the bill, very frank about it. amendment is subject, if any Senator knows enough about it to believe it is dangerous legislation, to the point of order. But I only rose to make the inquiries and to say that I realize, without knowing whether it is going to work well or not, that it is a very general and sweeping amendment.

Mr. SPOONER. Mr. President, I have hesitated whether to make a point of order on this amendment or not. Every stage of this Indian drama-and the curtain will be rung down before long; I do not know that anyone is justified in an attempt to delay it-is toward, in a large sense, the complete spoliation of the Indian, in my judgment. I have, during the last four or five years especially, observed that tendency, and the almost absolute impossibility of resisting it. A great many good people in the United States who have very, very much had at heart the well-being of the Indian have, I think, unwittingly conspired with those who desired very much the spoliation of the Indian to bring about a condition of affairs which is swiftly leading to that result. I have had occasion to say this much before on the

floor of the Senate.

There are a great many Indians who are capable of taking are of their own affairs. I do not know but that that remark care of their own affairs. could accurately be applied to a third of the Indians of the United States. I am not in a position to know. I think myself a very great mistake was made in the allotment of lands to the Indians, except in special cases and under peculiar circumstances. In my own State there were allotted to Indians lands rich in timber, of great value. The timber was sold, and sold under the supervision of the Department. I do not know, but I venture to say that most of those Indians have not retained to any great extent the proceeds of the sales of the timber on their allotments. They were made citizens-taken out from the guardianship of the United States. Their entire relation to the Government changed. Lands have passed into their hands. They are citizens, having a right to manage their own affairs, except where restrictions and reservations have precluded it.

Then, in every Indian bill-not so much in this-which has come before the Senate for years have been found very sweeping provisions for the removal of restrictions upon the power of alienation. That will all be done sooner or later, and I think sooner than later. Perhaps the homestead will be guarded—protected in the Indian from the white man—longer than the remainder of the tract which he owns.

Then comes this general proposition, which in one guise and another has presented itself here for some years now, to clean up the books of the Government on Indian trust funds. I do not know how much money is held by the United States now in trust for the Indians. But I believe it will not be very long until there will not be much money held in the Treasury by the Government in trust for the Indians. I believe it will not be very long after this general policy shall be adopted and these funds segregated and turned over to the individual Indians before the Indian upon whom it is bestowed or to whom it is paid will be without funds.

Mr. HALE. He will be relieved.

Mr. SPOONER. Yes; he will be relieved. Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. SPOONER. I will yield, although I will take but a

moment.

Mr. BRANDEGEE. It is just for a question.

Mr. SPOONER. Certainly.

Mr. BRANDEGEE. Did I understand the Senator correctly? I understood him to say that when the Indian was declared to be a citizen of the United States he was thereby removed from the guardianship of the Government.

Mr. SPOONER. Very largely.
Mr. BRANDEGEE. But not entirely?
Mr. SPOONER. I think so far as restrictions existed upon the power of alienation at the time he was made a citizen, perhaps they would continue. I doubt the power of the Government after the Indian had been made a citizen of the United States and had obtained an allotment or is obtaining one to restrict him.

Mr. CURTIS. May I answer the question?

Mr. SPOONER. Certainly.
Mr. CURTIS. The Supreme Court has decided that the Indian to whom an allotment is made is still under the guardianship of the Government until the prohibition of allenation in his patent expires. Under the act of 1887 patents have issued, but the fee is not in the Indian for twenty-five years. The Supreme Court has held that so far as that land is concerned and so far as his personal property is concerned the Indian is still under the guardianship of the Government of the United States. Mr. BRANDEGEE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Connecticut? Mr. SPOONER. Certainly.

Mr. BRANDEGEE. I wish to ask the Senator from Kansas whether that was the case of an Indian who owned the fee of his land and was a member of a tribe which had formerly

owned the land in common, or whether it was—
Mr. CURTIS. It was a case in the Northwest, where an allotment had been made under the act of 1887 to members of a tribe, and the patent had been issued with the twenty-five years' restriction, and before the expiration of the twenty-five years the county authorities attempted to tax the real estate and to tax the personal property. In that case the Government intervened in behalf of the Indian, and the Supreme Court held that the Government was still the guardian of the Indian and that the State had no right to tax his land or his personal property

Mr. McCUMBER. May I ask the Senator from Kansas if he

refers to the Rickert case?

Mr. CURTIS. I think it is the Rickert case. I have it here on my desk.

Mr. McCUMBER. The South Dakota Rickert case.

Mr. CURTIS. The case of United States v. James A. Rickert. Mr. SPOONER. I have had a feeling that these trust funds in the Treasury, held for the benefit of Indians, might very well and wisely be held by the Government for some years yet, until this experiment in full citizenship and education toward ability to manage his own affairs might have been more thoroughly developed.

As it is said, a bill has passed the House and is pending in the

Senate

Mr. TILLMAN. Here it is. Mr. CLAPP. Pending in the very form in which it is reported now.

Mr. TILLMAN. Reported from the committee, Mr. SPOONER. A bill has passed the House A bill has passed the House and is pending in the Senate in the form which I understand this amendment takes. I think I shall make the point of order on this amendment, in order that the Senate may deal with the bill itself relating to this subject, so that there can be a little fuller de-

bate upon it and larger consideration of it without delaying an

appropriation bill.

Mr. McCUMBER. With the permission of the Senate, I wish to make one statement with reference to what has been said by the Senator from Wisconsin [Mr. Spooners]. I want every Senator here to understand that this Government is reaching the stage of a crisis in its dealings with the Indians. If the present law can not be modified in the matter of restrictions; if the law which we passed last winter continuing the restrictions for twenty-five years and which was based for the most part upon the Rickert case that has been cited by the Senator from Kansas [Mr. Curtis] is unconstitutional, then within fifteen years at the longest practically every acre of Indian land will have passed into the hands of white men. We will then have in the United States an army of pauper Indians subject to the tender mercies of the white people in the several States in which they reside, to be cared for and supported by those States or driven out of the States. The probabilities are that the only Mecca that will be open to the Indian will be Mexico, if in some way he can get money enough to get to Mexico, where possibly he may be allowed to settle among those of his own

Our mistake was made from the very beginning of the Government in its treatment of the Indians. The mistake has been continued tenaciously up to the very present time. That mistake was the theory that we could make a white man out of the Indian, with proclivities inherited from thousands upon thousands of years of an environment so different from that surrounding the white people that it was impossible at this late period to make him over. We have found, when it is too late, I fear, to rectify our errors, that we have made a mistake all the way along; that we can not make a white man out of the Indian; that we can not make him self-supporting unless we give him a certain amount of land that will be inalienable for all time and keep him on that land, when he will possibly be able to take care of himself in a meager way, if he resides upon that land. That he will absolutely dispose of the land is the record all over the United States wherever the restriction has been removed.

I deny, Mr. President, that one-third or one-quarter or one one-hundredth of the Indians-those who are real Indians, not white Indians-are capable of taking care or will take care of their property if you turn it over to them. The Senator from Kansas [Mr. Curtis] has cited the Rickert case as one which will give us authority, as I understand him, still to deal with the Indian as the ward of the Government. All that that case decided was that when the Government had given an Indian an allotment, with a restriction upon the alienation of that allotment, its taxation by the State was contrary to the trust that was created in the restriction itself; that the State could not deprive the Indian of the lands which were held in trust and given as a trust; and then on the personal property
Mr. CURTIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Will the Senator permit me to read two lines Mr. CURTIS. of the decision?

Mr. McCUMBER. Yes.

Mr. CURTIS. I read as follows:

These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. They occupy these lands with the consent and authority of the United States: and the holding of them by the United States under the act of 1887, and the agreement of 1889 ratified by the act of 1891, is part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life, and ultimately the privilege of citizenship.

Mr. McCUMBER. That is the position I attempted to sustain myself on, although not entirely satisfactorily to myself, when I insisted that if we had any rights whatever it was under the theory that the Indians were still wards of the Government, and as wards of the Government we had control over their property, and while we had stated to them as wards that at a certain time we would release the property from restrictions, yet if we found before the expiration of that time that they were unfit to take care of that property, they still being wards, we might continue the restrictions for a further period. I am afraid the cases will not sustain me to that extent.

Mr. CURTIS. May I interrupt the Senator? Mr. McCUMBER. With pleasure.

Mr. CURTIS. I am glad to say that recently the Supreme Court has taken a position which, in my opinion, sustains the views entertained by the distinguished Senator from North Dakota.

Mr. McCUMBER. I shall be very glad if the Senator can point out a case in which the Supreme Court has sustained the position I took at that time.

Now, coming to the matter of personal property, the local or county authorities also levied a tax upon the Indian's personal property. That personal property-Mr. STONE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I will yield in a moment, when I shall

have finished the sentence.

That personal property was also the gift of the Government, but no restriction was placed upon it. The court held that notwithstanding the fact that no restriction was placed upon the sale of that property, it was given to the Indian for a specific purpose, and inasmuch as he was still under the pupilage of the Government, the Government had a right to hold that property, and that the Indian held it practically as a gift from the Government for a specific purpose, which could not be taken away by the State.

Now I yield to the Senator from Missouri.

Mr. STONE. I did not wish to interrupt the Senator from North Dakota. I desired to ask the junior Senator from Kansas to state the case he referred to, that we might have the opportunity of examining it.

Mr. McCUMBER. I will state to the Senator from Kansas that the Senator from Missouri asked what case the Senator

from Kansas referred to. Mr. CURTIS. I have it here.

Mr. McCUMBER. While the Senator is looking that up, I will state that this case seems to me to be entirely out of harmony, at least according to my theory and the theory of the Senator from Kansas, with the Heff case, which grew out of the matter of the sale of intoxicating liquors. That seemed to insist, and went upon the broad ground, as I remember, that when we had given the Indian an allotment and had made him a citizen of the United States we had released our control over him as a ward of the Government. That was my understanding of the Heff case, and the two seemed to be diametrically opposed to each other, unless we do not consider the two lines read by the Senator from Kansas as really governing in the decision.

Mr. CURTIS. In the Intermarried White Persons case v. The Cherokee Nation, decided November 5, 1906, the question was raised that the agreement of 1902 was a treaty and therefore binding upon the Government and could not be changed. Supreme Court sustained the position taken by the Senator from North Dakota. I will read the language:

Counsel for claimants speak of the act of 1902 as a "treaty," but it is only an act of Congress and can have no greater effect.

If it is only an act of Congress, Congress has the right to amend it at any time it sees fit, and under the decision in the tax case, which was read, Congress has control during the twenty-five years' period, and may change the law any time be-fore the twenty-five years expire. In other words, I maintain that Congress, in its wisdom, at any time before the jurisdiction of the United States has ceased over the allottees and lands may increase the restrictions as well as remove them,

Mr. CLAPP. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

Mr. CLAPP. The Intermarried White Persons case simply dealt with the same principle that was involved in the Lone Wolf case, that, notwithstanding treaties, so far as the Indian tribes and all that went, they were subject to the laws of the United States, and we could pass laws and amend the laws. does not go into the question how far the property rights of an

Indian citizen can be interfered with.

Mr. McCUMBER. There is no question about this. The Rickert case does declare, although I do not know that it was necessary for the court so to declare in that case, that the Indian whose property was taxed, notwithstanding the fact that he had his allotment, nothwithstanding the fact that he had been made a citizen of the United States, was a ward of the nation. In the Heff case, under similar conditions and reciting the fact of his allotment and that he had been made a citizen of the United States, it was directly held that the Government had lost its control over him.

Mr. SPOONER. May I interrupt the Senator from North Dakota?

Mr. McCUMBER. Certainly.

Mr. SPOONER. It would not seem necessary for the court to pass upon the question of the continued wardship in order to hold that land subject to a restriction for twenty-five years upon

the power of alienation could not be taken away from the Indian by the exercise of the power of taxation by the State.

Mr. McCUMBER. I am compelled to accede to that, Mr. SPOONER. But the Senator was proceeding to speak of the ground upon which the Supreme Court put the exemption of the personal property of the Indian from taxation, and was interrupted. I do not remember the decision specifically. Did it put it upon the same ground?

Mr. McCUMBER. It was practically placed upon the same ground—that the Government had presented and made a gift to this Indian of certain property which was necessary for his civilization, and that the State was undertaking to take away, that which the Government had given to the Indian for the purpose of civilizing him. That was the basis really, although they recite the other fact as a condition, and assert that the Indian is a ward of the Government.

Mr. SPOONER. That is, Congress already having made a

citizen of him, it was necessary that he should retain his personal property in order to become a civilized citizen?

Mr. McCUMBER. A civilized citizen. That is practically

what it means.

So, Mr. President, I for one am perfectly satisfied, and I hope the Senator will stand on his point of order. As I have stated, I believe the time is coming when we have got to do something with these Indians. We ought to keep every acre of land that we possibly can and every dollar of annuity that we possibly can which belongs to the Indian, to have it ready to utilize for his benefit when the crisis arrives, which will be in less than fifteen years, in most cases in about five years.

Mr. CLAPP. I understand the Senator from Wisconsin made

point of order against the amendment.
The VICE-PRESIDENT. The Senator from Wisconsin made the point of order against the amendment. The Chair sustains the point of order.

Mr. CLAPP. Then I offer the amendment I send to the desk. The Secretary. After line 18 on page 20 insert:

That the Secretary of the Interior may, on the approval of this act, require all moneys desired to be conserved for Indians, individually or as a tribe, not otherwise secured, to be deposited in national banks which have been or may be designated as depositories of public moneys pursuant to law; and all depositories of public moneys shall be liable for such deposits in the same manner as for deposits of moneys of the Inited States. United States.

Mr. LONG. I should like to have the amendment explained. Mr. CLAPP. The amendment first came up on a proposition to require all deposits to be placed in banks that had been designated as public depositories. The committee rejected that amendment. Subsequently the Department sent to me with its approval the amendment which I have just offered. I may say, however, that the reason why the Government does not deposit in the public depositories is that sometimes they are quite at a distance, and so they deposit in banks closer by, requiring the banks to give security. The amendment as it is drawn now and offered simply provides that the Secretary may, whenever he wants to, deposit any public funds in these depositories.

Mr. LONG. It does not compel him to do it.
Mr. CLAPP. No, sir. It is in full accord with the view of the Department.

Mr. LONG. I ask that the amendment be again read.

Mr. CULBERSON. I did not hear the explanation of the Senator from Minnesota as to the rule at present. Where is the money now deposited?

Mr. CLAPP. As a rule it is deposited, as a matter of convenience, in those banks that are nearest to the reservations. Earlier the Department deposited the money with public de-positories. Many of those banks are at a great distance, and so the Department adopted the rule of depositing in a bank in the vicinity of the agency, requiring the bank to give security. The amendment simply provides that the Secretary may, if he wishes, place it in a public designated depository.

The amendment was agreed to.

Mr. CLAPP. On page 24, after line 10, I move to insert what I send to the desk.

The Secretary. On page 24, after line 10, insert:

PIMA INDIANS.

That the Secretary of the Interior may, in his discretion, use such part of the \$300,000 heretofore appropriated for an irrigation system for the Pima Indians in the payment of such Indians' proportionate part of the construction of the Salt River project, and such funds may be transferred to the reclamation fund, to be expended by that Service in accordance with its rules and regulations; the Indians to receive a credit upon the reclamation charge assessed against their lands under the Salt River project for the amount so transferred.

Mr. HALE. Has the committee of which the Senator is chairman considered this proposition?

man considered this proposition?

Mr. CLAPP. I do not think it was considered in the prepara-tion of the bill. It was informally considered. As I said, I am now offering the amendments suggested by the Department.

Mr. HALE. I understand, but I did not know but that in some way in its deliberations the committee had considered the amendment.

Mr. CLAPP. No, sir.
Mr. HALE. What does the Senator himself think about it?
Mr. CLAPP. I think it ought to be done. Here is a full explanation from the Commissioner that I can have read if desired.

Mr. HALE. I think it had better be read. The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, January 29, 1997.

OFFICE COMMISSIONER OF INDIAN AFFAIRS,

Washington, January 29, 1907.

My Dear Senator Clapp: I hand you herewith an item I should be very glad to see incorporated in the Indian appropriation act, where it seems to me to have a legitimate place, as it provides for a method of using money which has been already appropriated. This item refers to the provision which the Government has tried to make for the Pima Indians, a very worthy tribe who were originally good farmers, but who were so unfortunate as, through ignorance of the law, to let white settlers appropriate the water which was necessary to irrigate their little farms. Their case has aroused general public sympathy, and two years ago the Congress gave its approval to a plan for procuring water from other than old sources, and voted an appropriation on the strength of statistics furnished by the Reclamation Service as to the cost of the proposed undertaking. The plan the Reclamation Service and in mind had never been passed upon by the engineers of the Indian Service, and it was assumed that the Reclamation Service would conduct the work. As the appropriation, however, was made so that it could be used only by the Indian Office, the Reclamation Service withdrew from the enterprise, leaving the Indian Office to carry out certain plans which it had not had any direct share in preparing.

After a considerable survey and study of the situation, this Office made a tentative arrangement with the Reclamation Service whereby, if it made possible to use the money voted to the Indian Office for carrying out the reclamation plans, the whole problem of irrigating the Pima farms would be solved, and at far less expense than originally contemplated, besides relieving this service of the responsibility of keeping a number of expensive trained persons on the spot to handle the machinery.

machinery.

The construction of the Roosevelt dam and the attendant system of irrigation by the Reclamation Service has developed a larger supply of water power than the reclamation project now in hand would need. Therefore, by permitting the Pima Indians to participate in the reclamation project and obtain their power from the Reclamation Service plant every proper interest, including economy of cost, will be promoted.

As will be seen, the paragraph which I hand you is simply permissive and will not be exercised unless we have positive assurances of the result.

Sincerely, yours,

F. E. Leupp,

Commissioner.

F. E. LEUPP, Commissioner.

Hon. Moses E. Clapp, United States Senate, Washington, D. C.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. HALE. I do not see any objection to the amendment for ne. In this statement of the Commissioner an incident is referred to in the line of what the Senator from Wisconsin [Mr. Spooner] has brought to our attention, the spoliation of the Indians. He says that these Pimas had a good country, had good farms, and were thrifty, but that certain whites obtained a control and use of their water property and cut them off and obliged them to resort to this proposition in order to maintain their farms and to cultivate them. Does the Senator know what the incident was by which the whites spoliated the Indians of their water supply?

Mr. CLAPP. I do not the conversal before Y.

Mr. CLAPP. I do not. It occurred before I became familiar

with the case.

The amendment was agreed to.
Mr. CLAPP. On page 26, after line 9, I offer an amendment.
This did not come directly to the chairman of the Senate Committee on Indian Affairs, but was sent to the chairman of the House Committee on Indian Affairs. I ask that the amendment be read and that the letter from the Commissioner of Indian Affairs also be read.

The VICE-PRESIDENT. The Secretary will read the amend-

ment proposed by the Senator from Minnesota.

The Secretary. Insert after line 9, page 26:

The Secretary. Insert after line 9, page 26:

That section 3 of the act approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California," be, and the same is hereby, so amended as to authorize the Secretary of the Interior to select, set apart, and cause to be patented to the Mission Indians such tracts of the public lands of the United States, in the State of California, as he shall find upon investigation to have been in the occupation and possession of the several bands or villages of Mission Indians, and are now required and needed by them, and which were not selected for them by the Commission as contemplated by section 2 of said act; and to appraise or cause to be appraised the value of any improvements belonging to any person to whom any valid existing rights have attached under the public-land laws of the United States, or to the assignee of such person where such improvements are situated within the limits of any reservation selected, enlarged, or defined under the provisions of this act: Provided, That no patent issued under the provisions of this act shall embrace any tract or tracts to which valid existing rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain,

unless such person shall acquiesce in and accept the appraisal provided for in this act in all respects, and shall thereafter, upon demand and payment of such appraised value, execute a release of all claims and the theorems.

The amendment was agreed to.

The VICE-PRESIDENT. Does the Senator from Minnesota desire the letter accompanying the amendment read?

Mr. HALE. Let it be printed in the RECORD.

Mr. CLAPP. I ask that the letter be printed in the RECORD. The VICE-PRESIDENT. Without objection, the letter will be printed in the Record without reading.

The letter is as follows:

FEBRUARY 1, 1907.

Hon. James S. Sheeman,
Chairman Committee on Indian Affairs,
House of Representatives.

Chairman Committee on Indian Affairs,

House of Representatives.

My Dear Mr. Sherman: I am in receipt of your letter of January 31, 1907, wherein you acknowledge the receipt of one from the Secretary of the Interior inclosing Office letter of January 28, with other inclosures and a proposed bill having reference to the various Mission Indian reservations in California.

You say that the matter is rather voluminous and one with which you are not familiar, but that your impression was that in the blanket appropriation of \$100,000 carried by the Indian appropriation act for the fiscal year 1907 the interests of all California Indians were taken care of; that you see no possible objection to the bill, provided it is not one that involves a great expenditure of money, but that you are unable to determine from a hurried reading of the matter what the probable cost of the execution of this bill in a statute would be, and request information relative thereto.

The proposed bill does not involve any expenditure of money other than that carried by the appropriation mentioned. The passage of the bill referred to will enable this Office to secure to the Indians of the various Mission reservations such public lands as are at present in their use and occupation, without drawing on the \$100,000 appropriated at the last session except in cases where valid existing rights of persons to lands within the proposed additions to the various reservations have to be purchased. In these cases it is contemplated paying for such improvements out of last summer's appropriation. By the adoption of this procedure the money already appropriated can be used for the purchase of lands and other incidental expenses for the Indians in neighborhoods where the public lands have been exhausted. Favorable action should be had on the proposed bill at this session, if possible, in order that the additions may be made and the improvements already thereon be paid for before the appropriation for the benefit of the Indians of California has been exhauste

F. E. LEUPP, Commissioner.

Mr. CLAPP. On page 42 I offer an amendment to come in after line 13, to do away with the Choctaw courts.

The Secretary. On page 42 insert after line 13:

That upon the passage of this act tribal courts of the Choctaw and Chickasaw nations shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts or to receive any pay for the same; and all civil and criminal causes then pending in any such court in said nations shall be transferred to the proper United States court in said Territory by filing with the clerk of the court the original papers.

The amendment was agreed to.

Mr. CLAPP. On page 37 the committee reported an amendment for recording leases in the Indian Territory and it was passed over. I offer an amendment as a substitute for the Senate committee amendment. I have conferred with the Senator from Kansas [Mr. Curtis], who made the point on the other amendment. I ask to have it read.

The VICE-PRESIDENT. The amendment proposed by the

The VICE-PRESIDENT. The amendment proposed Senator from Minnesota will be read by the Secretary.

Mr. LODGE. That includes also a portion of page 36.

Mr. CLAPP. Yes; it follows line 20, page 36.

Mr. LODGE. It is a substitute for the whole of that?

Mr. LODGE.

Mr. CLAPP. Yes, sir. Mr. LONG. That amendment has already been agreed to.

Mr. CLAPP. No; it was passed over on the suggestion of the junior Senator from Kansas [Mr. Curtis].

Mr. LONG. It was afterwards called up by the Senator from Wyoming [Mr. Clark], and the amendment presented by the Senator from Wyoming was agreed to.

Mr. LODGE. No; it was not agreed to. The Senator from

Wyoming said that he would prepare an amendment.

Mr. LONG. He prepared it, and it was agreed to.
Mr. LODGE. I am surprised that he should have done that

in my absence, for I made objection to the amendment.

The VICE-PRESIDENT. The Chair will state that the amendment at the bottom of page 36 was amended and agreed to, and the amendment beginning at the top of page 37 was passed over.

Mr. CLAPP. There are two amendments there, one relating to the fees, for which the substitute proposed by the Senator

from Wyoming was adopted. Then the amendment on page 37, which provides for the recording of the leases, was passed over.

Mr. LODGE. I should like to hear the substitute which was adopted read, for I was prepared to make a point of order on the amendment, and it was only on the understanding that a satisfactory substitute would be presented that I withheld it.

If it was done in my absence, I shall renew the point of order when the bill is in the Senate.

That is entirely satisfactory; but let us dis-Mr. CLAPP. pose of this amendment.

Mr. LODGE. I have no objection to the other amendment

being disposed of.

The VICE-PRESIDENT. The amendment proposed in the nature of a substitute by the Senator from Minnesota will be

The Secretary. In lieu of the amendment at the top of page 37 insert:

The filing heretofore or hereafter of any lease in the office of the United States Indian agent, Union Agency, Muskogee, Ind. T., shall be deemed to impart notice.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. McCUMBER. That seems to be a very short amendment, but I did not quite catch the meaning of it. I ask to have it read again.

The Secretary again read the amendment,

Mr. McCUMBER. Why should not the Senator use the usual words "shall be constructive notice?

Mr. CLAPP. I have no objection to that amendment to the amendment.

The Secretary. So as to read: "Shall be deemed constructive notice."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. On page 104 the amendment between lines 9 and 24, inclusive, was passed over this afternoon. After consultation with the senior Senator from Iowa [Mr. Allison], I ask that the amendment be rejected.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. The committee amendment is to insert, after line 8, page 104, the words down to and including line 24.

The VICE-PRESIDENT. Without objection, the amendment

is disagreed to.

Mr. KEAN. Is that the million-dollar amendment? Mr. CLAPP. No; it relates to the Sac and Fox Indians. Mr. CURTIS. I desire to ask if the words "and directed,"

in line 10, remain?

Mr. CLAPP. The committee amendment is rejected. It goes

Mr. KEAN. That is not the \$1,000,000 amendment? Mr. LODGE. No; the \$200,000 for the Sacs and Foxes. Mr. CLAPP. On page 110 I offer an amendment between lines 6 and 7.

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. After line 6, page 110, insert:

The Secretary. After line 6, page 110, insert:

That any adult allottee in the Standing Rock Indian Reservation in South Dakota to whom a trust or other patent containing restrictions upon alienation has been or shall hereafter be issued for an allotment along the right of way of the Chicago, Milwaukee and St. Paul Railway Company or the Chicago, Milwaukee and St. Paul Railway Company of South Dakota, in said reservation, may, with the consent of the Secretary of the Interior, and not otherwise, and under such regulations as he may prescribe, sell and convey to either of said companies, for railroad purposes, all or any part of his allotment. The lands along said right of way allotted to any minor may, in like manner, be sold to either of said companies by the Indian agent or other officer in charge of the reservation, acting for and on behalf of such minor.

And any deed executed hereunder, when approved by the Secretary of the Interior, shall convey title as fully as if a fee-simple patent had issued for the lands covered thereby, but without such approval shall be absolutely null and vold.

The money received from the sale to said companies of lands allotted to a minor may be paid, in the discretion and under the direction of the Commissioner of Indian Affairs, to the parent or other person having custody of such minor, for his support and education. Any such money not needed for such minor's support and education. Any such money not needed for such minor's support and education shall, when so directed by the Commissioner of Indian Affairs, be deposited in the United States Treasury to the credit of such minor and paid to him when he attains his majority, or, in case of his death, to his heirs, the money thus deposited to draw interest at the rate of 3 per cent per annum.

The amendment was agreed to.

Mr. CLAPP. The Senator from Kansas [Mr. Curtis] has an amendment to offer.

Mr. McCUMBER. While the Senator is looking it up, I ask the Senator from Minnesota what has been done with the provision in the bill which seeks to repeal the restriction clause which we passed last year? Has that been acted on?

Mr. CLAPP. No; that was passed over.

Mr. President, I give notice that to-morrow morning at the close of the routine business I will ask for the consideration of this bill. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 6, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Tuesday, February 5, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and ap-

Mr. DAVIDSON. Mr. Speaker, in the remarks of the gentleman from Illinois [Mr. RAINEY], on page 2105, appears a map, which locates the northern terminal of the proposed Lake Erie and Ohio River Ship Canal at Cleveland, whereas, as a matter of fact, under the bill passed by this House at the last session the northern terminal of that canal is at or near Ashtabula, a point 54 miles east of Cleveland.

Mr. CLARK of Missouri. Mr. Speaker, if the gentleman will permit me, I would suggest that the gentleman from Illinois [Mr. RAINEY] is not here. I do not know anything about the matter in controversy and do not want to defend him, but suggest the gentleman defer until he is present.

Mr. DAVIDSON. I am perfectly willing to let the matter

go over until the gentleman from Illinois is here.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the matter go over until the gentleman from Illinois is present. Is there objection? [After a pause.] Chair hears none.

RIVER AND HARBOR BILL,

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill, and pending that motion I ask unanimous consent that general debate on

Mr. SULLOWAY. Mr. Speaker—
The SPEAKER. Does the gentleman from Ohio yield?
Mr. BURTON of Ohio. Mr. Speaker, I withdraw my motion for the present.

REUBEN A. GEORGE.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the desk.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 20928, entitled "An act granting an increase of pension to Reuben A. George."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The gentleman from Ohio asks unanimous consent, pending his motion to go into Committee of the Whole House on the state of the Union, that all general debate may close to-day at 3 o'clock and 10 minutes. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill R. 24991, the river and harbor appropriation bill, Mr.

CURRIER in the chair.

The CHAIRMAN. The gentleman from Ohio [Mr. Keifer] is entitled to the floor and has thirty-five minutes remaining.

Mr. KEIFER. Mr. Chairman, I shall be obliged to curtail

the scope of the remarks I should have liked to submit.

When I was last on the floor, I was about to comment on an appropriation proposed in the bill of \$400,000 to improve Hilo Harbor, Hawaii. This is a harbor of one of the small islands. The bill also carries an appropriation of \$200,000 for improving Honolulu Harbor, Hawaii, but nothing for Pearl Harbor at Honolulu, now almost useless for want of a wider and deeper channel. Our larger ships can not enter it. If it were fortified, our war ships could not enter it. The latter is deemed the most important to be fortified for the holding and defense of the Hawaiian Islands.

This House is now asked to spend \$600,000 to improve two island harbors in Hawaii, but nothing for its defense. Surely we are proposing to be generous to any country that may come along and occupy them. This, under present circumstances and in the absence of a purpose to fortify Hawaii, looks like baiting it as an inducement to some country to take it. This condition in Hawaii invites war. Wisdom dictates that we should provide for the defense of our island possessions as well as to improve them.

But I must refrain from further pursuing this line of discus-

I do not deny the constitutional right to appropriate money for the improvement of rivers and harbors where necessarily international or interstate commerce will result, and where their improvement will be of national importance, but it may well be doubted whether mere local streams or inlets, having no interstate relation and where no general public utility will result, can be improved at the expense of the Federal Treasury without violating the Constitution of the United States.

The bill contains appropriations for improvements in only thirty-three of the States-twelve are "not in it." I do not believe the civil war gave any new construction to the Constitution. It did settle, and forever, that the States were a union of States, not a mere league of States dissoluble at will; that it was constitutional to preserve the Union and perpetuate it under one This result did not take from the States or the people their hitherto constitutional and reserved rights within the Union.

The power under the Constitution to make internal improvements has always been questioned, especially by the framers of the Constitution. The right to make river and harbor appropriations has been denied, and none were made until long after the Constitution went into effect. As early as 1806 it was proposed to build the Cumberland road. Those who favored the construction of the Cumberland road at the national expense justified it because it was interstate, and this view even was vehemently denied by others, and bills for its construction and maintenance were so often vetoed on the ground that they were unconstitutional that the road was never completed and its maintenance was long since abandoned.

There is no provision in the Constitution for internal improvements, but from the beginning appropriations were made for such harbors, beacons, buoys, etc., as were generally regarded

as being strictly within Federal jurisdiction.

The views of the Presidents of the United States and of our greatest statesmen have in later years and in this bill been entirely ignored. The idea, somehow or other, seems to now prevail that the Constitution has undergone a substantial change, that States with once vested powers, as the Constitution was formerly construed, have been moved out and the United States have moved in. There are some powers given exclusively to the United States. There are others given exclusively to the States, and there are still others in which the States may exercise concurrent powers and where the United States may, if they choose to do so, intervene, but whenever intervention comes on the part of the United States which interferes with State powers, then the State powers are superseded. But there is nothing in the matter of internal improvements that vests the United States with a right to depose the States in the exercise of powers that are local in their character. is no such thing as concurrent powers as to internal improvements between the States and the United States. It was decided in Ex parte Seibold (100 U. S., 371) that where the United States undertook and had the constitutional right to exercise powers that could be exercised by States the United States became at once supreme in the matter, and there could be no conflict; that the States simply became dispossessed of any further power in relation to the matter and there was no possibility of a conflict either, the United States' authority superseding the other. Rightly construed, there never can be any conflict between Federal and State au-Where the United States is given exclusive power or jurisdiction it is always supreme, and where they are, by the Constitution, not given any right they can exercise none; that where a State has exclusive jurisdiction the United States can not interfere at all, and that where a right may be exercised by a State with a reserved right in the Federal Government to come in, as in the case of elections for Senators and Representatives in Congress (sec. 4, Art. II, Constitution), and make regulations relating to the same thing, such regulations become the sole and supreme law. I quote from the syllabi of the case already mentioned:

10. The exercise of such power can properly cause no collision of regulations or jurisdiction, because the authority of Congress over the subject is paramount, and any regulations it may make necessarily supersede inconsistent regulations of the State. This is involved in the power to "make or after."

11. There is nothing in the relation of the State and national sovereignties to preclude the cooperation of both in the matter of elections of Representatives. If both were equal in authority over the subject, collisions of jurisdiction might ensue; but the authority of the National Government being paramount, collisions can only occur from unfounded jealousy of such authority.

And from the opinion (pp. 386, 392):

So in the case of laws regulating the elections of Representatives to Congress, the State may make regulations on the subject; Congress may make regulations on the same subject, or may alter or add to those

already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no further. There is no such conflict between them as to prevent their forming a harmonious system perfectly capable of being administered and carried out as such.

The power of Congress, as we have seen, is paramount, and may be exercised at any time, and to any extent which it deems expedient; and so far as it is exercised, and no further, the regulations effected supersede those of the State which are inconsistent therewith.

There can be no doubt about the right of the States, if they choose to exercise it, to provide for internal improvements of a purely local character; and this being true, the General Government in entering on the work of improvements of such character will unwarrantedly invade their rights, and, as we have seen, must necessarily oust them of all such rights, at least to the extent it interferes. But if the Federal Government has no right to make internal local improvements within a State, then all attempts to do so are unconstitutional and an invasion of a right reserved to the States and to the people. In the case of South Carolina v. United States (199 U. S. Rept., p. 451) it

The two governments, National and State, are each to exercise their powers so as not to interfere with the free and full exercise by the other of its powers. Not only, therefore, can there be no loss of free and independent autonomy to the States through their union under the Constitution, but it may not be unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and maintenance of the National Government. The Constitution in all its provisions looks to an indestructible Union, composed of indestructible States.

It is proposed in this hill. Mr. Chairman, as I understand its

It is proposed in this bill, Mr. Chairman, as I understand it, and as it seems to be interpreted by its distinguished chairman, for the United States to move into the States and undertake to do local work there in the way of improving rivers and creeks, inlets, and so forth, purely local in their character. It is my purpose to review somewhat the position, as I have already stated, of the earlier Presidents and some of the later ones on this subject. First, I desire to say that the great objection to this river and harbor bill, and, perhaps, all river and harbor bills, is that they are a combination of local and general appropriations that is expected to bring together the friends of all of the favored localities and to vote for all of the appropriations. The earlier Presidents of the United States denounced this as highly improper, and insisted that if appropriations for the improvement of any of the rivers and harbors was desired that they should be made by separate bills.

A brief review of the history of internal improvements, especially relating to rivers and harbors, may be of some interest. In doing this we shall see how Congress has progressed in asserting a right, originally denied, of making internal improvements, until it now assumes to exercise it without limitation and regardless of the character of the improvements, and to insure success, provides for them in omnibus bills, instead of by separate bills where the merits or demerits of particular improvements would be considered.

Before coming to important vetoes by Presidents of bills appropriating money for internal improvements and for rivers and harbors, let us first see how the practice of making such improvements, at the expense of the Federal Treasury, commenced, and what constitutional difficulties were encountered. The initial step was not taken until long after the Constitution went into effect.

On March 29, 1806, three commissioners were authorized by Congress, to be appointed by President Jefferson, to lay out a national road from Cumberland, Md., to the Ohio River. road was then projected through Georgia to New Orleans, and later another like road was projected from Maysville, Ky. None of these were ever completed.

As early as 1824 the policy was entered to appropriate money for roads, canals, rivers, and harbors, its expenditure to be under the direction and control of the President, and for such improvements as he might deem of national importance, and nothing was appropriated for purposes not for the common defense or general welfare and which did not promote commerce among the States. And it was all along contended that appropriations for even such purposes should be made by separate bills.

President Arthur (Mess., etc., vol. 8, pp. 122–123, 138) ably reviews in his messages of August 1 and December 4, 1882, this character of legislation, giving some of its history.

We have now reached a time when all river and harbor ap-

propriations are made exclusively in omnibus bills.

The true test probably of the constitutional right to appropriate money to improve rivers and harbors or to appropriate money for other internal improvements must rest on that provision of the Constitution granting that-

Congress shall have power to regulate commerce with foreign tions, among the several States, and with the Indian tribes. (Ar sec. 8, par. 3.)

It has been said that it was a sufficient warrant for internal improvements to invoke that part of clause 1 of the same section of the Constitution which authorizes Congress to "provide for the common defense and general welfare of the United States,"

But this is too broad a claim and leads to absolute centralization. Thus construed under pretense of "common defense" or general welfare," Congress might assume unlimited power in all things. Common defense is an inherent right of every nation as well as of an individual. So as to a State's right to provide for its general welfare. But both rights are functional as to its sovereign existence. In a sense every law that is passed is intended to be for the "common defense" or for the "general welfare," yet it was not intended by the framers of the Constitution to vest in Congress all legislative power and strip. States of wights manufactured by the constitution of wights and wi strip States of rights guaranteed to them or reserved to the people by the Constitution and not prohibited by the express provisions of the Constitution. (Art. X.)

Those who maintained that Congress had power to build at the expense of the United States the Cumberland (or National) road put the constitutional right to do so mainly on the interstate-commerce provision. They did not pretend that Congress could build a common road wholly within a State. To attempt

to do this even now would nowhere and in no State be tolerated, though it might be for the "general welfare."

If the words "general welfare" were used in the Constitution as intending to mean "general welfare" of the whole United States, then with only here and there the appropriations proposed in the bill would be constitutional.

Of the 346 places sought to be improved by the bill not a large number of them would stand the test.

Thomas Jefferson, when revenues were likely to exceed expenditures, regretting that there was no constitutional right to expend money for internal improvements, especially for the improvement of rivers and harbors and canals, in his annual message to Congress December 2, 1806, recommended that the Constitution be amended so as to give it power to appropriate money for such purposes, using this language:

I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.

He had in 1803 pronounced his own action in acquiring the Louisiana purchase unconstitutional and suggested that the Constitution should be amended to make his action legal.

President Madison, in his annual message of December 5, 1815, made a recommendation for a like amendment of the Constitution and for the same reason—that is, that the Constitution did not grant any right to appropriate money for internal improvements. He was one of the framers of the Constitution.

James Monroe, in his annual message to Congress of Decem-

ber 2, 1817, declared Congress had no Constitutional power to make appropriations for such improvements, and he also recommended that the Constitution be amended so as to give such right. He used this language:

right. He used this language:

Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to or a necessary means, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result I can not resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the Constitution which shall give to Congress the right in question. right in question.

And in his annual message, dated December 3, 1822, he referred to his prior veto of a bill which proposed to adopt a system of internal improvements, and concluded by again recommending that an amendment to the Constitution was the only way to give Congress the power to adopt such a system. These are the words he uses:

Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the Constitution to the effect should be recommended to the several States.

President Monroe, in his message vetoing a bill relating to the Cumberland road, again says that only an amendment to the Constitution would vest such power in Congress. He expressed himself as follows:

I am of opinion that Congress does not possess this power; that the States individually can not grant it, for although they may assent to the appropriation of money within their limits for such purposes they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution and in the mode prescribed by it.

President Jackson, in his annual message dated December 1, 1834, suggests that an amendment to the Constitution is necessary to confer power on Congress to make internal improvements national in character. He expressed his views on the subject thus:

If the people of the United States desire that the Public Treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the Constitution prescribing a rule by which the national character of the works is to be tested and by which the greatest practicable equality of benefits may be secured to each member of the Confederacy.

I come now more particularly to vetoes by Presidents.

President Madison vetoed, March 3, 1817, a bill for the improvement of roads, canals, and water courses, on the ground of its unconstitutionality. He there discusses the "common defense and general welfare" clause of the Constitution and denies that it gives Congress the right to enact such a bill. He uses the following language in his veto message:

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers or that it falls by any just interpretation within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

"The power to regulate commerce among the several States" can not include the power to construct roads and canals and to improve the navigation of water courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms strengthened by the known inconveniences which doubtless lead to the grant of this remedial power to Congress. to Congress.

A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into

President Jackson, in a veto message of May 27, 1830, reviewed the whole subject of constitutional power of Congress to appropriate money for internal improvements, and in the same message he pronounced them unconstitutional and declared that Thomas Jefferson had exceeded his constitutional authority in paying \$15,000,000 for the Louisiana Territory to Bonaparte. He concluded that no appropriation is constitutional for any class of works which are not "of a general, not local, national, not State, character." He uses language as follows:

Such grants have always been professedly under the control of the meral principle that the works which might be thus aided should be of a general, not local, national, not State, character." A disregard this distinction would of necessity lead to the subversion of the Federal system.

He affirms Madison's views of the unconstitutionality of internal improvements not national in character. And he shows that under the "common defense and general welfare" clause of the Constitution it would give Congress all power if it was subject to the construction often claimed for it. He denied that the clause granted any right to appropriate money generally for internal improvements. In vetoing the bill in question President Jackson coincided in part, at least, with Madison, and in his veto message quoted the following:

message quoted the following:

A bill was passed though both Houses of Congress and presented for his (Madison's) approval, "setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water courses in order to facilitate, promote, and give security to internal commerce among the several States and to render more easy and less expensive the means and provisions for the common defense." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective States in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution, and superadding to these avowals his opinion that "a restriction of the power to provide for the common defense and general welfare.' to cases which are to be provided for by the expenditure of money would still leave within the legislative powers of Congress all the great and most important measures of Government, money being the ordhary and necessary means of carrying them into execution."

In a veto message of May 31, 1830, Jackson reaffirms the same views.

Jackson again, in vetoing a bill for the improvement of certain harbors and rivers—December 6, 1832—pronounced it unconstitutional, saying, among other things, that—

It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, and that I could not therefore approve a bill containing them without receding from the positions taken in my veto of the Maysville road bill and afterwards in my annual message of December 6, 1830.

President Jackson, in speaking of a bill to improve the naviga-tion of the Wabash River, declared it unconstitutional, and he further declared that there is little danger of violations of the Constitution affecting personal rights, but that the danger was

great where money and selfish motives may be involved. I quote from his annual message of December 1, 1834:

We are in no danger of violations of the Constitution by which encroachments are made upon the personal rights of the citizen. The sentence of condemnation long since pronounced by the American people upon acts of that character will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the danger of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages and bring in their train the patronage of the Government we are, I fear, not safe. To suppose that because our Government has been instituted for the benefit of the people it must therefore have the power tod whatever may seem to conduce to the public good is an error into which honest minds are too apt to fall.

Provident Tyler Lune 11, 1844 vetoed a river and harbor bill

President Tyler, June 11, 1844, vetoed a river and harbor bill, holding it unconstitutional, and also because the improvement of a river or harbor for the benefit of one place might be rank injustice to another or other places. He expressed himself on the subject as follows:

subject as follows:

The power to remove obstructions from the water courses of the States is claimed under the granted power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes;" but the plain and obvious meaning of this grant is that Congress may adopt rules and regulations prescribing the terms and conditions on which the citizens of the United States may carry on commercial operations with foreign states or kingdoms and one which the citizens or subjects of foreign states and kingdoms may prosecute trade with the United States or any of them. And so the power to regulate commerce among the several States no more invests Congress with jurisdiction over the water courses of the States than the first branch of the grant does over water courses of foreign powers, which would be an absurdity.

The application of the revenue of this Government, if the power to do so was admitted, to improve the navigation of the rivers by removing obstructions or otherwise would be for the most part productive only of local benefit. The consequences might prove disastrously ruinous to as many of our fellow-citizens as the exercise of such power would benefit. I will take one instance furnished by the present bill—out of no invidious feeling, for such it would be impossible for me to feel, but because of my greater familiarity with locations—in illustration of the above opinion: Twenty thousand dollars are proposed to be appropriated toward improving the harbor of Richmond, in the State of Virginia. Such improvement would furnish advantages to the city of Richmond and add to the value of the property of its citizens, while it might have a most disastrous influence over the wealth and prosperity of Petersburg, which is situated some 25 miles distant on a branch of James River and which now enjoys its fair portion of trade. So, too, the improvement of James River to Richmond and of the Appomattox to Petersburg might, by inviting the trade to those two towns, have the effect of prostrating the town of Norfolk. This, too, might be accomplished by not adding a single vessel to the number now engaged in the trade of the Chesapeake Bay or bringing into the Treasury a dollar of additional revenue. It would produce, most probably, the single effect of concentrating the commerce now profitably enjoyed by three places upon one of them.

President Polk, August 3, 1846, vetoed a river and harbor bill

President Polk, August 3, 1846, vetoed a river and harbor bill on the ground of its unconstitutionality, saying:

The Constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvements within the States or to appropriate money from the Treasury for that purpose.

He also vetoed a like bill December 15, 1847, for like reasons. President Pierce also, on August 4, 1854, vetoed a bill for completing certain public works classed as internal improvements. He also vetoed, May 19, 1856, a bill appropriating money to remove obstructions in the mouth of the Mississippi because unconstitutional. He did not believe that it was constitutional to appropriate money for the improvement of the mouth of the great Mississippi River, but things have changed. Mr. Chairman, I remember a few years ago, when we were considering the question of appropriating money for levees for the Mississippi River, of hearing a distinguished Member of Congress from the State of Mississippi state the reason why it was not advisable any longer to press the question of constitutionality. He said he had been a strict Jackson Democrat, but when he was down in his district along the east bank of the Mississippi River in the time of a flood, when the waters of that great stream had overflowed much of his district and many of his constituents were in the attics of their houses, with their heads out at holes they had constructed, and he delivered a constitutional argument to them attempting to demonstrate that it was unconstitutional to levee the Mississippi River, there was not one of

them who would listen to it. [Laughter.]

President Grant vetoed, June 30, 1876, a bill which related to certain improvements of the Fox and Wisconsin rivers in Wisconsin, because it was not shown to be of a public character.

I may observe here that at another time President Grant, when he encountered the matter of approving a river and harbor measure that was tacked onto a general appropriation bill, approved the bill, but notified the Secretary of War to see to it that the money appropriated for the local purposes relating to rivers and harbors should never be expended, and it never was.

President Arthur, August 1, 1882, vetoed a river and harbor

bill, principally for the reason that it contained appropriations for purposes not for the "common defense and general welfare and which did not promote commerce among the States." He said:

States." He said:

My principal objection to this bill is that it contains appropriations for purposes not for the common defense and general welfare and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriations of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus, as the bill becomes more objectionable, it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking power. power.

President Cleveland vetoed, May 29, 1896, a river and harbor bill largely for the same reasons assigned by President Arthur. He gave construction to the "general-welfare" clause of the Constitution, denying that it gave Congress power to appropriate money to improve rivers and harbors. Among other things he declared:

Many of the objects for which it appropriates money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of million of dollars new experiments for their accomplishment have been entered upon.

I am convinced that the bill now under consideration opens the way to insidious and increasing abuses and is in itself so extravagant as to be especially unsuited to these times of depressed business and resulting disappointment in Government revenue.

To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects their allowance can not fail to stimulate paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors and that the extent to which they are realized may furnish an estimate of the value of governmental

Mr. Chairman, he did, it is true, in that message step aside little from the veto on constitutional grounds.

Now, I have about finished my review and I want to turn back a little. These matters that were discussed ably many years ago have apparently undergone great changes. One of the great controversies over the matter of internal improvement arose in relation to the construction and maintenance of the national roads, and I think I can read with some interest-perhaps some -some of the arguments pro and con on the subject of internal improvement, and especially some that relate to rivers and harbors and national roads. I have here a copy of a speech made in 1838 by Thomas Corwin, and as I recollect it this was the final farewell to appropriations in Congress for the National or Cumberland road. There were intellectual giants in those days, and they did not lightly assume powers not plainly granted by the Constitution. If I occupy a minute or two in reading from this speech it will better show you the character of the discussion than if I undertake to state it. A question was pending before Congress as to the right to appropriate further to maintain the Content of the Constitution. tain the Cumberland or National road, and in the course of the discussion, among other things, the great Corwin said:

discussion, among other things, the great Corwin said:

Yesterday my friend from Kentucky [Mr. Calhoun], with a power of argument and generosity of sentiment equally honorable to his head and heart, spoke in favor of this bill. He adverted to certain objections made by his colleagues [Messrs. Graves and Underwood]. They had opposed the bill as partial in its operation, as giving to the three States through which the road passes a disbursement of money which Kentucky was not permitted to enjoy. He said the disbursements in Indiana would flow into Louisville, in Kentucky, where goods, and even liquors, would be bought, with which the labor on the road would be paid. Upon this another gentleman from South Carolina [Mr. Pickens] takes fire. "This, said he, "shows the demoralizing tendency of the system! This is the motive to vote appropriations, that money be raised to buy whisky for the poor laborer to drink!" Sir, I have no objection to the gentleman's moral lectures, but do not see the necessity of throwing his moral sensibilities into convulsions at the sight of a glass of punch, while he can look with a sanctimonious composure at broken promises and violated national faith.

Mr. Speaker, I have one word to say before I sit down to the gentleman from Kentucky [Mr. Underwood]. He spoke the other day in opposition to this bill. He did not deny that the Cumberland road might be useful; but, as he could obtain no money here to enable his people to build dams and make slackwater navigation on Green River—

Where is Green River to-day?—

Where is Green River to-day?-

he could not help us to make a road on the northern side of the Ohio. And then the gentleman proceeded, in a grave disquisition upon our constitutional powers, to make roads and improve rivers. What says

the Constitution? "Congress shall have power to regulate commerce with foreign nations, among the several states, and with the Indian tribes." What is the gentleman's commentary? "You have," says he, "a clear and undoubted right to improve rivers, but not so of roads." And why, Mr. Speaker, why? Do you, sir, remember the reason for this distinction? It was this: "Providence." says the gentleman, "has marked out rivers as the proper channels and avenues of commerce." What a beautiful and exalted plety is here shedding its clear light upon the dark mysteries of constitutional law! And then how logical the conclusion! Thus runs the argument: "Since it is not the will of God that commerce should be carried on on dry land, but only on the water, the powers over commerce given in the Constitution by our pious ancestors must be understood as limited by the Divine commands; and therefore," says he, "you have power to remove sandbars and islands and blow up rocks out of rivers and creeks to make a channel which Providence has begun and left unfinished, but beware," he would say, "how you cut down a tree or remove a rock on the dry land to complete what Providence has begun there. You have no power by law to do this last; besides it is implous; it is not the will of God."

Mr. Speaker, I know of no parallel to this charming philosophy, unless it is found in the sayings of Mause Hedrigg, an elderly Scotch lady who figures in one of Sir Walter Scott's novels. In one of her evangelical moods she rebuked her son Cuddle for using a fan or any work of art to clean his barley. She said it was "an awesome denial o' Providence not to wait his own time, when he would surely send wind to winnow the chaff out of the grain." In the same spirit of enlight-ened philosophy does the gentleman exhort us in Ohio, Indiana, and Illinois to cease our impious roadmaking and wait the good time of Providence, who will, as he seems to think, surely send a river to run from Cumberland over the Alleghenies, across the Ohio, and so on in its heavend

The Cumberland road was completed only to Springfield, Ohio, about 1839. It for a time was controlled by the Federal Government, then passed to the State of Ohio.

I know, Mr. Chairman, my time will not permit me to read further from this great speech delivered in 1838, relating to the matter of appropriations for national roads in this country. In 1839, according to my recollection, the National road was finished from Cumberland to Springfield, Ohio, my home. line of it was cut out clear through, I believe, to St. Louis. Further appropriations being refused, in time the National Government surrendered its control to the State of Ohio over that part of the road in Ohio. I introduced the last bill into the Congress of the United States, and had it passed through both Houses, finally surrendering all right, power, control, or liability of the United States to the State of Ohio over that part of the Cumberland road, and then after that the State of Ohio surrendered all that right to counties, so that the National road in Ohio has gone back to the county-road system and is now so maintained, without toll.

We have long since ended the business of national road improvements, but river and harbor bills still come up blooming. If Green River, Kentucky, is not remembered in this bill the Kentucky River is remembered, with a direct cash appropriation of \$100,000 and an authorization of \$450,000 more to build locks and dams, and that sort of thing has been going on for about eighty years.

Mr. JAMES. Will the gentleman yield for a question?

Mr. KEIFER. Yes.
Mr. JAMES. If I understand correctly, you were arguing that Congress has no authority to make improvements on the

Mr. KEIFER. I did not state it so broadly as that. I said for these local improvements that were purely State.

Mr. JAMES. Now, I understood you to say last week, when you were making a speech on this bill, that your district, so far as appropriations in this bill were concerned, was de bonis non.

Mr. KEIFER. You bet. [Laughter.] Mr. JAMES. Now, if the committee had dealt liberally with

your district, would that have thrown any light upon the con-

stitutionality of it?

Mr. KEIFER. Not a particle. And my complaint about brethren here is that their constitutional sense is gathered from the number of dollars found in the bill for the benefit of their particular localities. I am, however, clearly of the opinion that an improvement could be made through my district, such as was recommended by George Washington and Thomas Jefferson, both before and after the Constitution of the United States took effect, and that is to connect by a ship canal on the line of the Miami and Erie Canal, the Ohio with Lake Erie by a channel through which the commerce of the world could flow; and if we build that I will have no constitutional scruples about our power to do it, and I will still not be in favor of purely local river and harbor improvements,

That would elucidate the Constitution. Mr. JAMES.

Mr. KEIFER. Not a bit.

[Here the hammer fell.]

Mr. DAVIDSON. Mr. Chairman, the historical data just given us by the gentleman from Ohio [Mr. Keifer] is decidedly interesting and instructive, but I would like to say to the gentleman, in all kindness, that while he has been taking a recess from political activity in this House the procession has moved forward; public sentiment has grown until to-day it is generally recognized that the development of the waterways of the country is one of the most commendable projects undertaken by the National Government, and one which adds materially to the commercial development of the country.

Mr. Chairman, I wish to direct the attention of this committee to the pending bill, and to the sins of omission and commission charged against the Rivers and Harbors Committee. committee has sinned, it appears that it is in omission rather than in commission. So far as the discussion has given us light upon the bill, but one item has been criticised, and that in a humorous vein, probably for the purpose of putting it upon a parallel with other projects which it is desired to include in the bill and which the committee is charged with the sin of omission for not I refer to the Cold Spring Inlet or Cape May project. including. It is true there is no commerce there at present. It is true there is no national or public harbor at this place. It is only fair to this House, therefore, that a statement concerning this project be made. I was not a member of the subcommittee that considered this, but I will give the facts as I understand them.

A harbor, land locked, safe from every storm, 500 acres in area, has been constructed on the New Jersey coast between the mouth of the Delaware River and Sandy Hook, a coast 123 miles in length, subject to severe storms, and without a harbor of refuge or a place where a boat can seek safety in time of storm.

Mr. MADDEN. Will the gentleman yield? Mr. DAVIDSON. Yes.

Mr. MADDEN. How far from this place is the nearest harbor of refuge?

Mr. DAVIDSON. The nearest harbor of refuge is at the mouth of the Delaware River, about 17 miles south, to be reached by an entrance which is decidedly dangerous when ice floes are jamming out of the Delaware River. A few years ago seventeen vessels sunk at their anchors and others were torn loose and carried out by the ice and never heard of afterwards.

Mr. MADDEN. The gentleman stated a moment ago that there was no harbor within 123 miles of this place. I wanted to

give him an opportunity to correct that statement.

Mr. DAVIDSON. The gentleman from Illinois is absolutely mistaken. I said there was no harbor of refuge on the New Jersey coast from the mouth of the Delaware River to New York, a distance of 123 miles.

Mr. MADDEN. What is the particular harbor that the gen-

tleman just referred to?

Mr. DAVIDSON. I have said that the harbor does not yet If the gentleman will take his seat, he will get some information. This proposed harbor is but a short distance comparatively from the mouth of the Delaware River, but the mouth of the Delaware River and harbor of refuge connected therewith is, as I have stated, one of the most dangerous entrances on the coast at a time of storm and when the ice is going out of the river. Now, this proposed harbor and inner basin has been constructed to a depth of 35 to 40 feet over an area of 500 acres, at a cost of nearly \$5,000,000. The only thing the Government is asked to do is to build a channel connecting the outer ocean with the inner harbor.

Mr. MADDEN. How does the recommendation of the expenditure of \$1,200,000 in this instance compare with the statement of the chairman of the Committee on Rivers and Harbors to the effect that it was the policy of the committee never to make a recommendation for an appropriation except where the tonnage was sufficient to warrant the expenditures?

Mr. DAVIDSON. Oh, the chairman of the Committee on Rivers and Harbors never made any such statement. There are appropriations in this bill for projects where there is no commerce, and the gentleman knows, if he knows anything about waterway improvement, that there are many places where the improvement must be made before there can be any commerce. The 45,000,000 tons of commerce that goes through the Soo Canal was absolutely impossible before the canal was built.

Mr. MADDEN. I am very glad to have the gentleman make

that admission; very glad.

Mr. DAVIDSON. The gentleman may get what satisfaction he can out of it. The tonnage through the St. Clair River of 55,000,000 tons was not possible until the Government stepped

in and deepened the channel.

Now the Cape May project is for the Government to construct a channel half a mile long to connect with the inner har-Under the provisions of the bill by which the inner harbor becomes a public harbor, all necessary land for lighthouse purposes, engineers' quarters, and all those things, is to be donated to the Government free of cost. In addition to the large amounts contributed by private parties and by Atlantic City to create this inner harbor, amounting to about three and one-half million dollars, we require them to contribute one hundred thousand more, upon the condition that the Government shall dig a channel to connect the inner harbor with the outside waters, so that boats of the deepest draft can enter in time of storm or can come in for purposes of commerce.

There are two lines of railway expending a large amount of money and creating terminal facilities there. That they will

benefit from this I have no doubt.

Isn't this intended for a summer resort? Mr. MADDEN.

Mr. DAVIDSON. Oh, the gentleman knows that Atlantic City is a summer resort.

Mr. MADDEN. Is it not owned by wealthy individuals that

have summer homes there?

Mr. DAVIDSON. When the gentleman made his speech he read the advertisement of a realty company and imitated the barker at a side show with admirable ability in describing the inducements that the realty company offered to people who would buy their land. The fact is there isn't an expenditure of money made in the United States upon any harbor or river but what it benefits some railroad or some real estate company, and I do not know but what it is just as laudable for men in the real estate business to advertise as it is for men in any other busi-The mere fact that a real estate advertiser saw fit to print something of this kind on the back of a calendar seems to have convinced the gentleman from Illinois that this project was an unworthy one.

Will not the gentleman from Wisconsin ad-Mr. MADDEN. mit to the House that the real estate company who advertises so beautifully owns all the real estate on the harbor for which

this House is being asked to appropriate \$1,200,000?

Mr. DAVIDSON. I do not know whether it is true or not, nor do I care. The fact is that the harbor will be a public I believe commerce will be developed there, but in any event this improvement ought to be adopted to make a harbor of refuge on the coast of New Jersey. Since 1879 fifty-six vessels have been wrecked on this coast, with considerable loss of This of itself is enough to convince me that the Governnent can well afford to spend the amount here recommended toward this harbor of refuge. The fact that the project is favorably recommended by the Board of Engineers, by the legislature of New York, the Maritime Association of New York, the Maritime Exchange of Philadelphia, Delaware Bay and River Pilots' Association, and a large number of captains and masters of vessels ought to convince every member of this committee of its worth. So much for the sin of commission,

Mr. MADDEN rose.

The CHAIRMAN. Will the gentleman yield?

Mr. DAVIDSON. I will not yield at this time. I will give

the gentleman a chance to ask questions later on.

Now, what are our sins of omission? The first one is the charge that we have failed to make provision for a survey for a 35-foot channel in the Delaware River. We have made liberal provision for the completion of a 30-foot channel in the Delaware River. To obtain a 30-foot channel in the Delaware River from Philadelphia to its mouth requires some 60 or 70 miles of dredging, and to maintain a 30-foot channel dredging to a depth of 32 feet is necessary. There is a tremendous amount of silt carried down the Delaware River. It is only exceeded as a silt-bearing stream by the Missouri. The question of the cost of maintaining a 35-foot channel is a very serious one.

Philadelphia has done more for itself in the improvement of

its harbor than any other city in the United States, and this is to its credit. It is a city very nearly 100 miles inland. It is a city of large commerce. But large as its tonnage is, the question arises, Can a city nearly 100 miles inland expect always to be upon the same footing as a city on the coast? We have Boston, New York, and Baltimore—cities on the Atlantic coast each of tremendous tonnage. Philadelphia wants the same depth of channel. Its tonnage entitles it to the best channel we can give it, but the application of the same principle would carry deep water to Albany, on the Hudson; to Richmond, on the James; to Jacksonville, on the St. Johns River. it becomes a question for us to seriously consider how far up we can carry deep water to an inland city. But the most serious question is the one which involves the maintenance of a 35-foot channel in this river, and whether it can be done at anything like a reasonable rate. If it can, I want to see them have a 35-foot channel. But no one can determine that fact until we have first obtained a 30-foot channel and then had some experience in maintaining it. Then engineers can tell with some degree of certainty how much it will cost to maintain a channel 5 feet deeper. This, gentlemen, is the reason why we have not thought it was good business policy to undertake to find out now what it would cost to make and maintain a 35-foot channel.

What are the other sins of omission? Practically a sin of omission is charged by the distinguished gentleman from Missouri [Mr. Bartholdt] and his colleague because we have cut the appropriation for that portion of the Mississippi River between the mouth of the Missouri and the mouth of the In connection with this a map was exhibited, by which the attempt was made to show that the committee had been partial to other localities as against that portion of the Mississippi River. They told us that the Lake region had \$19,473,000 in this bill, and that this was one of the reasons why this portion of the Mississippi had not received what it was entitled to. Gentlemen, I want to say to you in all candor that in the framing of this bill there never has been since I have been on that committee a question of sectionalism or of Neither one of those things has ever entered into the committee room. We undertake to dispose of every project on its merits in comparison with the other projects throughout the country, and recommend to your consideration a bill which does fair and equal justice to all portions of the country.

It is true this bill carries about nineteen and one-half million dollars for the harbors and connecting channels of the Great Lakes, but, gentlemen, that appropriation gives benefit to over 240,000,000 tons of commerce. This is divided among a number of States in which are harbors located on some of the Great Lakes, as follows: New York, 14,377,000 tons; Ohio, 39,950,000 tons; Michigan, 15,577,000 tons; Wisconsin, 15,388,000 tons; Minnesota, including harbor at Superior, Wis. 38,213,000 tons, and Illinois, 20,060,000 tons. It includes 45,000,000 tons of commerce which last year passed through the canal at Sault Ste. Marie, and 55,508,000 tons which passed through the Detroit River during the last season.

Of the nineteen and one-half million dollars referred to. \$6,200,000 is for an additional lock at the Soo. This additional improvement is absolutely necessary in order that the tremendous tonnage passing that point may not be delayed through

any accident which might happen to the existing lock.

Of the nineteen and one-half million dollars referred to, \$6,970,000 is for the construction of an alternative channel in the Detroit River. It is said that during the navigable season of the year a boat passes a given point in the Detroit River every seven and one-half minutes. Think of that tremendous tonnage of 75,000,000 passing through that river, and then realize, if you can, what it means to have a boat sink and block the channel. This has occurred several times. When such an accident happens all navigation must cease, and boats will be at anchor for miles and miles on either side of this obstruction awaiting its removal in order that they may pass on.

It seemed to the committee absolutely necessary that an additional channel be provided so that there may be no possibility of delay to the tonnage which must necessarily pass through that

This is why we have put nineteen and one-half million dollars on the Lakes and their connecting channels. It is because the tonnage is there; it is because the business is there that demands this appropriation. We have recommended in this bill \$4,000,000 for the Ohio River. We do it because the Ohio River carries a commerce of over 13,000,000 tons. The Mississippi River, between the mouth of the Missouri and St. Paul, has a tonnage of 4,089,000. For this section of the river we have appropriated \$2,000,000. For the lower Mississippi, from the mouth of the Ohio down to the Passes, and which has a tonnage of three and a half millions, we have appropriated something

like \$9,000,000, I believe. Now, gentlemen, coming to this portion of the river, for which my friend from Missouri so severely criticises the committee, from the mouth of the Ohio to the mouth of the Missouri, the figures show that the tonnage was 7,125,000. The figures also show that of that amount 6,684,000 tons were transferred by ferries. That is commerce which simply crosses the river at the city of St. Louis from one side of the river to the other on a line of ferryboats. That commerce does not need the removal of snags above or sand bars below. It is simply a transfer across the river where there is plenty of water at all seasons of the year. Take that amount out of this tonnage, and I take it out because in no other harbor which I have quoted has that kind of tonnage been included-

Mr. BARTHOLDT. Will my friend permit an interruption here?

Mr. DAVIDSON. Oh, yes.

Mr. BARTHOLDT. When he started his argument, he stated that the result of these improvements is commerce; that the improvement must first be made, and that the commerce will follow in many cases. Well, that is exactly our argument. Our argument is that we can not have the commerce as long as you leave that stretch of the river unimproved, which, in our

judgment, is the most important.

Mr. DAVIDSON. Yes. I thank the gentleman, but before answering his question, I want to show the net tonnage for the river from the mouth of the Missouri to the mouth of the Ohio. Subtract the amount transferred by ferries and you have a net tonnage of 440,554 tons. Why, the gentleman from Illinois [Mr. RAINEY] said that he had difficulty in finding how the committee could appropriate money for Raccoon Creek, yet I say to you that the tonnage of that creek, for which we recommend \$15,000 in this bill, almost equals the tonnage of the Mississippi River from the mouth of the Missouri to the mouth of the Ohio. [Applause.] Now, the gentleman from Missouri [Mr. Bartholdt] interrupts me to say that you have to spend the money first; that you have to improve a river before the tonnage will come. What have we been doing for this particular part of the Mississippi River? What have we spent on this most important stretch of the river? We spent, from 1890 to 1905, \$8,819,999.96. On this particular stretch of river we have spent altogether over \$12,000,000, and all it has produced is 440,554 tons of commerce. We have spent money enough, if that is what they wanted to get commerce. In 1893, 1894, and 1895 we spent \$758,000 a year, and in 1897, 1898, and 1899 we spent \$673,000 each year.

Mr. BURTON of Ohio. Will my colleague excuse me for an interruption? I may say that that amount is larger than the total amount spent upon the Rhine River by the Government of

Germany, with a commerce of 30,000,000 of tons.

Mr. BARTHOLDT. You spent the money, but did not give us the water. That is the reason we did not have any commerce.

Mr. DAVIDSON. In the hearings held in the hotel at St. Louis two years ago I asked one of the leading board of trade men what was the fact as to the navigability of the stream at that time, as compared with twenty or thirty years ago. He said the navigable stage of the Mississippi River had never been as good as it was at that time. We have been spending this money to improve this stream. They say we have not given them water, but we have given them more water than they ever had before as a continuous navigable channel. The project for that river provides for a 6-foot channel from the mouth of the Missouri to St. Louis, an 8-foot channel from St. Louis to Cairo, and a 10-foot channel from Cairo to New Orleans. The 8-foot channel has been maintained throughout the entire season from St. Louis to Cairo and a 9-foot channel has been maintained during the entire season from Cairo to New Or-

Now, with that tremendous appropriation since 1890, or the last sixteen years, of \$8,819,000, they ought to produce results, they ought to do business; but what have they done? Let me read to you the commercial statistics of the city of St. Louis, as far as water transportation is concerned. In the year 1899 the tonnage amounted to 669,815; in the year 1900 it amounted to 757,590. In the year 1901 it commenced to go down; 1900 was the high-water mark of the tonnage of the city of St. Louis. In 1901 it was 672,000; in 1902 it was 641,000; in 1903 it was 352,000; in 1904 it was 377,000; and in 1905, 370,000.

The time of the gentleman has expired. The CHAIRMAN. Mr. DAVIDSON. I will ask for ten minutes' additional time,

and I will be as brief as I can.

The CHAIRMAN. The gentleman is recognized for ten min-

Mr. BARTHOLDT. Will the gentleman permit an inter-

Mr. DAVIDSON. I can not permit further interruptions, as

my time is limited.

The persistent campaign of misrepresentation and abuse which the leading newspapers of St. Louis have conducted against the Rivers and Harbors Committee, and especially against its chairman, comes with poor grace, when it is known that there has been a continuous falling off in the transportation of commerce to and from the city of St. Louis during the last fifteen years, notwithstanding the fact that during that time nearly \$9,000,000 have been expended on that stretch of the Mississippi River. In addition, I am informed that of the leading packet lines engaged in traffic on the Mississippi River not one is owned by capitalists of St. Louis. It is true a few gentlemen residing in St. Louis own stock in some of these packet lines, and it is also true that a few small boats outside of those engaged principally in ferriage are owned in that city.

A few years ago a transportation company was organized at St. Louis, and at one time they had in operation on the Mississippi River 13 towboats and 102 freight barges. This, I think, was in 1889. In that year this company did business to the extent of 549,464 tons of freight. This, however, was its high watermark. Steadily each year thereafter its volume of business decreased. The building of new boats ceased in 1893, and at each opportunity thereafter it sold some of those they had. In 1904 its fleet had been reduced to three towboats and thirty-two barges, and during that year those were sold to the Monongahela River Coal and Coke Company, of Pittsburg, and the St. Louis company went out of business.

Mr. BARTHOLDT. Does the gentleman decline to answer a

question?

Mr. DAVIDSON. I can not yield. Mr. Chairman, I believe I have shown to the committee that this stretch of the river has, during the last few years, had a more permanent channel for navigation purposes than ever before in its history, and yet notwithstanding this and the large amount of money expended, the traffic has steadily decreased, and but little use is made of the river by the great industrial institutions of the city of St. Louis. This of itself is, in my judgment, sufficient reason for the action of the committee in reducing the appropriation for this portion of the river.

There is, however, another very good reason why a larger appropriation should not be made. You are all aware of the project for a deep waterway from Chicago to the Gulf. From Lockport to St. Louis this proposed waterway had been surveyed and an estimate made of its cost of construction. plan recommended for that portion of it along the Mississippi River from Grafton to St. Louis proposes the construction of a dam near Alton which will create a pool sufficient to form a 14-foot channel a distance of 151 miles from Grafton to the mouth of the Missouri. From this point to the city of St. Louis, a distance of about 23 miles, it is proposed to construct a lateral canal along the side of the river. The construction of such a canal and the diversion of the traffic through it from the Mississippi River would make it unnecessary to further permanently improve that portion of the river.

The board of engineers to whom this deep-waterway project was referred in its report says:

From Cairo to New Orleans the present project contemplates a depth of 10 feet, and, while a depth of 9 feet has been practically secured, to maintain it calls for an expenditure of approximately \$300,000 per year. So far as known, no estimate for increasing this depth to 14 feet has ever been made, but it is clear to the board that it would involve enormous expenditure and for a portion of the distance at least the construction of a lateral canal.

If, therefore, as a part of the deep-waterway project, a lateral canal is necessary from the mouth of the Missouri to St. Louis. and a lateral canal probably necessary for at least a portion, if not all, the distance from St. Louis to Cairo, why should we at this time provide money for permanently improving that portion of the river when we have already provided in this bill for a survey for an extension of the deep-waterway project from St. Louis to the Gulf, and when we are so strongly assured by the gentlemen interested in that project that this deep waterway is bound to come. The committee must remember that the appropriation recommended for this portion of the Mississippi River is entirely sufficient to maintain the existing channel and to repair the existing permanent revetment work. In view of all these circumstances, I submit that the appropriation recommended for that portion of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio is entirely sufficient, and sound business judgment would not warrant any larger appropriation at this time.

The deep-waterway project from Chicago to St. Louis is another sin of omission charged against the Rivers and Harbors

For several days we have listened to able addresses on the benefits of waterway improvement generally, and especially of the benefits to accrue from the construction of this particular waterway. No one who has spoken in beof this particular waterway. No one who has spoken in behalf of this project has informed this committee how many locks would be necessary, how many reaches or pools would be constructed, how much material would have to be removed, what difficulties there are to overcome, and even some have had trouble, in answer to questions propounded, to tell how

many miles in length this waterway would be.

This is a great project. As originally conceived it was for a 14-foot waterway from Chicago to St. Louis. As the campaign in its behalf has progressed, it has grown and lengthened until now it is not only a project for a 14-foot waterway from Chicago to St. Louis, but is heralded generally as a deep waterway from the Lakes to the Gulf, and of sufficient depth to float the

largest battle ships.

The amendment upon which the committee will be asked to vote not only makes provision for the construction of a 14-foot waterway, but an additional amount of \$1,600,000 is included for the purpose of putting the miter sills of the locks down to a depth of 20 feet, indicating that at some future time the pro-

motors of this proposition propose to make it of that depth.

Many reasons have been given why this project should be adopted, but the gentleman from Illinois [Mr. Rainey] advanced one or two which are unique, to say the least. If I remember correctly, the gentleman urged that this waterway was necessary in order that boats to engage in traffic on the Gulf might be built at the shipyards on the Great Lakes.

Is it not possible to build shipyards on the Gulf coast where

such boats may be constructed?

Again, he said that it would afford an opportunity for boats engaged in traffic on the Lakes during the summer to go south and engage in coastwise traffic on the Gulf during the winter.

He evidently is not aware that boats operating on the fresh water of the Lakes are constructed different in many respects from those intended to operate on the salt seas, and it would seem as if it would be necessary for boats operating on the Gulf to remain there continuously if they were to do a successful business.

An additional reason for the construction of this waterway was that it would afford an opportunity to bring battle ships to the Great Lakes to confront any enemy which might bring its battle ships through the Welland Canal and thus endanger our northern frontier. I believe he expresses the opinion that the Dreadnought, England's greatest sea fighter, could be lightened sufficiently to come through the Welland Canal, and this 14foot waterway would enable our largest battle ships to come up from the Gulf. The draft of the Dreadnought loaded is 27 feet, and lightened by the removal of everything possible to remove would be 24 feet. Our largest battle ships draw from 25 to 27 feet loaded and from 22 to 24 feet lightened; even the cruisers draw 20 feet before receiving their turrets, guns, ammunition, and coal supply. Hence something better than a 14-foot waterway is necessary, if it is to afford a channel for our Navy. But why do we omit this project? I will tell you.

In the first place, of what value to the commerce of the country is a 14-foot waterway from Chicago to St. Louis unless the same depth is continued to the Gulf? Why should we expend \$31,000,000 to construct a channel of this depth to St. Louis and there let it end in a pocket, from which the only escape would be a channel 9 feet in depth? If this waterway is to be of benefit to the commerce of the country, and especially in connection with the completion of the Panama Canal, it must be extended to the Gulf, so that boats loading on the Lakes or at Chicago could at least take their loads to New Orleans for transfer to ocean-going vessels. If a transfer from a bottom drawing 14 feet to one drawing 9 feet is made necessary at St. Louis, then there is no reason why the channel from Chicago to St. Louis should exceed a 9-foot depth.

Had the promoters of this project been willing to accept a proposition to construct an 8 or 9 foot channel to St. Louis and there connect with the present navigable channel in the Mississippi River of the same depth, it is possible we might have Such a channel would be of material benefit not only in actually carrying commerce, but in regulating the freight charges on all commerce originating in or transferred through

that section.

We have included in this bill a provision for a survey from St. Louis to the Gulf in order that we may know whether it is practicable to obtain and maintain a 14-foot channel either within the banks of the Mississippi River or by a lateral canal.

We believe we ought to know whether such a channel is pos-

sible of construction and of maintenance, and, in addition, what it will cost not only to construct but to maintain it, and then

to have some estimate as to the commercial benefits which may

easonably be expected therefrom.

We would justly be entitled to the severest criticism if we placed in this bill any provision for commencing work on any project unless we were able to tell you whether it was possible to complete it, how much it would cost to complete it, and something about the benefits which it is expected will be derived from Why, therefore, should we make an exception in this case? Why appropriate money to construct the first link of this deep waterway without knowing whether it is possible to construct the second, without which the first is practically of no value?

The friends of this project, notably the gentleman from Illinois [Mr. Madden], and the other gentleman from Illinois [Mr. Rodenberg], and the other gentleman from the same State Mr. RAINEY], each assert that the drainage canal which has been constructed by the city of Chicago at an expense of nearly \$50,000,000 was to form a part of this great waterway, and that it would be donated to the Government of the United States to be used for the purposes of navigation, providing the Des Plaines and Illinois rivers were improved by the General Govern-They have offered an amendment making provision for \$5,000,000 cash appropriation and \$26,000,000 under the continuous-contract system to complete this work, and yet there is not in that amendment any reference to the provision under which this drainage canal is to be donated to the Government. There has been nothing filed so far as I am aware with this Congress, or with the Rivers and Harbors Committee, that would bind either the State of Illinois, or the city of Chicago, or the Sanitary District, to convey free of cost to the Government this drainage canal.

Mr. RAINEY. It is provided in the laws of Illinois; the

statute provides it.

Mr. DAVIDSON. What law of Mr. RAINEY. The act of 1889. What law of Illinois?

Mr. DAVIDSON. I thank the gentleman for this informa-Government, under the provisions of the act of the legislature of the State of Illinois. We have been told that it comes free of cost. Let me read to you section 24 of the act referred to:

When such channel shall be completed and the water turned therein to the amount of 300,000 cubic feet of water-per minute, the same is hereby declared a navigable stream, and whenever the General Government shall improve the Des Plaines and Illinois rivers for navigation to connect with this channel, said General Government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes.

You will note that section provides for making the drainage canal a navigable channel, but it reserves to the sanitary district the absolute control for sanitary or drainage purposes.

Section 23 of the same act is as follows:

If at any time the General Government shall improve the Des Plaines or Illinois rivers, so that the same shall be capable of receiving a flow of 600,000 cubic feet of water per minute, or more, from said channel, and shall provide for the payment of all damages which any extra flow above 300,000 cubic feet of water per minute from such channel may cause to private property, so as to save harmless the said district from all liability therefrom, then such sanitary district shall, within one year thereafter, enlarge the entire channel leading into said Des Plaines or Illinois rivers from said district to a sufficient size and capacity to produce and maintain a continuous flow throughout the same of not less than 600,000 cubic feet per minute, with a current of not more than 3 miles per hour, and such channel shall be constructed upon such grade as to be capable of producing a depth of water not less than 180 feet throughout said channel, and shall have a width of not less than 160 feet at the bottom.

Under this act the drainage canal becomes a navigable channel, and may be used as such, providing the Des Plaines and Illinois rivers are improved to an extent capable of receiving a flow of 600,000 cubic feet of water per minute. avail ourselves of the use of this canal we must make the lower extension of sufficient capacity to take care of at least 600,000 cubic feet per minute, and we must save harmless the sanitary district from all liability for damages which any extra flow above 300,000 cubic feet of water per minute may cause.

Now, we have been told by gentlemen representing the sanitary district that it is absolutely necessary for drainage and sanitary purposes that they shall have permission to flow 600,000 cubic feet per minute from Lake Michigan into this canal. They demand the right to increase that to 840,000 cubic feet

per minute as the sanitary necessity increases.

In a hearing had before the Rivers and Harbors Committee on the Niagara Falls bill, Mr. Robert R. McCormick, president of the sanitary district of Chicago, said:

Ten thousand cubic feet per second (which means 600,000 cubic feet per minute) is not enough to preserve the health of Chicago. The drainage canal, which has been built at a cost already of \$50,000,000, is the only means by which Chicago can be drained and the drinking water kept clean. It is planned to have an eventual flow of 14,000

cubic feet per second. * * * There are two or three reasons why 14,000 feet is the minimum. One is that we have to reverse the flow of the Chicago River and the Calumet River. It takes about 6,000 cubic feet a second to reverse the Chicago River and it will take 4,000 cubic feet a second to reverse the Calumet River. That makes the 10,000 cubic feet that the committee of engineers has spoken of. To carry off other sewage from different parts of the city and to connect up the sewerage system will take an additional 4,000, making 14,000 feet a second.

Mr. Isham Randolph, chief engineer of the Sanitary District, at the same hearing, said:

The capacity of the Chicago River for flow was 150,000 cubic feet of water per minute. We have been engaged for some years in deepening and widening that river. We are widening it to about 200 feet. We are deepening it to 26 feet. This gives a volume of flow through the river at a limit of a mile and a quarter per hour of 480,000 cubic feet of water per minute. The Thirty-ninth street conduit will discharge into the south branch of the Chicago River 120,000 cubic feet of water per minute. This will give us 600,000 cubic feet of water through our main drainage canal. * * * There is growing up to the south of us within the city limits a district which is going to be very populous. This district is all discharging now into the Calumet River, which flows directly into Lake Michigan. It is necessary for the proper protection of Chicago that the Calumet River should be reversed. We will require for that project 4,000 cubic feet of water per second, making the total of 14,000 cubic feet of water per second we ask. which we ask.

These gentlemen, authorized to speak for the Sanitary District have told us that 10,000 cubic feet per second or 600,000 cubic feet per minute must flow through the drainage canal as a present necessity, and that with the reversal of the Calumet River 4,000 cubic feet additional will be required, making in all 14,000 cubic feet per second, or 840,000 cubic feet per minute.

When the report of the board of engineers who investigated this project was submitted but 250,000 cubic feet per minute was being discharged. On account of this discharge and as a result thereof 224 lawsuits have been brought against the trustees of the Sanitary District of Chicago for flowage damages, the claims aggregating \$4,409,180. If this is a result of discharging 250,000 cubic feet per minute, who can measure the damage to all the property lying in the valley of the Illinois and Des Plaines rivers when 600,000 cubic feet per minute has been turned through the drainage canal, and still more, who can measure the damages which will result from the flow of \$40,000 cubic feet per minute, and who will pay these damages? The Government of the United States.

The act of the Illinois legislature which I have quoted says that the Government must hold the sanitary district free from liability for all damage in excess of 300,000 cubic feet per min-The president and the chief engineer of the sanitary district say that for sanitary purposes alone they must have now 600,000 cubic feet per minute. If that means anything, it means that the moment, by Congressional action, the improvement of the Des Plaines and Illinois rivers is made possible, and the drainage canal becomes a navigable channel, the Government of the United States pays damages caused by the flow which is absolutely necessary for sanitary purposes, and which must be paid for by the sanitary district if the Government does not make that improvement. Is it any wonder, therefore, that we find these gentlemen from Illinois so ardently supporting this proposition, under the terms of which they propose to unload onto the General Government the liability for paying flowage damages, the extent and amount of which is beyond our possible calculation or comprehension, in order that Chicago may be relieved from anying what is absolutely necessary to care for the sewage of the city?

Talk about this canal coming to the Government free of cost-I say to the Members of this House that if you vote the amendment proposed onto this bill, you saddle onto the General Government an expenditure which will run so far into the millions that the original cost of the waterway itself will appear won-derfully insignificant. If 250,000 cubic feet per minute has resulted in the bringing of 224 lawsuits, with damages aggregating nearly \$4,500,000, what will 600,000 cubic feet per minute, now claimed to be necessary, and what will \$40,000 cubic feet per minute, which it is claimed will be necessary in a few years, bring in the way of Jawsuits and claims against the Government? I warn you, gentlemen, not to vote this proposition into law until you have some assurance that the General Government will not be made liable for flowage damages which the city of Chicago ought in all honor to pay.

But there is another, and to me a most important reason, why this project should not be adopted at this time. The 600,000 or 840,000 cubic feet of water per minute which it is proposed to divert through this canal and waterway must come from Lake Michigan. Lakes Michigan and Huron are practically of the same height. The water area of Lake Michigan is 22,400 square miles, and that of Lake Huron 23,200 square miles. The mean surface level of Lake Michigan is 581.35 feet above mean tide

at New York, and the level of Lake Huron is 581.04 feet, a difference of only five one-hundredths of a foot between the level two lakes. These lakes being practically at the same of the two lakes. These lakes being practically at the same level they form a pool, the natural outlet of which is the St. Clair and Detroit rivers. The level of these two lakes being above that of Lake Erie, any additional outlet which takes water from this pool must necessarily affect its level and in time also affect the flow through the natural outlet. The possible effect on the level of this pool by a diversion of water through the drainage canal has been the subject of considerable scientific investigation, and many valuable reports have been submitted thereon. That it will affect the level of the Lakes there seems to be no doubt. Those engineers of the United States Army who have investigated this subject, without exception, report that the level of Lakes Michigan and Huron will be affected, and Mr. Randolph, the engineer for the Sanitary District, in answer to a question which I asked him at the hearing, before referred to, said that while he had never done any individual work upon the proposition, he had heard engineers who had stated that the diversion of 10,000 cubic feet per second would lower Lake Michigan 6 inches. In answer to a question, he said:

If you lower the surface of those lakes you would diminish the depth of the rivers which flow out of them, and consequently the volume of flow which passes through that cross section. You diminish the cross section by diminishing the level of the lake.

What he meant by that was that the lowering of Lakes Huron and Michigan would lessen the flow through the St. Clair and Detroit rivers, and thus affect the level of Lake Erie.

On that hearing I asked Mr. Randolph this question:

Mr. Davidson. As a matter of fact, then, the drawing of water through the drainage canal would affect the level of Lake Huron as well as the level of Lake Michigan?

Mr. Randolph. Certainly. These two lakes being practically one pool, they would be affected by it.

Mr. Burgess. Lake Huron would be lowered 6 inches, too.

Mr. Randolph. Probably.

I quote from that hearing for the purpose of showing that Mr. Randolph corroborates the opinion of the Government engineers in the effect which the diversion through the drainage canal will have on Lakes Michigan and Huron and the rivers which drain those lakes.

Col. W. H. Bixby, of the United States Corps of Engineers, in a paper prepared in connection with the act for the preservation of Niagara Falls, said:

From the point of view of the lake-survey discussion upon this subject, I affirm positively that any continuous permanent diversion of water from Lake Michigan into the Mississippi River basin through the sanitary district drainage canal or other waterways must necessarily effect a permanent lowering of the average water level of Lakes Michigan and Huron if the effect be considered as measured below the levels which would exist in these lakes if no such diversion were allowed. The only question at issue is, therefore, whether such lowering will be appreciable and serious.

From the lake-survey discussion, above referred to, it will be evident that—

One year's steady flowage in cubic feet—		Will equal a volume equivalent to that of—			
Per second.	Per minute.				
4,167 6,000 8,000 10,000 12,000 14,000 20,000 30,000	250,000 360,000 480,000 600,000 720,000 840,000 1,200,000 1,800,000	1.3 inches depth 2.4 inches depth 3.0 inches depth 4.1 inches depth 4.1 inches depth 5.9 inches depth 8.9 inches depth	Over the entire water surface (45,314 square miles) of Lakes Michigan and Huron combined.		

It is evident that a long-continued diversion of the above volumes of water must produce serious cumulative effects, not necessarily specially observable in the first few years, but sure and certain in its final effects upon the average level after several years; and the consequent permanent lowering will continue until the time comes when the water surface of the head of St. Clair River (natural outlet of Lakes Michigan and Huron) shall have lowered enough to cause the loss of water flow through St. Clair River to equal the newly developed water flow through St. Clair River to equal the newly developed water flow through the new diversion outlets. Were it not that the volume of outflow of Lake Huron diminishes slightly as the surface level drops, the surface level of combined Lakes Michigan and Huron would be lowered each year by an amount equal to that of the last column of the above table.

As it has been found by reliable observations of the United States lake survey (see 1904 annual report, above quoted) that a fall of 1 foot in Lake Huron level corresponds to a loss of 19,238 cubic feet per second in the flow discharge through St. Clair River, it becomes evident that the final permanent lowering of Lakes Michigan and Huron levels will be a little more than twice as much as the depths given in the above table as corresponding to the actual volume of a single year's flow. The lake survey formulæ lead to actual results approximately as follows:

Flowage of diversion canals and outlets—		fac	h of lov e of Lal ron at	ces Mic	higa	nano
Per sec- ond.	Per min- ute.	First Third year. year.		Fifth year.	Final.	
	Cu. ft. 250,000 860,000 480,000 600,000 720,000 840,000 1,200,000 1,800,000 entage	In. 1 1 2 2 2 3 3 5 7 38	In. 2 3 4 5 6 7 10 14 76	In. 2 3 5 6 7 8 11 17 91	In. 3 4 5 6 7 9 13 19 10	Ft. 0.2 .3 .4 .5 .6 .7 1.1 1.6

These effects may be one-twentieth more during years of low lake stages or one-seventh less during years of high lake stages.

The effect on Lake Erie will be very closely four-fifths of the above and will in like manner amount to approximately as follows:

Flowage of diversion canals and outlets—		Depth of lowering of the sur- face of Lake Erie at the end of the—				
Per sec- ond.	Per min- ute.	First Third year. year.	Fifth year.	Final.		
Cu.ft. 4,167 6,000 8,000 10,000 12,000 14,000 20,000 30,000	Cu. ft. 250,000 300,000 480,000 600,000 720,000 840,000 1,200,000 1,800,000	In. 1 1 2 2 3 3 4 6	In. 1 2 3 4 5 6 8 12	In. 2 2 4 5 6 7 9 14	In. 2 3 4 5 6 8 11 16	Ft. 0.2 .3 .3 .4 .5 .6 .9

The effects may be one-twentieth more during years of low lake stages or one-seventh less during years of high lake stages.

In another part of the same papers Colonel Bixby said:

In another part of the same papers Colonel Bixby said:

In 1879-80 the water level of Lakes Michigan and Huron was at about a medium stage, after which the annual average gradually rose about 0.3 foot on an average each year until 1886, when it reached as high as at any time since 1860, after which it fell about 0.3 foot per year until 1895-96, when it was lower than any prior period, after which it again started upward, its average rise for the past nine years being, however, only 0.12 foot per year, leaving the water level of 1904-5 at a standstill and at an exceedingly low stage, where a downward tendency of level would seriously damage the interests of navigation and lead to great expense to the Federal Government for extensive redredging in all the harbors of Lakes Michigan, Huron, and Erie, and in the adjoining waterways of St. Marys River from Lake Huron upward to the foot of the Soo locks, and in the St. Clair River and Lake, and Detroit River from Lake Huron downward to Lake Erie.

Again the Colonel says:

Again the Colonel says:

That 10,000 cubic feet per second (or 600,000 cubic feet per minute) will eventually and permanently lower the levels of Lakes Michigan and Huron by about 0.5 foot and Lake Erie by about 0.4 foot, and 14,000 cubic feet per second, or 840,000 cubic feet per minute, will make these depths 0.7 and 0.6, respectively, which will be quite costly in future results.

Again, he says, after referring to the possibility of other demands being made at Chicago and near-by points for diversion of water from Lake Michigan for sanitary and other purposes:

Consequently any question as to the volume of diversion of Lake Michigan waters into the Mississippi River basin must look forward to demands for a much greater diversion than the 10,000 cubic feet per second now needed by the Sanitary Drainage District, and greater even than the 14,000 cubic feet per second now requested by them for present and future use. In my opinion, the War Department must look forward to a future not unreasonable demand for from 20,000 to 30,000 cubic feet per second for navigation and sanitary purposes.

A diversion of 30,000 cubic feet per second would lower the levels of Lake Michigan and Lake Huron 19 inches, and the level of Lake Erie 16 inches, as appears from the table to which It must be apparent, therefore, that these I have referred. diversions will make absolutely necessary the redredging of the harbors and the connecting channels of Lakes Michigan, Huron, and Erie. This dredging is done by the Federal Government in part and part by the local communities. The burden is a burden which must be borne in part by the General Government and in part by the local communities. The harbors of the east shore of Wisconsin, the State which in part I have the honor to here represent, will be affected by this diversion, and I would be false to the interests of the people of that State if I did not direct attention to the danger for them which lurks in this deepwaterway project, and whether, for the sake of its construction, these cities will at their own expense redredge the harbors, which are of such vital interest to the commerce of those cities, and to the commerce of that State. The only way to avoid extra dredging would be by holding up the water level of these lakes by dams and other controlling works across the Detroit River and the Niagara River. These would be not only expen-

sive, but could not be constructed without international agree-Whether such an agreement could be obtained I do not know, but if it could, such controlling works would be to some extent an obstruction to the tremendous commerce which annually passes through those channels, and, as such, a tax on that commerce, which the public must pay. The cost, therefore, to the Federal Government of taking on this project and accepting the drainage canal as a navigable waterway will be not only the cost of constructing the deep waterway but of paying the flowage damages to which I have referred, and to redredge the harbors and the connecting channels of the Great Lakes

For this reason I am opposed to tacking this deep-waterway project onto this bill. I want to know more about the possible effect of this diversion from Lake Michigan on the level of that lake before I vote in favor of this proposition. But in what I have said on this subject I do not want it understood that I am opposed in principle to this deep waterway. I am a firm believer in waterway development and in the improvement of our rivers and harbors. I believe the people generally are substantially benefited every time the Government expends money for the deepening of a harbor or the improvement of a river. I want to see the Ohio River improved so that it will have at least a 9-foot stage from Pittsburg to Cairo. I want to see the Mississippi River improved so that it will have at least a 6-foot stage from Minneapolis to St. Louis. I shall be glad if the appropriation recommended in this bill produces substantial results in the way of navigation on the Missouri River, and at some future time, when we have obtained more information and when we can intelligently understand this great project, I may be ready and willing to support it, but for the present, at least, I am opposed to the amendment offered by the gentleman from

In voting on this amendment there is one point to which I desire to direct the attention of the Members of this House. The report of the board of engineers for this deep waterway shows that a 14-foot waterway can be constructed for \$30,097,-462, but if the miter sills of the locks are put down to a depth of 20 feet it will cost in addition \$1,376,000, so that the total cost of the project will be \$31,463,000. The amendment offered by the gentleman from Illinois proposes to expend \$31,000,000, or practically the full amount necessary to complete the 14-foot waterway, and to put the miter sills to a depth of 20 feet. It is evident from this that the promoters of this project intend at some future time to insist upon a 20-foot waterway, and that means a much greater diversion and a much greater lowering of the levels of the Lakes. It means that larger amounts must be expended by the General Government and by the localities interested in redredging the harbors and the connecting channels of the Great Lakes

The CHAIRMAN. The time of the gentleman has expired. Mr. BANKHEAD. I will yield to the gentleman five minutes of my time.

Mr. LORIMER. I want to ask the gentleman if he realizes that whether a 14-foot channel is constructed from Joliet to the Mississippi River or hot there will still flow through the drainage canal and the Illinois River from 10,000 to 14,000 cubic feet a minute? It matters not whether the water is utilized for the waterway or not, it would still pass through the channel, and the effect on the levels of the Great Lakes would be just the same as if it were used for a waterway.

Mr. DAVIDSON. That is true, in a measure, but the amount of water that the Chicago Sanitary District can take for purposes of sanitation is in the discretion of the Secretary of War, and in considering what amount he shall permit the Sanitary District to use for that purpose he has a right to take into consideration the effect of such diversion on the level of the Lakes and the commerce which may be affected thereby. The moment you make the drainage canal and its lower connections a navigable channel, that moment you take from the Secretary of War the power of discretion, and the diversion, being made for the purposes of navigation, is unlimited, no matter what might

be its effect on the Lake harbors.

Mr. LORIMER. Will the gentleman permit one more question? Does the gentleman know that in order to construct a 14-foot channel between Chicago and the Mississippi River, it being practically slack-water navigation all the way, it does not make any difference for purposes of navigation whether we have 4,000 cubic feet a second or 14,000 a second?

Mr. DAVIDSON. Four thousand feet per second might be sufficient to fill the pools, but it would not be sufficient to meet the requirements of the sanitary district, and it is immaterial whether the water be actually used for purposes of navigation or for purposes of sanitation; the fact is that being a navigable channel the waters would be permitted to flow.

would flow in sufficient quantities to neutralize the sewerage of Chicago, and a quantity sufficient for that purpose will effect the levels of the Lakes.

If Chicago needs 10,000 cubic feet per second for sanitary purposes, and if this amount can be given without serious injury to the commercial interests of the Lakes, I for one would not object, as I consider it of prime importance that the health of that great city be preserved; but as every other municipal corporation takes upon itself the burden of caring for its water and sewage, so let Chicago, and whatever damages come from the flowage necessary to maintain the health of the city be paid by the city, and not attempt to unload it onto the General Government.

In the Congressional Record, page 2105, as a part of the address of the gentleman from Illinois [Mr. Rainey], there appears a map which is intended to show the Great Lakes, the Ohio and Mississippi rivers, and canals constructed and proposed in connection therewith.

I want to call the attention of the committee to what appears on this map as a prospective canal from Cleveland to Pittsburg. This is intended to represent a canal to be built by a corporation authorized by Congress at its last session, and known as the "Lake Erie and Ohio River Ship Canal Company." This map is absolutely wrong, and whoever prepared it must have known that the proposed canal did not touch either Cleveland or Pittsburg. Evidently it was not intended to let such a little matter as the truth stand in the way of laying foundation for an argument. This map was first published by a St. Louis newspaper, and in connection with it the charge was made that the chairman of the Rivers and Harbors Committee had opposed the improvement of the Mississippi River and the deep waterway project because he was interested in the construction of the Lake Erie and Ohio River Canal, and desired to favor that in order to benefit his home city of Cleveland.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. SPARKMAN. Mr. Chairman, I will yield the gentleman five minutes of my time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes more.

Mr. DAVIDSON. The bill to incorporate the Lake Erie and Ohio River Ship Canal Company was not reported from the River and Harbor Committee. It was reported from the Committee of Railways and Canals, of which committee I happen to be chairman.

It is proposed to construct this canal from a point at Lake Erie, near Ashtabula and 54 miles from Cleveland, to a point on the Ohio River at Beaver, about 30 miles from Pittsburg; and I understand that the gentleman from Illinois [Mr. Rainey], now that his attention has been called to this matter, will have the map corrected in accordance with the facts.

Newspapers, waterway improvement associations, and even some State legislatures have, through misrepresentation and because certain projects were not included in this bill, been induced to impugn the motives of the committee, and especially its chairman, and in some instances they have indulged in extreme personal abuse. Perhaps it may not be out of place for me to say that the Rivers and Harbors Committee, as at present constituted, will not be driven to recommend unworthy projects for fear of personal abuse of its members. There has been something said about the domination of the Rivers and Harbors Committee by its chairman. I want to say that if there is any such domination it is a domination to which the members of the committee do not object. If there is any such domination of the Rivers and Harbors Committee by its distinguished chairman, it is a domination which makes for equity, for justice, and for honest expenditure of the public money. It is the domination of a man that has given years of service in this House to the study of waterway development; a man who has traveled at his own expense through foreign countries and studied the system of waterway develop-ment in those countries in order that he might be fully informed and give the benefit of that knowledge to his own country. It is the domination of a gentleman who is never influenced by fear or favor, but insists that every project shall be disposed of on its merits and in the interests of the general public, and who takes his position either for or against it as he believes is right and fair and just. [Applause.] Under his administration the question of appropriating money for waterway improvement has been lifted up to a plane of respectability which it did not occupy when it was characterized as a distri-bution of "pork" for the benefit of favored Members.

To-day the river and harbor bill commands the respect of the people of the United States. To-day it is known everywhere

that appropriations for waterway improvement are not recommended because of the influence of some one Member or a combination of Members; neither is it because of the population of a State or the fact that there may be located in that State a revenue district through which large amounts of money are paid into the Treasury of the United States.

To-day, by reason of the ability, character, and influence of the chairman of the Rivers and Harbors Committee, the people generally believe and know that projects recommended in the river and harbor bill are meritorious, and that the money expended thereon will be expended in the interests of the general public and for the benefit of the commerce of the country. [Great applause.]

In the bill now pending appropriations amounting to about \$27,000,000 are recommended for the completion of certain projects. These projects include Boston, New York, Baltimore, the Delaware River, Southwest Pass of the Mississippi River, and the Columbia River. These great projects were taken on in the bill of 1902. In the bill of 1905 appropriations were made to continue the work, but in this bill the appropriations are to complete these projects. In two of the largest items, which affect the Great Lakes, viz, the alternate channel in the Detroit River and the new lock at the Soo, each costing about \$6,000,000, the full amount necessary to complete the work is provided for.

Hereafter these great harbors and waterways to which I have just referred will only require a small amount for maintenance. With these out of the way I have faith to believe that the next River and Harbor Committee—no matter how it may be constituted, but I pray heaven that the gentleman from Ohio may still be its chairman [great applause]—will be able to make more liberal appropriation for some of the great projects of the country than we have been able to make in this bill.

I should be glad to see the Ohio River, the upper Mississippi River, and some other of the pending projects receive larger appropriations in order that they might be carried to completion at an earlier date to the benefit of the commerce of the country. It was not possible in this bill, large as it is—and it is the largest by several millions ever reported for this purpose—to include larger appropriations for all of these great projects. We tried to go at it in a businesslike way, and knowing that in many instances no benefit comes from the money expended until the total expenditure is made and the improvement completed, we have provided for the completion of a number of these great projects. That has been the policy of the committee, and, under the guidance of the able and honorable gentleman, the chairman of that committee, we have prepared and reported this bill for your consideration and your action. [Great applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I believe this is the best river and harbor bill ever reported to this House. [Applause.] There are more worthy projects more liberally cared for and fewer unworthy projects cared for at all than in any of its predecessors, and I believe if I should endanger its passage by directly opposing it or should put it in jeopardy here or elsewhere by supporting amendments that are offered to it, I would be risking as it were upon the hazard of a die the material interests of that particular section of this country which I directly represent. [Applause.]

Mr. Chairman, it is a strange fact that the harshest criticism of this bill both on this floor and in the press of the country comes from the Mississippi Valley. Yet I assert without fear of contradiction that this great valley is treated in this bill with more intelligent generosity than in any bill reported heretofore to this House. When we recall this and the further fact that the cry that has rung through that great empire for the past twelve months for an appropriation of fifty millions annually for rivers and harbors has been answered in this bill by an appropriation of more than eighty-three millions, and when we further reflect that the criticism of the bill comes from those who are fighting under a banner that bears the very ominous motto, "Amend the bill or kill it"—I say, when we recall these facts, it should give us pause before we desert those who have framed the bill and who are fighting on this floor to-day, as I believe, for its life.

The statement is made that we have abandoned the 14-foot project from the Lakes to the Gulf. I want to deny that. I say in fact, Mr. Chairman, so far from abandoning that project, we have taken the first, and in my opinion necessarily the first, step toward putting that great project on the bill, with a view ultimately to having it provided for with proper appropriations. Gentlemen have grown almost hysterical in their criticism of the bill, because we fail to make provision for that project now. I yield to no man on this floor in my advocacy of this project, and with me it is no new conversion to the faith.

The first time I ran for Congress I advocated the ratification of the treaty of Paris, which gave the Philippine Islands to us—or perhaps I should, in the light of later events, say which gave us to the Philippine Islands. [Laughter.] I favored that then, and I might add, Mr. Chairman, that I was younger then than

Mr. SIMS. Bryan did also; so you had good company.

Mr. HUMPHREYS of Mississippi. I believed that the reten-tion of those islands would make an isthmian canal a necessity, a military necessity, if you please, and I never doubted that the people of this country would indulge the luxury of a military necessity whenever the opportunity presented. According to the figures compiled by Edward Atkinson at that time, as I now recall them—I have not examined them since—there were some 600,000,000 people who could be reached by the Pacific Ocean whose annual purchases from us amounted to less than 10 cents each. I prophesied then that whenever that canal was constructed the people along the Great Lakes would begin to clamor for this project to connect the Lakes with the Gulf, and that the Mississippi River would then find friends it had never known before. When I saw the great convention at St. Louis last fall I had the supreme satisfaction of saying, "I told you so." The improvement of the Mississippi River is now and has for twenty yours been the subject sippi River is now and has for twenty years been the subject of paramount importance in the district I represent. It borders my district for more than 300 miles, and sometimes, unfortunately, instead of running by it it runs over it.

It would cost me my seat in this House if my people believed I had abandoned this great river or its best interests. favor, heartily in favor, of a 14-foot channel from Chicago to New Orleans; but I can not vote for an amendment to put a part of that channel onto this bill as a separate project. are ever to have a liberal policy in this country for river and harbor appropriations, it will be when we are backed by an intelligent public sentiment. Can we ever hope to attain that if we adopt a precedent such as the one proposed in this amend-We must first have this project examined by men competent to make the examination, men learned in their profession, men skilled in the science of engineering, men who will examine and report to us, first, whether it can be done; second, how it should be done, if it can be done at all; third, what it will cost to do it, and fourth, what it will cost to maintain the channel after it is obtained. There is not a man on the face of this earth to-day who can answer one of these questions. Now, can we, in the face of that fact, Mr. Chairman, put upon this bill a proposition that carries with it no man knows how much without an investigation by the engineers? Can we successfully appeal to the judgment of the people for indorsement if we adopt such a precedent? I believe that the project is feasible, and I have no doubt that it can be had and maintained well within the limits of cost that its great importance justifies; but I do not know that fact, and no other man does. So far from abandoning that project, we have provided in this bill for a most thorough and comprehensive survey. It provides that from St. Louis to New Orleans the river shall be surveyed by It provides that a board of engineers who are the equal of any engineers on the face of the earth. That board shall be composed of five men, three out of the five to be taken from the Mississippi River Commission. That being true, can any man say that the survey will not be made by its friends? Mr. Chairman, when we, after the adjournment of the National Rivers and Harbors Congress last December, all went over to the White House and joined with the President in singing the battle cry of this Lakes-to-the-Gulf scheme, the refrain was not 14 feet from Chicago to St. Louis, it was not 14 feet into the valley, but it was 14 feet through the valley. No speech that has been made upon this floor in advocacy of the amendment has failed to predicate the claims of this project upon the advantages that would flow to the country from a 14-foot channel from Chicago to the Gulf.

No man has advocated, no man has advanced the proposition or the argument, that it would be advantageous to this country to construct a canal simply from Chicago to St. Louis, and so we provide that the engineers, when they make this survey from St. Louis to New Orleans to ascertain the cost of securing 14 feet in that reach of the river, shall, in making up their judgment as to its advisability, always keep in mind its relation to and connection with the section from Chicago to St. Louis, and so pass judgment on the project as a whole, or, in other words, as a Lakes-tothe Gulf project. For that reason, Mr. Chairman, we have failed to adopt as a separate proposition the Chicago-St. Louis section, and I hope when the amendment which has that end in view is proposed it will be voted down. This board will report before the next river and harbor bill is made up, and we will then be ready to take up this proposition with the information

at hand necessary to a proper and intelligent understanding of the whole subject. This occurs to me to be the only justifiable, the only defensible, position to take. We have the data for the section from St. Louis to Chicago, although they come to us with an adverse report from the engineers. This is not an insurmountable obstacle. I can understand how the engineers might well report against either or both sections of the project when called upon to consider them separately, when the same board could with perfect consistency recommend favorably both sections and provide for a 14-foot channel all the way through the valley when considered as one project.

We on this side of the Chamber hear it stated frequently at home—all of us are familiar with the statement—that the South does not get its proportion of river and harbor appropriations. I want to call the attention of gentlemen to some items which go into this bill for the Southern States, and I say, Mr. Chairman, that the South is more generously treated in this bill than in any of its predecessors. Maryland gets \$2,362,510. ginia gets \$1,667,154, and we hear the criticism offered, too, that the coast from Delaware to Florida is unrepresented on this committee, and therefore those States are not getting their just proportion of these appropriations. I would like to call the attention of gentlemen who indulge in that criticism to these figures: Virginia gets \$1,667,154; North Carolina, \$535,563; South Carolina, \$320,290; Georgia, \$1,944,650; Florida, \$1,368,610; Alabama, \$3,000,063; Mississippi, \$670,500; Louisiana, \$882,792; Texas, \$3,699,829; Arkansas, \$611,280; Tennessee, \$1,440,595, and you will note I do not include in this list among the Southern States either West Virginia or Missouri.

Mr. SIMS. What does Kentucky get?

Mr. HUMPHREYS of Mississippi. Kentucky gets \$834,000.

The Mississippi River south of Cairo, from Cairo to the mouth.

gets an appropriation of \$9,190,000; at the Passes, \$2,600,000; so that the Southern States in this bill get an aggregate of \$30,504,763, more, Mr. Chairman, than they ever got in any bill heretofore passed. I say, gentlemen, it would be a calamity to that particular section of the country if this bill should

Mr. ELLIS. Mr. Chairman, will the gentleman permit an interruption?

Mr. HUMPHREYS of Mississippi. Certainly. Mr. ELLIS. I do not want to disturb the order of his dis-

The CHAIRMAN. Does the gentleman yield?
Mr. HUMPHREYS of Mississippi. With pleasure.
Mr. ELLIS. Before you get further from your proposition that the Mississippi Valley has been generously treated in this bill, I want to make the observation, for I believe you will indorse it, that that great area over which St. Louis-that splendid commercial metropolis, now the storm center of opposition to this bill—dominates has been more liberally and more gen-erously treated in this bill than in any other previous bill ever reported to this House.

Mr. HUMPHREYS of Mississippi. That is the absolute fact. The rivers leading to St. Louis have in this bill appropriations amounting to more than \$20,000,000, and so far as the Mississippi Valley is concerned, it gets a third of the appropriation carried by the bill for the whole country. It is a serious mat-ter, Mr. Chairman, for this House to undertake to put on this bill by amendment one or more projects which may endanger its final passage. This country, in my opinion, is fully alive to the necessity for liberal appropriations for our rivers and harbors. The people have been awakened as never before to the tremendous influence which our waterways have upon the regulation of railroad rates. The question of transportation is a serious one and one that demands immediate attention. The productive capacity of our people, the industrial development, the growth in material products have been phenomenal, and the railroads of this country are utterly unable to handle the traffic. The people are looking to this bill as the longest step forward that has ever been taken by the National Government toward enabling them to make use of our national waterways in the solution of this tremendous problem of transportation which now confronts us, and I repeat that we are playing with fire, we are tempting fate, if we join forces in this House with those who are attempting to so amend this bill as possibly to prevent its enactment into law. Remember that this House can not write this bill upon the statute books. It must find sanction elsewhere before it becomes the law. Let me ask gentlemen on this side of the Chamber if they feel warranted in taking any chances in view of the provisions I have just men-

This is a commercial age, Mr. Chairman. The spirit of commercialism has taken possession of the country.

ment this fact, we may denounce it, we may condemn it, but we can not deny it. The Southern States have entered the race, and they are producing more, they are selling more, they are buying more than ever before in the history of the country. If we are to compete with the balance of the world with the products of our people, we must not go into the markets of the world handicapped or hampered by unjust or extortionate trans-We are the busiest people in the world. portation charges. Three years ago-I have not been able to get the figures for a later date—the aggregated international commerce of the world was \$22,000,000,000 in value. That same year the inland traffic of the United States amounted to the same tremendous figures. Think of that! The inland trade of the United States equaled in value the aggregate international commerce of the world! Now, what are we going to do about that, Mr. Chairman? railroads of this country can not haul the products of the people to the seacoast. In our productive capacity we have outstripped the carrying capacity of the railroads, and unless we so improve the waterways of the country that the farmers, the men who produce the products which make up our foreign exports and turn the balance of trade in our favor, can get their products to the seacoast at a minimum of cost we have handicapped them.

In this connection let me quote from a statement made to our committee three years ago by Mr. J. J. Hill:

Ten years ago the cars in the United States—the average car—moved in twenty-four hours about 32 miles. These are all official figures made to Congress. Last year the average car moved less than 20 miles in twenty-four hours. A freight train moves 10 miles an hour, and you can only move your cars two hours out of every twenty-four, or a distance of 20 miles. It is a dreadful tax to say that your facilities shall only be used two hours out of twenty-four, because they run day and night

Again he says:

Within three weeks mills in Minneapolis have had to close down because they could not get their flour moved East, shipping flour to the cities in Europe, and each ship giving them thirty days within which to get their flour from Minneapolis to New York alongside the ship. And there is not a railroad that would give them a contract or a bill of lading to do it. The baker has had to order two cars of flour instead of one, thinking he would get a better chance of getting what he wanted by ordering twice as much as he needed. That is the situation to-day, and it is a situation that can not be remedied in a short time.

My friend the gentleman from Massachusetts [Mr. Law-RENCE] in his speech the other day showed how the improvement of the harbor at Boston lowered the ocean freight on grain 5 cents a bushel. It is true of other harbors on the coast. Think what that means to the man who produces that grain, though he live a thousand miles inland from that harbor! There is another fact, Mr. Chairman, that those most interested in our harbors sometimes overlook, and that is that the farmers of this country who produce the products that are to be exported do not live on the banks of these harbors. They must have the waterways improved so that they can use them, and it matters not, Mr. Chairman, whether the products are floated on the bosom of the rivers or not, so that the rivers are there and capable of bearing commerce.

It is a fact that can not be too often repeated that it is not the actual tonnage borne on any river which measures its value to the people, but it is the capacity of the river to bear tonnage. Mr. Pillsbury, the great flour man, in a statement before the Senate committee in 1897, made some very interesting observations on this subject, which I take the liberty of reading:

We consider the presence of the Mississippi River and the fact that it is kept in a navigable condition the great regulator of railroad rates; that the benefits should not be measured by the tonnage as much as by the possibility of sending the freight by water.

And again:

The amount of flour shipped out of Minneapolis is something enormous—13,000,000 barrels. A great deal of this would go by the Mississippi River unless the railroads maintained the cheapest rate known in this country almost.

in this country almost.

Mr. Nelson. And the Mississippi being there keeps the rates down?

Mr. Pillsbury. The fact of the Mississippi being there prevents them from making any combination to maintain excessive rates.

* * The necessity is not so much the amount carried by the steamers as the amount that can be carried.

I say it is immaterial whether the tonnage is actually floated on the river or not. Now, to illustrate: It is the same distance from St. Louis to three Mississippi towns—Greenville, Greenwood, and Winona. Greenville is on the Mississippi River, and the rail rate from St. Louis on first-class freight is 90 cents per hundred pounds; to Greenwood, on the Yazoo River, it is 96 cents, and to Winona, which is an inland town with no river competition, the rate is \$1.14. Whether the merchants of Greenwood get their freight over the Yazoo River or by rail the river is nevertheless performing its function as a freight regulator. Perhaps a more glaring illustration of the effect of river competition on railroad rates is shown in the differential

in favor of the little towns of Friars Point and Rosedale, on the Mississippi River, as against their neighbors of Clarksdale and Cleveland, which are a few miles inland.

	To Memphis.			To New Orleans,			To St. Louis.	
From-	Dis- tance.	Cotton per bale.	First- class mer- chandise per 100 pounds.	Dis- tance.	Cotton per bale.	First- class mer- chandise per 100 pounds.	Dis- tance.	First- class mer chandise per 100 pounds.
Clarksdale Friars Point Cleveland Rosedale	Miles. 76.7 70.1 113.6 114.0	\$1.25 1.00 2.00 1.25	\$0.56 .45 .62 .45	Miles. 378. 9 385. 5 342. 0 341. 6	\$2.25 1.00	\$0.72 .45	Miles. 390. 1 383. 5	\$1.2

I am sorry that the gentleman from Missouri [Mr. Bar-THOLDT] is not here. He indulged in a very unjust criticism of the Committee on Rivers and Harbors the other day, and I had hoped he would be present when I replied to it. He said, Mr. Chairman, that we were frittering away the people's money in this bill on rivulets and creeks with a keen eye, not for the business of rivers, but to the business of distributing the appropriations so as to get votes for this bill. That, Mr. Chairman, is not an unfamiliar criticism, but it is a criticism that never proceeds from any except those who are unfamiliar with the facts. But, Mr. Chairman, it is not the fault of this committee and it should not be the misfortune of our streams that prominent gentlemen are ignorant of the geography of their country. The greatest agency for the promotion of river and harbor interests that has ever been organized in this country is the National River and Harbor Congress, so ably directed by my distinguished friend from Louisiana [Mr. Ransdell]. [Applause.] Mr. Chairman, the most serious obstacle that this great organization has to combat is the opinion prevalent among the people that we are frittering away their money on rivuand creeks, and the gentleman from Missouri [Mr. Bar-THOLDT] and some of the newspapers of his city, and others similarly uninformed, are doing more by the assaults they have made on this bill and by their reckless, inaccurate, and indiscriminate statements to thwart the best interests of river and harbor improvement than all other agencies combined. Because gentlemen have never heard of the Withlacoochee they think the bill ought to be condemned because that stream is carried on it for appropriation. And yet the Withlacoochee River last year bore 250,000 tons of commerce.

Mr. SPARKMAN. Did the gentleman mention the Withlacoochee? I was not present when he concluded his remarks.

Mr. HUMPHREYS of Mississippi. The reason I referred to it is this: In 1902 the Withlacoochee, the Big Sunflower, and a number of other streams were attacked because they were insignificant; that is, because at that time they bore tonnage of less than a hundred thousand, yet to-day both of these streams have passed far beyond the one hundred thousand mark. I wanted the gentleman, and, in his absence, I want any other gentlemen here who criticised this bill for that same reason, to point out the streams that are unworthy and tell us any that ought to be taken out.

I say that they can not point them out, and if they can not substantiate the criticism that we are frittering away the people's money on unworthy rivulets and creeks it is due to themselves and it is due to this House and it is due to the river and harbor interests of this country that they should retract the The Towne and Weymouth were criticised in 1902. statement. They had less than a hundred thousand tons. Last year they 328,000. The Austrian Government has a tonnage of spent a hundred million dollars on its rivers in the past sixty years. The principal one of those rivers is the Danube. year the Danube bore a tonnage of a little over 2,000,000. This bill carries an appropriation of \$20,000 for Newtown Creek, at the sight of which our critics frequently throw a fit. Newtown Creek, however, bore a tonnage last year of 2,675,000, more, in fact, than the blue Danube. There breathes no man with soul so dead who would complain of the money we spend way down on the Suwanee River. That river last year bore a tonnage of 7,600 tons. But that same critic objects most strennously when he observes the fact that we appropriate for Cooper Creek. Cooper Creek, in spite of its name, however, bore a tonnage in that same year of 414,000. I have made a list of streams that in 1902 bore less than 100,000 tons and which

were criticised then as unworthy.

I call the attention of all gentlemen inclined to criticise this bill for carrying insignificant streams to this list of so-called "insignificant streams" which were criticised five years ago as

unworthy of any appropriation, and ask them to compare the tonnage then and the tonnage now.

	1902.	1906.
Bogaduc Paweatuck Alloway Creek Appoquinomink Little Pedee. Coosa, Oostanaula, and Coosawattee. Bayou Vermilion and Mermentau St. Francis Redwood Creek Coquille River Cowlitz and Lewis Okonogan and Pend Oreille Leaf Big Sunflower	Tons. 86,000 56,530 56,7530 60,725 527,415 23,780 33,776 42,755,510 16,351 30,727 29,917 92,481 32,443	Tons. 118, 650 167, 686 60, 150 31, 700 87, 985 82, 720 70, 505 137, 319 47, 677 45, 455 73, 200 55, 917 211, 550 188, 792

Now, Mr. Chairman, I see my time has about expired. to close, as I began, with the declaration that this is the best river and harbor bill ever reported to this House. It is the result of the patient, painstaking, and most discriminating labor of this committee. We have the best interests of the waterways of his country at heart, and we are caring for them intelligently and as generously as the funds at our command will permit. We can not put everybody's project in the bill, and the day will never come when we can adopt a policy so liberal as to make possible that consummation so devoutly to be wished, until there is an end to such assaults on the bill as we have heard here in the last few days, and until prominent men and influential journals cease ill-advised criticism and speak with knowledge. [Loud applause.]

Mr. CANDLER. Will my distinguished colleague yield to me before he takes his seat?

Mr. HUMPHREYS of Mississippi. With great pleasure.

Mr. CANDLER. I agree with you that the country is demanding greater appropriations for rivers and harbors, and I believe that those appropriations ought to be made. The greatest criticism of this bill is that it failed to make a large enough appropriation to include the Tombigbee. I have gotten letters from all over the United States expressing an interest in the improvement of the Tombigbee. I hold in my hand now a letter from a gentleman in New York, and the writer says, "I am for the Tombigbee; send me a copy of your speech." [Great laughter and applause.]

Mr. HUMPHREYS of Mississippi. It showed him to be a

man of discriminating judgment.

man of discriminating judgment.

Mr. CANDLER. If at the proper time you will include the Tombigbee, together with other projects that the distinguished chairman and the members of your committee may include in the bill, your bill will be perfect and the country will applaud your patriotism and good judgment. [Applause.]

Mr. HUMPHREYS of Mississippi. I heartily agree with that, and I will say to the gentleman that all of us here who are together with the facts are greed that although that great

familiar with the facts are agreed that, although that great river was left off the bill this time, it was certainly not his fault, and as we lay him to rest, as it were, to-day with the project of his heart's desire, it is in the full hope of an early resurrection, and by unanimous consent we will vote him the cowboy's epitaph:

He done his damnedest; Angels could do no more.

[Laughter.]

MESSAGE, FROM THE SENATE.

The committee informally rose; and Mr. Cappon having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 8080. An act for the relief of S. Kate Fisher.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1160) entitled "An act to correct the military record of John McKinnon, alias John Mack."

Senate concurrent resolution 6.

Senate concurrent resolution 6.

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolutions passed February 9, 1901, and May 10, 1902, providing for the publication of the Documentary History of the Constitution and the Bulletins of the Bureau of Rolls and Library of the Department of State are hereby continued in force and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, for the public printing and binding and the distribution of public documents.

The message also announced that the Vice-President had appointed Mr. Pettus and Mr. Gallinger members of the joint committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Treasury Department.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. BUTLER of Tennessee. Mr. Chairman, early in the first session of the present Congress, realizing the great necessity of water transportation and the consequent reduction of freight rates to the people whom I have the honor to represent, I introduced the following bills, which have been duly considered by the Committee on Rivers and Harbors in the bill and report now under consideration by this committee, which I ask may be read and copied into the RECORD:

The Clerk read as follows:

bill (H. R. 9750) appropriating the sum of \$50,000 for locking and damming and otherwise improving Richland River, between Dayton, Tenn., and where it empties into the Tennessee River.

Tenn., and where it empties into the Tennessee River.

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$50,000, for the purpose of building a lock and dam across Richland River at or near its mouth, and for the purpose of cleaning out, straightening, dredging, and otherwise improving the channels of the same from Dayton, Tenn., to where it empties into the Tennessee River.

SEC. 2. That such money shall be expended and said improvements made under the direction and supervision of the Secretary of War or his duly authorized representatives.

SEC. 3. That this act shall be of full force and effect on and after its passage.

A bill (H. R. 9751) for the improvement of Cumberland River, in the State of Tennessee, above Nashville, Tenn.

Be it enacted, etc., That the sum of \$500,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended by the Secretary of War for the maintenance and completion of locks and dams on the Cumberland River, in the State of Tennessee, above Nashville, Tenn.

[Fifty-ninth Congress, first session. House of Representatives. Document No. 699.]

CUMBERLAND RIVER, TENNESSEE AND KENTUCKY—LETTER FROM THE SEC-RETARY OF WAR, TRANSMITTING, WITH A LETTER FROM THE CHIEF OF ENGINEERS, REPORT ON PROJECT FOR IMPROVEMENT OF CUMBERLAND

WAR DEPARTMENT

WAR DEPARTMENT, Washington, April 14, 1906.

Sir: I have the honor to transmit herewith a letter from the Chief of Engineers, U. S. Army, of yesterday's date, together with copy of a report made by the Board of Engineers for Rivers and Harbors, on the project for the improvement of Cumberland River, Tennessee and Kentucky.

tucky. Very respectfully,

WM. H. TAFT, Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 13, 1906.

SIR: In compliance with your instructions I have the honor to send herewith for transmission to Congress report of February 26, 1906, by the Board of Engineers for Rivers and Harbors, en project for improvement of Cumberland River, Tennessee and Kentucky, said report having been called for by resolution of the Committee on Rivers and Harbors of the House of Representatives. A copy of this report was furnished the Committee on Rivers and Harbors under date of March 3, 1906.

Very respectfully,

A. MACKENZIE, Brig. Gen., Chief of Engineers, U. S. Army.

Hon. WM. H. TAFT, Secretary of War.

REPORT ON PROJECT FOR IMPROVEMENT OF CUMBERLAND RIVER, TENNESSEE AND KENTUCKY.

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS, Washington, D. C., February 26, 1906.

GENERAL: The Board of Engineers for Rivers and Harbors has the honor to submit the following report on the project for improving the Cumberland River, which was referred to it by indorsement of July 17, 1905, on a resolution adopted by the Committee on Rivers and Harbors of the House of Representatives at the last session of Congress, requiring among other subjects a report on "Cumberland River, Tennessee and Kentucky, with a view to ascertaining whether improvements should at present be undertaken in addition to those for which appropriations have already been made." In connection with its investigations on this subject, the Board held a duly advertised public hearing on February 2, 1906, at Nashville, Tenn., at which all those who desired were given an opportunity to present their views.

At the request of the Board the district officer has furnished information relative to the existing condition of the Cumberland River, the cost of completing the works proposed under the present project, the commerce involved, and the resources of the Cumberland Valley, including a valuable report on the resources of the Cumberland River Basin prepared by the Cumberland River Commission and Nashville Chamber of Commerce.

Work for the improvement of the Cumberland River has been done under two projects, one for the portion of river below Nashville and one for that above. These projects provide for the canalization of the river so as to secure a minimum depth of 6 feet from the Rockcastle

River, 32 miles above Burnside, Ky., to the Ohio River, a distance of 550 miles. This is to be accomplished mainly by an extensive system of locks and dams of which there are to be seven in the project below Nashville (193 miles from the mouth), twenty-two in the project between Nashville and Burnside (518 miles from the mouth), and six above Burnside.

The estimated cost of the work was \$10,464,500, of which \$1,964,500 was required below Nashville. Appropriations have been made under these projects amounting to \$2,459,000, of which there had been expended to September 30, 1905, \$1,820,035.42 above Nashville and \$509,694.29 below. With these funds there had been constructed Lock and Dam A of the series below Nashville, Lock and Dam 1 of the series above Nashville, the masonry of the lock walls and abutments of Dams Nos. 2, 3, 4, 5, 6, and 7, and sites have been acquired for Nos. 21 and 22 and for abutment of No. 8. There is now under construction, to be completed with the funds available, Dam No. 2 and Lock and Dam No. 21. The river and harbor act of March 3, 1905, authorized the Cumberland River Improvement Company to improve the river above Burnside and to use the water power resulting from the construction of the locks and dams.

Assuming that the section above Burnside will be improved by private capital, the district engineer estimates, in addition to the amount already appropriated, that there will be required to complete the work \$7,150,000, which is divided as follows:

Below Nashville:
Building 6 locks and dams, B to G, inclusive————
Above Nashville:
Completion of locks and building of dams at Nos. 3, 4, .____ \$2, 400, 000

5. 6, and 7
Building 14 locks and dams, Nos. 8 to 20, inclusive, and No. 22

Competition of locks and building of dams at Nos. 3, 4, 50, 60 and No. 22. 4, 200, 600

The work already provided for will put four locks and dams in operation, and their annual cost of maintenance is estimated at \$20,000. The annual cost of maintenance of the entire system of locks and dams from Burnside to the Ohio is estimated at \$11,600, and the annual cost of maintenance of the entire system of locks and dams from Burnside to the Ohio is estimated at \$11,600, and the annual cost of maintenance of the entire system of locks and dams from Burnside to the Ohio is estimated at \$18,000. The commerce would increase to 1,000,000 tons. This, however, would be but a small part of the freight movement that would be affected by the improvement. According to the census of 1990, in the twenty-one counties of Tennessee and Kentucky which abut on the ment, there was a population of 440,146, an area of 8,775 source miles, with farms covering 4,479,738 acres, of which 2,331,855 acres were improved. The total value of the farm property and products for 1899 was \$31,822,014, of which \$13,875,217 represented live stock and \$17,262,272 products and for the olive stock. The capital invested in manufactured and the stock and \$17,262,272 products and for olive stock. The capital invested in manufactured and the stock and \$17,262,272 products and for olive stock. The capital invested in manufactured and the stock and \$17,262,272 products and for olive stock. The capital invested in manufactured and the stock and \$17,262,272 products and for olive stock. The capital invested in manufactured and the stock and \$17,262,272 products and for olive stock. The capital invested in manufactured and the stock and \$17,262,272 products and for olive stock. The capital invested in manufactured and the stock and \$17,262,272 products and stock and st

similar navigation for from 30 to 40 miles below Burnside, at which place an outlet for the products of this region is provided by the Queen and Crescent Railroad. This will afford some relief to one-half the remaining counties abutting on the Cumberland River and to over 60 per cent of their population and farm products. From data before the board it appears that in 1902 the true valuation of the real estate and improvements of the counties unaffected by the improvement suggested above was \$5.048,114, and the assessed valuation of personal property \$1,133,789. Their population in 1900 was 30,807, of which about 1,000 lived near post-offices along the river. The board does not consider their existing commerce sufficient to justify the expenditure of \$4,200,000, which will be required to canalize the river from Carthage to Burnside, nor that a large development of commerce in coal or other mineral resources over this section of the river is reasonably prospective.

mineral resources over this section of the river is reasonably prospective.

The Queen and Crescent Railroad crosses the Cumberland River at Burnside, and the Board has given careful consideration to the claim of its representatives that if the river improvement were to begin at Burnside and be extended down the river, substantial relief would be afforded to the Cumberland Valley by the outlet this railroad provides. The published schedule of rates by this route to river towns was submitted to the Board and was found to largely exceed the rate to Nash-ville from Louisville, Cincinnati, and Lexington on most farm products in carload lots. Even on the unimproved river the railroad is now able to ship freight for long distances at the same rates it charges to the nearest landing to Burnside, and the Board is of the opinion that a further extension of navigation from Burnside down the river will cause little reduction in these rates, unless this improvement were continued through to Nashville, and thus open up a competing route. But, as already stated, the Board is of the opinion that the extension of the improvement above Carthage is not advisable at the present time.

From the above the Board is of the opinion that the regulation of the river and the construction of the six locks and dams of the system below Nashville, and the completion of Locks and Dams 3, 4, 5, 6, and 7 above Nashville, so as to carry the improvement of the river from its mouth to Carthage, Tenn., is worthy of being continued by the United States, but that the construction of the locks and dams proposed between Carthage and Burnside, except No. 21, now under contract, is not at present justified by the commerce involved.

Respectfully submitted.

D. W. Lockwood.

D. W. Lockwood.
Lieut. Col., Corps of Engineers.
C. McD. Townsend,
Major, Corps of Engineers.
W. C. Langetitt,
Major, Corps of Engineers.
Charles W. Kutz.
Captain, Corps of Engineers.

Brig. Gen. A. MACKENZIE, Chief of Engineers, U. S. A.

Mr. BUTLER of Tennessee. There are 24 counties in Tennessee and Kentucky that abut on the Cumberland below Burnside, 7 of which are in the district I represent. The Cumberland is navigable for steamboats from Nashville to Burnside from three to six months in the year under present conditions, and with the project of completing the locks and dams 3, 4, 5, 6, and 7 above Nashville, the masonry of the lock walls and abutments of which are already completed, will make it navigable the year round as far up as Carthage, Tenn., and Caney Fork, and when Congress makes the necessary appropriations and the project of locking and damming above Carthage, to Burnside, which I trust will be done in the near future, it will provide a permanent channel for navigation from Nashville to Burnside. The Cumberland is a splendid and a beautiful river. It is a stream that bears many tons of commerce on its bosom and contributes much to the advantage of a half million people who live on its banks, a large portion of whom must rely on it alone as a means of transportation for their products, their live stock, their minerals, and timber, with which they are so bountifully blessed, and this volume of tonnage will be increased largely by the dredging and cleaning out of Caney Fork, for which purpose my colleague [Mr. Houston]

has succeeded in having a provision inserted in this bill.

The commerce on this river between Nashville and Burnside alone for the year 1905 was 382,807 tons, valued at \$10,509,789, and the passengers were 23,298.

It is estimated by the district officer that when the project of locking and damming is completed the commerce will increase to 1,000,000 tons, and I would add that with the certainty of permanent navigation the people who must depend upon it as a means of transportation would be so stimulated they would diversify and increase their crops until that commerce would gradually increase to much more than this amount. As it is there is not half the farm products raised along its borders as that rich and fertile valley is capable of producing, and much of

what is produced goes to waste for want of transportation.

By reference to the map it will be seen that the Queen and Crescent Railroad crosses the Cumberland at Burnside, while the Southern Railroad taps it at Carthage. Between Carthage and Burnside, a distance of some 200 miles, the people have no transportation for their products, except such as is afforded by the river; and therefore they come pleading to this Congress for relief, asking you to give them an outlet for their products to the markets of the world.

The United States have exclusive jurisdiction over navigable streams in this country.

There is only one source to which we can look for the ap-

propriations necessary to secure those improvements, and that is to the Congress of the United States.

The Committee on Appropriations have been reasonably liberal in their recommendations for this project, and I trust that this committee and the House will concur in those recommendations; and that gentlemen who shall be here in succeeding Congresses will remember the necessities of the people along the Cumberland River Valley and see to it that such appropriations will be made as will relieve them and open up this great artery of commerce.

Richland River is a small stream that empties into the Tennessee near Dayton, Tenn., and the construction of a lock and dam near its mouth would give those people at Dayton perpetual water transportation, and would greatly reduce the freight rates they are now having to pay for transportation over the Cincinnati Southern Railroad, which now has a complete monopoly.

The committee has very generously directed the Secretary of War to cause preliminary examinations and surveys for said river, looking to the improvements asked for; and I trust that the recommendations of the Rivers and Harbors Committee will be concurred in by this committee and the House.

I have here a letter from the Secretary of War, transmitting a letter from the Chief of Engineers reporting on project for improvement of Cumberland River, and ask that same be copied in

The CHAIRMAN. The gentleman from Florida is recognized. How much time does he request?

Mr. SPARKMAN. Twenty-five minutes.

The CHAIRMAN. The gentleman is recognized for twentyfive minutes.

[Mr. SPARKMAN addressed the committee. See Appendix.]

Mr. LLOYD. Mr. Chairman, I am gratified at what seems to be the state of public opinion with reference to internal improvements. I am pleased to know that in our portion of this great domain there is an aroused public sentiment. The river and harbor bill is receiving encouragement that it has never re-ceived in the history of this Congress. There are those assert-ing themselves in favor of river and harbor improvements who have never heretofore manifested concern in such improve-ments. Personally I am very much interested in the improvement of the great waterway of the United States—the Missis-sippi River. I am especially concerned in the development of that portion of the river north of the mouth of the Missouri. am interested in every portion of that great stream, because the upper portion of the river would be of less value if the whole stream were not properly cared for. It is a little surprising, however, to me that persons who have had occasion within the last three months to see the importance of river improvement should undertake when this bill is brought before the committee to censure the chairman of the Committee on Rivers and Harbors and to censure the committee itself because there are not sufficient appropriations for their particular portion of the country.

I suppose that the River and Harbor Committee would bear me out in the statement that they never heard seriously from the city of St. Louis until within the last three months. Other people along the Mississippi River have been concerned in its welfare and development and have been fighting for its recognition for long years past, but within the last few months the great city of St. Louis seems to be aroused as it never has been on any local question with reference to the improvement of certain waterways. I am greatly pleased to see this interest. I am not in sympathy, however, with the criticisms that have been made upon the worthy chairman of this great committee of the House. I am not in sympathy with the criticisms which have been leveled by the press of the city of St. Louis against the members of this committee as a body. My own conviction is that there is not a committee in this House of more honorable and upright men than are the men who compose the River and Harbor Committee. I am very sure that there is no chairman of a committee who knows more of the work assigned to him than does the chairman of the Committee on Rivers and Harbors. [Applause.]

The leading papers of the city of St. Louis have had very much to say in the last three weeks about the character of men and the kind of committee that has reported the pending bill. They have complained, and seriously complained, that this committee has been unfair to the great Mississippi Valley. It is amusing to read some of the statements that have been made with reference to that committee and its work. For example, one statement is to the effect that the Mississippi Valley has onehalf of the population of the United States, and having one-half of that population, it ought to have one-half of the appropria-

tions. In order to count a Mississippi Valley and have within It a population of one-half of the United States, it must necessarily include the State of Ohio, and that would give it the chairman of the committee [Mr. Burron]. If you call the Mississippi Valley that portion of the country which lies between the mountain ranges, then within that region there are ten members of the Committee on Rivers and Harbors. There are There are along its fringe three other members, making thirteen out of eighteen members who are interested in the Mississippi Valley.

Some of the leading papers in Missouri have been severe in their criticism of the Rivers and Harbors Committee for its alleged parsimony in making appropriations about St. Louis and its failure to make appropriation for the work of the deep-water canal between St. Louis and Chicago. They have singled out the chairman of the committee [Mr. Burton] and have charged him with prejudice against St. Louis and the deep waterway and have intimated that he had sinister designs in caring for the Ohio River rather than the St. Louis-Chicago enterprise. The St. Louis Republic, in an editorial on this subject, says:

It is a blow aimed directly at the commerce of St. Louis and the great sections whose commerce center in St. Louis. It is a blow at Illinois, Missouri, and the Southwest. It is a blow at the Northwest, because improvements in the upper river are robbed of half their value if the traffic from St. Paul southward can not find deep water from the mouth of the Missouri down.

This editorial writer failed to tell his readers that there was an urgent appeal for a 6-foot waterway north of the mouth of the Missouri River; that such a waterway would probably cost \$20,000,000, and that when it had been made it would then not have as deep water as St. Louis has south to the mouth of the Ohio. Why does not St. Louis turn its energies toward the upper river and help us to secure a channel somewhat as good as that which now exists between the mouth of the Missouri and Cairo? The engineers of the Government re-port the existence of an 8-foot channel south of St. Louis. The Post-Dispatch, at St. Louis, in its editorial comment on

the pending bill, says:

The Business Men's League of this city declared war on the opposi-tion to the fair treatment of the Mississippi River between St. Louis and Cairo and the deep waterway from the Gulf by resolutions re-questing the St. Louis Congressmen to introduce two amendments to the river and harbor bill, as reported by Chairman Burrox. One amendment provides for an appropriation of \$1,000,000 a year for four years for the permanent improvement of the river between St. Louis and Cairo. The second amendment provides for an appropriation of \$3,000,000 to begin the work on the deep waterway between the Lakes and the Gulf.

It will be observed again that not one word is said about the upper Mississippi River. There is no suggestion of its needs, notwithstanding its surveys and estimates are ready so that the Government might properly begin at once to give the upper river a similar depth of channel to the lower. Its demand is that the deep-waterway scheme should be immediately provided for and the amendment to be offered shows that it is to be for a waterway between St. Louis and Chicago. Why should this great paper turn its back upon the upper river?

Again the same paper explained the cause of its demands. It

stated:

This step has been made necessary by the intolerable situation in the House, where two men—Chairman Burron, backed by Speaker Cannon—assume to decide arbitrarily, without regard to the sentiment of the other members of Burron's committee, or of the Members of the House, that river improvement of vital importance to an enormous section of the country shall practically be ignored. In view of this tyrannical attitude on the part of these two men there is nothing left for the people of the valley and their Representatives in Congress but to fight for their rights and interests.

Here it may well be observed that no wail of protest goes up because the River and Harbor Committee refused to begin the work of deepening the channel of the upper Mississippi River and to make reasonable appropriation therefor.

That reliable Republican organ, the St. Louis Globe-Demo-

Encouraged by the demands of their constituents and the pressure for deep-waterway improvement from every State in the Mississippi Valley, an organization is being perfected in the House to force Representative Burron, chairman of the Rivers and Harbors Committee, to accept an amendment to give substantial recognition.

To-day an insurgent organization is being formed by Representatives Bartholdt, Madden, Rodenberg, Rainey, and others interested in the proposal.

I suppose as a result of this insurrection the pending amendment providing for an appropriation of \$5,000,000 for the construction of the deep-waterway canal between St. Louis and Chicago and the authorization of \$26,000,000 more to complete the project is the result. You will observe that again the upper river is not taken into the account. This is especially strange since the headlines in the same article say: "BARTHOLDT leads strong clique to unhorse BURTON." This would lead us to believe that my worthy colleague from St. Louis had likewise forgotten the

demands of the upper Mississippi River, in which every St. Louis business man should have concern.

Against whom is the insurrection? A further statement from the same paper may give an idea:

Although Speaker Cannon is taking no hand in the movement, it is understood that he is not convinced of the desirability of embarking on the project now and sympathizes with the position taken by BURTON.

Is it possible that my colleague [Mr. Bartholdt] is leading a revolt against the Speaker? Would be stand against the regulars? There is certainly some mistake about his being an insurgent, especially since it is admitted that the Speaker is in sympathy with the chairman of the committee [Mr. Burron].

Mr. Chairman, my colleague [Mr. BARTHOLDT], in his able address on this bill, indulges in reflections and charges against the Rivers and Harbors Committee and its chairman which plainly show he would like to lead an insurgent movement.

He charges that the Rivers and Harbors Committee has entered into a combination against the Mississippi, that the chairman has led the committee to support a scheme for a private canal between Lake Erie and the Ohio at Pittsburg, and that this is to serve as an outlet for the Great Lakes through the Ohio River and lower Mississippi to the Gulf. How much more harm would this be, how much more selfish and sectional, than to use a private canal at Chicago as an outlet to a deep waterway through the Des Plaines and Illinois rivers to the Missis-sippi at St. Louis? Why should such sinister motive be attributed to the Rivers and Harbors Committee if it has never been thought of in connection with the canal between St. Louis and Of course there is no selfish motive in the Chicago enterprise. My colleague says he voted for the questionable Pitts-burg canal. There are several Missourians who voted against it, and I am one of that number.

My colleague [Mr. Bartholdt] complains that the chairman of the Rivers and Harbors Committee has looked out for his own locality in the appropriations in the pending bill. Is he not the last man to make such a charge? He knows that the chair-man of a committee must take care of the needs of the district which he represents, and should not be censured for it. also, could be explain why, as chairman of the Committee on Public Buildings and Grounds, he allowed at the last session an appropriation of \$1,115,000 for the city of St. Louis and less than \$375,000 for the rest of the State of Missouri, and more than was appropriated in several States combined? I commend him for caring for St. Louis, but why should he now condemn Chairman Burron for taking care of Cleveland Harbor?
Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the

gentleman permit me to make a statement here? Mr. LLOYD. Certainly.

Mr. HUMPHREYS of Mississippi. Of the six great projects which were under consideration in the Rivers and Harbors Comfnittee, the one at Cleveland is the only one that this bill did not provide to complete.

Mr. LLOYD. Well, Mr. Chairman, I am gratified to hear that statement just in this connection.

Mr. ELLIS. Mr. Chairman, I want to state that the state-

ment of my colleague on the committee is not quite complete. It ought to be said in addition that the work there would have been completed if the committee could have had its own way and it was only because the chairman insisted that the full amount should not be appropriated.

Mr. LLOYD. Mr. Chairman, that reveals a state of facts that will be found in no other committee in this House. Where is there a chairman who refuses to make an appropriation simply because he is chairman of a committee?

My colleague says the movement for river improvement began in the Mississippi Valley and culminated in the first great meeting in St. Louis in November last. It is true that St. Louis has recently become much interested in river improvement, and especially the deep-waterway scheme, but he is mistaken if he thinks there have not been numerous meetings in the interests of river and harbor improvement for years back in various parts of the United States. He might have attended in October, at Minneapolis, a monster meeting, being the fifth annual meeting of the upper Mississippi River convention.

On the upper river we were interested enough in river improvement that we secured an order for a survey for a 6foot channel in the last river and harbor bill, and if others had been equally alert it would not be necessary to wait another year until the lower Mississippi River can ascertain the feasibility of a deep waterway and the surveys and estimates there-

If gentlemen had turned their faces toward Hannibal, Quincy, Burlington, and St. Paul and had given us on the upper river the benefit of their great influence, there might have been incorporated in this bill a substantial sum for the deepening of the channel of this great river north of the mouth of the Missouri River.

Mr. Chairman, there is one occurrence which I greatly regret. There was introduced in the lower house of the Missouri legislature, by Hon. Frank H. Sosey, and in the senate by Hon. E. A. Dowell, a resolution of censure against Chairman Burton. These gentlemen are my constituents. There are no more honorable and fair-minded men in that legislative body than these men. They are careful, cautious, conscientious men, and would not intentionally wrong another. They are not personally acquainted with Mr. Burron, I am sure. What they wrote in their resolutions must have been hearsay, but they believed they have been written.

Had they known of the honorable life, the superior ability, the unsurpassed knowledge of river and harbor matters which the gentleman from Ohio possesses they would never have been parties to such an action.

If they had known of the integrity, ability, and standing of the members of the Rivers and Harbors Committee they would not have charged the chairman with being wholly responsible for the pending bill. I feel that it is due these worthy gentlemen that I make this statement, although neither Mr. Sosey nor Mr. Dowell have asked it.

Will the gentleman permit an observation at Mr. ELLIS.

this point?

Mr. LLOYD. Yes.

Mr. ELLIS. I am very happy to say that I am advised by one of my home papers, the Kansas City Star, that very few votes were cast upon the proposition. Only a few members of the legislature took any interest in it or voted upon it

Mr. LLOYD. I am gratified to learn that the Rivers and Harbors Committee are friendly to our deep-waterway scheme. am pleased that they have recommended the survey south of St. Louis, so as to determine its feasibility and probable cost. It is no use to conceal our demands. The people of the Mississippi Valley wish to secure a deeper channel from New Orleans to the Falls of St. Anthony. They are anxious that the Missouri River shall have the treatment its importance as a stream demands. There are those who insist that the as a stream demands. There are those who insist that the \$20,000,000 already estimated on the upper Mississippi shall be provided; that the Lakes to St. Louis, surveyed and estimated, will take to complete the project \$31,000,000. No one knows the probable cost of a 14-foot channel south of St. Louis, but certainly not less than \$50,000,000, and possibly twice that sum. It is claimed that there should be expended on the Missouri River at least \$40,000,000. So that the total demands for completion of the proposed work would be more than the original estimates of the cost of the Panama Canal.

Is it unreasonable that the Government should say we must have the report of trained engineers as to the feasibility and cost of this gigantic enterprise before it is begun? Hence they have provided a survey, which is one important step toward the improvement, for which I am grateful. I can not understand why anyone should complain at the Rivers and Harbors Committee for refusing to begin the work on this gigantic public improvement until they have secured the report of the feasibility and cost of the whole scheme. The misfortune should be laid at the door of those who had apparently slept until after the last river and harbor bill had passed.

There is only one reasonable step toward permanent improvement of the Mississippi River, and that is to make provision for the beginning of the work of making the 6-foot channel for the upper river; but, realizing that such an attempt is futile at this time, we must content ourselves with appropriations sufficient to meet the imperative needs in maintenance and protection of the present channel. For this purpose I would appropriate much more than is contemplated by the committee for the Missouri River; but my colleague [Mr. Ellis] on the committee and on the river has asked and secured only \$300,000 for the river between Sioux City and the mouth and, as I am informed,

will ask no greater sum.

Between St. Louis and Cairo the committee have recommended \$1,000,000, \$250,000 of which to be immediately available. The engineer in charge of that part of the river estimates that there should be appropriated \$659,000 per annum. While it is true they expended less than \$250,000 last year, I think it would be wise to make the appropriation as large at least as the engineer's estimate.

On the upper river it was estimated that \$400,000 per annum would be needed for the necessary expense of maintenance of present channel. The committee, on careful investigation of the needs, were induced to increase the sum to \$500,000 per annum, or \$2,000,000, for which I am especially grateful. If there is to be no permanent improvement work. I am hopeful that this

appropriation is sufficient.

Before concluding I wish to assure the committee that the Mississippi River still has its source in Lake Itasca and that it still flows over the Falls of St. Anthony, passes Minneapolis, St. Paul, and Hannibal. That is a beautiful dream that would have you believe that its sunken bed would lead you from Chicago directly to St. Louis. It is equally absurd to claim that it passes the Gasconade and Osage, and that the traveler on its bosom could find himself in the Rocky Mountains. This wonderful stream, with its tributaries extending from mountain range to mountain range, supplies a valley whose inhabitants are not surpassed even in the intellectual atmosphere of Massa-hand to the bitteria Vinging on the galden phones of the chusetts, the historic Virginia, or the golden shores of the Pacific. We request at the hands of Congress a proper recognition of this important stream that it may yet become a great highway of commerce.

Mr. BARTHOLDT. Will the gentleman permit me to ask

him a question?

Mr. LLOYD.

Is my colleague from Missouri satisfied Mr. BARTHOLDT. with the amount appropriated for the Mississippi River between St. Louis and St. Paul? We are not. That shows that we are more interested than the gentleman in his own stretch of river.

I am as much interested in the Mississippi River as any individual on the floor of this House. Certainly as much so as my colleague from St. Louis. I am concerned in that river from St. Paul to New Orleans. My interest in it does not cease when you reach the city of St. Louis.

Mr. BARTHOLDT. Is the gentleman satisfied with the appropriation made in this bill? That is the question.

Mr. Chairman, I am not satisfied. Mr. LLOYD.

Mr. BARTHOLDT. Then vote with us to increase it.

There are very few men who are satisfied with Mr. LLOYD. all conditions that present themselves. I am not complaining of the committee. On the other hand, the gentleman, my colleague, is censuring the committee. But what happened as far as we are concerned? The Missouri River has a representative from my State, my colleague from Kansas City [Mr. Ellis]. He asked for an appropriation for the Missouri River of \$300,000. My own conviction is that that appropriation is nothing like so large as it ought to be. If I had my way about it I would largely increase it. But the committee gave him, as I understand it, what he asked. For the Mississippi River between St. Louis and Cairo there has been appropriated by this committee \$250,000 directly and \$750,000 authorized. I will vote with my colleague from St. Louis to increase that to \$4,000,000. [Applause.]

I am anxious to get every dollar that may be obtained for the upper Mississippi River, and I want to call attention to a fact that seems to have escaped the attention of some people. There has already been a survey made for the 6-foot waterway between St. Paul and St. Louis. The estimates are here. But when we have secured the 6-foot waterway from St. Paul to St. Louis we can have no deeper water than there is now from St. Louis to the sea. Why does not St. Louis turn its face up St. Louis to the sea. Why does not St. Louis turn its face up the river and ask this Congress that there may be an appro-priation made for the permanent deepening of that upper river? The gentleman was authorized by the Business Men's League of that city to introduce two resolutions, one to increase the appropriation south of the city of St. Louis and the other to intro duce a resolution providing for an appropriation between St. Louis and Chicago. But the Business Men's League has authorized no man, as far as I have any knowledge, to introduce a resolution for that portion of the river in which they ought to be concerned, between St. Louis and St. Paul. [Applause.]
The CHAIRMAN. The gentleman's time has expired.

Mr. LLOYD. I would like to have five minutes more. The CHAIRMAN. The Chair would say to the gar The Chair would say to the gentleman that any extension of his time would take away from that of other gentlemen.

Mr. BURTON of Ohio. I desire to state to the gentleman that

the time is not under my control.

Mr. ROBINSON of Arkansas. Mr. Chairman, if every appropriation bill introduced in this Congress were passed tomorrow, the United States Treasury would became bankrupt at once, the Secretary of the Treasury would die of grief, and the President of the United States would renew his waning determination not to accept the nomination for another term. The sun of American prosperity that by the providence of God shines so brightly, and by the misgovernment of the Republican party so partially, would set, and our merriment be turned to mourning. In the consideration of measures carrying large omnibus appropriations we are sometimes prone to forget that

there is no magic fountain from which our Treasury is supplied; that every dollar in its vaults comes from the energy of toiling hands, willing, though wearied with the mighty achievements they perform; that whether our revenues are derived from tributes levied on imported goods or otherwise obtained, they are none the less the products of taxation, to be honestly distributed in fair, impartial, necessary government. The varied forms in which requests for appropriations come, the purposes for which they are sought, the rapid growth of industries and institutions, make imperative some method of carefully determining the relative merit and importance of projects sought to be inaugurated. They also make imperative that some will be chosen and many disapproved.

This Congress will consider few more important questions than those relating to the improvement of the rivers and harbors of the United States. When we contemplate the natural resources of our country, the varied industries in which our people toil and prosper, the undeveloped territory belonging to the United States, the commercial advantages we enjoy over other peoples, and the industrial possibilities that smile upon our future, we are astounded at the mercies of God and the genius of man.

Our shores are washed by oceans whose bosoms are bold enough and strong enough to uphold the commerce of all the seas. The mighty arm of American enterprise, guided by lofty intelligence and masterful skill, is breaking the narrow neck of anama to mingle the waters of the Pacific with those of the Atlantic, to shorten the trail of American freighters to eastern We are beckoning with kindly hands the messengers of South American commerce, while the strange flags of oriental traders flutter above the placid waters of our Pacific harbors and bring to American markets the rich prizes of China and Japan. Equally promising of profit and happiness to our people are

the benefits which may be derived from the improvements of our internal trade. Our many great rivers furnish cheap means of interchange of commodities among the States, and if their channels are kept open the progress of the last half century, marvelous beyond the dreams of the Republic's founders, is but a partial indication of the future glory that awaits us. from this internal trade that we derive our greatest profit.

THE CONGESTED CONDITION OF FREIGHT TRAFFIC

which now prevails throughout the country emphasizes the importance of maintaining open-river channels as well as safe har-Interstate transportation on the great railroad lines in the United States is overcrowded-choked. The railroads admit their inability to promptly move freights tendered them for shipment. They confess lack of sufficient equipage to keep pace with the ever-increasing demand for transportation. It is claimed that cars, locomotives, and railroad tracks can not be built fast enough to transport the products of American fields, forests, mines, mills, and factories.

The situation as the railroads see it is frankly stated by Mr. James J. Hill. In a letter to the governor of Minnesota, pub-

lished a few weeks ago, he said:

The pressure of traffic increases in a constant progression. It has reached its greatest severity just at the time when railroad construction is at the lowest ebb. Take the last five years, within which business has been flourishing everywhere. The rise of new industries and the expansion of old ones, the development of the country as measured by the increased business of the Postal Department, all indicate the volume of the burden placed upon the railroads. The following figures, compiled from Poor's Manual of Railroads, show the intense activity of the last five years as compared with the decline in railroad construction:

	1900.	1905.	Increase.
Miles of railroad operated	191, 861 16, 313, 284, 471 141, 162, 109, 413	215, 506 23, 906, 420, 668 187, 375, 621, 587	Per cent. 12.3 46.5 32.7

The number of passenger miles traveled in this country for each mile of railroad in it, according to these figures, has increased 30 per cent in the five years, and the number of ton-miles for each mile of track has grown 18 per cent. As these percentages are calculated on the actual number of miles of road existing at the beginning and the end of the period, respectively, they measure the additional burden on every foot of track. It is no wonder that, with this extra work to do per mile, a work not equally distributed, but in some sections rising to a far higher ratio, the limit of effective operation has been reached. The highest direction and the best economy is to have trackage, equipment, and other facilities properly adjusted to the volume of business and then keep moving it in a harmonious and useful way. To any such system, by which alone present distress can be relieved and future disaster averted, more trackage is the first and most indispensable condition.

The problem and the necessity are enormous. At 140 tons to the mile, it would require 2,000,000 tons of steel rails every year to furnish the 15,000 miles of track required. This is nearly two-thirds of the product of all the rolling mills in the United States. It would call for the labor of 200,000 men in grading, besides track layers, bridge builders, and others. Labor even for such ordinary extensions and improvements as are now being made is not to be had in sufficient

quantities on any terms. And it demands, as has been seen, the investment in permanent railroad plant of \$1,100,000,000 a year for five years to provide the railroad of the country with means to handle properly the business already in sight, not allowing for future growth. This is the real railroad problem of the United States; and it is one which people have been singularly slow to perceive and refuctant to realize, although it is written on every page of industrial statistics and calls to the passer-by from every signal tower, every siding, and every railroad yard from the Atlantic to the Pacific. To all appearances the commerce of the country has touched a barrier which is almost insurmountable.

The farmer in the North and West has seen his wheat and corn rot in the fields for lack of cars to ship in; the cotton farmer has paid interest on debts and dreaded foreclosure of mortgages while impatiently waiting for the railroads to haul the fruits of his soil to market. Hundreds of thousands of our people have suffered from cold because of the failure of the railroads to carry from the mines a sufficient supply of coal for Every portion of the United States has suffered from this condition. Our great railroad organizations have heretofore looked with disfavor upon waterways because they constitute effective means of competition in the transportation of freights. But now when the Interstate Commerce Commission is burdened with complaints from every part of the country of car shortage and delayed shipments the railroads are beginning to join in the general demand for effective improvement of waterways.

But, sir, the chief reason for extending our work in river and harbor improvement does not lie in the convenience of the railroads. It springs from our duty as patriotic Representatives to conserve the public interest and relieve the present situation, to

make impossible its recurrence.

Whatever may have been their positions in the past, both the Republican and the Democratic parties are now committed to a general policy of providing more effective means for water transportation. The debate on this bill indicates the fixed The debate on this bill indicates the fixed sentiment of the country as to the policy to be pursued.

THIS POLICY MUST BE NONSECTIONAL, NONPOLITICAL.

The bill under consideration has been severely criticised. It has been characterized as partial, unfair, and discriminatory. Some gentlemen on the other side of this Chamber have said that this measure is an intentional discrimination against their localities, while other gentlemen on the Republican side of this Chamber have complained that it ignores projects of great general importance and recognizes schemes of trivial and questionable merit. I am not the chosen champion of the Rivers and Harbors Committee and shall not assume to act as its defender. I learned a long time ago that the foundation of the Republican party is discrimination and its capstone favoritism. But while gentlemen are complaining that their particular localities are not properly provided for in the bill under consideration I hope they will feel some sympathy for the wandering "Bill Bailies" of political disfavor, who have so long stood outside in the cold, with the door of the Treasury slammed in their faces, the rain falling, and the wind howling.

The proposition to provide and maintain a deep waterway from the Lakes to the Gulf has long been dreamed of, and may well be hoped for. It addresses itself to me as most feasible and desirable if begun at the Gulf and extended to the Lakes. No man can measure its importance to the commerce of the great Mississippi Valley. It is sure to come when its feasibility is determined and its cost ascertained. So great is its importance that it should not be indifferently delayed. Yet it is not to be commenced until its practicability is ascertained, for it will require the expenditure of \$30,000,000, possibly \$40,-

000,000.

If the extravagance of the Republican party has so drained our Treasury that the immediate assumption of this great project has been made impracticable, may we not all join in demanding a new policy of administration under a different political control?

Talk of discrimination! Talk of favoritism in river improve-Heretofore the navigation interests of the great State of Arkansas have not been properly regarded. A spirit of narrowness or sectional prejudice has caused Congress to disregard the fact that this State has, including the Mississippi, which touches her eastern border, the greatest mileage of navigable

rivers of any State.

Throughout her history the State has suffered from lack of transportation facilities. Her people in a spirit of progress have been liberal in their treatment of railroads in order to induce capital to construct them in her vast areas inaccessible to markets. Land grants, bonuses, and liberal franchises have been bountifully awarded. But, while railroads have been rapidly constructed within and across the State, her transportation facilities have been monopolized, and her people in many instances are still deprived of the benefits of markets for their products.

We need badly open river channels, and the Arkansas delegation in Congress are determined to secure them if possible.

Some of the provisions of the bill under consideration relating to navigation interests in Arkansas are as follows:

to navigation interests in Arkansas are as follows:

For improving the Arkansas River, Arkansas: Maintenance, about \$115,000. The Secretary of War may appoint a board to make an examination of said river to Muscogee, Ind. T., with a view to ascertaining whether any feasible or desirable plan can be devised for the further improvement of the whole of said river to Muscogee or any portion thereof. The said board may, upon the order of the Secretary of War, also make a similar examination of that portion of the Red River which lies between Fulton, Ark., and the mouth of the Washita River, Indian Territory, and the expense of such examination shall be apportioned between the funds appropriated for said rivers in such a manner as the Secretary of War may deem equitable, and the said board shall also report upon the Arkansas River at Pine Bluff and the White River at Augusta Narrows, to ascertain and report whether the protection of the banks or rectification of the river at the points named is directly and necessarily required in the interests of navigation, and in case a report shall be made to the effect that such rectification is so required in the interest of navigation, the sum of \$100,000, which is hereby conditionally appropriated, shall be expended for improvements at the places named, or either of them.

Improving White River, Arkansas: Continuing improvement and for maintenance, \$30,000.

Improving Cache River, Arkansas: For maintenance, \$2,000.

Improving Black and Current rivers, Arkansas: For maintenance, \$12,000.

Improving St. Francis and L'Anguille rivers, Arkansas: For maintenance, \$12,000.

Improving St. Francis and L'Anguille rivers, Arkansas: For maintenance, \$12,000.

The latest report of the engineer in charge shows a balance of \$49,000 available for dredging experiments unexpended. desired that two dredge boats be built and placed in operation, and that this sum, together with such additional amount as might be necessary to maintain them, be expended in dredging experiments at the shoals below Pine Bluff. The estimate made by Captain Connor, who appeared in person before the River and Harbor Committee, was that about six dredge boats would be required for the lower stretch of the river below Pine Bluff and that one boat or even two would do little good; that these six boats would cost about \$670,000, and about \$150,000 per annum would be required to maintain them. The committee refused to provide for a dredge boat after deliberating over the matter for several days; so this sum of \$49,000 is made available for general improvement—that is, for maintenance. Our delegation have in no sense abandoned the idea of securing dredge boats for the river. On the contrary a survey is ordered, on the initiative of Mr. Reid, of the river from its mouth to Muscogee, and if any feasible plan is found the systematic and permanent improvement of the river will be pressed as speedily as possible. Our delegation are united on this proposition.

The \$30,000 heretofore appropriated to revet Red Fork Bend being unexpended because the engineer claims that its expendifor the purpose authorized is not beneficial to navigation, is likewise made available for general maintenance and improvements. An earnest effort was made to secure a removal of the limitation fixed by law on this expenditure. I felt, and some of my colleagues concurred in the view, that the necessity for the early completion of the works in that vicinity is imminent. But the engineer, in his testimony before the committee, affirmed that the navigation interests did not warrant the expenditure, and while many gentlemen on the committee, including the gentleman from Louisiana [Mr. RANSDELL] and the gentle man from Mississippi [Mr. Humphreys], urged the removal of the limitation and the authorization of the work, it was insisted by others that the precedent would entail additional expenses to the Government of the same kind, costing many million dollars, and in spite of all our efforts this view prevailed.

That portion of the engineer's report relating to the Arkansas River and its improvement is published herewith. It contains a brief history of what has been done by Congress for this great stream, and it sustains the assertion that proper attention has not been given this important work.

IMPROVEMENT OF THE ARKANSAS RIVER.

1. Arkansas River, Arkansas.—In its original condition the channel of the river was greatly obstructed by shifting sand bars and numerous snags in its lower reaches, and by gravel and rock shoals and some snags in its upper reaches. Navigation was difficult and uncertain at medium and low stages, and during periods of extreme low water was im-

dium and low stages, and during periods of extreme low water possible.

Prior to act of Congress approved June 13, 1902, the work on this river was carried on under two general projects—one entitled "Removing obstructions in Arkansas River, Arkansas and Kansas," the other "Improving Arkansas River, Arkansas."

The original project for "Removing obstructions in Arkansas River, Arkansas and Kansas" (act July 3, 1832), was to remove snags and wrecks. Subsequently this project was enlarged to include removing bars by wing dams, and many of the appropriations were made for this work in combination with other rivers. By act of March 3, 1879, Congress adopted an additional project—that of improving the river between Fort Smith, Ark., and Wichita, Kans., by removing the snags and rocks and constructing dams at some of the worst shoals. Later

these projects were merged into one, making the project extend from the mouth of the river to Wichita. Under these projects there was expended to June 30, 1902, \$968,256.81.

The original projects for "Improving Arkansas River, Arkansas," were local and had in view the permanent improvement of the river at Fort Smith, Van Buren, Dardanelle, and Pine Bluff. By act of August 11, 1888, Congress adopted a general project, namely: "That the Secretary of War shall expend the appropriation under this head with reference to the inal improvement of this river as contemplated in the report of the Chief of Engineers for the year ending July 1, 1885, and as authorized in the act for the improvement of rivers and harbors approved August 5, 1886, and in House Executive Document No. 90, Forty-ninth Congress, first session, said methods to be applied as the Secretary of War may direct at such points between Wichita, Kans.; and the navigable mouth of the Arkansas River at its junction with the Mississippi River as he may deem for the best interest of commerce." The "said methods" referred to in the act were "to remove rock and gravel reefs by blasting and dredging, to contract the channel by dikes and dams, permeable or solid, of such construction as the local conditions require, and to hold the channel so obtained by reverment where necessary." The improvement authorized by the act covers 771 miles, while estimates have been rendered for 708 miles, thus making the estimated cost of the improvement authorized by the act covers (Removing obstructions in Arkansas River, Arkansas and Kansas," To the close of the fiscal year ending June 30, 1902, there had been expended under the general project for improving Arkansas River, Arkansas, 8903,311.93 for original construction, \$314,119.14 for maintenance, and \$63,307.32 for operating snag boats, making the total amount \$1,280,828.39.

Act of Congress approved June 13, 1902, merged these two general projects into one, which makes the existing project in substance. "The improvement impro

for permanent improvement, and \$334,589.14 for maintenance of those works.

The works erected for the permanent improvement of the stream were of no material benefit to navigation, they having been built in disconnected reaches. The snagging operations, which must be repeated each year, give immediate relief, but the benefits derived from them are in a large measure lost during the high-water seasons following the periods when the work is done. This is due to the continual caving of the banks and the consequent shifting of the channels. Fort Gibson, on Grand River, 2 miles above its mouth and 463 miles from the mouth of the Arkansas River, is the head of steamboat navigation. The duration of the navigable periods of the river vary greatly in different years. Occasionally there are periods of very low water when navigation will be suspended throughout the length of river and then there will be times when it is possible to maintain 3-foot navigation through to Fort Gibson all the year. The navigation periods are of about the following averages:

	Months a year for 4- foot draft.	Months a year for 2- foot draft.
Mouth to Swan Lake (80 miles)	5½ 5 4	10 91 8

The range between extreme high water and extreme low water at Fort Smith, Ark., is 35.5 feet; at Little Rock, Ark., 28.5 feet, and at the mouth of the river where the stages are controlled by those of the Mississippi the extreme range is 53.7 feet.

The operations on this river this fiscal year were confined to the usual snagging operations. By the combined operations of the snag boats C. B. Recse and Arkansas, working between Poverty Point, 8 miles above the mouth of the river, and Little Rock, 174 miles above the mouth of the river, and Little Rock, 174 miles above the mouth of the river, and Little Rock, 174 miles above the mouth of the river, and lattle Rock, 174 miles above the mouth of the river, 1,166 snags were removed from the channel, 28,088 trees cut on caving banks, and one drift broken up. Active operations ceased the latter part of December and no further operations with the snag boats are contemplated until another river and harbor bill becomes a law.

The river was at comparatively good boating stage all this fiscal year. Of the balance available July 1, 1906, \$49,530 is being held to make some experimental dredging in the river; \$30,000 is an appropriation made by act of March 3, 1905, for reverting Red Fork bend, provided such revertment is required in the interests of navigation, and \$7,625,23 is available for maintenance of snag boats. The district officer reported that the revetting of Red Fork bend would not be of any benefit to navigation and he was authorized to withhold project for the expenditure of the money appropriated for that work.

The amount estimated as being needed during the fiscal year ending June 30, 1908, is for the operation, and maintenance of snag boats.

It is reported that the improvement has secured for shippers at Pine Bluff a rate of about 50 per cent of the railroad rate on freight.

Commercial statistics, year ending May 31.

Year.	Tons.	Value.	Year.	Tons.	Value.
1894	63, 563 50, 498 54, 261 66, 077 58, 578 68, 057 75, 654	\$2,846,395 2,380,420 2,408,720 1,657,218 1,626,756 2,470,131 2,078,940	1901 1902 1903 1904 1905 1906	71, 998 40, 557 86, 068 92, 041 86, 458 103, 214	\$2,623,797 1,630,297 2,389,020 2,078,893 1,636,930 1,512,719

The commerce was made up of plantation products and supplies, cooperage stuffs, and saw logs, the latter making 64 per cent of it.

Reference to the principal examinations and surveys page 401 of the Annual Report for 1904: July 1, 1905, balance unexpended	\$107, 604, 14
June 30, 1906, amount expended during fiscal year, for maintenance of improvement	107, 784. 50 19, 760. 27
July 1, 1906, balance unexpended July 1, 1906, outstanding liabilities	88, 024, 23 869, 00
July 1, 1906, balance available	87, 155, 23
Amount that can be profitably expended in fiscal year ending June 30, 1908, for maintenance of improvement, in addition to the balance unexpended July 1, 1906. Submitted in compliance with requirements of sundry civil act of June 4, 1897, and of section 7 of the river and harbor act of 1899.	35, 000. 00

THE ONE GREAT IMPEDIMENT TO OUR DEVELOPMENT IS LACK OF TRANS-PORTATION FACILITIES.

While Arkansas has encouraged railroad building in every possible way, granted them liberal franchises, vast areas of public lands, and for the greater part of the time collected only nominal taxes from them, yet, notwithstanding this liberality toward them, the railroads have failed to keep pace with the growth of industry, the development of enterprise, and the increase of commerce within her borders. Our hills in the northwest contain great deposits of coal now practically inaccessible With an open channel in the Arkansas River to markets. throughout the year this product would easily reach the cities to the farther south. Our mountains are abundantly stored with zinc and marble, now practically undeveloped because of exces sive freight rates or great distance from railroads. With the White River properly improved we could send to market, at great profit, marble as beautiful and enduring as that produced in Vermont quarries.

Our progress, in spite of this lack of transportation facilities, has been remarkable during the last thirty years. Property has increased in assessed value from a little over \$200,000,000 in 1900 to about \$325,000,000 in 1906. Our population is approaching 2,000,000. Thirty years ago there were only 60,000 pupils in the public schools of the State. To-day we enroll almost in the public schools of the State. To-day we enroll almost 600,000. Industries have diversified amazingly. We have no problem of "the unemployed." We have more labor than we can obtain laborers to perform. We face the difficulties of the future with confidence. We sincerely believe that open rivers mean more profitable returns for labor. It means cheaper transportation for freights, closer approach to markets, faster and surer development in the future than has marked the past. We ask, and in good faith expect, more liberal treatment, fairer consideration of our people's needs than have been accorded us. As a part of the broad policy of waterway improvement we will ask that a project of permanently improving our principal rivers be considered and adopted. [Applause.]

The CHAIRMAN. The gentleman from Alabama [Mr. Bank-Head] is recognized for the balance of the time.

Mr. BANKHEAD. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I have been and am a very

warm and enthusiastic supporter of the project of a 14-foot channel from the Lakes to the Gulf. But as it was presented to me it was a channel "from the Lakes to the Gulf." I have written several letters and I have made several talks in favor of that project. It was not, as presented to me, a project of 14 feet of water from Chicago to St. Louis, nor from the Lakes to St. Louis. The very object, or the main object, of the project was to have prepared for factories and farms of the great valley of the Mississippi way to the sea whenever the Isthmian Canal was finished.

Now, a channel, Mr. Chairman, is just as deep and no deeper than the shallowest point in it on the way to the sea. I was very much astonished, therefore, to learn that gentlemen were going to begin the 14-foot channel at the wrong end. Instead of begining at the sea and carrying the 14 feet up with them, they seem to want to begin at the Lakes and carry 14 feet down, and then, probably, as these are great cities with a great deal of influence, after they had gotten the 14 feet from Chicago as far as St. Louis, they will leave us unassisted to get the other 14 feet from St. Louis to the Gulf the best that we know how.

My own idea is that all this work ought to be done upon the principle upon which a plantation ditch is dug. You begin with the water at the outlet and carry it with your spades back to the tilled land, and then you know you have got the channel you want. Besides that, if you begin and provide a 14-foot channel down to St. Louis, leaving only a 9-foot channel from St. Louis to the Gulf, you have done a useless work to a very large extent. This is a silt-bearing stream, and it fills up its bottom wherever it can. It is obviously a fact that it would not be long before that part of the river which had been made 14 feet would assume, by filling, the depth of that part of it below, which is only 9 feet. The way it can be kept open is by getting the velocity of the current to scour out the channel and to keep it scoured out, and the only way that that can be done is to give the opportunity of rapid outlet at the mouth. may be said that by digging it 14 feet deep in the upper reaches first you could reach the sea through the Lakes and the St. Lawrence, or up in that way somehow. But I think the people in my part of the country have a right to demand that the General Government shall not interfere for the purpose of making the Mississippi River and Valley commerce float up-It is at least natural that it should float downstream. The main object in this is to prepare the great valley to take its part in the immense commerce which will accrue upon the completion of the isthmian canal, when, as my colleague [Mr. HUMPHREYS of Mississippi] said this morning, the Mississippi will begin, to all commercial intents and purposes, to empty itself into the Pacific Ocean.

Now, Mr. Chairman, I hope to see the day when we will get the 14 feet from the Gulf to the Lakes. I am going to do everything that I can with that end in view. I am satisfied from what I am told by my colleague [Mr. Humphreys of Mississippi], by the gentleman from Louisiana [Mr. Ransdell], by the distinguished gentleman from Ohio, the chairman of this committee, in whose absolute rectitude of character, honesty of purpose, fairness, and sound judgment I have the utmost confidence [applause], that the object of this bill is to secure the necessary survey in the lower reaches of the river as a prerequisite, so that when the work is done it shall be done from the right end. And then the great commerce of the great valley can flow downstream "unvexed and unfretted" to the sea. [Applause.]

Mr. BANKHEAD. Mr. Chairman, I did not intend to say anything during the debate on this bill, and would not do so now but for the unfair and unjust criticisms which have been passed upon it and the members of the committee who framed it. I believe, sir, that it is the best river and harbor bill that has ever been presented to this House. I know that it is the result of the most careful investigation. We began the preparation of this bill, Mr. Chairman, with the purpose in view of completing a large number of the great projects in this country that were inaugurated several years ago, believing that it was in the interests of commerce, believing that it was the very best policy to be pursued in order that the country and its increasing commerce might have the benefit of some completed project. There was Boston, New York, Philadelphia, Baltimore, Cleveland, and other great ports that were under improvement, and we have provided in this bill, according to the plans adopted when its preparation was begun, for the completion of all these great works, with one single exception, that being the port of Cleve-land, the home of the chairman of this committee, who has been so unjustly criticised upon the floor of the House.

I had the honor of serving upon the subcommittee which considered the projects in the State of Ohio, and when we reached Cleveland in the process of framing the bill, I insisted that it should be treated as all these other great projects had been and that an appropriation sufficient to carry it to completion should be placed in the bill. I was met with that determination which has always characterized the actions of the gentleman from Cleveland, and he resisted to the uttermost, and successfully resisted, a provision to complete his own port. When I asked him to give the reason for his action he replied: "I would rather have it said on the floor and in the country that my home port had been discriminated against than to have it said it had been more liberally treated than other ports in the country." Therefore that port, the home of the chairman, has been discriminated against to the extent of more than a million and a half dollars.

It has been said on the floor here by a number of gentlemen that the chairman dominates the committee. Well, sir, if he does it is because of his superior knowledge of the work in hand. If he dominates the committee, Mr. Chairman, it is because he is honest and just, because he is fair, because he sees the whole country alike. The State of Maine and the States of Texas, Alabama, or Ohio all look alike to him when it comes to providing for projects for those several States. [Loud applause.] I have served on that committee with the distinguished gentleman from Ohio for ten years, and if I had to judge, Mr. Chairman, of his politics by his conduct, by his words, by his actions in the Committee on Rivers and Harbors, I would to-day be unable to say to which party he belongs. [Applause.] If he dominates the committee, Mr. Chairman, it is because of the reasons I have given. It is because he knows more about the river and harbor improvements of this country

than any living man in it; it is because he has always been just, because he has always been fair, and if anything can be said of him it can be truthfully said that when he comes to deal with projects in which he is supposed to be personally interested he always leans back a little.

Why these criticisms? Where do they come from? Has not every section of this great country been as fairly dealt with in this measure as conditions would allow? What do our good friends from the great Mississippi Valley have to complain about in this bill? The gentleman from Illinois [Mr. RAINEY] paraded a map here the other day while he was addressing the House that is so misleading, that is so far from expressing the facts, that it is not worthy to be considered. He carefully concealed the fact that \$3,000,000 was carried in this bill for the upper reaches of the Mississippi River, from Cairo to St. Paul. No reference has ever been made to that. It is always that you have not treated the great Mississippi River Valley with fairness and justice.

I want to say in conclusion, Mr. Chairman, that I am in favor of a 14-foot waterway from the Lakes to the Gulf, and that I would have been delighted if that project could have gone into this bill; but how could we, as sensible, practical business men, acting for the Government, have put a proposition in here for the expenditure of from thirty-five to fifty millions of dollars, and nobody could say how many more, to complete this project from the Lakes to St. Louis, and leave that stretch of the river below St. Louis unprovided for, without even a reasonable guess having been made as to what its cost is to be? We have a provision in here for a survey, for a thorough examination of that project, and when the next Congress meets at least that report will be here, and we will be able to act intelligently upon the question. We will have expert knowledge, we will have at least a guess as to what it will cost and whether or not it is practicable, feasible, and desirable.

So I hold, Mr. Chairman, that the great Mississippi Valley has been not only fairly but generously treated in this bill. The Mississippi River, without counting the \$3,000,000 that has been allowed and which has been so carefully concealed by all these gentlemen, has \$15,000,000 in this bill, to say nothing of the appropriations made in the interest of those States on the Lakes which are also Mississippi River States. What do you gentlemen want? Do you want the world? Would you like to have everything in the bill given to that particular section of the country? Why, Mr. Chairman, the purpose and object of the Committee on Rivers and Harbors is to take into consideration the whole country; take into consideration the projects which are presented, to weigh them well; to investigate and to accept, in the main, the reports and the recommendations of the engineers, whose business and duty it is to make investigations and to pass upon the practicability and the cost of such projects.

I want to say in conclusion, Mr. Chairman, that I sincerely hope the amendments that are to be proposed to this bill will be voted down and voted down promptly, and when the time comes to consider this project from the Lakes to St. Louis intelligently, as I am sure it will, then we will be agreed that it ought to be provided for, and I have no doubt it will. [Loud applause.]

The CHAIRMAN. The time fixed by the House for general debate on this bill has expired, and the Clerk will report the bill.

The Clerk (proceeding with the reading of the bill) read as follows:

Improving harbor at Cape Porpoise, Maine: Completing improvement in accordance with the report submitted in House Document No. 191, Fifty-ninth Congress, first session, \$46,000.

Mr. MORRELL. Mr. Chairman, I was very much interested, and I have no doubt the other Members of the House were also, in the remarks of the distinguished gentleman from Louisiana, a member of the Committee on Rivers and Harbors, based on the general idea of enlarging the size of and making annual the appropriations for the rivers and harbors of the United States. In that connection I introduced on the 11th of January of this year a resolution which is, I think, the first attempt ever made to put in concrete form legislation on this subject, and which I would like to have read by the Clerk.

The Clerk read as follows:

[H. J. Res. 216, Fifty-ninth Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES, January 11, 1907.

Mr. MORRELL introduced the following joint resolution; which was ferred to the Committee on Rivers and Harbors, and ordered to be

Joint resolution providing for the manner of consideration of the rivers and harbors appropriation bill.

Whereas the enormous development in late years of the natural resources of the United States and the consequent increase in the production of articles for home consumption and for export has rendered the transportation facilities of the country, especially those by water, entirely inadequate to supply the demand made upon them, and to ac-

commodate the various types of vessels which modern skill has constructed to handle these products; and

Whereas, further, it is the general belief that the immediate improvement on a large scale of the waterways and harbors of the country would do much to regulate the charges of rallroads: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense and desire of this Congress that the appropriation bill for rivers and harbors shall be given the same consideration and shall be on the same scale as those for the Army and Navy and other large annual appropriation bills, and constant large appropriations being necessary to enable the United States to keep pace with the other nations of the world, and being for the good of the country at large, that this appropriation shall hereafter be an annual one.

Mr. MORRELL, Mr. Chairman, no one appreciates more

Mr. MORRELL. Mr. Chairman, no one appreciates more than I do the difficulties, many and great, with which the members and the chairman of this committee have to cope in the preparation of the river and harbor bill. Bills are introduced and propositions presented for the enlarging of harbors and for the deepening of approaches to harbors and for inland rivers, all deserving of consideration at the hands of the Federal Government, all meritorious, particularly so in the eyes of the Member or Members of the House who happen to represent the particular district in which the desired improvement is located. It is impossible and always will be impossible in view of the policy heretofore followed out of appropriating but compara-tively small sums for the great rivers and harbors of our country, and only then every two years, for the present River and Harbor Committee or any other committee, no matter how able may be those who constitute its membership, to satisfy not merely the demands of this, that, or the other Representative in Congress, but, what is more to the point, the outcry of the country at large for better water facilities.

I have listened attentively to the speeches which have been made during general debate on the bill at present before the House, and the burden of the song, either in the direct presentment of the case, as in the remarks of the gentleman from Louisiana and others, or in the replies made by the distinguished chairman of the Committee on Rivers and Harbors to questions as to why this, that, or the other meritorious measure had been omitted from the bill, has been on the line that there was not a sufficient amount of money to do all that was desired.

The time has come, to my mind, Mr. Chairman, when the present policy of the Government toward these great factors in our industrial development should be changed, or at least that this body, representing all sections of the country, should put their seal of protest against its continuance on such narrow lines.

It is unfair to the members of this great committee, who are charged with the policy of the proper development of the waterways and harbors of the country; it is unfair to the Representatives who come to Congress, and who are expected to obtain for their districts and States improvements for which there is universal and just demand, that there should not be a policy adopted broad enough to warrant appropriation bills to be passed annually carrying amounts which would insure our rivers and harbors keeping pace with our railroad and industrial development.

The recent difficulties in the Northwestern States emphasize the need of the procedure outlined in my resolution. In that region there was a complete breaking down of efficiency in the business of railroad transportation as to fuel and other supplies, making a case of either very bad management on the part of the roads or inability to make the extensions and improvements demanded by the wonderful growth of the business of the United States. This great country for the last decade has been maturing its agricultural and industrial life, and its domestic commerce has increased in volume and value to gigantic proportions. The railroads have not kept pace with the volume growth of our commerce, which has demanded a new series of well-graded roadbeds, heavy double tracks, permanent bridges, and ample terminal facilities. Commerce has advanced with far greater strides than the facilities for its handling by the transportation companies have advanced.

In 1880 the wealth of the United States was \$42,642,000,000; in 1900 it was \$94,300,000,000. In 1880 there were 93,267 miles of railroads in operation. In 1900 there were 194,262 miles, which had increased in 1904 to 212,349. The wealth of the country increased about 125 per cent in two decades, while the railroad mileage increased not quite 110 per cent. The production of coal rose from 63,000,000 tons in 1880 to 226,000,000 tons in 1890. or more than 300 per cent. Petroleum rose from 1,104,000,000 gallons in 1880 to 2,661,000,000 in 1900, and to 4,916,000,000 in 1904. Pig iron stood at 3,800,000 tons in 1880; in 1905 it had increased nearly 800 per cent. Steel in 1880 represented 1,000,000 tons; in 1904 it had risen to 14,000,000 tons. Copper in 1880 was 27,000 tons, which in 1904 had risen to 363,000 tons. Our en-

tire mineral wealth in 1880 had a value of something more than \$369,000,000; in 1900 this had risen to something more than \$1,000,000,000, and in 1904 to \$1,289,000,000. It will thus be seen that the commercial activity of the country as represented by these heavier articles of merchandise has increased during the last twenty-five years at from 200 to 500 per cent, while railroad facilities have advanced but 110 per cent.

It has been intimated by one great railroad man that the railroads of a country can by no possibility keep pace with the commerce of the country. Transportation by rail has its limitations, and we have been warned by the great congestion of the past few months, as well as by the language of Mr. Hill, that these limitations have been reached in the United States.

The limitations of railroads were foreseen by German and French transportation authorities years ago, and these limitations have begun to impress the English mind as nothing has ever done before

A royal British commission of sixteen persons is now investigating the canals of England with a view to their improvement. their attention being drawn to this problem by the part German inland waterways are playing in the transportation problem of that country. A German railway car, it is said, costs \$62.50 per ton of load room, whereas the Rhine iron barges cost but \$12.50.

The water courses of Germany and France, natural and artificial, have for many years been recognized as concomitant factors with railroads in the transportation of the commerce of these countries. There the heavy goods go by water, while lighter, more valuable, and perishable commodities go by rail. This division relieves the railroads without destroying their earning power, while distributing the commerce of the country far more efficiently than it is distributed here. Heretofore the railroads of the United States have looked upon their water rivals as enemies and have attacked every systematic movement for the improvement of our waterways. This policy, we are happy to say, is now breaking down. Railroads are becoming alive to the truth that the waterways are a relief to the colossal demands made upon them—demands which they can by no means fully meet and demands requiring the united activities of both railroads and waterways.

Spasmodic efforts are made by Congress to improve our waterways and harbors, but in no way commensurate with the demands of the commerce of the country. We have been alert in every other department of governmental activity, but have been parsimonious in the treatment of rivers and harbors.

With the hope of awakening the same alertness as to rivers and harbors that obtains in the Army and Navy and other governmental appropriations, I have submitted this resolution, and in its consideration I desire to call attention to a few statistical facts and economical conclusions.

In No. 276 of our consular reports for September, 1903, the conclusion is reached that in nearly all of the commercial countries of Europe the canal is regaining its long-lost prestige. We are told that Germany expended during the last ten years hundreds of millions of marks for the construction of artificial water courses, and that Austria will expend during the next nine years about \$65,000,000 for a like purpose. Italy, with but 2,112 miles of inland water courses, voted in 1903 to expend \$23,000,000 for their improvement. Since 1880, according to the special consular report entitled "Highways of Commerce," France has expended, up to 1899, \$155,000,000 for the improvement of its From 1802 to 1900 the United States expended ports alone. upon all of her rivers and harbors a total of \$370,411,000. France has expended in nineteen years on her harbors alone almost one-half the money expended by the United States on its rivers and harbors together in ninety-eight years.

Between 1880 and 1899 France spent \$87,000,000 on her 3,500 miles of internal rivers and canals. A canal connecting Marseille with the Rhone River received \$15,000,000, and one from Paris to Rouen \$11,600,000. Since 1899 France has been extending these canals and developing her minor rivers to a most remarkable extent. The improvements made on the Loire and its tributaries have opened inland navigation to one-fourth of all France. The increased tonnage created by these improve-ments necessitated deep water for the canal at Nantes, and they are now preparing a 26-foot depth of water at that place, so that Nantes may become a first-class seaport and keep pace with the opening of the upper Loire to navigation.

One hundred and ten million tons of merchandise are transported into France each year by railroad, and 33,000,000 tons by water. The growth of the water transportation is one of the remarkable incidents of the French transportation problem. A regular weekly service of automobile canal barges run between Paris and Dunkirk, and another from Paris to Valenciennes. The speed of the automobile barges compares favorably with

that of slow freight trains and the transportation is much cheaper.

In the volume entitled "Highways of Commerce" we find the following language:

Millions and millions of dollars have been spent and are still being spent by Germany, France, and Holland to bring their products to market. No sacrifice seems to be too great for them, and, indeed, the seaports, as we have seen, are not the only reciplents of this bounty. They understand that the heart can not be in good order without healthy veins and arteries. Hamburg, Bremen, Amsterdam, Rotterdam, Antwerp, Dunkirk, Calais, and Havre are centers whence the great arteries of trade and commerce radiate; but every one of these ports depends in turn upon the thorough and complete organization of its tributary system of railways and canals.

The opening of the Oder-Spree Canal caused the traffic between upper Silesia and Hamburg to go forward by leaps and bounds. Every deepening of the river Oder has been answered by a corresponding increase of tonnage. But recently the Prussian House of Lords has authorized the deepening of the waterway between Stettin and Berlin, so that vessels of 600 tons may ply between the cities, limiting the cost of this single enterprise to \$71,400,000. This was done with the hope that the single city of Stettin might regain the lost trade that went to Hamburg and Lubeck by reason of their excellent water connections with Berlin and that the national trade might witness a corresponding increase. The latest developments of mechanical power by the application of electric power to the propulsion of canal boats and barges have been adopted by German transportation authorities.

While Germany and France have been thus keenly alive to the appropriate development of both forms of transportation, rail and water, we, on the contrary, have apparently centered our activity upon the development of transportation by rail. We have expended seemingly vast sums of money upon our rivers and harbors, but really insignificant sums when compared with the really great expenditures lavished upon the Army and Navy and other departments of our governmental activity.

There is really but a small amount carried in the bill before the House, only \$34,000 in cash for this year and \$48,000 in continuing contracts.

Let us consider for a moment what has been done in the way of river and harbor appropriations up to the present day.

On April 6, 1802, Congress made its first appropriation for the improvement of the rivers and harbors of the United States, amounting to \$30,000; between that and March 3, 1825, thirteen other appropriations were made, no one of them amounting to \$100,000; on that date Congress appropriated \$300,000; on May 24, 1828, the \$1,000,000 mark was reached; from that until March 3, 1837, it dropped back to lower figures, when it reached \$1,666,000; dropping back again through forty-four different appropriations, it pushed forward on August 30, 1852, to \$2,099,000; on June 23, 1866, it rose to \$3,698,000, and on August 11, 1888, to \$22,235,883, and on September 19, 1890, reached the highest mark of the century, \$25,036,611.

The entire amount appropriated from April 6, 1802, to September 19, 1900, was \$370,411,124, or an average of \$3,700,000 a

Total appropriations for rivers and harbors:

200000					
From A	April	6, 1802, to September 19, 1900	\$370.	411.	124
Fiscal					623
Fiscal					199
Fiscal					150
Fiscal					200-
Fiscal					010
Fiscal	year	1907	6,	589,	866

From the annual report of the Secretary of the Treasury for the year ended June 30, 1906, the expenditures for that year alone were \$736,717,582—that is to say, the Government expends nearly twice as much in a single year for other purposes

as have been expended on rivers and harbors for one hundred and five years.

The average expenditure upon rivers and harbors for each year since 1802 is about \$4,300,000, or about what is paid for an ordinary battle ship.

Comparison of river and harbor appropriations with other appropriations:

Average annual appropriation for rivers and harbors	\$4, 300, 000
Appropriation in 1906 for civil establishment	149, 600, 000
For the military establishment	117, 946, 000
For the naval establishment	110, 474, 000
For the Indian Service	12, 746, 000
For pensions	141, 034, 000
For interest on the public debt	24, 308, 000
Deficiencies in postal revenues	12, 673, 000

Every four years we spend more for war than we have spent for rivers and harbors in one hundred and five years. Every four years we spend as much on the Navy as we have spent on rivers and harbors in one hundred and five years.

Every year we spend three times as much on the Indians as we have expended on the average each year on-rivers and harbors.

We have appropriated for the Isthmian Canal for the year ending June 30, 1997, \$25,456,415, and can well afford to expend \$50,000,000 per annum upon the development of our rivers and harbors, the basis of that trade which is to make the Isthmian Canal a profitable venture.

The expenditures for rivers and harbors from 1800 to June 30, 1905, were \$406,199,296. The expenditures for the Navy Department for the same period were \$1,668,000,000, or four times as much. Total expenditures for war for the same period \$5,495,000,000, or more than thirteen times as much. The total expenditures for the War and Navy have been \$7,163,000,000, or nearly eighteen fold.

Without disparaging the necessity for these appropriations, and without attacking their wisdom in any way, I maintain that annual appropriations for the improvement of our rivers and harbors should be placed upon an equal footing with these other great and annual appropriations.

Through the harbors of the country must pass in and out the merchandise which goes to make our \$3,000,000,000 foreign trade, and which, from that part denominated imports, furnishes the largest part of the money which is expended upon all governmental affairs.

Through our custom-houses there comes each year \$261,798,-857 as duties paid upon goods entering this country through our various ports of entry. Our total ordinary net revenue in 1905 was \$544,274,000, showing that our revenue from customs alone—a revenue depending almost entirely upon our rivers and harbors—is very nearly one-half of the entire revenue of the country. The revenue from the internal-revenue department was \$234,095,000 in 1905—a revenue very largely dependent for its magnitude upon the transportation facilities of the country. Thus out of our total ordinary net revenue of \$544,274,000, the sum of \$496,893,000 is derived from customs and internal revenue. Ten-elevenths of our revenue is entirely dependent upon the commerce of the country, and in the entire history of the Government a less amount has been expended upon all our rivers and harbors than was collected in 1905 from internal revenue and customs. That this is an unfair and unwise method of procedure is apparent, and my contention that the method of procedure should be changed is certainly entitled to the highest degree of consideration.

Of the money expended from June, 1802, to September, 1900, \$206,899,183 went to our rivers; \$127,713,856 to our harbors; \$30,245,387 to our canals; \$5,552,696 for surveys, examinations, etc. The magnitude of these harbors will be seen by an examination of the tonnage entered at and cleared from the following seaports of the United States from and to foreign countries in 1905:

Seaport.	Entered.	Cleared.
Passamaquoddy, Me Portland, Me Boston, Mass. New York. Philadelphia Baltimore. Newport News. Norfolk and Portsmouth Charleston, S. C. Brunswick, Ga. Savannah, Ga. Pensacola, Fla. Mobile, Ala. Pearl River, Miss New Orleans Galveston. San Francisco Puget Sound, Wash	Tons. 258, 949 325, 763 2, 604, 579 9, 630, 853 1, 883, 640 1, 224, 960 110, 763 90, 221 170, 536 404, 607 611, 679 259, 143 1, 791, 902 884, 536 809, 107	Tons. 281, 934 329, 125 2, 082, 814 9, 311, 527 1, 817, 984 1, 249, 698 240, 893 450, 094 19, 378 145, 554 482, 533 489, 997 604, 658 313, 127 1, 986, 313, 127 1, 986, 313, 127 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
All other seaports	2,246,186	1, 728, 962 25, 019, 820

Thus there passes in and out through these seaports, representing the great harbors of the country and depending upon the great rivers of the country to a very large degree, a grand total of 49,813,119 tons per annum, or about 100,000,000,000 pounds of merchandise. Such magnificent wealth getters as these certainly demand a better treatment than they have received, an average annual appropriation during one hundred and five years of \$4,300,000, about equally divided between the rivers and the harbors.

The following is the showing of total appropriations made to each of these seaports from April, 1802, to September, 1900:

Portland Harbor, Me	\$1, 146, 477
Boston Harbor, Mass	4, 219, 947
New York Harbor	3, 011, 530
Philadelphia Harbor	3, 940, 000
Baltimore Harbor	
	4, 340, 678
Newport News Harbor	
Norfolk and Portsmouth Harbor	189, 500
Charleston (S. C.) Harbor	4, 672, 200
Brunswick (Ga.) Harbor	235, 000
Savannah (Ga.) Harbor	861, 430
Pensacola Harbor	720, 000
Mobile Harbor	4, 248, 630
Pearl River (Mississippi) channel	18, 199
	10, 100
New Orleans Harbor:	
Eads contracts	7, 412, 000
South Pass examinations	261, 700
Other mouths or passes	1, 900, 681
Galveston Harbor	8, 528, 000
San Francisco Harbor	435, 927
Puget Sound, Washington	193, 500
ruger bound, washington	100,000

Grand total for all harbors for one hundred and

127, 713, 856

Or but little more than \$1,000,000 a year.

The following table will show the average receipts of these seaports from customs alone as paid into the United States Treasury for each year from 1898 to 1902, inclusive:

Passamaquoddy, Me	\$78, 605
Portland, Me	
Boston, Mass	17, 289, 655
New York	
Philadelphia	19, 065, 404
Baltimore	2, 653, 717
Newport News	
Norfolk and Portsmouth	
Charleston, S. C.	
Brunswick, Ga	
Sayannah, Ga	56, 500
Pensacola, Fla	50, 050
Mobile, Ala	39, 302
Pearl River, Miss	11, 190
New Orleans	4, 972, 448
Galveston	199, 442
San Francisco	
Puget Sound, Wash	515, 935

The collections for the Internal-Revenue Department for the year ended June 30, 1905, for various States were as follows:

Illinois	\$51, 892, 703
New York	27, 991, 572
Indiana	
Kentucky	21, 754, 399
Ohio Pennsylvania	19, 782, 615 19, 196, 170
Missouri	8, 461, 337
Wisconsin	7, 339, 385
New Jersey	
Maryland	6, 007, 417
LouisianaGrand total, eleven States	5, 892, 369 199, 130, 392
Grand total, eleven States	100, 100, 002

Grand total, all States _ 234, 187, 976 None of the other States pays as much as \$5,000,000 per

annum.

It will thus be seen that these eleven States, most vitally connected with river and harbor improvement, furnish productions which yield the Government very nearly four-fifths of all its revenue as collected through the Internal-Revenue Department. Whether considered from a standpoint of revenue from the customs department or of revenue from the Internal-Revenue Department, it will be seen that of the \$544,000,000 collected each year the sections containing these harbors and rivers yield the very largest proportion. If, therefore, the revenue is commercial it should be distributed more nearly in consonance with the dignity of commerce. An appropriation should be made annually for the development of these great commercial feeders and that appropriation should be large enough to equal that of any appropriation made for any other department of the Government.

A consideration of all these facts and arguments, together with many others that will suggest themselves most obviously to anyone honestly investigating the question, leads me to be lieve that the resolution should pass, and that with its passage will come a larger development of our commercial activity, an activity that will repay a hundredfold the small annual investment demanded thereby. Our country is wonderful as to its area; wonderful as to its population; wonderful as to its resources, natural and otherwise, and most wonderful as to the mighty length of its navigable waterways and the mighty area of its scaports and harbors. No country upon the globe equals it in any one of these particulars, and in the last it dwarfs into insignificance every country upon the globe. These waterways drain regions of the most wonderful wealth, and their development is a duty which as rational men we have no right to avoid. It will require millions to do the work, but these millions will

simply yield other and added millions, and we are able to expend all the millions that will be required.

In the resolution which has just been read, the first at-tempted piece of legislation which has been introduced in Congress looking to large and annual appropriations for rivers and harbors, I have endeavored to crystallize the outcry which seems to come from all parts of the country for a prompt improvement of our waterways and harbors.

At the proper place in the reading of the bill I shall introduce this resolution as an amendment, and I trust that each and every Member of the House who feels the necessity for an increased and an annual appropriation, advocated as it has been by so many eminent Members, will put his stamp of approval upon the policy to which it gives voice by giving the

amendment a unanimous vote.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the My colleague from Missouri [Mr. LLOYD], in his remarks which he just concluded, referred to the action of the legislature of the State of Missouri criticising the chairman of the Committee on Rivers and Harbors. I have been advised of this action by the newspapers, as I suppose my colleague has been, but as I read the resolution passed by the legislature, they did not in any wise reflect upon the honesty, the integrity, or the superior judgment in matters of this kind of the distinguished chairman of that committee. If they had, Mr. Chairman, I would have joined my colleague, Mr. Lloyd, and my colleague, Mr. Shackleford, in trying to induce the legislature to rescind or repeal its action. The legislature by its resolution severely criticised, as I understand, the official action of the chairman disregarding the just demands of the people of the Mississippi Valley, and that, in my judgment, they had a perfect right to do. As to the upper Mississippi River, I desire to say that as far as the people of St. Louis are concerned they are certainly just as much interested in the improvement of the upper Mississippi as they are in the improvement of the stretch between St. Louis and Cairo, and if my colleague will translate his words into actions, being a representative of the upper stretch of the river, and will introduce an amendment ere in favor of increasing the appropriation of \$500,000 for that stretch of the river, I, for one, will certainly be most happy to vote for it, expressing, as I know I shall do, the sentiment of the people of St. Louis. I withdraw the pro forma amendment.

Mr. BURNETT. Mr. Chairman, I do not rise to criticise the action of the Committee on Rivers and Harbors. How could I do so when Alabama has had such generous treatment at its

The bill under consideration carries more than \$4,000,000 for my State, and this amount will no doubt almost push to completion the most of the large projects now in course of con-

struction in Alabama.

Alabama has been especially favored by having on that committee, as the ranking Democratic member, one whose life has been consecrated to the upbuilding of our splendid Commonwealth. The long service in Congress and on the Rivers and Harbors Committee of Mr. BANKHEAD, the dean of our delegation, has enabled him during every year of that service to erect for himself some new monument to his loyalty and devotion to Alabama, and now, as he is about to retire to private life, I desire to thus publicly express the gratitude which the people of our State feel to their distinguished son. [Loud applause.] In fact, Mr. Chairman, their gratitude has already een spoken at the polls. [Applause.]

Last August, when the people were called on to select a successor to one of our distinguished Senators, should the hand of death be laid upon either, they said in tones not to be mistaken that no one of her sons was more worthy of wearing the toga of Morgan or Pettus than Mr. Bankhead. [Great applause.] The splendid vote by which they emphasized this choice showed that the toiling masses of Alabama believed that the wisdom,

the experience, and the integrity of Bankhead should not be lost to Alabama and to the country. [Applause.]

During the time he has served on that committee he has secured for Alabama rivers and harbors over \$10,000,000, to say nothing of the large appropriations he has secured for us as a member of the Public Buildings Committee. Alabama has had much at the hands of the Rivers and Harbors Committee, and she has deserved it all and even more.

Within her borders flow more miles of river susceptible to navigation than within the borders of perhaps any other State

Most of these streams have been provided for, at least for the present, but one, and that the noblest of them all, has yet scarcely been touched. [Applause.] At Rome, Ga., the Oostanaula and the Etowah come together and form the Coosa.

This magnificent stream soon leaves the borders of Georgia and flows into Alabama. Beside its banks, Mr. Chairman, I first saw God's sunlight, and near its limpid waters I have lived to this good hour. Since I became a Member of this House I have toiled in season and out of season to secure for it that recognition which I believe its importance demands. But the committee thought that other projects which were further advanced merited all that Congress could give to our State. to the wisdom of that view I now have no complaint to make. This bill gives us the best recognition that we have had in many years, and I hope that recognition is prophetic of better things

But what of the Coosa? In the first place, Mr. Chairman, there is already an inland navigation of nearly 200 unbroken miles upon this river. Going from Rome southward, steamers ply its bosom every month in the year for that distance to Lock 4.

Three locks and dams have already been completed and the dam at the fourth is nearly so.

The original project called for thirty-one locks and 4-foot navigation. This was thought to be impracticable for successful and profitable navigation, and we secured another survey. This survey showed that a better project would be to increase the height of the locks and dams and thus decrease the number to about twenty-one and give a 6-foot channel. With this work completed, the river would afford an unbroken navigation of over 800 miles—from Rome, Ga., to the Gulf at Mobile—at all seasons of the year. This will be a longer distance of continuous navigation than is afforded by any other river in the South which empties into deep water except the Mississippi.

The length of the obstructions is about 85 miles-from Lock 4 to Wetumpka-and with these removed we reach the Alabama River near Montgomery, and thence to the Gulf. In magnitude this river has but few equals. It is a deep, bold stream, with sufficient water for boats drawing 6 feet to navigate at all seasons of the year if that water were properly concentrated over the shoals and rapids between Lock 4 and Wetumpka. Permit me here to read, as part of my remarks, an extract from a memorial to Congress prepared by Capt. W. P. Lay, the president of the Coosa River Improvement Association, in regard to the Coosa River. He says:

To give a more correct idea of the magnitude of the river and its possibilities, we quote from the report of Charles Frith, United States assistant engineer, in his report of November 24, 1888, in which he says: "Velocity observations taken at Lock 4 show a discharge of 3,921 cubic feet, with a velocity of 1.33 feet per second, at a stage of 1.8 feet above low water. Similar observations at Wetumpka, at low water, show a discharge of 5,796 cubic feet, with a velocity of 0.9 feet per second."

Figure 2. The annual report of the Chief of Engineers for 1879, page 1203, the low-water discharge of the Mississippi River at St. Paul is given at 5,800 cubic feet per second. In the report for 1880, page 482, the low-water discharge of the Hudson River between Troy and Albany is given as about 2,000 cubic feet per second; and in the report for 1881, page 1929, the low-water discharge of the Ohio River at Pittsburg is given as 1,666 cubic feet at zero of the gauge, and as 5,810 cubic feet per second at 9 inches of the gauge.

Comparing these discharges with that of the Coosa at Wetumpka, it appears that the volume of water flowing in the Coosa at low water is about equal to that of the Mississippi at St. Paul, about 2.8 times greater than that in the Hudson at Albany, and about 3.5 times greater than that in the Ohio at Pittsburg.

The country through which it flows abounds in coal, iron, limestone, baryte, and other minerals, and in timber of all kinds. Along its banks and tributary to it is an agricultural country unexcelled in all the South.

At its head sits Rome, that rich and splendid Georgia city, the fires from whose furnaces turn darkness into day and the hum of whose spindles reverberate along its banks. [Applause.]

About 70 miles below is the Round Mountain iron furnace and the Dirt Cellar red ore mines, the quantity of which is inexhaustible and the quality of which is from 55 to 60 per cent metallic iron. In regard to the iron ores in this valley, Charles D. Walcott, Director of the Geological Survey, says of the red iron ores

'It is known to exist more or less continuously throughout the entire Appalachian belt, but it reaches its greatest development, both in quality and quantity, in Alabama. It supplies the furnaces at Rome, Round Mountain, Gadsden, and Attalla, all on the Coosa River, besides a very large number of furnaces in the Birmingham district, only 30 miles distant. The supply of this red ore in sight is sufficient to meet a demand much larger than the present for many years."

He also says of brown hematite ore:

A belt of these deposits extend from the vicinity of Rome southward more than 100 miles along the eastern margin of the Coosa Valley. It is probable that this belt contains more brown iron ore than all the rest of the Appalachian provinces combined, and it is nowhere more than 15 or 20 miles from the Coosa River. It supplies

ore to the furnaces at Rome, Cedartown, Ætna, Rockrun, Tecumsel, Anniston, Ironaton, and Taliadega, and besides furnishes a large amount of ore for shipment to the Birmingham district and elsewhere.

About 150 miles below Rome is Gadsden, the queen city of the Coosa, whose commercial and industrial growth has been the wonder and the pride of all who love Alabama. [Applause. 1

This splendid city sits on her throne of iron upon the banks of this river, with historic Lookout as her background, the Coosa washing her feet, bestudded with black diamonds, and the sparks from her furnaces forming the dazzling jewels which

encircle her head. [Great applause.]
A few years ago she was only a village of 4,000 souls, but now 12,000 busy people throng her streets, and the hum of honest industry is heard on every hand.

In her factory 1,000 happy laborers draw out the fleecy staple into clothing for Orientals; in her steel plant another thousand well-paid men transform her ores into billets of steel; in her furnaces another thousand convert the crude iron ore into pig, and a score of other industries give the toiling masses steady, wellpaid work. Within the past two years more than 500 houses have been built, and still the people call for more. Not a vacan't residence or business house can be found in the city, and every day a new one is started. Three immense sawmills running all the time can not fill the demand for lumber. Yet, Mr. Chairman, this is no boom town, but a city backed by generous nature and thrifty people to make it great. Iron, coal, limestone, and timber are at our doors, and soil and climate combine to pour a constant horn of plenty into her lap. Two excellent daily newspapers are growing day by day. A beautiful new Carnegie library, with well-filled shelves, caters to those who wish to read. Five railroads run in ten different directions to and from our town, and urban and interurban electric cars speed through our streets. But, Mr. Chairman, I could recount our industries and attractions and advantages for another hour and then exclaim, with Sheba's queen, "The half has not been [Great applause.] told."

Then why should we not prosper? Indeed, we are prospering, and all we need to make our happiness complete is the opening

of the Coosa to the Gulf. [Applause.]

The navigation of this stream now extends about 50 miles below Gadsden. At Greensport, 30 miles below, barite is being mined and six barges are plying the river from that place to Gadsden to bring that mineral to railroad transportation. Coal of the best quality and in large quantities is being mined at Ragland and Coal City, near the banks of the Coosa, and at Ragland a large cement plant is being constructed, which will make 2,000 barrels of high-grade Portland cement per day. Even the completion of Lock and Dam 5 will carry us far into the Coosa coal fields and open up to navigation millions of tons of this valuable mineral. What is known as "Black Ankle Coal Basin" is near Pell City, at Lock 5. In this basin there are three workable seams of coal—one of 34 inches thickness, one of 42, and one of 64. The completion of Lock and Dam 5 would open transportation down to this valuable coal property and at the same time make the river navigable below where the Southern Railroad crosses the river at Riverside, and thus give competition with the railroad. At Riverside an immerse sawmill plant is being operated, turning out millions of feet of fine lumber every year. Near Lock 5 is Pell City, where one of the largest cotton factories of the State is being operated, and where other industrial plants are springing up. This is one of the most beautiful little cities on the Coosa, and its growth and prosperity are assured.

Anniston, Talladega, Childersburg, Wetumpka, and a dozen other thriving cities are in the Coosa Valley and will furnish thousands of tons of freight for its steamers when it is opened.

There are nine counties in Alabama lying immediately upon the Coosa River and cut off from all water communication with the Alabama River, to wit: Cherokee, Etowah, Calhoun, St. Clair, Talladega, Shelby, Coosa, Chilton, and Elmore. are three counties in Georgia that are immediately tributary to this river, and nine in Alabama. The area of these Alabama counties is about 3,566,272 acres, of which more than 700,000 is in a high state of cultivation and the remainder covered with virgin forest. The assessed value of the property of these nine counties is about \$65,000,000.

The population of these nine counties is about 200,000 souls. They produce annually about 150,000 bales of cotton, 3,500,000 bushels of corn, 750,000 bushels of oats, 500,000 bushels of wheat, and other farm products, including stock, in proportion.

I have told you something of the fine mines of iron ore, but these are even excelled by the rich deposits of coal in the Coosa coal fields, through which our river runs.

This rich coal field, so appropriately named after the beauti-

ful Coosa River and valley in which it is found, lies in Shelby and St. Clair counties, Ala., with a small portion extending about a mile and a half into Calhoun County east of the Coosa River at "Ten Islands" (the archipelago of the Coosa). It extends entirely through St. Clair County, a distance of about 34 miles, and 24 miles into Shelby County, making the whole length of the field approximate 60 miles, running up and down the Coosa River, and is estimated to contain 350 square

Professor McCalley, in his estimate of the extent of the Coosa coal fields, reaches the conclusion that with an output of 10,000 tons per day the coal in this region would last 165 years.

As for the quality and character of the Coosa coals, I quote from the report of Eugene A. Smith, Ph. D., Alabama State Geologist, in his report of the Coosa coal fields, 1895:

While different seams of coal show special differences in the structure and composition in this, as in all other coal fields, yet there are general features of similarity that distinguish these coals, as a class, from other coals. They are highly bituminous—free burning—yet rich in fixed carbon. Soft, easy to mine, free from bone or slate structure and also from combined sulphur or pyrite, generally called sulphur flakes, and often and fervently maledicted by the miners in other fields. They long sustain combustion and leave but little ash or cinder and no clinker, and are hence well adapted for raising steam, for forge work, and for all other purposes of fuel.

The most important characteristic of these coals is in their superior coking qualities. They will rank among the first class of coking coals.

The lime interest of the Coosa Valley demands more than a passing thought, when we take into consideration that the lime deposits of this valley are probably the richest and most extensive to be found anywhere in the United States, and the further fact that the greatest market for lime is found in the sugar refineries in Louisiana and the West Indies, and this market begins where the waters of the Coosa River—the object of this memorial-empty into the Gulf of Mexico.

These lime deposits are found in great cliffs of pure lime-stone, assaying 98 to 100 per cent pure lime, towering up over the river and valley hundreds of feet high. They are similar to the cliff limestone region of the Ohio Valley.

Mr. Chairman, we find in this favored valley iron, coal, and limestone in closer proximity and in greater quantities and of finer quality than any region beneath the sun.

I have merely skimmed over a few of our advantages, but these show something of the importance of the river and its splendid valley. With only an inland navigation the tonnage on the river last year was more than 83,000 tons, valued at nearly \$3,000,000, and the tonnage in the valley was over 10,-

000,000 tons. Gadsden alone handled over 2,160,000 tons and Rome, Ga., over two and one-half million tons.

But I must desist. We believe that in the near future a just committee and a just and generous Congress will give to this river at least a moiety of what it deserves, and that from the mountains of north Georgia to the Gulf of Mexico the gleam of electricity will shoot out from its immense water powers; the hum of honest industry will echo from the mountains and float out upon its bosom; the shouts of myriads of happy children will ring out from the schoolhouses along its banks; the shrick of a hundred steamboat whistles will announce the steady march of commerce from the mountains to the sea. Then gentlemen from the North and gentlemen from the South will all join in one grand refrain of "Hail Columbia, happy land," and all the country will say Amen! [Loud applause.]

Mr. TYNDALL. Mr. Chairman, I do not rise for the purpos of detaining the House for any great length of time, nor to add very much to what has been said in reference to the bill now pending, but, Mr. Chairman, I wish to make a few observations on this bill, which is, as I take it, the most important bill which we have had or will have before us at this session of Congress. When I say the most important I mean the most important to the country in general. It seems to me it were now time that we pass some legislation in favor of the common people. We have increased our own salaries and that of the Chief Executive and the Senate. Don't you believe, gentlemen, that it is now time

to do something for the people at home?

The Rivers and Harbors Committee, who have had under consideration this bill, have brought out here a bill which is in many respects the best one we have ever had reported on the subject of river improvement, yet it is defective in many instances. The bill carries with it, in the aggregate, an authorized appropriation of \$83,816,138. Of this sum, \$12,145,000 is authorized to be expended in the improvement of the Mississippi River. Mark you, there is only about one-half of this amount actually appropriated. It is left to the discretion of the Secre tary of War to contract for work and improvements to the amount of one-half of this appropriation.

Mr. Chairman, it seems to me that we ought to appropriate

at least fifty millions for the improvement of the Mississippi River, the Father of Waters, the great natural spinal column of American commerce. It seems to me that the wise thing for us to do is to build the foundation of this waterway's navigation first. You know, Mr. Chairman, that the Mississippi is the great trunk navigation highway. Why should we begin building and improving the branches first? Do men build the side rooms and porches before they do the main body of the house? In the development of the railroad industry in this country the main trunk lines were built first and after that the branch lines. This bill carries with it about eight times as much appropria-tion for the smaller inlets and bays as it does for the Mississippi. For instance, there is appropriated for the improve-ment of Cold Spring Inlet, New Jersey, more than a million dol-lars—a project unheard of until a few days ago. It seems that the Cape May Real Estate Company are to be the greatest beneficiaries of this project, and are now, in contemplation that this appropriation will pass, extensively advertising their lands adjacent to this inlet and upon which the harbor is to be erected.

For more than a century, Mr. Chairman, we have been expending our money in improving the gulfs and bays along the Atlantic seaboard. Those engaged in manufacturing and foreign com-merce have grown rich. They have formed monopolies and trusts, and now at this very moment their representatives are here lobbying and bringing everything to bear upon this House which they can for their own personal aggrandizement,

Mr. Chairman, I am getting tired of seeing these eastern trusts and combines get all the ripe side of the peach and give us all the green side, no matter under what political guise it There is no politics in this matter when it comes to may come. spending the people's money in internal improvement. This idea of river improvement is not a new one. It has been studied and discussed long and well. It is well known now that the greatest enterprise upon which this Government could now embark is the improvement of our rivers. Since we are to build the Panama Canal the railroads are building no longer from east to west, but from north to south. Now open up the Mississippi River and we have the cheapest and best method of reaching the canal that could be conceived of. The Mississippi Valley will then become a great funnel through which we can pour all the surplus products of the country. We expect to spend \$200,000,000 in building the Panama Canal. Now, if that is a wise thing—and I think it is—give us \$50,000,000 for the improvement of the Mississippi River and the praise of this Congress will continue to be sung throughout the ages yet to come.

During the year 1876 688,755 tons of freight reached St. Louis by river. The following regular lines of packets and freight steamers with barges found profitable employment: The Conrad Line, the Eagle Packet Company, St. Louis and Illinois Packet Company, the Counts Line, the Mississippi Valley Transportation Company, the Missouri and Star Line, the Keokuk and Northern Line, the Anchor Line, the Carroll and Baker Line, and the Babbage Transportation Line. In the neighborhood of 350 steamers and barges; and during this same year over 2,200 steamers and barges arrived at the port of St. Louis.

Owing to the increase of the population of the Middle West, the growth of commerce, manufacture, and business interests demanded the extension of railroad facilities and the building of new lines. The liberality of the people who advocated propositions to vote railroads money and grants to secure rapid transit knew no bounds. The transcontinental railroad convention, which was held in St. Louis in 1875, contained men of prominence from all over the country. Railroad conventions were held all over the Republic, advocating the idea of the Government aiding in the building of railroads by which the country would be threaded from State to State and from ocean to ocean and bound together by ligaments of steel, connecting all parts of America socially, commercially, and politically. The steamboat men and river men generally attended these conventions and by their presence and influence aided very materially in the railroad enterprises. Rapid transit became a reality; unprecedented railroad building took place, and soon long trains of cars filled with the commodities of our farms and our mines and our factories were daily seen traveling to our The Government continued to protect to the market places. greatest extent, encourage and legislate in the interest of railroad corporations and wholly neglecting and disregarding our rivers until the owners of river transportation became discouraged, and the result is we to-day have little or no river transportation. However, we still have our rivers with us, and, Mr. Chairman, I have no doubt that we are soon to embark on this river-improvement scheme, which will be one of the grandest enterprises in which we as a nation have ever engaged. I hope the time may speedily come, and I hope this committee

will by its vote amend this bill so that the Mississippi River will now receive an appropriation of \$50,000,000. This would be an investment of money which would affect and redound to the benefit of the whole Republic and not any particular locality.

Open up this great internal waterway system, with its 16,000 miles of navigable waters, and we will witness an era

of prosperity beyond our most sanguine expectations.

Mr. Chairman, it seems to me that any Member of this House who would oppose a good, stout appropriation for the improvement of our rivers is directly interested and concerned in the financial welfare of the railroads of this country to the disregard of the welfare of the great masses of the people. therefore appeal to this House to stand by the great mass of common people who have so strongly and so earnestly petitioned us to give them this very much needed internal improvement.

The Clerk read as follows:

Improving Kennebec River, Maine, from the mouth to Gardiner, in accordance with the report submitted in House Document No. 321, Fifty-ninth Congress, second session, \$75,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$200,000, exclusive of the amount herein appropriated.

Mr. GROSVENOR. Mr. Chairman, I rise to propound a question to the committee in the interest of progress and dispatch of business. We have ascertained, those of us who have observed the temper of the House, that the chairman of the Committee on Rivers and Harbors is the best chairman that that committee ever had. [Applause.] I quite agree with that sentiment. Certainly I have learned, or we have learned by responses here, that each and every member of the committee is not only an able man, but is an honest man and is in full accord with the entire bill. We have learned further that that powerful element in the House, backed by the same momentum that has always passed the river and harbor bill, has decided that there shall be no amendment to this bill, and we have been notified on every hand not to propose an amendment. I am not going to propose any amendment. I know better than to propose an amendment to the river and harbor bill. [Laughter.] served eight years on this committee, and I learned a great deal during that time, and one of the things I learned was that when you get a river and harbor bill in the House of Representatives you get run over if you attempt to improve it. [Laughter and applause.] Therefore I suggest whether it would not be wise now, looking forward to the rapidity with which the session is running to its end, to rise and report this bill back without amendments, with the recommendation that it do pass. [Laughter and applause.]

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Essex River, Massachusetts: For improving said river by the restoration of the channel, \$5,000: Provided, That no part of this sum shall be expended unless a further amount of \$5,000 shall be provided by the State of Massachusetts or other agency, and made subject to the order of the Secretary of War in such manner as he may direct, to be expended upon said project under his direction.

Mr. LAWRENCE. Mr. Chairman, I have been requested by my colleague [Mr. GAEDNER], who found that he would not be able to be in the House when this item was reached, to offer an amendment which he had prepared to the effect that an unexpended balance of the amount formerly appropriated for this river, amounting to about \$3,000, be made available and expended in accordance with the recommendations made by Major Burr, the local engineer in charge; but I have just learned that the Chief of Engineers has ruled that legislation is not necessary, as he now has the authority to so order this expenditure, that the order has already been made, and that the sum will be expended in accordance with the recommendation of the local I would ask the chairman of the committee if that engineer. I would asl information is correct?

Mr. BURTON of Ohio. Mr. Chairman, I would state to the gentleman from Massachusetts that such is the fact. The improvement provided for in the amendment is already ordered to be done, and I would say further that I regard it as objectionable to put on an amendment of the nature proposed, because it throws doubt on other items where there is not a similar pro-

vision.

Mr. LAWRENCE. In view of the statement of the chairman of the committee I will not offer the amendment.

The Clerk read as follows:

Improving harbor of refuge at Block Island, Rhode Island: For aintenance, \$20,000.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 6, line 19, strike out the word "For" and insert in lieu thereof the words "Continuing improvement and for."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Improving harbor at Branford, Conn.: Completing improvement and for maintenance, \$5,000; and the Secretary of War is authorized, in his discretion, to remove the rocks at the outer end of the channel leading to the harbor.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment which is made necessary by an erroneous descrip-

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 7, strike out lines 13 and 14 and insert in lieu thereof the fol-

"Continue the channel with the dimensions heretofore authorized for the inner harbor through the shoals at its outer end to deep water in the outer channel."

The amendment was agreed to.

The Clerk read as follows:

Improving harbor at New Haven, Conn.: For maintenance, including channel by way of Oyster Point to Kimberly Avenue Bridge on West River, \$10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last Mr. Chairman, the other day the legislature of the State of Missouri and also the legislature of the State of Illinois passed resolutions for the benefit or, rather, the instruction of Congress. The legislature of the State of Illinois passed a resolution calling attention to the fact, in connection with the river and harbor bill, that that bill carried appropriations or authorizations to the amount of over \$16,000,000 for the Great Lakes. The purpose of making this comparison in the resolu-tion was a criticism of the bill in the interest of another proposition, which, whether it may be meritorious or not, is not for me to discuss at this time. The legislature of Missouri made the same sort of criticism for the same purpose. sometimes to pause and consider what are the facts in relation to the movement of commerce in the country. The total amount of commerce on the Mississippi River and the Ohio River combined passing the point at Cairo, Ill., where most of it passes, so far as north of Memphis is concerned, amounted to 3,909,117 tons, counting tons as the tonnage of the vessels both arriving and departing, for eleven months ending November 30 of this last year. During the same period of time on the Great Lakes the total amount of trade carried on the Lakes was 70,049,369 tons of receipts and 72,975,297 tons of shipments; and yet the criticism is made by the legislatures in the interest of tonnage on the Mississippi, as against the tonnage on the Great Lakes, when one is less than 4,000,000 and the other more than 70,000,-000 of tons. In this bill is carried an item of about \$5,000,000, or possibly exactly, for the improvement of the Detroit River.

For the nine months ending November 30 the commerce on

the Detroit River passing through that river amounted to 58,531,519 registered tons. On the Sault Ste. Marie, during the same period, the commerce passing the canals there was over 50,000,000 tons. So that the comparison of the tonnage, which might easily be carried further and to the Atlantic and Gulf ports, shows that if there be any portion of the country which is entitled to improvement it is those two places carried in this bill for the interest of the entire commerce of the country, about \$5,000,000 for the Sault Ste. Marie and about \$5,000,000 for the Detroit River; and for the State of Illinois, of which Chicago is one of the important places, to say the least-for the legislature of that State to pass a resolution criticising a bill because it carries items which are more for the interest of Chicago's commerce than for any other place in the country, leads me to make these remarks. I think that the legislature of Illinois, if it were attending to the business committed to its care, if it were considering those questions which come within the control of the legislative body of that State, and should give less consideration to those questions which come before Congress, it would do both itself and the country much more good. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr, MANN. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none. Mr. MANN. M Mr. Chairman, it is not an easy matter, as everyone in the House who ever tries it knows, to make up any kind of an omnibus bill. If the criticisms, whether expressed

or implied, by these legislative resolutions had not been made I would not take the trouble to say a word in regard to the chairman of the committee reporting this bill. He needs no defense There is no one who sits at a desk [Applause.] in this Hall who does not take off his hat in profound respect to the distinguished gentleman from Ohio. [Applause.] But in view of the criticisms which have been made of him I desire to say that, in my opinion at least, there never has been in the history of our country a man who has done more good and with more justice in making up the river and harbor bill or any other bill than the gentleman from Ohio who reports this bill. [Applause.]

It is easy to find fault with his action. I take that liberty with him myself when I please. It may be that the bill is not perfect. Of course it is not perfect. There may be items in it that ought to be stricken out. There are very likely items out of it that ought to be put in. That is human nature. But I do not think it lies within the province of either Missouri or Illinois to criticise items which are in this bill, with more than \$11,000,000 for the improvement of the Mississippi River and with more than \$16,000,000, as stated here, for the improvement of the Great Lakes. These States, with their shipments going both south and north, ought to give praise to the committee which has provided these great amounts without necessarily relaxing an ambition to carry on other improvements [Applause.]

The CHAIRMAN. The pro forma amendment may be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Echo Bay, New York: For removal of Long Rock and for maintenance, \$12,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment there. I will state that this amendment is made necessary in order to designate the improvement to be made.

The CHAIRMAN. The gentleman from Ohio [Mr. Burton] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 9 strike out all after the words "New York," in line 21, and all of line 22, and insert in lieu thereof the following:

"Completing improvement in accordance with report submitted in House document No. 182, Fifty-ninth Congress, second session, and for maintenance, \$12,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Improving Ambrose channel, New York Harbor: The Secretary of War many enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, to an amount not exceeding \$1,148,510, exclusive of amounts herein and heretofore appropriated or heretofore authorized, from which amount, or from any amounts heretofore appropriated or authorized for said project, not exceeding \$800,000 may be expended for the construction of two suction dredges: Provided, That during the continuance of excavation in the said Ambrose channel the navigation thereof may be restricted by regulations to be issued by the Secretary of War, limiting the use of said channel to daylight navigation by vessels of 29 feet draft or over.

Mr. BURTON of Ohio. Mr. Chairman, I notice a slight error here, and, while not serious, the phraseology should be corrected. There is nothing appropriated in this paragraph, so the word "herein," in line 18, and the word "and," at the be-ginning of line 19, should be stricken out. I move that those two words be stricken out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. Burton].

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Improving Bay Ridge and Red Hook channels in the harbor of New York: The Secretary of War is authorized, in his discretion, to modify the project for this improvement by making the depth less than 40 feet.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph. The complaint which most Members make against this bill is that they have failed to get something beneficial to their localities; the complaint of the people of the city of New York is that the bill takes from them something they already

In 1899, in the same act in which the Ambrose channel project was authorized, the project known as the Bay Ridge and Red Hook channels improvement was initiated in the following language:

guage:
Improving Bay Ridge channel and Red Hook channel in the harbor of New York: Continuing improvement, \$100,000: Provided, That the work shall be begun at the 40-foot curve at the southerly end of Bay Ridge channel and be continued through it along the Brooklyn shore to Twenty-eighth street until the said Bay Ridge channel shall have a uniform depth of 40 feet at low tide and a width of 1,200 feet, and the improvement of the Red Hook channel shall be begun on its southerly end and at its junction with the Bay Ridge channel, and be continued through it to its junction on its northerly end with the Buttermilk

channel until said Red Hook channel shall have been made to a depth of 40 feet at low tide and a width of 1,200 feet: And provided further, That contracts may be entered into by the Secretary of War for the completion of said Bay Ridge channel and Red Hook channel, to be paid for as appropriations may, from time to time, be made by law, not exceeding in the aggregate \$2,400,000, exclusive of the amount herein and heretofore appropriated.

These channels lie along the east shore of the upper bay better known as the South Brooklyn water front, and with Buttermilk channel form an easterly channel between the Narrows and the East River, and are separated from the main channel by Governors Island and a broad shoal off Gowanus Bay. In 1881 a project was adopted to make these channels 18 feet deep and 200 feet wide, and subsequently it was modified so as to make the depth 26 feet with a width of 800 feet in Bay Ridge channel and 400 feet in Red Hook channel. This project was completed in 1899 at a cost of about \$1,090,000. The same year the existing project was authorized.

To July 1, 1906, \$1,081,320.20 had been expended under the authorization of the act of 1899, and the appropriations already made aggregate \$1,499,000. About 75 per cent of the entire area to be dredged has been excavated to depths from 28 to 40 feet; 11,082,203 cubic yards have been removed, which is about one-half of the entire amount necessary to be removed.

According to the report of the Chief of Engineers for 1906 Bay Ridge channel is available for, and is used by, vessels of 30 feet draft as far as Fortieth street, Brooklyn; and except for few shoals it has 35 feet depth to that point with a width of about 800 feet. Above Fortieth street to Red Hook channel, which commences at Twenty-eighth street, Brooklyn, where Bay Ridge channel ends, there is a depth of 30 feet and a width of 500 feet; toward Gowanus Creek the available depth is about 24 feet. Red Hook channel, which commences at Twenty-eighth street and continues in a northerly direction along the Brooklyn shore until it reaches Buttermilk channel has 35 feet continuous depth throughout its entire length, but there is not yet sufficient width for navigation by vessels requiring so much water. Its available depth is 30 feet for 300 feet width and 26 feet depth for about 800 feet width. The total length of the two channels is 41 miles, and the mean rise of tide is 4½ feet.

The commercial statistics for the calendar year 1905 show that along Bay Ridge channel, from Ninety-second street to Twenty-eighth street, the approximate number of tons of freight received at the docks was 1,110,000, valued at \$51,485,000; tons shipped, 630,000, valued at \$32,520,000; in all, 1,740,000 tons, valued at \$84,005,000. There are no statistics of the freight shipped and received along Red Hook channel, but the local engineer estimates it as one-sixth of that of Bay Ridge channel, In addition 3,000,000 tons of freight pass to and from Gowanus Canal and Creek, and an enormous amount of freight passes through the channel to various destinations of which no attempt is made to keep records.

Such, briefly, was the status of the projects for the improve-ment of Bay Ridge and Red Hook channels when the river and harbor bill was reported to the House Saturday, January 26 of this year.

The bill was not in print until the 28th of January, when an examination disclosed the provision for the modification of the project. It was inserted, so far as I am aware, without notice to or consultation with any of the Representatives from the city of New York and without knowledge by them that any such action was contemplated. No opportunity was afforded to discuss the provision in committee by those representing the section to be affected, and I am convinced that the committee acted in ignorance of the facts which I shall now present.

A careful examination of the report of the Chief of Engineers discloses not even an intimation that a modification of this project was contemplated or that it would be suggested. The provision is the result of recommendations made, but not published so as to be available, since the 1st of January of this The recommendation grows out of the abandonment, or at least the temporary suspension, of work under the contracts for the improvement. I am somewhat embarrassed in stating just how the provision was adopted, since I have been unable to obtain all of the correspondence had in relation to this matter. I have some of it. I do not know, however, whether it When the chairman of the committee presented is complete. this bill to the House on Thursday last, January 31, I requested him to furnish me with the correspondence upon which this recommendation was based. I have made several efforts since to obtain it without success. It is not in criticism that I state these facts, since the chairman of the committee frankly informed me that he doubted the advisability, because of important considerations from the standpoint of the United States, to make the correspondence public at this time, but merely to

account for my inability to discuss with that thorough knowledge of the transaction which I should prefer to have. It is fair to add, too, that the chairman stated that he would be glad to furnish me with the correspondence for my own information, but not for publication. The information thus obtained, however, would be of no service to me.

From other sources, and in a perfectly legitimate manner, I have obtained copies of official communications which I shall utilize in this discussion. On January 11, 1907, the local engineer in charge of improvements in New York Harbor, Lieut. Col. W. L. Marshall, wrote as follows to the Chief of Engineers:

gineer in charge of improvements in New York Harbor, Lieut. Col. W. L. Marshall, wrote as follows to the Chief of Engineers:

5. The available funds were appropriated under authority of March 3, 1899, providing "that contracts may be entered into by the Secretary of War for the completion of said Bay Ridge channel and Red Hook channel" at a total cost not exceeding \$2,500,000. It is impossible now to enter into another contract for completing the projected channels within the authorized limit of cost, and therefore, except in the improbable event of the present contractor's continuing the work, it would seem that action by Congress is needed, either to extend limit of authorized expenditure, or to modify and reduce the extent of the adopted project. The latter plan seems to be preferable for reasons as fellows:

6. The present project for a channel of 40-foot depth and 1,200 feet width throughout Bay Ridge and Red Hook channels is far in excess of any existing demands of navigation in that part of the harbor. I do not know of any ships now built, building, or projected which expect to require 40-foot depth in these channels. For present needs a depth of 25 feet in Bay Ridge channel above Thirty-eighth street, and the same depth throughout Red Hook channel, would be practically sufficient; greater depths would not be used now.

7. An excellent channel, fully meeting the needs of all present shipping and of all that I can learn of for the immediate future, could be made at comparatively small expense by dredging Bay Ridge channel to 35 feet depth and 1,000 feet width below Fifty-fifth street and increasing the width to 1,200 feet, for convenience in turning large ships, between Fifty-fifth and Thirty-eighth streets, and by removing the more prominent shoals in Red Hook channel. It seems probable that this could be done with the balance of previous appropriations now available, about \$270,000. If it could not be completed to the full widths stated, it could be to very nearly those widths. It would provide at an ea

Some other matters are referred to in the communication, which I shall withhold for the present. That letter, however, dated January 11, 1907, contains the first suggestion or inti-mation, so far as I have been able to ascertain, that the Bay Ridge and Red Hook channels project should be modified. bill was reported with the modification recommended on January 26, 1907. And, so that there may be no quibbling as to whether this item means that the project has been modified or only that it may be modified, I shall only add that the Secretary of War has already approved the recommendations contained in that communication from Colonel Marshall.

Meanwhile what was the actual situation in New York Harbor?

As a result of several decisions of the Secretary of War upon applications made by the city of New York the city is unable to build piers in the North River of sufficient length to accommodate the vessels now built as well as those in contemplation. The only available and undeveloped water front in the city that could be utilized for the increasing demands of commerce and of navigation is the water front on the Bay Ridge channel. With the knowledge that the United States was making, and had been so engaged for more than five years, a channel 1,200 feet wide and 40 feet deep along the South Brooklyn shore, the city took up the question of constructing a system of public docks to accommodate any ships that might possibly enter the harbor when the Ambrose channel is completed and seek adequate docking facilities. Upon examination it was disclosed that private interests had already acquired upon the Bay Ridge channel large tracts and were engaged in developing the property for private docking. The Bush Terminal Company has built six or seven solid concrete piers 1,400 feet long, 150 feet wide, with slips 270 feet wide, that accommodate six steamships at one time. Other piers of a similar character are to be constructed. This company alone moved upon the railroad system established within its limits over 70,000 tons of freight during the month of December, 1906. The total tonnage of vessels docked at its piers during the year 1906 was 1,714,516 tons, the average tonnage of the steamships was 3,000 tons, and their

greatest draft, limited by the lack of water, 30 feet.

The Morse Iron Works has two plers, one 70 and the other 80 feet wide, and each 2,000 feet long. Realizing that with the acquisition by the city of the ferry from the foot of Whitehall street in Manhattan to Thirty-ninth street in Brooklyn, on the Bay Ridge channel, and the proposed establishment of another

municipal ferry from the same terminal in Manhattan to about Sixty-first street in Brooklyn, with the consequent rapid development of the adjacent territory and the unquestioned enhancement in values, it would be necessary for the city to act quickly if it would continue its policy to own and control the piers and water front for the benefit of commerce, steps were taken to make possible the acquisition rapidly of that territory adjacent to Bay Ridge channel deemed desirable for a system of public

At the session of the legislature in 1906 an amendment to the charter of the city of New York was obtained to expedite proceedings in which property is acquired for wharfage purposes. Work upon plans was immediately commenced, and on January 30 of this year, in the belief that these projects for the improvement of Bay Ridge and Red Hook channels would be completed, the commissioner of docks of the city of New York applied to the board of estimate of the city for leave to acquire twelve tracts of land adjacent to the Bay Ridge channel as the first step in the consummation of the plans to develop that water front and in the construction of a system of piers that would be unrivaled in any port in the civilized world. The location of the property sought to be acquired and its assessed valuation, as given by the commissioner, is as follows:

ı		Assessed
Į		valuation.
ł	Block between Twenty-eighth and Twenty-ninth streets	
ĺ	(Second avenue to pierhead line)	\$120,000
ı	Block between Thirtieth and Thirty-first streets	136, 000
۱	Block between Thirty-first and Thirty-second streets	137, 000
۱		
ı	Block between Thirty-second and Thirty-third streets	139, 000
ı	Block between Thirty-third and Thirty-fourth streets	137, 000
ı	Block between Thirty-fourth and Thirty-fifth streets	137, 000
I	Block between Thirty-fifth and Thirty-sixth streets	137, 000
ŀ	Block between Fifty-seventh and Fifty-eighth streets (First	2011 000
ı		0= 000
ı	avenue to pierhead line)	95, 000
۱	Block between Fifty-eighth and Fifty-ninth streets	90, 000
ł	Block between Fifty-ninth and Sixtleth streets	86, 000
ı	Block between Sixtieth and Sixty-first streets (First avenue	
ı	to Narrows avenue) lot No. 1	35, 000
ı		
I	Same block, lot No. 5	42, 000
ı	Block between Sixtieth and Sixty-first streets (Narrows	
۱	avenue to bulkhead line) lot No. 1	2,000
	Same block, lot No. 6	2, 400
I	William Marches and Time Administration of the Control of the Cont	-, 100
ı		

Total assessed valuation_. 1, 431, 000 In his application to the board of estimate the commissioner of docks says:

All this property will be available for trans-Atlantic ships when improved, and plans have been drawn with this end in view. The development of the Pennsylvania Railroad (connecting railroad) and the developments sure to proceed from the fact of the city's operation of the ferry to Thirty-ninth street from Whitehall street, and in connection with the projected or proposed ferry to run from Whitehall street to about the foot of Sixty-first street, South Brooklyn, will in the near future increase the valuation of this property without any doubt.

It is therefore, to my mind, expedient for the city to start proceedings for the acquirement of that portion of it shown on the map at the earliest practicable date.

I have been informed, and I have endeavored to ascertain accurately the facts, although embarrassed by the unexpectedness of this proposed modification and the lack of time to obtain positive information, that the plans contemplate piers of about 2,000 feet length or more, as piers can be built on this channel 2,400 feet long and which will accommodate at one time four of the largest ships in existence. This great improvement is planned in the belief and upon the assumption that the project initiated in 1899 to deepen and widen Bay Ridge and Red Hook channels would be completed. A rough estimate has been made that the expenditure by the city for this improvement will exceed \$10,000,000. The property to be taken will undoubtedly cost at least \$2,000,000 and the improvements contemplated over \$8,000,000 additional.

Colonel Marshall, in the letter already quoted, states that-For present needs a depth in Bay Ridge channel above Thirty-eighth reet * * * would be practically sufficient; greater depth would street * * * not be used now.

It is somewhat startling to find that from Thirty-eighth street to Twenty-eighth street, where it is recommended that the depth of 25 feet will be adequate instead of 40 feet, is where the city contemplates taking 70 per cent of the frontage, as will be seen from an examination of the above statement of the land to be acquired. If this recommendation is to be made, and the Secretary of War has already approved the recommendation, then it would be preposterous for the city to undertake the contemplated improvement. It would be idle to build a system of docks to accommodate vessels that would require a channel 40 feet at mean low water upon a channel the depth of which would only be 25 feet.

In the same letter Colonel Marshall states:

I do not know of any ships now built, building, or projected which expect to require 40 feet depth in these channels.

This statement is hardly accurate. The purpose of the city is to furnish accommodations to the largest vessels along these channels. I have been informed that applications have already been made to the city for leases of the piers now in contemplation. It is desired that ships may sail regardless of tide and not be compelled, as at present, to wait upon the tides. Three ships of the White Star Line now sailing from New York, namely, the Celtic, Cedric, and Baltic, can load to 36 feet, but at present can only load so as to avail themselves of 30 feet draft. The North German Lloyd Steamship Company is reported to be preparing to brild a chip centrally as large.

be preparing to build a ship equally as large.

Of what avail to complete the Ambrose channel and give 40 feet to the sea if the project which will enable vessels to dock is to be abandoned? I know that the chairman of the committee was opposed to this project when it was originated. It was authorized in the Fifty-fifth Congress just prior to my membership in this House. It was charged that it was largely for the benefit of private interests. Conditions, however, are now changed. Whatever may have been the facts when the project was authorized, the truth is now that this project is essential to the commerce of the port of New York. Failure to complete it as originally planned will be a tremendous blow to the development of the port.

It has been suggested that it is unnecessary to deepen these channels to 40 feet, since the Ambrose channel will not have 40 feet until 1911. These projects were authorized in the same Both are about equally advanced. nearer completion, it is the Ambrose channel. Of course there to have a greater depth in these channels than in Ambrose channel, but it is wise and proper and expedient that both projects be continued together, so that when the Ambrose channel is completed these channels will not only have an equal depth, but will reach a system of wharves that will accommodate any ship requiring the great depth of the Ambrose channel. Moreover, the city plans years ahead. Its leases of dock property are usually for long terms. Is it not best to permit the development of the water front to be planned and conducted with the certainty that the greater depth will eventually be provided?

So much misunderstanding exists regarding expenditures made and authorized for the improvement of New York Harbor that I shall briefly review what has actually been done by the United States. It will make more apparent the injustice and the unwisdom of the paragraph to which exception is taken.

Before the United States undertook any improvement of New

Before the United States undertook any improvement of New York Harbor the least depth in mid-channel on the outer bar was 23.7 feet at mean low water and about the same across three other shoals between the bar and deep water in the harbor. A large proportion of the commerce of the port, carried in vessels of greater draft, could cross the shoals only at or near high water.

In 1884 the Secretary of War approved a project for the improvement of Gedney channel, and in 1886 the project was extended to cover the entire main entrance to the harbor. The authorized projects provided for the dredging of a channel 1,000 feet wide and 30 feet deep at mean low water from deep water below the Narrows through Main Ship and Gedney channels to deep water outside the bar. The estimated cost was \$1,490,000 for dredging 4,300,000 cubic yards. The actual amount dredged to October, 1891, when the work was approximately completed, was 4,875,079 cubic yards.

In November, 1892, the existing project for the maintenance of channels was approved. The yearly cost of this work varies, but it is estimated to average about \$50,000 annually.

On July 1, 1906, the amount expended under these projects amounted to \$2,027,317.29, of which \$509,292.79 had been applied to the maintenance of the channels during the fourteen years that had elapsed since their completion. These expenditures have resulted in channels with a depth of 30 feet at mean low water and widths of 1,000 feet.

In 1899 a project was adopted for making an entrance to the harbor by way of Ambrose, or, as it was then known, "East channel." A continuing contract was authorized, at a cost not to exceed \$4,000,000, to make the channel 2,000 feet wide and 40 feet deep at mean low water. The completion of this project will obviate the long detour now necessary inside Sandy Hook, with its dangerous angle of more than 90°.

This channel is about 7 miles in length, and its original available depth at mean low water was 16 feet. According to the report of the Chief of Engineers there had been expended on this project up to July 1, 1906, \$2,359,647.45. With this expenditure two dredges have been built, 21,672,272 cubic yards of sand have been removed, and the channel has been excavated to 40 feet depth or more, with varying widths, for a length of 11,000 feet, and to 35 feet depth for 12,000 feet. A narrow shoal still stands between these two sections. While the channel is not yet open to navigation, yet on June 30, 1906, the

maximum draft that could be carried in the channel was 28 feet. Within a very short time the maximum draft that can be accommodated will be 29 feet.

The foreign exports and imports for the port of New York (this expression being used to distinguish the foreign trade from the domestic commerce) during the fiscal year ending June 30, 1905, were approximately 9,366,000 tons, valued at \$1,311,-461,581, an increase over the valuation in 1886, before the improvements were initiated, of \$471,184,889. The leading articles of import into the United States at New York in that year were sugar, tea, and coffee, wool, cloths, and dress goods, leather and leather goods, tin, rubber, tobacco, and rope fibers, which, with other miscellaneous imports, aggregated about 4,160,000 tons, valued at \$695,166,950. The value of such imports for all other ports of the United States for the same period was The leading articles of export were cotton, bread-\$503,479,947. stuffs and other provisions, oils, tobacco, metals, and manufactures, which, with miscellaneous items, amounted to about 5,206,000 tons, valued at \$616,294,631. The value of such exports from all other ports of the United States for the same period was \$998,361,184.

The entire cost of the improvement of New York Harbor to date is less than 1 per cent of the increase in the value of the port's foreign commerce since the improvement was begun and less than one-third of 1 per cent of the present annual value of the port's foreign commerce.

During 1905, 120 different ships drawing 27 feet or more made 573 trips outward and 104 trips inward. Prior to the improvement none of these ships could have crossed the bar and entered or left the harbor except at full high tide or after lightering.

This provision to which objection is made is unusual in a river and harbor bill. Considering all the circumstances, it is unprecedented in the history of river and harbor legislation. Its retention will be a great injustice to many persons who in good faith have projected improvements in the honest belief that the original project would be completed, and a great public enterprise about to be undertaken by the city of New York for the benefit of the country's commerce will be halted at its inception.

It should not be necessary to plead for the exclusion, or at least the modification, of this provision so as at least to prevent the change in the Bay Ridge channel as recommended. The State of New York has been generous with its treasure to develop its commerce and its highways. It has not endeavored to saddle all of its burdens upon the Federal Treasury. Its people have done something. They have voted to spend \$110,000,000 to enlarge the Eric Canal so as to have a waterway 12 feet deep from the Lakes to the sea; they have authorized the expenditure of \$50,000,000 for improved roads; they have expended more than \$20,000,000 to acquire and preserve their own forests and thus conserve the water supply of themselves and of the people of several of the New England States.

The city of New York is ready to expend more than \$10,000,000 to furnish berths for the leviathans of the deep that will carry the products of every section of the country to be sold in every clime. A self-reliant people, ready to utilize their own resources to the fullest extent, should not be hampered or thwarted by the hasty adoption of this provision, recommended without knowledge of the conditions and facts, under a mistaken conception of the results to be accomplished, and with no opportunity given to the officials of the municipality most vitally affected to present the facts that would demonstrate conclusively the unwisdom and the gross impropriety of this provision.

There is no need for haste. The project can as easily be modified in the future as at present, if after full investigation, with knowledge of all the facts, it be deemed advisable then to make the modification now proposed.

make the modification now proposed.

Mr. BURTON of Ohio. Mr. Chairman, a very brief explanation will show that nothing has been taken away from the city of New York; that this paragraph will not be prejudicial; and that the striking out of the paragraph would make it worse than it is now.

In 1899 provision was made by appropriation and authorization of \$3,000,000 for deepening the channel to 40 feet in depth along in front of Bay Ridge and Red Hook channels. Of that amount \$2,000,000 has been appropriated, and there remains about \$1,000,000—\$1,001,000 to speak exactly—yet to be appropriated and expended upon this project. It has been ascertained now that the dredging of this channel will cost \$1,250,000 in excess of the estimates upon which the appropriation and authorization of \$3,000,000 was made in 1899. It also appears that a 40-foot channel would, under present conditions, be entirely useless here, because there is not yet a channel of 35

feet in depth, indeed only 32 feet in depth, to the deep sea, and there is no probability that there will be a 40-foot channel until at the earliest 1911.

Now, the contractors who were to do this work have failed, and I may say there is nothing mysterious or important about the situation; but there are some reasons why this correspondence should not be exposed. There is a retained percentage on the amounts they were to receive, and they have given bond. Now, if we were to come here and in express terms pass a statute determining the depth, it is a grave question whether we would not release that retained percentage and also relieve the contractors from their bond. It is sensible, under the circumstances, to give to the Secretary of War discretion to provide such less depth as he may think best. Now, what would be the result if this paragraph were stricken out? Work would be done with a view to 40 feet. Embarrassment would result. In some places the Secretary of War might, if he desired, finish 40 feet and leave the rest 20 or 25. So this is a provision for the benefit rather than to the injury or the detriment of the locality in question.

Mr. FITZGERALD. The gentleman does not deny that the

recommendation of the local engineers —
Mr. BURTON of Ohio. I have a telegram to this effect, which I will read .

No objection known to stating to the House that depth proposed is 35 feet.

That telegram is from the Chief of Engineers.

Mr. FITZGERALD. I have the letter of Colonel Marshall here, and the local engineer says that 35 feet is proposed to Thirty-eighth street, and from Thirty-eighth to Twenty-eighth, 25 feet; and it is between those two points that the city proposes to acquire seven blocks, and in one other there is a municipal ferry

Mr. BURTON of Ohio. The gentleman has that letter, but he must be laboring under a misapprehension. Of course the final authority is the Secretary of War, and I think I shall have to rely on the latest information about that. This telegram is from the Chief of Engineers, to the effect that the depth proposed is 35 feet. That can probably be obtained with the money already appropriated and authorized. to provide more when it will be four years and probably five six years before we will have the 40-foot channel to the sea.

Personally I should have no objection to a clause being inserted here to the effect that the depth should be not less than 35 feet instead of 40 feet; but I do not think we had better do that. I think we had better leave that to be worked out by the executive department.

[The time of Mr. Burron of Ohio having expired, by unani-

mous consent it was extended three minutes.]

Mr. FITZGERALD. Will the gentleman also add a provision or limitation upon the power of the Secretary to decrease the width of the channel? It is proposed to narrow the channel.

Mr. BURTON of Ohio. I take it that it is desirable that the width should be retained.

Mr. FITZGERALD. The ships can not turn if it be nar-

Mr. TOWNE. I should like to ask the chairman of the committee whether he would object to an amendment in this form: Provided, That the depth in said channel shall not be less than the depth maintained in the outer channel of New York Harbor.

Mr. BURTON of Ohio. I have no objection to an amendment for 35 feet, except that it might interfere with legal proceedings of some importance to the Government. My impression is that we had better leave it alone.

Mr. TOWNE. It seems to me we ought to provide a depth in these channels adequate to the accommodation of vessels coming in through the outer channel, but I do not see why we need it any deeper than that, and so I think a proviso requiring the depth to be the same with the outer channel would be an appropriate one.

Mr. BURTON of Ohio. I will state to the gentleman that my understanding is, and it has been stated to me by the en-gineers in New York Harbor, that the plan is to secure 35 feet as soon as they can—they hope at the end of this year—and then secure not an additional 1, 2, or 3 feet, but to go on and secure an additional 5 feet as a part of one indivisible improvement. So that I do not see that the gentleman's amendment would do any good.

Mr. FITZGERALD. In that case, I would propose to amend by inserting after the paragraph the words:

Provided, That the depth in these channels shall not be less than 35

Mr. BURTON of Ohio. The objection to that is that it interferes or is liable to interfere with rights of the Government in litigation. I want to say that the Department has the

most careful regard for this harbor. If there is any one harbor that I think we ought to provide for carefully, it is New York Harbor, because in proportion to its great commerce it has received less than the others; but it seems to me illogical and absurd to be digging the interior channel opposite the wharves to 40 feet, while the channel across the outer bar is to be only 35 feet for some years. I presume the course pursued would be exactly that outlined in the amendment of the gentleman from New York [Mr. Towne], as far as the money would be sufficient to accomplish it.

Mr. FITZGERALD. Does the gentleman not think it desirable that by the time the Ambrose channel is completed there should be water inside to accommodate the vessels that can use the channel? Of what use is it to complete that channel if there is no place where ships can be berthed?

BURTON of Ohio. There is sufficient room on the

North River.

Mr. FITZGERALD. I do not think there is sufficient length. Mr. BURTON of Ohio. Mr. Chairman, I trust that neither

of these amendments will be adopted.

Mr. WALDO. Mr. Chairman, the dredging of Bay Ridge and Red Hook channels is a part of the plan adopted by the War Department on the recommendation of its engineers in 1899, which proposed making a 40-foot channel, 2,000 feet wide, by way of East channel (now known as Ambrose channel) from Sandy Hook bar to the Narrows, and from the Narrows 1,200 feet wide through Bay Ridge channel to Twenty-eighth street, and through Red Hook channel to Buttermilk channel. This plan was adopted in the river and harbor bill of 1899, and continuously since 1899 work has been going on for the deepening of Ambrose channel from Sandy Hook bar to the Narrows, and from the Narrows for the deepening of Bay Ridge and Red Hook channel. I know about these channels. Bay Ridge channel runs along the westerly side of my Congressional district. The deepening of these channels was part of a plan to increase the dock room for large steamships within the city of New York. All the dock room on East River and North River in the city of York is now owned and occupied. Many of the great steamship lines have been unable to obtain dock room, and have been obliged to seek larger and more commodious quarters on the New Jersey shore.

The work has been going on since 1899 for the purpose of making a channel eventually 40 feet deep from the sea, with wharves, docks, and improvements along the line of Bay Ridge channel and along the line of Red Hook channel to give the increased room so greatly needed.

This general plan to make New York Harbor a 40-foot harbor has been prosecuted for seven years. Relying upon this action of Congress and the Federal authorities, a very large scheme of improvement has been undertaken by the city of New York. The city authorities have already under way plans for the con-demnation of seven or eight blocks along the westerly side of my district fronting on Bay Ridge channel, where they expect to expend \$10,000,000 in putting in great docks and wharves for the accommodation of the largest vessels that may float.

I agree with the gentleman from Ohio that until Ambrose channel is 40 feet deep there is no necessity for having Bay Ridge and Red Hook channels 40 feet deep, or of a greater depth than Ambrose channel. But this has been one plan and continuous improvement, and as Bay Ridge and Red Hook channels have been deepened to connect through the Narrows with Ambrose channel, Ambrose channel also has continuously been deepened out to the sea, so that it is to-day considerably deeper than the channels at Bay Ridge and Red Hook. There is no danger, if this improvement is allowed to continue, that these inside channels will be deepened any faster than the one It has not been done up to the present time. Ambrose channel is to-day, as I understand from the engineers, practically 1,000 feet wide and 35 feet deep from Sandy Hook bar to the mouth of Bay Ridge channel. It is proposed in April, as I understand from the engineers, to throw open Ambrose channel for the use of ships of over 29 feet draft during the daytime, and the deepening of Bay Ridge and Red Hook channels should be continued, so that there will be dock room for such ships at the nearest point from the ocean.

Early in this session the chairman of the Committee on Rivers and Harbors asked me if I had any suggestions to make for the improvement of New York Harbor. I told him I had no suggestions except to continue those improvements already under way. I do not believe that he intended that I should not be aware of this proposed abandonment of so important a project, but I was not aware of it until the river and harbor bill was printed. I went to him at once and told him that I thought it would be a serious detriment not only to my district but to the city of New York to have any interference with the continuation of this general plan for improvement of the harbor, and that I believed that it ought to be continued.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WALDO. I ask unanimous consent for five minutes

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that this paragraph may be postponed until we are through with section 1 of the bill. I am inclined to think that we can get together on this, and I should like to call the engineer here.

Mr. WALDO. Before that motion is put, Mr. Chairman, I would like to have the extra five minutes, for I have a few

words more I want to say.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. WALDO. Mr. Chairman, there remains a large portion of the amount authorized for Bay Ridge and Red Hook chan-nels—something like \$1,200,000—still unexpended for this improvement. There is now already appropriated to continue this improvement \$270,000, which undoubtedly would be enough to continue it until the next river and harbor bill is passed. So that there is no reason why anything whatever should be The procontained in this bill in regard to this improvement. posed change in the present law ought to be stricken out. There is another reason why I believe it ought to be stricken out that has been suggested to me by the chairman of the com-mittee himself, and also mentioned in his last remarks. It seems to me that the provision here which gives the Secretary of War the right to modify the terms of this improvement as fixed by law will practically release the bond of the present contractor, who has defaulted. We do not desire that he shall We want this contract to go on in some form. It has been let, the engineer states, at a lower price than it can be let again. Certainly we ought not to release him in order to pay him or some other contractor more money to carry out this improvement on a modified plan than under the original one. Perhaps a greater difference than the money now on hand would then be necessarily paid to complete these channels of much less depth and width.

It is for the benefit of the great harbor of New York generally that there should be more room as near as possible to the sea for the great ships to dock, and on these channels only can such room be had. New York City itself intends to expend \$10,000, 000 for wharves and docks to improve it. There is no other improvement that I know of mentioned in the bill where the local authorities expect to spend so much in addition and in aid of the Improvement proposed by the National Government. Therefore I most respectfully submit to the committee that this provision of the bill ought to go out. We have had no opportunity to discuss it or even to know about it until the publication of this bill. No mention of it was made in the engineer's report. When I had my conversation with the chairman of the committee I had every reason to believe that everything provided for by existing law and under way for the improvement of New York Harbor would be continued. We are not asking for a cent more money at this time. We are only asking that there shall be expended in continuance of this improvement money that was appropriated two years ago and that is not yet expended. For that reason I respectfully submit that this paragraph shall be stricken out in accordance with the motion of the gentleman from New York [Mr. FITZGERALD].

Mr. BURTON of Ohio. The gentleman will recognize that if no more money is appropriated the amount now available will be absolutely insufficient to finish this 40-foot channel.

I am aware of that; but there is to-day unused and actually appropriated, according to the engineer's report, \$270,000, which will probably be sufficient to continue the work up to the time that we have another river and harbor bill. But there is already authorized, in addition to that \$270,000, as I understand, something over a million dollars, or about a million dollars. It may be that this will not be quite enough to complete these channels; I do not know whether it will or not. If it does not, it is like many other appropriations for river and harbor improvements, where the amount originally appropriated has not quite completed the improvement. All we ask now is not to repeal or modify the existing law, so that we may have an opportunity to examine this new proposal of the local engineer, see what the people want, and ascertain whether there ought to be any change made in a great plan of improvement that was adopted more than seven years ago and has been con-

tinuously under way ever since.

The CHAIRMAN. Does the gentleman from Ohlo renew his request that this paragraph be passed without prejudice?

Mr. BURTON of Ohio. Yes; until we have finished the reading of section

The CHAIRMAN. Is there objection to the request of the gentleman from Ohlo. [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Improving Cold Spring Inlet, New Jersey, to a depth of 15 feet, in accordance with the plan printed in House Document No. 388, Fifty-ninth Congress, second session, \$311,000: Provided, That the depth may be increased to 25 feet in case the local authorities or private persons or corporations shall within one year from the date of this act contribute to the improvement the sum of \$100,000, making the sum so contributed subject to the order of the Secretary of War in such manner as he shall direct: and the said Secretary of War may receive and expend upon the improvement to a depth of 25 feet the said sum of \$100,000 so contributed: Provided further, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate, exclusive of the amount herein appropriated and of any sums contributed from other sources, \$596,000 in case the improvement be made to a depth of 15 feet, or \$900,000 in case the improvement be made to a depth of 25 feet: Provided, further, That no portion of the funds herein appropriated and authorized shall be expended until the necessary land and right of way for the shore ends of the jettles, for light-houses, for the establishment of a life-saving station, and for a depot of engineer supplies, shall have been deeded to the United States free of cost, and until assurance, satisfactory to the Secretary of War, shall have been given that the plan of the harbor, to be established by private capital inside the entrance, will be modified by increasing the distance between the bulkheads immediately inside the shore end of the jettles in the manner recommended in said House Document No. 388, Fifty-ninth Congress, second session, and that the work proposed by the United States for the entrance channel to this harbor will be supplemented by such expenditure from private or corporate sources as shall ma

Mr. BURTON of Ohio. Mr. Chairman, I desire to have inserted in the Record at this point a telegram from Congressman GARDNER of New Jersey. I would like to know also if any gentleman desires to discuss this item or desires any explanation

The CHAIRMAN. Apparently not. Nobody has asked for recognition.

Mr. BURTON of Ohio. I think it is just that the telegram

should be read.

The CHAIRMAN. Without objection, the telegram will be read.

The Clerk read as follows:

ATLANTIC CITY, N. J., February 4, 1967.

Hon. T. E. Burton, Chairman Committee on Rivers and Harbors, Washington, D. C.;

Washington, D. C.:

My very ardent desire was to be present in the House and urge the merits of the item in your bill for the improvement of Cold Spring Inlet with what grounds I have, but my physicans assure me that if I make the journey I will be unable to address the House after I arrive. Aside from the commercial importance of the proposed harbor, it is matter of public record that I have said I would gladly exchange all political prospects for a harbor of refuge on the New Jersey coast in the interest of humanity. As I have said to your committee, the lack of one has strewn our coast with dead.

J. J. Gardner.

The Clerk read as follows:

Improving Perriwig Bar, Delaware River, between Trenton and Bordentown, N. J.: Completing improvement in accordance with the report submitted in House Document No. 852, Flfty-ninth Congress, first session, \$50,000.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 17, line 17, after the words "New Jersey," insert the words and Pennsylvania."

Mr. BURTON of Ohio. Mr. Chairman, it appears that part of the improvement is in the State of Pennsylvania, and I ask the adoption of that amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Improving Delaware River. New Jersey, Pennsylvania, and Delaware:
Completing improvement, \$805,000: Provided, That the Secretary of
War may enter into a contract or contracts for such materials and
work as may be required for the maintenance of said channel, to be paid
for as appropriations may from time to time be made by law, to an
amount not exceeding \$500,000, exclusive of amounts herein and heretofore appropriated: Provided further, That contracts for maintenance
shall be limited to work to be done not later than the working season
of the year 1909, and the amount herein authorized shall be available
for expenditure in the completion of said project: And provided further,
That of the amounts herein appropriated and authorized not exceeding
\$200,000 may, in the discretion of the Secretary of War, be expended
for widening the said channel at the bends therein, with a view to securing, so far as practicable, a channel of equal safety and efficiency in
all its parts. curing, so far all its parts.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, line 22, after the word "therein," insert the following words: "below the city of Philadelphia."

The question was taken; and the amendment was agreed to. Mr. MORRELL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, line 24, after the word "parts," insert the following:
"Less \$10,000 of which sum to be set aside by him for a survey to
be made of the Delaware River, Pennsylvania, New Jersey, and Delaware, with a view of securing a channel of a depth of not less than 35
feet from Allegheny avenue, Philadelphia, to deep water in the Delaware
Bay, and to submit plans and estimates of the cost of the same to Congress."

Mr. MORRELL. Mr. Chairman, my reason for offering this amendment to this section of the bill is, as I explained the other day, the universal demand of the citizens of Philadelphia, of the State of Pennsylvania, and of the States lying back of Pennsylvania and on both sides of it, that the port of Philadelphia, which is one of the four chief ports of export and import on the Atlantic seacoast, should be placed on an equal footing with the other three. Further, for the reason that in conversation with the engineer in charge he told me that the work of this survey could progress step by step with the completion of the present authorized 30-foot channel. He told me that as the first section was completed a survey of the 35foot channel could be made, and so on until all the sections had been completed, so that they would have the survey for the 35-foot channel finished practically at the same time that the 30-foot channel had been completed. The necessity for that, Mr. Chairman, is this, that unless we have that survey completed at the end of the year 1908 we will have to wait for two years, perhaps, to have the feasibility of the channel demonstrated; we will have to wait two years after the survey is granted, and another two years before an appropriation can be made toward making the channel 35 feet, and perhaps it will be nine years, seven at least, before we can make any considerable progress toward having a 35-foot channel from Philadelphia to deep water, making seven years or, perhaps, nine years for Philadelphia to wait to be placed upon a parity with the other ports upon the coast.

The distinguished chairman of this committee has raised the objection that it is the policy of the committee has raised the shall be undertaken until one project has been completed. This amendment which I have offered does not contemplate the building of a 35-foot channel, but simply asks for information as to whether it is feasible; as to whether a 35-foot channel can be dug in the Delaware River. What we want to know is if it is possible; if it is not possible, I am quite sure that the citizens of Philadelphia, Pa., and the other States are quite willing to bow to the judgment of the engineer officers of the United States and say, "Gentlemen, if it is not possible, then we do not ask Congress to give us the improvement."

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has expired.

Mr. MORRELL. Mr. Chairman, I would like to urge that

this amendment be agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I desire to be heard only briefly on this proposition. It has been argued several times already in the House. I regret that the people of Phila-delphia are not satisfied with the provisions of this bill. They have been quite as generously treated as the people of any locality in the United States—

Mr. MORRELL. May I interrupt the gentleman— Mr. BURTON of Ohio. And while complaints possibly might be expected from other localities it seems hardly just that Philadelphia, with its wide ramifications and large responsibilities as a great city, should complain or ask for more. I want to

Mr. MORRELL. May I interrupt the gentleman?
Mr. BURTON of Ohio. In a few moments I will answer. I
want to state with the utmost clearness that if even a moderately superficial examination were given to this improvement it would be found that what they require is not a survey for a 35-foot channel, but the completion of a 30-foot channel and the greater width which we have provided for in this bill. We have done what we have done for no other city, we have added to the estimates asked \$500,000 to make sure that the funds provided will be perfectly sufficient to provide for completion and for widening at the bends. Now, the arguments against the 35-foot

channel are perfectly obvious. It would be an absurd business policy, with the warning from the engineer department that it is very doubtful whether 30 feet can be maintained, or to use more exact language, when it can only be determined by trial whether a 30-foot channel can be maintained except at prohibi-tive cost, to go ahead before the 30-foot channel is finished and survey for a 35-foot channel.

The engineer has estimated that the 30-foot channel can be completed by June 30, 1908. I trust that the remarks that I shall make on the subject will spur him on to finish the improvement by that time, but I do not believe it will be finished by June 30, 1908, and I do not believe a trial can be given it such as will determine whether it can be maintained without prohibitive cost until two or three years from now at the earliest. I stated the other day that I asked a commercial body in Philadelphia to name a single port in the world where there is a channel to the sea, similar to that from Philadelphia to the sea, where there is a greater depth than Philadelphia will have when it has this 30-foot channel. Glasgow has 32-feet at high tide, Hamburg 32 feet at high tide, and so it is. We must observe general principles. They say that they must have 35 feet, because New York is going to have 40 feet. The statement was formerly made at Philadelphia that New York already had 40 feet and was going to have 45 feet, but that is manifestly erroneous, although I do not know that it was ever contradicted or retracted.

We have similar questions arising all over the United States. Shall Portland, Oreg., which now has 22 feet, have its channel down a river or rivers deepened to 40 feet because Seattle and Takoma have 40 feet? Shall Mobile, which has 22 feet, and a commerce three or four times as large as Pensacola, have its channel deepened from 22 feet to 30 feet, the depth at Pensa-Shall Savannah, which has a commerce four times as large as Charleston, have its channel deepened so that it may be as deep as that at Charleston? This is a question which we must settle along general lines, and we can not yield to the insistence of one community. I trust this amendment will be voted down, and I especially hope that those who are behind this agitation will intelligently consider the subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes more.

The CHAIRMAN. The gentleman from Ohio [Mr. Burton] asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. BURTON of Ohio. I want to say to the gentleman that I have never conversed with a man from Philadelphia who would not in five minutes agree that it was better to widen and complete that channel than it was to have this 35-foot survey. Mr. MAHON. May I ask a question?

Mr. BURTON of Ohio. Certainly.

Mr. MAHON. I notice by the paper that the gentleman from Ohio [Mr. Burton] will not be chairman of the Committee on Rivers and Harbors again. I hope the gentleman will consent to retain that position and that the Speaker will appoint him. I know that he understands his business. I would like to ask the gentleman, if we can maintain a 30-foot channel successfully for years to come, if he, as chairman of the committee, would give us a survey for 35 feet?

Mr. BURTON of Ohio. I would say that, in whatever capacity I may act, if the 30-foot channel is tried and can be main-

tained without prohibitive cost, I should not by any means ob-But there will be a seasonable time for ject to a survey for 35.

that, which is not now.

Mr. MORRELL. Mr. Chairman, I would like to say to the gentleman that I voice the sentiments of Philadelphia as far as the appropriation is concerned that appears in this bill for the 30-foot channel. I think we are one and all satisfied with the generosity of the committee and with the very wise provision that they have made as far as the easing of the bends and turns of the river is concerned. But the people of Philadelphia-the people which we represent, the State of Pennsylvania and the city of Philadelphia-do not consider, because there is not precedent for an engineering proposition in this country or in Europe, that that is any reason why it should not be undertaken in this instance by American engineers. As I said in my remarks the other day, we are undertaking a proposition in Panama which was surrendered by what was supposed

to be the best engineers in the world.

Mr. BURTON of Ohio. The gentleman is making his question rather long. I would say in response that we do not desire to have any more Panamas on our hands. One is enough. I should have said one thing, because there may have been an erroneous impression given to the committee. I should have

stated that the tide in Philadelphia is from 5 to 6 feet-approximately 6 feet—so that under the pending project at low tide the depth is to be 30 feet and at high tide 36 feet. That is what they will have with the so-called "30-foot channel." Under leave to print, I wish to add a list of ports where the situation is similar to that at Philadelphia. It is a part of a letter from the Assistant Secretary of the Navy. The following is the list referred to:

NAVY DEPARTMENT, Washington, December 18, 1905.

Siz: Replying to your letter of the 12th instant, requesting that the Committee on Rivers and Harbors of the House of Representatives be furnished with information in regard to the depth of water at high and low tide in certain European ports mentioned therein, I have the honor to inform you that the Chief Intelligence Officer, to whom your letter was referred, reports as follows:

The depths of water in feet are given in the following table:

Port.		Ordinary high water.
Hamburg Bremen Bordeaux Newcastle Glasgow	18 14 11 20 22	a 24 19. 25 26 31. 33 31

"The proposed depth at Hamburg is 32 feet at ordinary high tide. Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. THEO. E. BURTON,
Chairman Committee on Rivers and Harbors,
House of Representatives.

The CHAIRMAN. The time of the gentleman has expired. Mr. MORRELL. Mr. Chairman, I would ask unanimous consent that the time of the gentleman from Ohio [Mr. Burron] be extended for three minutes, as I would like to ask him one more

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Ohio [Mr. Burron] may have his time extended. Is there objection? The Chair

Mr. BURTON of Ohio. I would state further that under authority which is vested in the Department they have the right to dig 2 feet, and even more if necessary, below the project depth to make stable and secure the amount of depth which is sought, and it is expected that there will be a further depth of 2 feet, and money is provided for it in this bill.

Mr. MORRELL. I would like to make the statement that it

seems extraordinary

Mr. BURTON of Ohio. The gentleman is not asking a ques-

tion. I submit that he speak in his own time.

Mr. MORRELL. Very well, then; I will ask the chairman this question: Why is it that there is such a diversity of opinion between the board of engineers and the engineer in charge of the work? The engineer in charge of the work says repeatedly, time after time, before trade organizations and before people assembled to discuss the Delaware, that, in his judgment, 35 feet is absolutely practicable and feasible.

Mr. BURTON of Ohio. That is the question, I take it.

do not think Congress ought to look with favor on volunteered expressions of that kind by an engineer. I am afraid of a great many expressions in favor of harbor improvements. I am especially distrustful of what speakers say at the close of ban-quets. [Laughter.] All are in favor of 40-foot and even 50foot channels at such a time. [Great laughter.] And I would like to know when this engineer made this expression, whether it was at some banquet or on some other occasion. have answered the gentleman's question.

Mr. MORRELL. I will say that these observations have not only been made at the close of banquets and feasts, but they have been made at the close of binducts and feasts, but they have been made in calm, sober earnestness in the office of the engineer. [Great laughter.] The gentleman made a reflection, and I have to reply in kind with the gentleman's language.

Mr. BURTON of Ohio. It is perfectly evident that anyone in the atmosphere of your city would be in favor of a 35-foot exhaunced. It resume that if an arror always are to the control of the state of the control o

channel. I presume that if an opera singer were to come there, before you decide whether you should give him a cordial recep-tion you would ask him, "Are you in favor of a 35-foot channel?"

Mr. MORRELL. Do you mean to put the engineer in charge of an important work on comparison with an opera singer?

Mr. BURTON of Ohio. Oh, no; not at all. I think the gentleman indulged in just a little buncombe in asking me that

Mr. MORRELL. No; not at all. But one inference led to the other.

Mr. BURTON of Ohio. I mean to say that the atmosphere is such surrounding your city that a man would naturally say he

was in favor of a 35-foot or a 40-foot channel, because if he did

not say that he would be unpopular.

Mr. MORRELL. Will not the distinguished chairman, in heaven's name, please come to Philadelphia? [Great laughter.]

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was rejected.

Mr. MORRELL. Mr. Chairman, I desire to offer another amendment.

The Clerk read as follows:

Page 19, line 24, after the word "parts," insert the following:

"Less than \$10,000 of which sum to be set aside by him for a survey to be made of the Delaware River, Pennsylvania, New Jersey, and Delaware, with a view of securing a channel of a depth of not less than 35 feet from Allegheney avenue, Philadelphia, to deep water in the Delaware Bay, and to submit plans and estimates of the cost of the same to Congress immediately upon the completion of the present authorized depth of channel and the practicability of its maintenance has been established."

Mr. RIPETON of Object Mr. Chairman and the practicability of its maintenance has been established."

Mr. BURTON of Ohio. Mr. Chairman, here is a very objectionable proposition. It provides for a survey conditionally. If we adopt such a provision in this case, we would have to adopt it in all.

The question was taken; and the amendment was rejected. Mr. MORRELL. Mr. Chairman, I desire to offer another

The Clerk read as follows:

Page 19, line 24, after the word "parts," Insert the following:
"Also, that the Secretary of War is hereby authorized and instructed
to make a survey for a 35-foot ship channel in the Delaware River from
Allegheny avenue, Philadelphia, to deep water in Delaware Bay, whenever the mayor or other legally authorized authorities of the city of
Philadelphia shall have deposited with the Treasurer of the United
States such sum of money as in the judgment of the Secretary of War
will be recessary to make said survey."

Mr. MORRELL. Mr. Chairman, when the trade organization appeared before the Committee on Rivers and Harbors one of the objections that was raised by one of the distinguished members to having the survey made was that perhaps after the survey had been completed it would not be found feasible to increase the depth of the river from 30 to 35 feet. Now, this amendment which I have offered makes the city of Philadelphia responsible for the payment of the necessary sum to complete such a survey. It does not in any way, shape, or form obligate the Congress of the United States to deepen that channel. But what we all want, as I said before, is information as to whether it is possible and feasible to increase the depth from 30 to 35 feet, and it is with that in view that I desire to offer this last amendment.

Mr. BURTON of Ohio. The absurdity of the proposition will appear very plainly when you consider the precedent that it would establish. It would mean that whenever a community offers to put up the money the engineering force of the United States, already overburdened, must step aside from the work in which they are engaged to do the work of that city. It is as if the skilled force of some industrial establishment could be picked off or called away from their employment whenever anyone outside desired to pay them for their services.

Mr. MORRELL. In answer to that I will say that the engineer in charge has said that that information is almost complete in his hands to-day, and that it could be completed with very little effort as this work progressed. I should like very much indeed, Mr. Chairman, to have this amendment adopted.

Mr. MAHON. Will the gentleman pardon an interruption? Mr. MORRELL. Yes. Mr. MAHON. The State of Pennsylvania and the city of Philadelphia are willing to do their full share toward this 35-foot channel.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

Improving St. Jones River, Delaware: For maintenance, \$3,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, in order to get in, I move to strike out. [Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania moves

to strike out the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, with my colleagues from Philadelphia, I feel a little to-day as David must have felt at the beginning of his celebrated conflict with Go-Three amendments have been proposed by my colleague Mr. Morrell which have been intended to reach the righteous judgment of this House. Those amendments have been dejudgment of this House. feated, and Goliath is still supreme.

If I may be permitted to refer to after-dinner banquets, I should like to say that only on Saturday evening last I had the opportunity, in the presence of a distinguished audience of men of my city who are not thoroughly in accord with the chairman of the Rivers and Harbors Committee, to speak

highly of his work. Notwithstanding his references to banquet sentiments, I now repeat what I then said, that I believe he stands as a bulwark in the interests of this country, protecting the Treasury against improper measures and seeing that the commerce is properly moved on inland streams, in competition with railroad companies, and for the betterment of our interstate relations. I hope you will not call for a vote immediately, because I want to ask the distinguished chairman of this committee one or two questions, and I know he will accord this privilege in justice to the people of the city that I have the honor to represent in part.

We have stated our case; we have endeavored to prove that we should be put on an equality with three rival ports that have deeper channels by reason of Government assistance. The chairman deems it inexpedient to grant us a survey, which at this time will cost the Government nothing. In the amendments which my colleague [Mr. Morrell] has presented we have first asked that out of the appropriation thus far made there shall be provision for a survey; not to expend money, but to ascertain the cost of a needed improvement, and thus give us the benefit of two years that we will otherwise lose in waiting for another session of Congress and for another river and harbor bill. We have asked, secondly, the first amendment being defeated, that \$10,000 be appropriated for a survey to be made, not now, but at the completion of the work for which provision has been made. We have ourselves, by this second amendment, proposed to post-pone our opportunity until it is demonstrated that this work at 30 feet will be effective. The second amendment being defeated, we have asked that you permit the city of Philadelphia to pay for the desired survey, not in order that the work may be com menced at once, but that we may be given the information which is so much sought after by the commercial bodies of eastern Pennsylvania. That amendment you have also defeated.

We have asked for these things because the sentiment of a great community demands them. It has been a difficult situation.

great community demands them. It has been a difficult situa-tion for us, knowing and respecting the chairman of this committee as my colleagues upon this floor do, and knowing that we have behind us some who are perhaps not so wise in the matter of legislation as those who come to understand the conditions prevailing here, and who must rub elbows with all sections of the country. It is very much to the prejudice of the great city of Philadelphia, and of this great river, which represents the commerce of three and more States, that there should be any feeling growing out of attacks that have been made in newspapers and elsewhere. For one I can pay my respects to the chairman of this committee and say that these attacks are unfortunate; but even so, they should not stand against a deserved improvement which tends for the betterment of commerce in many States of this Union. I again take the opportunity to say that the chairman of this committee is held in great respect by his colleagues of the Pennsylvania delegation, who believe that he is a man of the utmost integrity, that he stands for the best interests of the country, and that he will in the course of time come to believe as we do-that this artery of commerce shall be opened as we hope it will be.

For these reasons I ask the chairman of the Rivers and Harbors Committee to permit me to ask him one question.

Mr. BURTON of Ohio. Certainly. Mr. MOORE of Pennsylvania. In the colloquy that ensued Mr. MOORE of Pennsylvania. In the colloquy that ensued last Wednesday you were good enough to say that when it was demonstrated that the channel of the Delaware could be successfully maintained at a depth of 30 feet you "would be the last man" to stand in the way of a survey to ascertain the cost of deepening the channel to 35 feet.

Mr. BURTON of Ohio. That is substantially what I said. Of course the element of cost would enter into the question, the cost of maintenance. If the cost is not what is known as prohibitive I think I said, although I don't remember precisely

what I did say.

Mr. MOORE of Pennsylvania. Then, Mr. Chairman, if this work is completed at 30 feet before the Rivers and Harbors Committee frames another bill will there be any objection to

our asking for a 35-foot survey?

Mr. BURTON of Ohio. Decidedly; because there are a great many localities waiting for the adoption of their projects, and we are not able to go as fast as may seem desirable and must treat all alike. Now, I wish to call attention to one thing in favor of Philadelphia. You have a differential there as against New York and Boston, have you not?

Mr. MOORE of Pennsylvania. I believe we have. Mr. BURTON of Ohio. That militates to your advantage somewhat'

Mr. MOORE of Pennsylvania. I believe, too, that the port charges are less.

Mr. BURTON of Ohio. The port charges are less than in New York, are they not? Mr. MOORE of Pennsylvania. Yes.

Mr. BURTON of Ohio. So you are not at so great a disadvantage after all.

Mr. MOORE of Pennsylvania. Only that the depth of channel keeps away large ships that go into other ports.

Mr. BURTON of Ohio. Is it not true that the difference in depth between Philadelphia, Boston, and New York in all the past years has been as great as it is now?

Mr. MOORE of Pennsylvania. There has been that difference

in depth; yes.

Mr. BURTON of Ohio. Is it not true that under the improvement now pending you are to have an increased depth of 7 feet, and that is a greater increase than is contemplated in any other port in the country in the same length of time?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. Does the gentleman withdraw his pro

forma amendment?

Mr. MOORE of Pennsylvania. I do, Mr. Chairman.

The Clerk read as follows:

Improving Dam No. 3, Allegheny River, Pennsylvania: For the repair and restoration thereof, \$200,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to ask unanimous consent that that item in regard to the Allegheny River be passed until the close of the reading of section 1.

The CHAIRMAN. The gentleman from Ohio asks unanimous

consent that the item be passed without prejudice until the completion of section 1. Is there objection?

There was no objection.

The Clerk read as follows:

Improving Broad Creek River, Delaware: For maintenance, \$1,500.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. Dalzell, as Speaker pro tempore, having assumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor bill, and had come to no resolution thereon.

JOHN M'KINNON.

The SPEAKER pro tempore laid before the House the following resolution from the Senate of the United States.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return the bill (S. 1160) entitled "An act to correct the military record of John McKinnon, alias John Mack."

The resolution was agreed to.

TAX ON BAY RUM.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to file a minority report to accompany the bill (H. R. 25122) to impose a tax on bay rum brought from Porto Rico into the United States.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to say that the bill referred to by the gentleman from Mississippi was reported unanimously from the Ways and Means Committee several days ago. Since then it has been ascertained that the tax mentioned in the bill on bay rum from Porto Rico is also duplicated by a tax assessed locally, and I ask unanimous consent to print a copy of the law in the

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to file a minority report to the bill indicated, reported from the Committee on Ways and Means. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York asks unanimous consent to

print in the RECORD an extract from the law referred to. Is there objection?

There was no objection.

The following is the extract referred to:

The following is the extract referred to:

[Extract from act by the legislative assembly of Porto Rico, approved March 9, 1905.]

Sec. 3. There shall be levied, collected, and paid:

(1) On all distilled spirits produced in Porto Rico, or brought into Porto Rico from the United States, a tax of 26 cents on each liter or fraction thereof; and on all distilled spirits imported into Porto Rico from countries other than the United States a tax of 30 cents on each liter or fraction thereof: And provided further, That for the purposes of this act all spiritous liquors not otherwise provided for in this act brought into or imported into Porto Rico, of which, exclusive of water, distilled spirits form the chief component, shall be regarded as distilled spirits.

distinct spirits.

(7) On all proprietary medicinal preparations, patent medicines, toilet soaps, perfumery, and cosmetics, produced in Porto Rico or brought into Porto Rico, a tax of 5 per cent ad valorem: Provided,

That bay rum, alcoholate, and similar aromatic compound preparations of alcohol, not used as a beverage, shall be considered as perfumery: And provided further, That no drawback shall be allowed on any taxpald alcohol used in compounding any article referred to in this para-

THE BRIG ABBY. "

Mr. MILLER. Mr. Speaker, I desire to call up House Document 632 and ask unanimous consent for its consideration at this time.

Mr. MANN. What is it?

Mr. MILLER. It is a House document. I simply want to have adopted the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That the Committee on Claims be discharged from the further consideration of the letter of certification from the Court of Claims relating to the following case: Brig Abby, Harding Williams, master, and that the Clerk of the House be directed to return the said letter to the Court of Claims. And that the Clerk of the House be directed further to withdraw from the files of the House and return to the Court of Claims the letters of certification relating to the schooner Lucy and the sloop Hawk, transmitted to the House during the third session of the Fifty-eighth Congress.

The SPEAKER programmers. The gentlemen from Kanses

The SPEAKER pro tempore. The gentleman from Kansas

asks unanimous consent to have adopted the order which has just been reported by the Clerk. Is there objection?

Mr. MILLER: Mr. Speaker, I might say that this is a matter of the French spoliation claims, and the chief justice of the Court of Claims has requested that the House return them to the Court of Claims for further action, in view of the fact that the attorney for the Government notifies the court that he has some additional evidence that he wants to present to the court.

Mr. MANN. That is a case where they found some new documents?

Mr. MILLER. Yes.

The SPEAKER pro tempore. Is there objection to the adoption of the order? [After a pause.] The Chair hears none, and the order will be considered as agreed to.

S. KATE FISHER.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8080) for the relief of S. Kate Fisher, with a Senate amendment thereto, and to nonconcur in the Senate amendment, and to ask for a conference.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us know what the amendment is.

The Clerk read the Senate amendment, as follows:

After line 11 insert:

"Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Rathbun, Beachy & Co., of Webster, S. Dak., the sum of \$1,000, in full compensation for loss in sale of cattle illegally placed in quarantine by Government inspector at the stock yards in Chicago, Ill."

Mr. MANN. Mr. Speaker, do I understand that this is an

insertion of a new claim, an entirely new claim?

Mr. MILLER. It is the insertion of an entirely new claim, having no reference whatever to the claims passed by the House of Representatives

Mr. GOLDFOGLE. To what bill was that amendment made? Mr. MILLER. To the refunding of \$400 to S. Kate Fisher, of Minnesota, for money that was paid by her on a land entry in Minnesota, which was paid on account of fraudulent representations made to her by the Government officer at the time.

Mr. PAYNE. Mr. Speaker, I object. I think this bill ought to go to the committee.

The SPEAKER pro tempore. Objection is heard.

WITHDRAWAL OF PAPERS.

Mr. Capron, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ervin F. Mann (H. R. 10165), Fiftyninth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. Johnson, by unanimous consent, was granted leave of absence for ten days on account of sickness.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of

the following titles; when the Speaker signed the same:
H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee

H. R. 19752. An act for an additional term of court at Quincy,

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures:

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia:

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia; H. R. 5223. An act to reimburse Quong Hong Yick for one case

of opium erroneously condemned and sold by the United States;

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.;

H. R. 4300. An act for the relief of A. J. Stinson;
H. R. 24603. An act to authorize the Atlanta, Birmingham and
Atlantic Railroad Company to construct a bridge across the
Coosa River in the State of Alabama;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia:

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct bridge across the Missouri River at or near Kansas City. Kans.

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19568. An act vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner;

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Missisippi River," approved June 25, 1906;

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14. 1904; and

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa.

The SPEAKER announced his signature to enrolled bill of the

following title:

S. 976. An act granting pensions to certain enlisted men, soldiers and officers who served in the civil war and in the war with Mexico.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution and House bill were taken from the Speaker's table and referred to their appropriate committees, as indicated

Senate concurrent resolution No. 6.

Resolved by the Senate (the House of Representatives concurring),
That the concurrent resolutions passed February 9, 1901, and May 10,
1902, providing for the publication of the Documentary History of the
Constitution and the Bulletins of the Bureau of Rolls and Library of
the Department of State, are hereby continued in force and excepted
from the limitation of one year, as provided in section 80 of the act of
January 12, 1895, for the public printing and binding and the distribution of public documents—

to the Committee on Printing.

A bill (H. R. 8080) for the relief of S. Kafe Fisher, with Senate amendment—to the Committee on Claims.

ENBOLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 19752. An act for an additional term of court at Quincy,

H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee:

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie

H. R. 5167. An act for the relief of William H. Stiner & Sons

H. R. 1142. An act for the relief of Ephraim Greenawalt; H. R. 9778. An act for the relief of Philip Loney; H. R. 15594. An act for the relief of John B. Brown; H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 4299. An act for the relief of John Stinson;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illi-

nois, not navigable water;

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered:

H. R. 10595. An act for the relief of Nye & Schneider Com-

H. R. 1738. An act for the relief of Sarah A. Clapp;

H. R. 1808. An act for the relief of J. J. L. Peel; H. R. 12560. An act for the relief of John C. Lynch;

H. R. 18380. An act to complete the naval record of Charles

H. R. 5651. An act for the relief of William H. Beall;

H. R. 22362. An act for the relief of Esther Rousseau; H. R. 24932. An act for the extension of School street NW.; H. R. 19749. An act to prescribe the duties of deputy col-

lectors of customs:

H. R. 6417. An act for the relief of T. J. H. Harris;

H. R. 7014. An act to provide American registers for the steamers Marie and Success;

H. R. 9131. An act for the relief of the legal representatives of Charles D. Southerlin;

H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit; and

H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895.

ADJOURNMENT.

Then (at 5 o'clock and 26 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for temporary quarters for the post-office and court at Grand Rapids, Mich.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action of the court in the cases of Miles F. West and others against The United States, dismissed for want of prosecution-to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22588) for the relief of homestead and other entrymen who have been required to pay more than the legal fees, commissions, excesses, and purchase money, reported the same with amendment, accompanied by a report (No. 7290); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 25319) authorizing and empowering the Secretary of War to locate a right of for and granting the same and the right to operate and way for and granting the same and the right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns, reported the same with amendment, accompanied by a report (No. 7294); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7879) granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal., reported the same without amendment, accompanied by a report (No. 7295); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 25368) to provide for the harbor accommodation, movements, and anchorage of foreign vessels of war visiting Hampton Roads during the Jamestown Exposition, reported the same without amendment, accompanied by a report (No. 7291); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Inter-

state and Foreign Commerce, to which was referred the bill of the House (H: R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo., reported the same without amendment, accompanied by a report (No. 7292); which said bill and report were referred to the House Calendar.

Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25123) providing for the construction of a bridge across the Mississippi River, reported the same without amendment, accompanied by a report (No. 7293); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 600) granting an honorable discharge to Peter Green, reported the same without amendment, accompanied by a report (No. 7296); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24022) to correct the military record of Morris H. Walker, reported the same with amendment, accompanied by a report (No. 7297); which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9892) to correct the military record of Lyman W. Wentworth, reported the same with amendment, accompanied by a report (No. 7298); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 2304) for the relief of C. W. Reid and Sam Daube, reported the same with amendment, accompanied by a report (No. 7299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1473) for the relief of Malinda S. Gray, reported the same without amendment, accompanied by a report (No. 7300); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. WILLIAMS: A bill (H. R. 25400) to give the Court of Claims jurisdiction of claims for captured and abandoned property, which was sold and the proceeds thereof placed in the Treasury of the United States-to the Committee on War Claims

By Mr. GROSVENOR: A bill (H. R. 25401) to authorize the Secretary of War to make certain disposition of condemned guns and cannon balls—to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 25402) to provide for the erec-

tion of a monument to soldiers of the war of 1812 at Fort McArthur, Hardin County, Ohio—to the Committee on the Li-

By Mr. ANDREWS: A bill (H. R. 25403) granting to the various States the lands owned by the United States within the limits thereof—to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: A bill (H. R. 25404) to authorize the Alaska Southern Railway Company to construct, maintain, and operate a railroad at and between the town of Skagway, in Alaska, and a point on Portland Canal opposite or near Prince Rupert and Port Simpson, British Columbia, and intermediate points—to the Committee on the Public Lands.

By Mr. GRIGGS: A bill (H. R. 25405) to increase the compensation of rural carriers to \$75 per month—to the Committee on the Post-Office and Post-Roads.

By Mr. LOVERING: A bill (H. R. 25406) to incorporate the Sovereign Trust Company of America-to the Committee on

Banking and Currency.

By Mr. BABCOCK: A bill (H. R. 25407) to amend the Code of Law for the District of Columbia with regard to the receipt of usurious interest—to the Committee on the District of Columbia.

By Mr. MORRELL: A bill (H. R. 25408) to amend an act entitled "An act to provide for the organization of the militia of

the District of Columbia, and for other purposes," approved March 1, 1889—to the Committee on Militia.

By Mr. SMITH of California: A bill (H. R. 25409) to amend sections 5 and 7 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands "-to the Committee on Irrigation of Arid Lands.

By Mr. CHANEY: A bill (H. R. 25410) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people in the western hemi-sphere—to the Committee on the Library.

By Mr. GARDNER of Massachusetts: A resolution (H. Res.

815) requesting the Secretary of Commerce and Labor to send to the House certain information relative to foreign laborers in the State of South Carolina-to the Committee on Immigration and Naturalization.

By Mr. LORIMER: A resolution (H. Res. 816) to pay an increase of salary to the messenger to the Speaker's table-to the

Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 19421) granting an increase of pension to Ella A. Hodges-Committee on Pensions discharged, and referred to

the Committee on Invalid Pensions.

A bill (H. R. 25374) granting a pension to Lela Ellis-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 25411) granting a pension to George R. Watt-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25412) granting an increase of pension to

George A. Rigdon-to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 25413) for the relief . F. Gower, Laura Gower, M. R. Gower, and Mrs. Sarah F. Boykin, heirs of Dr. James Gower, deceased-to the Committee on War Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 25414) for the relief of Joseph A. Mayes—to the Committee on War Claims.

Also, a bill (H. R. 25415) for the relief of John J. McGann-to the Committee on War Claims.

Also, a bill (H. R. 25416) for the relief of Richard Stewart-

to the Committee on Military Affairs.
Also, a bill (H. R. 25417) for the relief of Susan Kennard-

to the Committee on War Claims.

Also, a bill (H. R. 25418) granting an increase of pension to William H. Frank—to the Committee on Invalid Pensions

Also, a bill (H. R. 25419) granting an increase of pension to J. P. Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25420) granting a pension to Jasper

Casey—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25421) granting an increase of pension to Ada W. Smith—to the Committee on Invalid Pen-

By Mr. CHAPMAN: A bill (H. R. 25422) granting an increase of pension to John Levingston-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25423) granting an increase of pension to asper Pixley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25424) granting an increase of pension to Casper Pixley

S. R. Upchurch—to the Committee on Invalid Pensions,

Also, a bill (H. R. 25425) granting a pension to Alice Mor-

gan—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 25426) granting an increase of pension to James L. Wyatt—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 25427) granting an increase of pension to John S. Schuyler—to the Committee on Invalid

By Mr. DOVENER: A bill (H. R. 25428) granting an increase of pension to John M. Null-to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 25429) granting an increase of pension to Malinda F. Montgomery—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 25430) granting an increase of pension to Daniel Schram-to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 25431) granting an increase of pension to Jacob Ehman-to the Committee on Invalid Pensions

By Mr. GUDGER: A bill (H. R. 25432) granting a pension to Martha A. Teague—to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 25433) granting an in-

crease of pension to Elias J. Everett-to the Committee on Invalid Pensions

Also, a bill (H. R. 25434) granting an increase of pension to

Orville J. Whitlock—to the Committee on Invalid Pensions. By Mr. HARDWICK: A bill (H. R. 25435) granting an increase of pension to Edmund Backus—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 25436) granting an increase of pension to Joseph H. Blackburn-to the Committee on

By Mr. HUMPHREY of Washington: A bill (H. R. 25437) to grant American registry to the German bark Mariechen-to the Committee on the Merchant Marine and Fisheries.

By Mr. LEGARE: A bill (H. R. 25438) authorizing and empowering Henry E. Young to bring suit in the proper circuit court of the United States for the recovery of damages to certain lands in Chatham County, Ga.—to the Committee on Claims.

By Mr. LITTLEFIELD: A bill (H. R. 25439) to remove the charge of desertion from the naval record of John C. Warren, alias John Stevens-to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 25440) granting an increase of pension to Catharine Lipes—to the Committee on

By Mr. MADDEN: A bill (H. R. 25441) granting an increase

of pension to James Dean—to the Committee on Pensions, By Mr. MOUSER: A bill (H. R. 25442) granting a pension to Henry Myers-to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 25443) authorizing the Secretary of the Treasury to adjust and settle the account of James Willbur with the United States-to the Committee on Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 25444) for the relief of William P. Scott-to the Committee on Military

By Mr. PAYNE: A bill (H. R. 25445) granting an increase of pension to William E. Webster-to the Committee on Invalid Pensions

By Mr. RHODES: A bill (H. R. 25446) granting an increase of pension to Edward F. Reeves—to the Committee on Pensions.

Also, a bill (H. R. 25447) granting a pension to James I.

McCormick—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 25448) for

the relief of James Henry and Porter Henry, of Madison -to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25449) for the relief of Mrs. Zerelda P. Allen and estates of William B. Poole and Mrs. Mollie Amanda Phillips—to the Committee on War Claims.

By Mr. SCHNEEBELI: A bill (H. R. 25450) granting an increase of pension to Solomon Johnson—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25451) granting an increase of pension to William H. Maxwell-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25452) granting an increase of pension to Jacob S. Plunk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25453) granting an increase of pension to

William C. McClure—to the Committee on Invalid Pensions.
Also, a bill (H. R. 25454) granting a pension to Sebe N. Scott-to the Committee on Pensions.

By Mr. SOUTHALL: A bill (H. R. 25455) granting an increase of pension to Emma Hempler-to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 25456) granting an increase of pension to Frank E. Elliott-to the Committee on Pen-

By Mr. SPARKMAN: A bill (H. R. 25457) removing the charge of desertion against John Whidden—to the Committee

on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 25458) for the relief of the

estate of John Housten, deceased-to the Committee on War Claims. Also, a bill (H. R. 25459) for the relief of the estate of M. W.

Ham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 25460) for the relief of the heirs of Charles

Alexander and Jane B. Alexander, deceased-to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 25461) direct-

ing the transfer to John Bullette of certain royalties derived from his allotment and heretofore credited to the Cherokee Nato the Committee on Indian Affairs.

By Mr. TRIMBLE: A bill (H. R. 25462) granting an increase of pension to Samuel F. South—to the Committee on Pensions. By Mr. BROOKS of Colorado: A bill (H. R. 25463) granting an increase of pension to Joseph B. Presdee—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 25464) granting an increase of pension to Jasper Blain-to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 25465) granting an increase of pension to Joshua Hendrickson-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Lehigh Lodge, No. 251, and Spindle City Lodge, Brotherhood of Railway Trainmen, and other organizations, for bill S. 5133 (the sixteen-hour bill)-to the

Committee on Interstate and Foreign Commerce.

Also, petition of Fred A. Walter, of New York City, against interference in Kongo Free State affairs—to the Committee on Foreign Affairs.

Also, petition of H. O. Gardand and 5 others, for amendment

of the free-alcohol law—to the Committee on Ways and Means, Also, petition of the Illinois Manufacturers' Association, for a deep waterway between Chicago and St. Louis and survey of a route between St. Louis and New Orleans-to the Committee on Rivers and Harbors.

By Mr. ACHESON: Petition of General Alexander Hayes Post, No. 3, Department of Pennsylvania, against abolition of the United States pension agency at Pittsburg (previously referred to the Committee on Invalid Pensions)—to the Committee on Appropriations.

By Mr. BARCHFELD: Petition of citizens of Plymouth, Mass., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia-to the Committee on the District of

By Mr. BATES: Petition of B. H. Phelps, M. D., of Corry, Pa., for more liberal pension allowances—to the Committee on Invalid Pensions.

Also, petition of Theodore Catlin, of Titusville, Pa., for the McCumber bill—to the Committee on Invalid Pensions.

Also, petition of Division No. 298, Brotherhood of Locomotive Engineers, of Erie, Pa., for passage of bill S. 5133-to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Richard Stewart—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Susan Kennard and Joseph Mayo-to the Committee on Claims.

By Mr. BRICK: Petition of Jewish citizens of South Bend. Ind., against pending anti-immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Fidelity Lodge, No. 109, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fidelity Lodge, No. 109, Brotherhood of Railway Trainmen, for the Gilbert bill (H. R. 9328)—to the Committee on the Judiciary.

Also, petition of South Bend (Ind.) Turnverein, with 260 members, for postal savings banks-to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKMAN: Petition of P. R. Davis and other citizens of Minnesota, for amendment of the free-alcohol law-to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

Also, petition of General Alexander Hayes Post, Grand Army of the Republic, of Pittsburg, against abolition of the Pittsburg

pension agency—to the Committee on Appropriations.

Also, petition of General Alexander Hayes Post, Grand Army of the Republic, of Pittsburg, Pa., for bill S. 976-to the Committee on Pensions.

Also, petition of the Allegheny County Grand Army Association, against abolition of the Pittsburg pension agency-to the Committee on Appropriations.

Also, petition of the Allegheny County Grand Army Association, for the McCumber pension bill-to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Paper to accompany bill for relief of R. Fairbrother—to the Committee on Invalid Pensions.

Also, petition of the Boston Society of Civil Engineers, for an appropriation to enable the United States Geological Survey to continue its hydrographic work-to the Committee on Appropriations

Also, petition of the Maine Press Association, for reform of the postal laws-to the Committee on the Post-Office and Post-Roads.

By Mr. DALE: Petition of the Liberal Immigration League, against an illiteracy test in the immigration bill-to the Committee on Immigration and Naturalization.

Also, petition of J. B. Cralle & Co., of Washington, D. C.; Milo B. Stevens, and John W. Morris, against the no-fee provision in the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the American Protective Tariff League, for a dual tariff-to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Thomas P. Murphy-to the Committee on War Claims.

Also, petition of the National German-American Alliance, against enactment of bill S. 4403-to the Committee on Immigration and Naturalization.

Also, petition of George W. West Division, No. 468, Brotherhood of Locomotive Engineers, for bill S. 5133 (the sixteen-hour

bill)—to the Committee on Interstate and Foreign Commerce.
Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for bill H. R. 4490-to the Committee on Ways and Means.

Also, petition of the United States Fidelity and Guaranty Company, for legislation against the rule of the Treasury limiting official and judicial bonds and bonds guaranteeing specific performance of contracts which it accepts from surety companies to 10 per cent of their capital and surplus—to the Committee on Ways and Means.

Also, petition of Grand Army Association of Philadelphia and Vicinity, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of Mrs. Ella A. Hodges (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of Nelson Thwing and other citizens of Greenland, Minn., for amendment to the free-alcohol law—to the Committee on Ways and Means. Also, concurrent resolution of the Minnesota legislature for

repeal of the duty on lumber-to the Committee on Ways and Means.

By Mr. DAWSON: Petition of S. J. Kirkwood Post, Grand Army of the Republic, of Iowa City, Iowa, for passage of the McCumber pension bill—to the Committee on Invalid Pensions.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)-to the Committee on the Judiciary.

By Mr. DENBY: Petition of the Pilgrim Publishing Company,

of Detroit, Mich., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. DOVENER: Petition of Nail City Lodge, No. 10, Brotherhood of Railway Trainmen, of Wheeling, W. Va., for the sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Will P. Hall-to the Committee on Pensions.

Also, paper to accompany bill for relief of F. H. Crago and

John T. Pinnock—to the Committee on Invalid Pensions. By Mr. EDWARDS: Paper to accompany bill for relief of George W. Estep, alias Milton Pickles-to the Committee on

By Mr. FULLER: Petition of the American Protective Tariff League, for a minimum and maximum tariff—to the Committee on Ways and Means.

Also, petition of James K. Shield, favoring the Littlefield bill for the regulation of commerce—to the Committee on the Judiciary.

Also, petition of the National German-American Alliance of the United States, against the enactment of the Littlefield bill (H. R. 13655)-to the Committee on the Judiciary

Also, petition of Division No. 302, Brotherhood of Locomotive Engineers, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Mr. GOULDEN: Petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of General Alexander Hayes

Post, Grand Army of the Republic, against abolition of the Pittsburg pension agency-to the Committee on Appropriations.

Also, petition of General Alexander Hayes Post, Grand Army of the Republic, of Pittsburg, Pa., for bill S. 976-to the Com-

mittee on Invalid Pensions.

Also, petition of B. F. Wooding, for an appropriation to test the Wooding railway warning device—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Allegheny County Grand Army Associa-tion, for the McCumber pension bill—to the Committee on Invalid Pensions.

Also, petition of the Allegheny County Grand Army Association, against abolition of the Pittsburg pension agency-Committee on Appropriations.

Also, petition of citizens of Allegheny County, Pa., for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Immigration Restriction League, for an illiteracy-test clause in the immigration bill-to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Paper to accompany bill for relief of Robert Fitzgerald—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of citizens of Benton Harbor,

Mich., in support of bill H. R. 15585, for the relief of ex-prisoners of war-to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the Board of Trade of San Francisco, against the Pearre bill and other proposed antiinjunction legislation—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Maier Zunder Lodge, Independent Order B'nai Brith, of New Haven, Conn., against further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Petition of the Commercial Club of Omaha, for an entire reclassification of second-class matter and indorsing the Penrose bill-to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Petition of the E. A. Sanders Sons Company, for enlarged powers for the Interstate Commerce Commissionto the Committee on Interstate and Foreign Commerce

By Mr. LEGARE: Petition to accompany bill authorizing and empowering Henry E. Young to bring suit in the proper circuit court of the United States for recovery of damages to certain lands in Chatham County, Ga.—to the Committee on Claims.

By Mr. McCALL: Paper to accompany bill for relief of Penrose Forsythe-to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Nehimiah Tildall-to the Committee on Pen-

By Mr. RHODES: Paper to accompany bill for relief of James McCormick—to the Committee on Invalid Pensions.

By Mr. SMITH of California: Petition of Bennington Camp, Spanish War Veterans, of San Bernardino, Cal., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STEENERSON: Joint memorial of the legislature of

Minnesota, for an appropriation to construct a canal in Aiken County to prevent overflow of certain lands caused by the building of reservoirs in the Mississippi by the Government-to the Committee on Appropriations.

By Mr. STERLING: Petition of Division No. 302, Brotherhood of Locomotive Engineers, of Chicago, Ill., for bill S. 5133 (the sixteen-hour bill)-to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bills for relief of Nathan E. Skinner and Job J. Whitman—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of the legislature of Minnesota, for an appropriation to construct a canal in Aitkin County, Minn.to the Committee on Rivers and Harbors.

By Mr. SULZER: Petition of the German Baptist Ministers' Conference of New York, to investigate affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Massachusetts State board of agriculture, for an appropriation to stay the ravages of the gypsy moth—to the Committee on Agriculture.

Also, petition of the national committee on legislation of the United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of the American Protective Tariff League, for a dual tariff-to the Committee on Ways and Means.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

Also, petition of the National League of Employees of Navy-Yards, for a liability law and a Saturday half-holiday law for Government employees—to the Committee on Naval Affairs.

Also, petition of the Grand Army Association of Philadelphia and vicinity, against abolition of the pension agencies-to the Committee on Appropriations.

Also, petition of M. & J. Josephson, against anti-immigration bills now pending-to the Committee on Immigration and Naturalization.

Also, petition of Pearson's Magazine, against tariff on lino-type machines—to the Committee on Ways and Means.

Also, petition of citizens of New York and vicinity, for re-lease for heirs of victims of General Slocum disaster—to the Committee on Claims.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill to place volunteer nurses on an equality with those pensioned under act of 1892-to the Committee on Invalid Pensions.

Also, petition of Chester C. Platt, against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. WOOD: Paper to accompany bill for relief of Richard Prost—to the Committee on Invalid Pensions,

SENATE.

Wednesday, February 6, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Culberson, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound; which were to strike out all after the enacting clause and insert:

That the construction, under the direction of the Secretary of the Treasury, of four steam vessels for the Revenue-Cutter Service is hereby authorized, at a total cost not to exceed \$650,000, said vessels to be as follows:

One steam revenue cutter of the first class for duty in Puget Sound and adjacent waters, at a cost not to exceed \$225,000.

One steam revenue cutter of the first class for duty at Savannah.

Ga., and adjacent waters on the Atlantic coast, at a cost not to exceed

\$200,000.

One able seagoing tug for the Revenue-Cutter Service for duty at New Bedford, Mass., and adjacent waters on the Atlantic coast, at a cost not to exceed \$175,000.

One boarding vessel for the Revenue-Cutter Service for duty at New Orleans, La., and adjacent waters, at a cost not to exceed \$50,000.

And to amend the title so as to read: "An act authorizing the construction of four steam vessels for the Revenue-Cutter Serv-

ice of the United States." Mr. FRYE. I was about to move that the Senate concur in the House amendments, but I understand the Senator from Texas [Mr. Culberson] desires to offer an amendment to the

amendment of the House. Mr. CULBERSON. I offer an amendment to come in at the end of the House amendment. I will state that a bill substantially the amendment I propose was passed by the Senate Janu-

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas to the amendment of the House will be

The SECRETARY. Add at the end of the amendment proposed as a substitute the following:

One motor boarding boat for the port of Galveston, Tex., not to cost exceeding \$35,000: Provided. That the Secretary of the Treasury may use said boat at any other customs port in the United States as the exigencies of the service may require.

The amendment to the amendment was agreed to.

Mr. FRYE. I now move that the amendments of the House as amended be concurred in.

The amendments as amended were concurred in.

REUBEN A. GEORGE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and, on motion of Mr. McCumber, was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 20928, entitled "An act granting an increase of pension to Reuben A. George."

RULES AND REGULATIONS OF DEPARTMENT OF JUSTICE.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 1st instant, a copy of the rules and regulations governing the Department of Justice and its various branches. Mr. HEYBURN. I suggest that the communication lie on the table until the reports from the other Departments of the Government are before the Senate.

The VICE-PRESIDENT. The communication will lie on the table, if there be no objection.

Mr. NELSON. I ask that the report may be printed and re-

ferred to the Committee on the Judiciary.

Mr. HEYBURN. It was my intention in presenting the resolution to the Senate calling for reports as to the rules and regulations in force in the various Departments that when they came to the Senate we would treat them together, and I would ask that they be printed as a Senate document. The report from this Department of the Government will be a part of the general consideration of the subject when all the reports are before the Senate. I see no object in having it referred to the Judiciary Committee.

Mr. NELSON. It relates to the rules governing the Department of Justice, and the subject-matter ought to go to that committee. I have no objection to printing them together, if the Senator insists upon it, by and by, when all of the reports come in, but I think the appropriate course now is to have this communication referred to the Committee on the Judiciary and

Mr. HEYBURN. I would be glad to have a suggestion as to the object of sending this communication to the Judiciary Com-The action contemplated in this matter is of a more mittee. general character than that which could possibly come within the jurisdiction or consideration of that committee. I should like to keep the entire matter before the Senate until we have a report from the other Departments. If we were to distribute the reports from the various Departments, we would have them all in different committees and could get no concerted action in reference to them.

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Wisconsin?

Mr. HEYBURN. In a moment. My purpose in introducing the resolution to which this is a response, which of course became the action of the Senate when it was adopted, was that these reports might be considered as a whole and not separately.

Mr. SPOONER. What was the general scope and purpose

of the resolution?

Mr. HEYBURN. The purpose of the resolution was to enable the Senate to determine how much of the law of the land is statute law and how much of it are rules and regulations. Mr. SPOONER. The Senator's idea is that the reports from

Mr. HEYBURN. The senator's idea is that the reports all the Departments shall go to one committee?

Mr. HEYBURN. That they shall go to one committee.

Mr. SPOONER. To what committee?

Mr. HEYBURN. I have not given that sufficient cons I have not given that sufficient consideration to have an ultimate conclusion on the subject. I thought it time enough when they were all in to determine that matter.

Mr. SPOONER. The Senator's proposition is that this communication shall lie upon the table until they are all in?
Mr. HEYBURN. Yes; and that then all shall go to the com-

mittee appropriate to the consideration of the subject.

The VICE-PRESIDENT. Does the Senator from Minnesota insist upon his motion to refer the communication to the Committee on the Judiciary

Mr. NELSON. I think that is where it ought to go.
The VICE-PRESIDENT. The Senator from Minnesota moves
that the communication be referred to the Committee on the Judiciary and printed.

Mr. NELSON. If the Senator from Idaho desires to have the communication lie on the table for the time being, I will with-

draw my motion.

Mr. HEYBURN. Very well.

The VICE-PRESIDENT. The motion is withdrawn, and the communication will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 1160) to correct the military record of John McKinnon, alias John Mack.

The message also announced that the House had passed a bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President: H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States:

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia:

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," ap-

proved March 3, 1905;

H. R. 19568. An act vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner;

H. R. 23219. An act to authorize Majestic Colleries Company of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a sta-tion on the Norfolk and Western Railway;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in

Custer County, S. Dak.;

H. R. 24361. An act to amend an act entitled "An act to authe R. R. 24501. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City,

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama; and

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the

town of Preston, Iowa.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Ibn Gabriol Lodge, No. 114, Independent Order of B'nai B'rith, of Pittsburg, Pa., praying for the appointment of a commission to investigate the restriction of immigration; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Friend, Oreg., praying for the adoption of certain amendments to the present denatured alcohol law; which was referred to the Com-

mittee on Finance.

He also presented the petition of George A. Bellamy, of Cleveland, Ohio, praying that an appropriation be made for a scientific investigation into the industrial conditions of woman and child workers in the United States; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Maryland and New York, remonstrating against the enactment of legislation to further restrict immigration; which were referred to

the Committee on Immigration.

He also presented memorials of sundry citizens of Rochester, N. Y., remonstrating against any intervention on the part of the United States Government in the affairs in the Kongo Free

State; which were ordered to lie on the table.

He also presented a petition of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., praying for the adoption of certain amendments to the present postal laws so as to allow court review of fraud orders issued by the Post-Office Department, and to provide for the reinstatement of second-class rates of certain publications heretofore excluded; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Minnesota, Illinois, New Jersey, New York, Michigan, and Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DOLLIVER presented a memorial of the American National Live Stock Association, remonstrating against the enactment of legislation making any change in the provisions of the

present meat-inspection law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the American National Live Stock Association, praying for the enactment of legislation providing for a maximum and minimum tariff in relation to our foreign trade; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Western Fruit Jobbers' Association, praying for the adoption of certain amendments to the present interstate-commerce law; which was referred to the

Committee on Interstate Commerce.

He also presented a petition of the Christian Citizenship League of Webster City, Iowa, praying for an investigation of the charges made and filed against Hon Reed Smoot, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Creston, Algona, Oakland, Des Moines, Britt, Shenandoah, Adams, and Corning, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of O'Brien County, Iowa, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to

the Committee on Finance.

Mr. BERRY presented petitions of sundry citizens of Siloam Springs, Horatio, Camden, and Mowellton, all in the State of Arkansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors;

were referred to the Committee on the Judiciary.

KEAN presented petitions of sundry citizens of Plainfield, Merchantville, Passaic Junction, Pensauken, Camden, and Bransboro, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also (for Mr. Dryden) presented a petition of Palisades Lodge, No. 592, Brotherhood of Railroad Trainmen, of Jersey City, N. J., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Northfield, Camden, Trenton, Collingswood, Little Falls, and Paterson, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

He also (for Mr. Dryden) presented a petition of sundry citizens of Camden, N. J., praying for the passage of the so-called "ex-prisoners of war pension bill;" which was referred to the

Committee on Pensions.

He also (for Mr. DRYDEN) presented a petition of sundry citizens of Beverly, N. J., praying for the enactment of legislation to increase the efficiency of the Navy; which was referred to

the Committee on Naval Affairs.

He also (for Mr. Dryden) presented petitions of Washington Camp, No. 23, Patriotic Order Sons of America, of Palmyra, and of sundry citizens of Woodbury, Trenton, Camden, Swedesboro, Hoboken, and Paterson, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also (for Mr. DRYDEN) presented a petition of sundry citizens of Camden, N. J., praying for an investigation of the dismissal of the three companies of the Twenty-fifth United States

Infantry; which was ordered to lie on the table.

He also (for Mr. Dryden) presented petitions of the Woman's Club of East Orange, of the Woman's Club of Orange, and of the New Jersey State Federation of Women's Clubs, of Moorestown, all in the State of New Jersey, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented a petition of the New Jersey State Horticultural Society of Mount Holly, N. J., praying for a continuance of the minimum duty on green and dried apples as now imposed by the German Government; which was

referred to the Committee on Finance.

He also (for Mr. Dryden) presented sundry memorials of citizens of Summit, N. J., remonstrating against the enactment of legislation to abolish the division of the Biological Survey in the Department of Agriculture; which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. DRYDEN) presented the petition of Nathan Russell, of Glenridge, N. J., praying for the enactment of legisla-tion to create a volunteer retired list; which was referred to the Committee on Military Affairs.

He also (for Mr. DRYDEN) presented the petition of H. W. Foster, of South Orange, N. J., praying for the enactment of legislation to fix the pay of the Army; which was referred to the Committee on Military Affairs.

He also (for Mr. Dayden) presented a petition of sundry citizens of Keyport, N. J., and a petition of sundry citizens of Newark, N. J., praying that an appropriation be made for the construction of a 14-foot waterway from the Great Lakes to the Gulf of Mexico; which were referred to the Committee on Com-

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Jersey City, Newark, and Atlantic Highlands, all in the State of New Jersey, praying for the adoption of the so-called Lodge resolution to investigate the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also (for Mr. Dryden) presented the petition of A. D. Cochran, of Millville, N. J., and the petition of David Gray Archbald, of Newark, N. J., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights;

which were ordered to lie on the table.

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Lakewood, Closter, Frenchtown, Clinton, and Centerville, all in the State of New Jersey, praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders;

which were referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a petition of sundry citizens of
Kentucky, praying for the enactment of legislation to regulate
the employment of child labor; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kentucky, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 5312) for the relief of W. F. Tomlinson, administrator of Samuel Tomlinson, deceased; which were referred to the Committee

on Claims.

Mr. ALLEE presented petitions of sundry citizens of Little Creek, Flegler, Wilmington, Dover, Smyrna, and Penn Grove, all in the State of Delaware; of sundry citizens of Baltimore, Md., and Philadelphia, Pa., praying that an appropriation be made for the improvement of Little River, in the State of Delaware; which were referred to the Committee on Commerce.

Mr. BURNHAM presented the petition of Lewis E. Staples, of Portsmouth, N. H., and the petition of Rev. Virgil V. Johnson, of Claremont, N. H., praying for an investigation into the existing conditions in the Kongo Free State; which were ordered

to lie on the table.

He also presented the petition of Rev. Samuel Rose, of Merrimack, N. H., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a petition of the Boston Society of Civil Engineers, of Boston, Mass., praying that an increased appropriation be made for gauging the streams and investigating the water resources of the United States; which was referred to

the Committee on Appropriations.

Mr. DEPEW presented sundry petitions of citizens of Walden and Cayuga, in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented petitions of sundry citizens of Dexter, Bath, and St. Albans, in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee

on the Judiciary.

Mr. PATTERSON presented a petition of sundry citizens of Boulder, Colo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary

He also presented a memorial of sundry citizens of Denver, Colo., and a memorial of the Belgian Protective Association, of Denver, Colo., remonstrating against any intervention of the Government of the United States in affairs in the Kongo Free State: which were referred to the Committee on Foreign Rela-

Mr. CLAPP presented petitions of sundry citizens of Winnebago, Tracey, and Minneapolis, all in the State of Minnesota, and a petition of sundry citizens of Naperville, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of Washington Council, No. 1, Junior Order United American Mechanics, of Minneapolis, Minn., remonstrating against the employment of Chinese, Japanese, and all other Asiatic cooly labor in the construction of the Panama Canal; which was referred to the Committee on Immigration.

He also presented a petition of the Federated Trades Assembly, of Duluth, Minn., praying for the enactment of legislation providing for the adjustment of differences between organized labor and employers' associations; which was referred to the Committee on Education and Labor.

He also presented a petition of the legislature of Minnesota, praying that an appropriation be made for the construction of a canal in Aitkin County, Minn.; which was referred to the Committee on Commerce.

Mr. NEWLANDS presented sundry papers to accompany the bill (S. 8321) granting a pension to Noah Miles; which were referred to the Committee on Pensions.

Mr. SPOONER presented a petition of sundry citizens of Dartford, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

DETAILS OF PROPOSED BATTLE SHIPS.

Mr. HALE. I present a paper containing certain details relating to proposed battle ships. I ask that the paper be printed as a document, printed in the RECORD, and referred to the Committee on Naval Affairs.

There being no objection, the paper was ordered to be printed as a document, and referred to the Committee on Naval Affairs, and to be printed in the RECORD, as follows:

NAVY DEPARTMENT, · Washington, February 4, 1907.

My Dear Senator Hale: I take pleasure in inclosing herewith the information desired by you relative to the proposed battle ship of which a description was sent to the Congress in my letter of December 12, 1906, and printed as House Document No. 295.

Yery respectfully,

V. H. METCALF, Secretary.

Hon. Eugene Hale, United States Senate.

Memorandum concerning the 20,000-ton ship for which the plans and description were submitted to Congress by the Secretary of the Navy, made in reply to an inquiry from Senator Hale, chairman Naval Committee

Fire hundred and ten-foot battle ship No. 28.—Length on L. W. L., 510 feet; length over all, 518 feet 9 inches; beam molded on L. W. L., 84 feet 104 inches; beam over all, 85 feet 22 inches; displacement trial, 20,000 tons; displacement fully equipped and manned (everything on board, full), 22.075 tons; draft mean (trial displacement), 27 feet; draft mean, fully equipped and manned (everything on board, full), 29 foet; 5 inches. draft mean, ful 29 feet 5 inches.

29 feet 5 inches.

Armament, main battery, ten 12-inch B. L. R., 45 calibers. Two submerged torpedo tubes. The ten 12-inch B. L. R. are mounted in five electrically controlled turrets on the center line, placed as follows: Two forward above the forecastle deck, the second one firing over the top of the first; two aft on the main deck, on the same level; and one amidships, firing over the two after turrets.

The two torpedo tubes will be located forward below the waterline. Secondary battery: Fourteen 5-inch R. F. G., four 3-pounder saluting guns, four 1-pounder semiauto guns, two 3-inch field pieces, two machine guns, 30 caliber.

The 5-inch guns are located on the gun deck, forming two broadside batterles of seven guns each, the corner guns having head and stern fire, respectively. The smaller guns are located in commanding positions with large unobstructed arcs of fire.

SPANISH TREATY CLAIMS COMMISSION.

Mr. CULLOM. I present sundry papers relating to the progress and condition of business before the Spanish Treaty Claims Commission, it being the last chapter, as it was called by the chairman of the Commission. I move that the papers be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22079) granting an increase of pension to James

D. Grayson;

A bill (H. R. 21740) granting an increase of pension to Maria R. Klindt:

A bill (H. R. 21764) granting an increase of pension to Ment Stannah:

A bill (H. R. 21769) granting a pension to Emma C. Aikin;

A bill (H. P. 21782) granting an increase of pension to Ander-

A bill (H. R. 21787) granting an increase of pension to Alexander Porter

A bill (H. R. 21838) granting an increase of pension to Fannie J. Terry

A bill (H. R. 21853) granting an increase of pension to Willlam A. Whitaker

A bill (H. P. 21894) granting an increase of pension to Jacob W. Pierce;

A bill (H. R. 21923) granting an increase of pension to Sebastian Fuchs

A bill (H. R. 21962) granting an increase of pension to Henry Osterheld:

A bill (H. R. 21988) granting a pension to Philip Dieter; A bill (H. R. 22002) granting an increase of pension to John

W. Hall; A bill (H. R. 22007) granting an increase of pension to San-

ford D. Payne;
A bill (H. R. 22017) granting an increase of pension to Adolphus Cooley;

A bill (H. R. 22018) granting an increase of pension to

Charles Sells; A bill (H. R. 22020) granting an increase of pension to Samuel

A bill (H. R. 22025) granting an increase of pension to Thomas H. Cook

A bill (H. R. 22034) granting an increase of pension to James A. Wonder

A bill (H. R. 22035) granting an increase of pension to Benjamin Swayze

A bill (H. R. 22050) granting an increase of pension to John W. Frost;

A bill (H. R. 22068) granting an increase of pension to John P. Macy

A bill (S. 8081) granting an increase of pension to William H. Cechran;

A bill (S. 8084) granting an increase of pension to John Hazen:

A bill (S. 8079) granting an increase of pension to Joseph Ickstadt:

A bill (S. 5578) granting an increase of pension to Sheffield L. Sherman, jr.; and A bill (S. 7872) granting an increase of pension to Gilbert

H. Keck.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7636) granting an increase of pension to Samuel M. Breckenridge; and

A bill (S. 6103) granting an increase of pension to William P. Visgar.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 22297) granting an increase of pension to Hugh

A bill (H. R. 22285) granting an increase of pension to Dennis Remington, alias John Baker;
A bill (H. R. 22284) granting an increase of pension to George

Ruhle:

A bill (H. R. 22279) granting an increase of pension to Thomas M. Griffith: A bill (H. R. 22276) granting an increase of pension to War-

ren A. Sherwood; A bill (H. R. 22269) granting an increase of pension to John

L. Rosencrans :

A bill (H. R. 22262) granting a pension to Elizabeth S. Os-A bill (H. R. 22252) granting an increase of pension to Wil-

liam W. Tyson;
A bill (H. R. 22240) granting a pension to James M. Ping;
A bill (H. R. 22239) granting an increase of pension to Eliza-

A bill (H. R. 22223) granting an increase of pension to Uriah Kitchen: A bill (H. R. 22222) granting an increase of pension to John

W. Booth A bill (H. R. 22215) granting an increase of pension to Eliza

A bill (H. R. 22187) granting a pension to Hiram C. Jett; A bill (H. R. 22153) granting a pension to Antonio Archnleta:

A bill (H. R. 22099) granting an increase of pension to Libbie

D. Lowry; and A bill (H. R. 22089) granting an increase of pension to Adaline G. Bailey

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 7786) granting an increase of pension to Channing M. Snow, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7785) granting an increase of pension to Carlo J. Emerson, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18020) for the relief of the Snare & Triest

Company; and
A bill (H. R. 18924) for the relief of George M. Esterly.
Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 8074) to establish a fish-hatching and fish-culture station in the county of Newcastle, Del., reported it with an amendment, and submitted a report thereon,

Mr. CLAPP, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. Talia-FERRO on the 22d ultimo, relative to an appropriation to assist in the industrial education of the negro youth of the Southern States, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon.

Mr. TALIAFERRO. I move that the proposed amendment be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without

amendment, and submitted reports thereon:
A bill (H. R. 21506) granting an increase of pension to Jacob

A bill (H. R. 21508) granting an increase of pension to Samuel Barber :

A bill (H. R. 21515) granting an increase of pension to Joseph Wheeler

A bill (H. R. 21516) granting an increase of pension to James

A bill (H. R. 21540) granting an increase of pension to John L. Wilson ;

A bill (H. R. 21563) granting an increase of pension to Merritt M. Smart:

A bill (H. R. 21588) granting an increase of pension to Rob-

ert Medworth; A bill (H. R. 21604) granting an increase of pension to Wil-

liam Girdler A bill (H. R. 21618) granting an increase of pension to Leon-

idas W. Reavis; A bill (H. R. 21621) granting an increase of pension to

Minerva A. Mayes;
A bill (H. R. 21718) granting an increase of pension to Franz

Z. F. W. Jensen; A bill (H. R. 21268) granting a pension to Rollin S. Bel-

knap;

A bill (H. R. 21276) granting an increase of pension to Christian Roessler

A bill (H. R. 21289) granting an increase of pension to Jesse Lewis

A bill (H. R. 21298) granting an increase of pension to John A. Pence

A bill (H. R. 21301) granting an increase of pension to John R. Goodier

A bill (H. R. 21312) granting an increase of pension to Ernst Boger:

A bill (H. R. 21316) granting an increase of pension to Samuel Rhodes;

A bill (H. R. 21356) granting an increase of pension to Ed-

ward C. Miller; A bill (H. R. 21374) granting an increase of pension to Charles H. Homan;

A bill (H. R. 21410) granting an increase of pension to Blanche M. Kell;

A bill (H. R. 21423) granting an increase of pension to Martha E. Wood ;

A bill (H. R. 21425) granting an increase of pension to Jasper N. Brown

A bill (H. R. 21426) granting an increase of pension to John J. Ross

A bill (H. R. 21433) granting an increase of pension to George W. Lasley

A bill (H. R. 21461) granting an increase of pension to Henry Huff:

A bill (H. R. 21462) granting an increase of pension to William H. Wickham;

A bill (H. R. 21473) granting an increase of pension to James B. Wood; and

A bill (H. R. 21476) granting an increase of pension to Hiram

A. Winslow

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 22642) granting an increase of pension to John

Gregory;

A bill (H. R. 22635) granting an increase of pension to Catharine Williams;

A bill (H. R. 22634) granting an increase of pension to Helon Wilson

A bill (H. R. 22623) granting an increase of pension to George W. Willison;

A bill (H. R. 22620) granting an increase of pension to Charles S. Abbott;

A bill (H. R. 22609) granting an increase of pension to Thomas Bayley;

A bill (H. R. 22601) granting an increase of pension to John

A bill (H. R. 22550) granting an increase of pension to Jonathan B. Reber :

A bill (H. R. 22542) granting an increase of pension to Charlotte S. O'Neall;

A bill (H. R. 22522) granting an increase of pension to Susan

A bill (H. R. 22462) granting an increase of pension to Λaron Chamberlain:

A bill (H. R. 22440) granting an increase of pension to Daniel Mose

A bill (H. R. 22434) granting an increase of pension to Peter McCormick;

A bill (H. R. 22428) granting an increase of pension to Dora

A bill (H. R. 22425) granting an increase of pension to Thomas Sires

A bill (H. R. 22408) granting an increase of pension to Aaron

A bill (H. R. 22388) granting an increase of pension to Daniel A. Peabody :

A bill (H. R. 22359) granting an increase of pension to Louisa L. Wood:

A bill (H. R. 22322) granting an increase of pension to Maria Cross; and

A bill (H. R. 22318) granting an increase of pension to James D. Cox.

Mr. SPOONER, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting a report from the Secretary of State resubmitting the claim for damages by the owners of the British steamship Eastry, reported an amendment proposing to appropriate \$4,126.73 to pay Sivewright, Bacon & Co., of Manchester, England, for damages sustained by the British steamship Eastry, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the message from the President of the United States transmitting a report by the Secretary of State, with accompanying papers, concerning the claim of the British subject William Radeliffe for compensation for destruction of fish hatchery, etc., in Delta, Colo., in 1901, reported an amendment proposing to appropriate \$25,000 to pay William Radcliffe for the destruction of his fish hatchery and other property, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 2926) for the relief of the heirs of John Smith, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 8288) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 8328) to permit the city of New York or the Hudson County Water Company, or either of them, to lay, maintain, and operate two water-pipe lines across and under the waters of the Kill von Kull from Bayonne, N. J. to Staten Island; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLACKBURN. I introduce a bill and ask that it, with the accompanying papers, consisting of a letter from the Secretary of the Treasury and certain affidavits, be referred to the Committee on Claims.

The bill (8, 8329) for the relief of Mrs, Helen S. Hogan, was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. STONE introduced a bill (S. 8331) granting a pension to Mary J. Buck; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8332) for the relief of the Methodist Episcopal Church South of Van Buren, Crawford County, Ark.

A bill (S. 8333) for the relief of the Christian Church near old Austin, Lonoke County, Ark. (with an accompanying paper);

A bill (S. 8334) for the relief of Eliza J. Haines, widow and legal representative of R. L. Haines (with accompanying pa-

Mr. GAMBLE introduced a bill (S. 8335) granting an increase of pension to Milton H. Barnes; which was read twice by its title, and referred to the Committee on Pensions

Mr. KEAN (for Mr. DRYDEN) introduced a bill (S. 8336) for the relief of the heirs of Bowman H. Peterson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8337) granting an increase of pension to Joel T.

Comstock; and

A bill (S. 8338) granting an increase of pension to Ella F.

Mr. DICK introduced a bill (S. 8339) granting an increase of pension to Edward F. Reeves; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 8340) granting an increase of pension to Maria L. Philbrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 8341) granting an increase of pension to George Breckenridge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 8342) granting an increase of pension to George W. Walter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON (by request) introduced a bill (S. 8343) for the relief of the legal representatives of Samuel Dickins; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 8344) for the relief of certain counties in the State of Illinois; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 8345) granting an increase of pension to Frank Holderby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions

Mr. FORAKER introduced a bill (S. 8346) to increase the salary of the United States district judge for Porto Rico; which was read twice by its title, and referred to the Committee on the Judiciary

Mr. DOLLIVER introduced a joint resolution (S. R. 91) adjusting the status of certain officers of the Army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an Army officer to retirement on his own application; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military

DENATURED ALCOHOL.

Mr. HANSBROUGH. Mr. President, on the 18th of December I introduced a bill, which was referred to the Committee on Finance, intended to amend the existing law with respect to the manufacturing and denaturing of alcohol. It is my purpose this morning to introduce another bill on the subject, but before do ing so I desire to address the Senate for a few moments.

The bill to which I refer contains the following provision:

The bill to which I refer contains the following provision:

That for the convenience of persons engaged in the distillation of alcohol in quantities that would not justify the additional expense of a distillery warehouse or a bonded warehouse for each establishment, and who employ approved apparatus with suitable alcohol tanks attached designed to be locked and sealed by an authorized Government officer, the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall, under rules prescribed by him, arrange for the proper denaturing of any alcohol of the required proof so distilled, such distillation and denaturing to be under all the terms and conditions of this act applicable to such cases.

A few wooks later Mr. President there were several hills in

A few weeks later, Mr. President, there were several bills introduced in the House of Representatives on this subject. Those bills were referred to the Committee on Ways and Means, and I find that that committee a few days ago agreed to and reported a bill to the House covering the subject. On an examination of the bill I find that section 4 conforms very closely to

the bill which I introduced on the 18th of December, and it is my purpose this morning to introduce in the Senate the bill reported from the Committee on Ways and Means for reference to the Committee on Finance of the Senate. I do so for the purpose of giving to Senators an opportunity to examine the bill, as it is an important measure and should be enacted into law before we adjourn. I assume, of course, that the House will pass the bill reported by the Committee on Ways and Means, and that in due time it will come to the Committee on Finance of the Senate, where, if we have the opportunity, and I hope we shall have the opportunity, it will be given due consideration.

The purpose contained in section 4 of this bill is the same as that contained in the bill which I introduced on the 18th of December, to wit, to give authority to small distillers to manufacture denatured alcohol. This can not be done under the existing law.

I find, on an examination of some statistics recently published, that in the year 1905 in Germany there were manufactured 76,000,000 gallons, of alcohol for denaturing purposes, and of this amount only 150,000 gallons were manufactured by what are known as industrial distillers. In other words, almost all of the 76,000,000 gallons were manufactured by farmers, chiefly for their own use for purposes of light, heat, and power. There are nearly 6,000 small stills now in operation in Germany manufacturing denatured alcohol; and the purpose of section 4 of the bill reported by the Committee on Ways and Means of the House, as well as of the bill which I introduced here, is to admit of the same thing being done in the United States.

I now introduce the bill reported by the Committee on Ways and Means of the House and ask that it may be referred to the Committee on Finance.

The bill (S. 8330) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906; was read twice by its title, and referred to the Committee on Finance.

ADDITIONAL AIDS TO NAVIGATION.

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes; which was referred to the Committee on Commerce. and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. WHYTE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS,

Mr. ALLEE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill: which were referred to the Committee on Commerce, and ordered to

Mr. HALE submitted an amendment proposing to appropriate \$150,000 to carry out the provisions of the act directing an investigation and report upon the industrial, social, moral, educational, and physical condition of woman and child workers, intended to be proposed by him to the sundry civil appropria-tion bill; which was referred to the Committee on Appro-priations, and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment intended

to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOPKINS submitted an amendment proposing to appropriate \$7,580 for the Bureau of Biological Survey, Department of Agriculture, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee

on Agriculture and Forestry, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$100,000 for the construction of a central light and power plant at the Mare Island Navy-Yard, Cal., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be

Mr. GAMBLE submitted an amendment proposing to appropriate \$57,000 for the construction and erection of a cavalry drill hall and \$16,500 for a band barracks at Fort Meade military post, S. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee

on Appropriations, and ordered to be printed.

Mr. BURKETT submitted an amendment authorizing the President of the United States to establish from time to time, by proclamation, grazing districts upon the unreserved, unappropriated public lands, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment relative to the regulation and control by the Secretary of Agriculture of the grazing upon the unappropriated unreserved lands of the United States, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

S KATE FISHER

On motion of Mr. Clapp, it was

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 8080) for the relief of S. Kate Fisher, to-gether with the engrossed copy of the Senate amendment thereto.

RETURN OF ORIGINAL PAPERS TO INTERIOR DEPARTMENT.

On motion of Mr. Perkins, it was

Ordered, That the original manuscript of the Report of the Commissioner for the Interior for Porto Rico, printed as Senate Document No. 16, Flfty-ninth Congress, second session, and the original manuscript of the Financial Report of the Government Hospital for the Insane, printed as Senate Document No. 15, Flfty-ninth Congress, second session, be taken from the files of the Senate and returned to the Interior Department

SOLDIERS' ROLL OF THE SENATE.

Mr. DICK submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Sergeant-at-Arms of the Senate is hereby directed to place on a special roll the names of all messengers now on his list of employees who are employed about the doors, committee rooms, or elevators of the Senate whose Army record, wounds, and disabilities, and service in the Senate justly entitle them to favorable consideration, to be known and designated as "The soldiers' roll of the Senate," and to continue such persons in such positions and employment until cause for their removal shall have been reported to and approved by the Senate and their removal directed.

THE PHILIPPINE ISLANDS.

Mr. CLAY. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A statement of the amount of money expended by the United States for equipment, supplies, and military operations in the Philippine Islands each year from July 1, 1902, to the present time. Said statement to include the amount of money paid by the United States for and on account of railway transportation for troops to and from the Philippine Islands since July 1, 1902, and the several railway companies to which it was paid and the sums paid each of them. Said statement to include a full and complete account of all our expenditures in the Philippine Islands since July 1, 1902, up to the present time.

The Secretary is also directed to inform the Senate the number of United States soldiers now stationed in the Philippine Islands, and how long, in his judgment, it will be necessary for the United States to maintain an army in the Philippine Islands, and what number of soldiers will be required to maintain law and order in said islands, and what will probably be our annual expenditures in maintaining such army in said islands.

He is also directed to inform the Senate what progress, if any, has been made by the people of the Philippine Islands in qualifying themselves for self-government.

The VICE-PRESIDENT. Is there objection to the present

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SPOONER. I think the resolution had better go over

The VICE-PRESIDENT. The resolution will go over under the rule.

SENATOR FROM UTAH.

Mr. BERRY. Mr. President, I gave notice two or three days ago that this morning I would make some remarks on the right of the Senator from Utah [Mr. Smoot] to retain his seat in this But the Senator from Minnesota [Mr. Clapp] is very anxious to get through with the Indian appropriation bill, and I do not wish to interfere with that or any other appropriation bill. I will simply state that when the opportunity offers and no appropriation bill is pending I will then ask to be heard, if the Senate will hear me.

INDIAN APPROPRIATION BILL.

I move that the Senate proceed to the consideration of House bill 22580, making appropriations for the Indian

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipu-lations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

Mr. CLAPP. I desire to call attention to the amendment on page 47, beginning with line 19 and continuing to and including line 2 on page 48. I ask that the Senate amendment be re-jected. I have discovered, in conference with the Commissioners of the Five Civilized Tribes, that it is not necessary.

The VICE-PRESIDENT. The Secretary will state the amendment.

The Secretary. On page 47 of the bill, beginning with line 19 and extending down to and including line 2 on page 48, assigning to the several members of the Creeks, Cherokees, Chickasaws, and Choctaws, respectively, who have not heretofore accepted allotments, 160 acres of lands, etc.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

The amendment was rejected.

Mr. CLAPP. On page 47—— Mr. LONG. Before leaving page 47, the amendment just above the one rejected was passed over on a point of order made by the senior Senator from Maine [Mr. Hale]. I ask the Senator whether he insists on his point of order?

Mr. HALE. No; it does not come under the scope of the discussion yesterday. I am satisfied that it is a proper and fitting measure, and I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn.

The amendment will be stated by the Secretary

The Secretary. On page 47, beginning with line 4 and ending at line 18, the amendment relative to the issuance of bonds by McAlester, Ind. T.
The VICE-PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

Mr. CLAPP. To come in on page 47, after line 18, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 47, after the amendment heretofore

agreed to, ending in line 18, it is proposed to insert:

That all restrictions as to the sale and encumbrance of the south-east quarter of the northwest quarter of section 13, township 11, range 9 east, in the Indian Territory, the same being the homestead heretofore allotted to Nocus Fixico, Creek allottee No. 603, are hereby removed.

Mr. CLAPP. I want to state, for the benefit of the Senate, that last year we passed this provision, but the name was spelled incorrectly, it being spelled "Nucus" instead of "Nocus," and consequently it was thereby inoperative. The object of this amendment is merely to correct that name, so that the benefits intended to be conferred by the act may be received by

Mr. SPOONER. Mr. President, I should like to inquire of the Senator who has charge of the bill what is the purpose of this legislation? It removes, as I understand, the restrictions from the alienation of an Indian homestead. Why should that be done?

This matter is not fresh in my mind; but, as I remember it, last spring we passed a bill with that provision in it, only the name was misspelled. I think the Senator from Kansas [Mr. Curtis] is acquainted with this matter, and perhaps he can explain it.

Mr. CURTIS. I will say to the Senator from Minnesota that was merely informed that there had been a mistake in the spelling of the name, which, of course, we ought to correct. I know nothing about the facts in the case.

Mr. SPOONER. We ought to correct the mistake, if the provision ever ought to have been adopted; but I have been told several times here, while opposing the removal of restrictions in a general way upon the power of the Indian to alienate his land, that the homestead was guarded, and that although he might be despoiled by the white man of all the land, the homestead would be saved to the family. This is a proposition, as I heard it read, to remove the restrictions as to a homestead.

Mr. CLAPP. If the Senator will pardon me a moment, my recollection of it, though I am not clear about it, is a town site a village—sprung up there, and this act was passed to enable this allottee to divide up his allotment and sell it in lots.

Mr. SPOONER. I ask the Senator to let the amendment be passed over until it can be looked into.

Mr. CLAPP. Does the Senator from Wisconsin desire to suggest a point of order against the amendment?

Mr. SPOONER. I do not want to make a point of order if the provision ought to be adopted; but I think the Senate ought to know accurately, before removing restrictions upon the power to alienate the homestead of an Indian, the reasons for it. If it is necessary to make the point of order, I will make it; but if the matter can come up a little later, I will be satisfied.

Mr. CLAPP. I do not care.

Mr. CLAPP. I do not care.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota [Mr. CLAPP] will be passed over.

Mr. CLAPP. On page 37, after line 12, I offer the amendment which I send to the desk, and also a letter of the Commissioner of Indian Affairs accompanying it, which I ask to have read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

. The Secretary. On page 37, after the amendment already agreed to, ending on line 12, it is proposed to insert the fol-

That the Secretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T.; and for the purpose of carrying this provision into effect the sum of \$10,000, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. The letter sent to the desk by the Senator from Minnesota [Mr. Clapp] will now be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR Office of Indian Affairs, Washington, February 4, 1907.

To the Secretary of the Interior.

To the Sceretary of the Interior.

Sin: I have the honor to acknowledge the receipt, by your reference of to-day, of a bill, H. R. 25183, being a bill to provide for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T., and reading as follows:

"That the Sceretary of the Interior be, and he is hereby, authorized to make such contract as in his judgment seems advisable for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T., and for the purpose of carrying this provision into effect the sum of \$10,000, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

As directed, I submit the following report:

The Secretary of the Interior has approved a contract for the care, maintenance, etc., of sixty orphan Indian children in this school during the current fiscal year, payable out of the appropriation made therefor.

This contract was recommended by the United States Indian in-

therefor.

This contract was recommended by the United States Indian inspector in Indian Territory and the superintendent of schools in Indian Territory, and in view of these recommendations I respectfully suggest that a measure similar to the one under consideration will be for the best interests of these unfortunate children.

The two papers are herewith returned.

Very respectfully,

F. E. Leupp, Commissioner

F. E. LEUPP, Commissioner.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota [Mr. CLAPPI.

The amendment was agreed to.

Mr. CLAPP. Mr. President, that, I think, completes the
Department amendments, but while I have the floor I desire to offer an additional amendment on my own initiative

The VICE-PRESIDENT. The amendment submitted by the

Senator from Minnesota will be stated.

The Secretary. On page 68, after line 11, it is proposed to

That all restrictions as to the sale, incumbrance, or taxation for allotments within the White Earth Reservation, in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed, and the trust deeds heretofore or hereafter executed by the Department for such allotments are hereby declared to pass the title in fee simple; or such mixed bloods, upon application, shall be entitled to receive a patent in fee simple for such allotments; and as to full bloods, said restrictions shall be removed when the Secretary of the Interior is satisfied that said adult full-blood Indians are competent to handle their own affairs. And in such case the Secretary of the Interior shall issue to such Indian allottee a patent in fee simple upon application.

Mr. CLAPP. Mr. President, last winter we passed a law which provided that "all restrictions as to the sale, incumbrance, or taxation for allotments within the White Earth Reservation, in the State of Minnesota, now or hereafter held by adult mixed-blood Indians, are hereby removed."

The question has arisen under that act, where an Indian had received an allotment, but had died before the passage of that act, whether it would cover such a case. The Department has proceeded upon the theory that it would, but the difficulty is that it simply throws a question upon the Indian's title and enables him to deal with less advantage than if the question was cleared up. It is for the purpose of clearing it up that I have offered this amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LONG. Mr. President, before the amendment is acted upon by the Senate, I desire to ask the Senator from Minnesota what has been the effect of that act so far as the removal of restrictions is concerned in relation to Indians upon the reserva-

Mr. CLAPP. Mr. President, its success exceeded my most sanguine expectations. I intend, when we reach the question of the removal of restrictions—and it undoubtedly will come up to-day—to somewhat analyze that case with reference to its bearing upon the question of the removal of restrictions.

Mr. SPOONER. Will the Senator allow me to inquire how many Indians there are who would be affected by that pro-

Mr. CLAPP. There are probably about from ten to eleven hundred, I think, that would be affected by it.

Mr. LONG. It is impossible to hear the colloquy which has been going on between the Senators.

Mr. SPOONER. I was endeavoring vainly, not so far as the Senator was concerned, but the Senate, to learn the number of Indians on the reservation who would be affected by this legislation. The Senator from Minnesota has informed me that he thinks about 1,100. Now, I should like to inquire how many of the 1,100 are full bloods?

Mr. CLAPP. I am not speaking of full bloods in the 1,100. I think there are about 1,700, all told, on the reservation, and there are somewhere from 900 to 1,100 perhaps of mixed bloods who are affected by this removal of restrictions. When I first replied to the Senator from Wisconsin I misunderstood his inquiry.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. Clapp].

The amendment was agreed to.

Mr. CLAPP. Mr. President, I have been asked to offer the amendment which I send to the desk on behalf of the Senator from Nebraska [Mr. Millard], to come in on page 86, after line 20.

The Secretary. On page 86, after line 20, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Omaha National Bank, of Omaha, Nebr., out of any money in the Treasury not otherwise appropriated, the sum of \$826.24, for and on account of an United States Indian voucher issued to D. J. McCann and cashed by said Omaha National Bank and refused by the United States Government as nonnegotiable and transferred without authority.

Mr. HALE. Mr. President, that is clearly a private claim and has no place on this bill; but as the amount is so small, I will not make the point of order.

Mr. CLAPP. I supposed the Senator from Nebraska, in whose behalf I offered the amendment, was present.

Mr. SPOONER. I think that claim has been here before.
Mr. ALLISON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota

yield to the Senator from Iowa?

Mr. CLAPP. With pleasure.

Mr. ALLISON. I desire to call the attention of the Senator from Minnesota to pages 103 and 104 of the pending bill, where it appears that certain words proposed to be stricken out by the Committee on Indian Affairs were stricken out by the action of the Senate on yesterday, as appears from the Congressional RECORD of February 5,

Mr. CLAPP. I did not so understand.
Mr. ALLISON. It so appears in the Congressional Record, on page 2315, from which I read the following:

The next amendment was, under the subhead "Sacs and Foxes of the Mississippi (treaty)," on page 103, after line 24, to strike out: "For interest on \$200,000, at 5 per cent, per second article of treaty of October 21, 1837, \$10,000."

The amendment was agreed to.

So that was stricken out. Then there follows:

The next amendment was, on page 104, after line 2, to strike out:
"For interest on \$800,000, at 5 per cent, per second article of treaty
of October 11, 1842, \$40,000: Provided, That the sum of \$1,500 of this
amount shall be used for the pay of a physician and for purchase of

The amendment was agreed to.

So it appears that that was also stricken out. Then follows:

So it appears that that was also stricken out. Then follows: The next amendment was, on page 104, after line 8, to insert: "That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Sacs and Foxes of the Mississippi tribe of Indians, the unappropriated sums of \$200,000 due under the second article of the treaty of October 21, 1837 (7 Stat. L., p. 540), and \$800,000 under second article of treaty of October 11, 1842 (7 Stat. L., p. 596); and the Secretary of the Interior is authorized to pay per capita to the members of the tribe entitled thereto the said sum, under such rules and regulations as he may prescribe, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201)."

The amendment was agreed to.

This amendment was reported by the committee. Now, Mr. President, as it appears from the Record, the House provision was stricken out and the Senate committee provision was agreed to. As I understand, it is just the reverse of that which was done.

Mr. CLAPP. Mr. President, the Senator will observe, by looking further at the RECORD, that just at the close of the session yesterday I made a motion, which I think effectuated the object, to first reconsider the vote by which the amendments of the Senate committee were adopted, and then striking them out; but, to clear the RECORD, I now move that the Senate reconsider its vote on the amendments beginning on line 25, on pages 103, and extending to and including line 8, page 104.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate reconsider the vote by which the amendments referred to by him were adopted. Without objection, the re-

spective votes are reconsidered.

Mr. CLAPP. Now, I move, Mr. President, that the amendments referred to may be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the

The amendments were rejected.

ALLISON. The effect of that is to restore the text of the bill as it came from the other House.

The VICE-PRESIDENT. To restore the text of the bill as it

came from the House of Representatives,
Mr. CLAPP. Now, I ask the Senate to reconsider the vote by which the Senate amendment, beginning on line 9, page 104, and extending to and including line 24, on the same page, was adopted.

The VICE-PRESIDENT. That amendment reported by the committee was disagreed to by the Senate, according to the record of the Secretary.

Mr. ALLISON. But the Congressional Record shows it was agreed to.

The VICE-PRESIDENT. The record of the Secretary shows It was disagreed to.

Mr. ALLISON. I want it to appear in the Record to-day that that amendment was disagreed to.

The VICE-PRESIDENT. It was disagreed to.

Mr. ALLISON. As this is a very important matter, I want to be certain, so far as I can be, that the record is as it ought to be.

Mr. CLAPP. The Senator has taken the part of the Record that covered the action on the committee amendments earlier in the day; but on page 2327 of the RECORD, I think, he will find that the amendment was disagreed to.

Mr. ALLISON. Very well.

Mr. CLAPP. Is not that correct, Mr. President? The VICE-PRESIDENT. The RECORD is correct. Mr. CLAPP. Now, Mr. President, as I have the floor, in be-

half of the junior Senator from Ohio [Mr. Dick], I offer the amendment which I send to the desk.

Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. CLAPP. With pleasure.

Mr. SPOONER. May I be permitted to inquire what became of the amendment that was offered for the payment of \$826.24

to the Omaha National Bank, of Omaha, Nebr.?

The VICE-PRESIDENT. The Chair understands no point of order was made against the amendment; and the question is on agreeing to the amendment.

Mr. SPOONER. I should like to be heard against agreeing to the amendment.

The VICE-PRESIDENT. The Senator from Wisconsin.

Mr. SPOONER. I make the point of order upon the amendment, Mr. President, that it is a private claim. I do that because after looking into the report I am perfectly satisfied that

the Government ought not to pay the claim.

The VICE-PRESIDENT. The Chair sustains the point of

Mr. CLAPP. Very well. Now, on behalf of the junior Senator from Ohio [Mr. Dick] I offer the amendment which I send to the desk.

Mr. LODGE. I rise to inquire if we have finished all the amendments that were passed over?

Mr. CLAPP. No.

The VICE-PRESIDENT. The amendment submitted by the Senator from Minnesota [Mr. CLAPP] will be stated.

The Secretary. On page 83, after line 9, it is proposed to insert the following:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Raynolds, or his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$2,290.49, for and on account of two United States Indian vouchers in the amount of \$1,382.51 and \$907.98, issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Raynolds, and allowed for payment by the United States Government on the 2d day of May, 1877, and afterwards refused.

The VICE-PRESIDENT. The question is on agreeing to the

Mr. SPOONER. What are the facts about that, Mr. President? It looks as if it might be a twin brother of the amendment upon which the Senate has just acted.

Mr. CLAPP. The Senator from Ohio [Mr. Dick] is here and can explain the amendment.

Mr. DICK. Mr. President—

Mr. ALLISON. Will the Senator yield to me for a moment?

Certainly. Mr. DICK.

Mr. ALLISON. I wish to call the attention of the Senate, and of the Senator from Minnesota [Mr. Clapp] especially, to the status of the amendments to which I called the attention of the Senate a few minutes ago. On yesterday evening, as appears from the Record, on motion of the Senator from Minnesota [Mr. Clapp] the amendment on page 104, between lines

9 and 24, was rejected; and it so appears, as I understand, in the Record of yesterday, but that does not quite complete the situation. As a part of that amendment, or as another amendment, certain lines were proposed to be stricken out, and that amendment was agreed to, but, as appears from the Record, the Senator from Minnesota this morning has very properly asked for a reconsideration of the vote on the amendments beginning on line 25, page 103, and ending on line 8, page 104. He has moved to reconsider the vote whereby those words were stricken out; and then, after that reconsideration, the amendments were rejected. So that it now appears by the RECORD, as made to-day, that the original text remains in the bill as it came from the House, which is very important, because it is a provision that appropriates for the annuities. I merely wanted to call attention to the matter in order that it may appear in the RECORD.

Mr. HALE. That is, the provision as it came from the House was restored?

Mr. ALLISON. Yes; restored.

Mr. HALE. And the part proposed to be inserted by the committee is stricken out?

Mr. ALLISON. The first amendment of the committee is rejected.

Mr. HALE. The amendment of the committee to strike out from line 25, on page 103, to the end of line 8, on page 104 of the bill as it came from the House, was disagreed to, and so those lines are restored; they are in the text of the bill.

Mr. ALLISON. Yes; they are in the text; exactly.

Mr. HALE. They were proposed to be stricken out by the committee, but they are now left; and the next amendment, to insert from line 9 to line 24, on page 104, was rejected. words have been stricken from the bill.

The VICE-PRESIDENT. The Chair calls the attention of the chairman of the committee to the amendment on line 25, page 104, and inquires whether the totals are correct, in view of the amendments which have been made?

Mr. CLAPP. No; the committee amendment there should be rejected and the words "fifty-one thousand dollars" should be

restored.

The VICE-PRESIDENT. Without objection, the vote by which the amendment of the committee striking out "fifty-one thousand," on line 25, page 104, and inserting "one million and one thousand" will be reconsidered; and without objection, the amendment is disagreed to.

Mr. CLAPP. That is right.

Mr. ALLISON. That amendment should be disagreed to. Therefore the original text will stand as the bill came from the House of Representatives.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

Mr. DICK. Mr. President— Mr. CLAPP. Has the Senate disposed of the amendment which I submitted on behalf of the Senator from Ohio [Mr. DICK 1?

The VICE-PRESIDENT. The question is on agreeing to that amendment.

Mr. SPOONER. I ask for some explanation of the amendment, which I understood was about to be made by the Senator from Ohio.

Mr. DICK. Mr. President, a complete explanation of the reasons for the amendment will be found on page 42 of the Mr. DICK. report made by the Committee on Indian Affairs at the last

session, which I ask may be read.

The VICE-PRESIDENT. The Secretary will read, in the absence of objection, as requested by the Senator from Ohio.

The Secretary read as follows

The Secretary read as follows:

ALBERT H. RAYNOLDS.

The facts pertinent to this claim are, in all important parts, matters of public record, which are supplemented in some unimportant details by affidavits on file with the claim, and are as follows:

Albert H. Raynolds was engaged in the banking business in Sidney, Nebr., in the year 1877. On the 26th day of March, in that year, in the regular course of business, in good faith and for the full face value, he cashed and pald two United States Indian vouchers in the sums, respectively, of \$907.98 and \$1,382.51, making a total of \$2,290.49, issued to Dwight J. McCann, a Government contractor, for and on account of transporting Government supplies from Omaha and Sidney and Schuyler, in the State of Nebraska, to the Red Cloud Indian Agency, in said State, as shown by the receipts vouching for the delivery of the goods and the correctness of the amounts stated, signed by Lieut. A. C. Johnson, United States Army, acting Indian agent at Red Cloud and Spotted Tail Indian agencies, in said State of Nebraska.

Thereupon claimant forwarded said vouchers for collection through

Nebraska.

Thereupon claimant forwarded said vouchers for collection through the Citizens' National Bank, of Washington, in the District of Columbia. Said vouchers were presented to the Commissioner of Indian Affairs for approval and allowance for payment, and the same were, on the 21st day of May, 1877, duly allowed for payment by said Commissioner of Indian Affairs, and were by him referred to the Second Auditor of the Treasury for settlement and charged to the appropriation for the transportation of Indian supplies for the fiscal year 1877. The two vouchers thus approved and allowed for payment were received by the Auditor of the Interior Department in

the due course of official business on the 23d day of October, 1879, but they remained in his office for over two years without being reached for settlement and payment. On the 9th day of December, 1881, the vouchers were recalled by the Commissioner of Indian Affairs, and were, on the 13th day of December, 1881, returned to 1881, the vouchers were recalled by the Commissioner of Indian Affairs, and were, on the 13th day of December, 1881, returned to on the ground that the said Dwight J. McCann was a defaulting contractor and heavily in debt to the United States, and the said vouchers were applied on the account of said Dwight J. McCann with the United States, to the total loss of the claimant.

To be up to the time of his death, some seventeen years ago, owing the United States large sums of money, and the claimant was never able to recover from him the sums be advanced on said vouchers able to recover from him the sums be advanced on said vouchers the claimant was then engaged in business. He cashed the vouchers in the usual course of his banking business. He cashed the vouchers in the usual course of his banking business, as he had done many times before and as was a common custom with bankers at that time in that could obtain the funds necessary to pay the wages of their teamsters and other expenses. That it was absolutely necessary for some person to make these advances in order that contractors could carry on their business with the United States is proved by the fact that these could obtain the funds necessary to pay the wages of their teamsters and other expenses. That it was absolutely necessary for some person to make these advances in order that contractors could carry on their business with the United States is proved by the fact that these could obtain the funds necessary to pay the wages of their teamsters and other expenses. That it was absolutely necessary for some person to make these advances in order that contractors could carry on their business with the United States is provided to the pro

Mr. SPOONER. Mr. President, it is perfectly obvious that these claims ought not to be in this bill. The Senate ought not

to adopt them as amendments to the bill.

McCann was the contractor with the Government on whose account these vouchers were issued. The same thing was true as to the claim which went out on a point of order. read from a letter of the former Commissioner of Indian Affairs, Mr. Jones, a very able and very honest official, one statement. It will take but a moment:

It will take but a moment:

Under date of September 29, 1876, a contract was awarded to D. J. McCann for Indian supplies for certain agencies of the Indian Service, and on January 17, 1877, he was awarded a contract for 500,000 pounds of flour for Red Cloud and Spotted Tail agencies. He used his transportation contract as a means of robbing the Indian Service of large amounts of beans, corn, and other supplies, diverting them from where they were consigned to other points and there disposing of them for his own personal gain. For such acts he was indicted and sentenced to the penitentiary. On his flour contract he defaulted, having furnished about 100,000 pounds thereof, and the Government had to buy the balance in the open market at greatly advanced rates, paying for most of it at \$5.25 and \$4.25 per hundredweight against McCann's prices of \$3.075 for 200,000 pounds and \$2.55 for 300,000 pounds, and, in addition thereto, the regular freight rates by wagon on the same.

The Government lost a very large sum of money through the default of McCann and his robberies—you may call them peculations—under the contract. These vouchers were undoubtedly issued and approved by the Indian agent, but they were disapproved by the accounting officers of the Government.

Mr. McCUMBER. Will the Senator state why they were dis-

approved:

Mr. SPOONER. They were disapproved because the man had defaulted on his contract and owed large sums of money to the Government

Mr. McCUMBER. As I understand the statement and the record that was read the vouchers remained there some four years before this default.

Mr. SPOONER. Estoppel does not run against the king.

Mr. McCUMBER. Yes; but I understood they were presented, and I want to have the Senator, if he can, state the reason why they were held up for a period of four years.

Mr. SPOONER. That I do not know. Papers are often held

in the Departments. But the pivotal fact is that the contractor on whose account the vouchers were issued was largly indebted to the Government for frauds perpetrated upon the Government in the execution of his contract.

Mr. McCUMBER. Was he indebted at the time these vouchers were issued, or were they valid vouchers, and was there any offset to them at the time they reached the Department? That seems to me to be an important feature.

Mr. SPOONER. I do not undertake to give the dates. I do

It is not stated here. not know.

Mr. McCUMBER. The Senator would agree, I think, that if this sum was due at that time and the vouchers were regular at the time they were presented, and it had been the custom of the Department to pay vouchers as they were presented, and there were no offsets at that time, those two or three vouchers ought not to have been mislaid or held until some default happened.

Mr. SPOONER. As to one of the vouchers, the voucher in the other case, it is stated here that the ground for refusing to pay it was that at the time McCann was in default under his contract.

Mr. McCUMBER. Of course that would be an offset Mr. SPOONER. It is very probable that the same thing was

true as to this.

But this is a private claim, and it ought to be considered as a private claim and not as a part of an appropriation bill, so that every fact in regard to it can be explored and brought to the attention of the Senate.

It has been decided by the Court of Claims, and it is well set forth in that report, that these vouchers were not negotiable paper, and even if the assignment of them was not in contravention of section 3477, which I am inclined to think it was not, nevertheless they could only be assigned subject to all the rights of the Government against the contractor. So, Mr. President, I

make the point of order that it is a private claim.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CLARK of Wyoming. I desire to call attention to an amendment that was under consideration, to be found at the bottom of page 36. I should like the attention of the senior Senator from Massachusetts [Mr. Lodge] to the matter. I wish to call attention to the record on this point. The amendment as proposed and reported in the bill was thought to be faulty.

Mr. LODGE. To which amendment does the Senator refer?

My attention was diverted for the moment.

Mr. CLARK of Wyoming. The amendment at the bottom of page 36.

Mr. HALE. Beginning in line 20, Mr. CLARK of Wyoming. I have not the bill before me. Mr. LODGE. I thought the Senator's amendment was adopted.

Mr. CLARK of Wyoming. It was; but the Senator from Massachusetts thereupon gave notice that he would renew the point of order.

Mr. LODGE. That was before I had examined the amendment. I subsequently examined it at the desk and found that it was entirely satisfactory, and I have no intention of making the point of order,

Mr. HALE. Let us now take up the first amendment which was passed over.

Mr. CLAPP. I suggest that we now proceed to the consideration of the amendments which were passed over.

The VICE-PRESIDENT. The first amendment which was passed over will be stated.

The Secretary. On page 26 of the bill, after line 10, it is proposed to insert the following:

That legal and equitable jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear, determine, and render final

judgment, with right of appeal as in other cases, in a certain cause entitled "The White River Utes, the Southern Utes, the Uncompalgre Utes, the Tabeguache, Muache, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated bands of Ute Indians of Colorado, against The United States," being Congressional, No. 11248, pending in sald court by reference under Senate resolution dated December 11, 1903; and in rendering said judgment the court shall embrace therein the value of all lands whereof disposition has been made for cash, and also for lands which have been withdrawn from the public domain and set apart as public reservations or for forest or timber-land reserves or for other public uses under existing laws or proclamations of the President of the United States, and for all sums due to the Confederated bands of Ute Indians, the complainants in said cause of action, under the terms of the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same;" said action shall proceed under its present title and pleadings filed, with right of amendment, and shall be conducted by the attorney of record now appearing in said cause or by any attorney by him specifically authorized to appear, and the Attorney-General shall continue to appear and represent the United States, and in rendering final judgment the court shall fix the compensation of the attorneys on behalf of plaintiffs, not exceeding 15 per cent of the amount of said judgment, which compensation shall be awarded for said attorneys who have rendered actual services in conducting the said cause, upon a quantum meruit, in the name of the attorney of record in said cause, or any attorney by him specifically authorized, and shall be paid to him from the proceeds of said judgment by the Secretary of t

Mr. CLAPP. At the request of the senior Senator from Colorado [Mr. Teller] I submit an amendment to the amendment.

The VICE-PRESIDENT. The Secretary will amendment to the amendment submitted on behalf of the senior Senator from Colorado.

The Secretary. On page 27, line 25, after the word "Treasury," it is proposed to strike out the following words:

Out of any money in the Treasury not otherwise appropriated, to be reimbursed to the United States from the funds of the Confederate bands of Ute Indians.

Mr. LODGE. I withheld the point of order on the amendment when it was reached in the reading of the bill at the request of the chairman of the committee. I make the point of order without going into it. The amendment comes clearly under the rulings made by the Chair.

Mr. PATTERSON. Mr. President, I desire to be heard be-

fore the point of order is pressed to a decision.

The matter involved in the amendment is one in which my colleague [Mr. Teller], who is now sick, is very much interested. It relates to Indians who were formerly on reservations in Colorado, and has for its object the effectuation of legislation already on the statute books. I hope that the Senator from Massachusetts will not press the point of order for the reasons that I shall state to him.

I discover, Mr. President, that points of order against items in appropriation bills that are subject to points of order are made and pressed as each item or some particular item may strike the judgment of a Senator. No Senator has yet under-taken to enforce the rule as against all items in appropriation bills that are in the nature of general legislation. If that were done, no one could take exception to the exclusion from an appropriation bill upon points of order of everything improperly there. But it does seem to me that such points should only be pressed under the practice that has arisen in this Chamber. when a Senator is convinced that the object of an amendment or a provision in an appropriation bill is not wise or just, and is liable to inflict some wrong or injury upon the Government.

A very good illustration of what I have suggested is in the present bill. Many items that are subject to points of order have been passed by the Senate. No objections have been urged, or if they have been urged they have been withdrawn as a Senator has become convinced that it would be wise or just to

allow the provision to remain.

Mr. President, it is upon that proposition that I desire to address the Senate, hoping that the Senator from Massachusetts will give attention to what I may say upon the subject. I must necessarily do so in an imperfect way, because it is a matter with which my colleague is entirely familiar and one in which I have taken no personal interest and would not have taken any if it had not been for his illness and the special request made of me by him.

Mr. LODGE. Mr. President

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. PATTERSON. Certainly. Mr. LODGE. I will ask the Senator from Colorado if it would be equally agreeable to him to allow this amendment to

go over until a somewhat later hour in the afternoon, as I shall have to leave the Senate Chamber in a moment to attend committee meeting.

Mr. PATTERSON. Certainly. If the Senator will indi-

Mr. LODGE. If it is equally convenient to the Senator, I will come back later in the afternoon.

Mr. PATTERSON. If the Senator will indicate at what time, it will be entirely agreeable to me to postpone it, because I want to make my remarks at a time convenient to him.

Mr. LODGE. At 3 o'clock I will be back.

Mr. PATTERSON.

Very well. ENT. The Secretary will report the next The VICE-PRESIDENT. amendment which was passed over.

The SECRETARY. The committee propose to strike out, on page 34, after line 16, the following:

To enable the Secretary of the Interior to carry out the previsions of the act approved April 21, 1994, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, \$25,000: Provided, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.

Mr. SPOONER. Why is that to be stricken out? That, as I understand it, is to carry out the provisions of the law authorizing an investigation by the Secretary of the Interior for the purpose of ascertaining in what cases and from what Indians the restrictions as to alienation should be removed. that it?

Mr. McCUMBER. It is evident that the committee intended

Mr. MCCUMBER. It is evident that the committee intended to do away with this clause and to remove all these restrictions. Mr. SPOONER. Absolutely?
Mr. McCUMBER. Absolutely, in the next paragraph. It is on that provision I desire to be heard.
Mr. SPOONER. They go together?
Mr. McCUMBER. They go together.
The VICE-PRESIDENT. The remainder of the amendment will be stated.

will be stated.

The Secretary. In lieu of the language proposed to be stricken out it is proposed to insert the following:

On and after July 1, 1907, all restrictions upon the alienation, leasing, or encumbering of the lands, except homesteads, of all allottees of Indian blood in the Indian Territory, and all restrictions upon the alienation, leasing, or encumbering of all the lands of allottees not of Indian blood are hereby removed.

Mr. McCUMBER. Mr. President, this brings up again the same question that was discussed during the last session, as to the authority of Congress to extend the restrictions and as to whether or not it is provident legislation. I do not think it will be necessary to go over the ground then gone over as to the question of our legal right in the premises. It has been stated here—and I will admit that the Heff case seems to support that statement—that Congress has no power to impose further restrictions upon the alienation of lands granted to Indians. I do not think, though, that whatever has been stated in the Heff case or in the Rickert case can be said to be a precedent in a case involving the right or the authority of Congress to still deal with lands, with property, that has not passed out of the Government of the United States and is still in the hands of certain members of Indian tribes.

Mr. President, one of two things is certainly true. Either we have the power to continue these restrictions, to extend them, or to dispose of them entirely or we have no power to deal with 90 per cent of all of the matters that are contained in this bill. Those who claim that Congress has no further authority in the premises over land belonging to the Indians in the matter of continuing restrictions beyond the period already provided by law base their claim upon the assumption that the Indian is a full-fledged citizen of the United States and that the relation of guardian and ward can no longer exist. They cite in support of this proposition the Heff case, where it was held practically that Congress or the Government can at any time it sees fit release the Indian from this condition of tutelage in which he has been for the last hundred years. It was practically assumed in that case, if I understand it aright, that by granting the right of citizenship, by giving the Indian his land, the Government practically discontinued the relations of guardian and

Mr. President, it was not necessary so to decide in the Heff case, because it could also be sustained upon the proposition that in that particular case the rights which were granted were of a political and civil nature and did not relate to property rights in any way whatever. The court held in that case that having given them all the political rights—the rights, privileges, and immunities of citizens of the several States—we could not then consider them as a particular class not having the privileges and immunities of citizens of the several States. That was the real basis of the decision, and it seems to me that

it was as far as it was necessary to go in deciding that particu-

So I desire to call the attention of the Senate to another dis-These people in the Indian Territory are still tribes. tinction. Their tribal relation has not been dissolved. ing by law the tribal relations in every tribe in the Indian Ter-We therefore segregate them. We make them a dis-If we have a right to continue those tribal relatinct class. tions-and I have no doubt in my mind of our right in that respect-then we have done that upon the assumption that they are still wards of the Government, and we can treat them as such, and continuing the tribal relations is a recognition of wardship. Otherwise we could no more continue the tribal relations and make them a distinct element in the citizenship of any State than we could have taken this man Heff and declared that he occupied a different civil and political position from other citizens of that particular State.

Mr. STONE. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri? Mr. McCUMBER. With pleasure.

Mr. STONE. The Senator from North Dakota stated that the tribal relations of the Five Civilized Tribes still existed. Whatever may be said of the other tribes, I ask the Senator if it is not a fact that the tribal government and conditions of the Seminoles have been abolished?

Mr. McCUMBER. I think not. I think we continued the tribal relations of all of those tribes. I do not understand that any one of the tribal relations has been dissolved. If I am in error, those who are better acquainted with the situation can correct me.

Mr. CURTIS. The tribal relations of all the Five Tribes have been continued until the affairs of the tribe are finally settled by the Dawes Commissioner-

Mr. STONE. By what act? Mr. CURTIS. By the act of Congress of 1906 and by joint resolution which passed the House and the Senate a year ago.

Mr. STONE. But under the operation of a previous act of Congress the time for the absolute dissolution of the Seminole tribal relations was fixed for March 4, 1906.

Mr. CURTIS. That was true as to each of the Five Tribes. but the joint resolution to which I refer was passed before the 4th of March, 1906.

Mr. SPOONER. Was not that done to prevent the attaching of that land grant?

Mr. CURTIS. Of the Missouri, Kansas and Texas grant?

Mr. SPOONER. Yes.

Mr. McCUMBER. Whatever may have been the purpose, we continued the tribal relations.

Mr. SPOONER. Yes; in a technical sense, for the purpose of winding up the business and to prevent the attaching of that land grant. But does the Senator mean to say that the tribal

relations continue in the sense that that phrase has been used heretofore? Mr. McCUMBER. It will continue until it has been changed by Congress, because we have continued all the powers, with

the exception of certain ones which we took away from them in Mr. SPOONER. That goes to the ownership and management

which existed twenty years ago continues?

Mr. McCUMBER. I think it does.

Mr. SPOONER. Does the Senator think those Indians are

wards of the Government?

Mr. McCUMBER. I think they are as much wards of the Government to-day as they ever were.

Mr. CURTIS. And notwithstanding the act of 1901, making

them all citizens of the United States.

Mr. McCUMBER. Certainly. That is just the position I am arguing now, that the mere act of giving them political and civil rights, and the privileges and the immunities that go with those political rights, does not of itself separate them from the control of the Government over their property rights.

Mr. SPOONER. Heretofore they were restricted in their power of contract. Will they still continue to be?
Mr. McCUMBER. They are restricted.

Mr. CURTIS. They are restricted now as to real estate.
Mr. SPOONER. I know. That is a restriction of alienation.

Mr. CURTIS. Contracts of all kinds are by the agreement declared to be void if made prior to expiration of the limitations fixed by the act.

Mr. McCUMBER. Certainly; for a certain period. not saying that I am planting myself absolutely upon this ground as being unassailable. I concede that the Heff case and the Rickert case may possibly be considered as being in op-

position to the view I am taking, but I want to call the attention of the Senate to the fact that the court seems to have distinguished in cases of this kind, and it does so several times.

Mr. LONG. If the Heff case and the Rickert case are some what against the position the Senator is now contending for, I should like to know what cases sustain the view he now takes.

Mr. McCUMBER. Here is the proposition on which the Heff case was decided. I want to show that the courts have made a distinction between the property rights and those which were purely of a civil or political nature, and the parallel I wish to draw is that in these cases nothing but the political rights have been granted, and that the Government has not, according to its own decision, withdrawn all control over the Indians.

If it be true that we have no further control over the Indians, that when they have been granted the right of citizenship and given their allotments they become citizens in every respect, then every line of this bill for expending millions upon millions of dollars for educational purposes must be absolutely void. The Government of the United States has no right to select the blueeyed people of my State and give them an education and keep out the black-eyed. It has no right to take those who have red skin and educate them and to refuse to educate those who have white skin. If this line is to be drawn at all, there is scarcely a sentence in this whole bill that would not be subject to the objection that we were dealing with matters over which we had no control and for which we ought not to appropriate the moneys of the United States.

Mr. BRANDEGEE. Will the Senator yield to me for a ques-

tion?

Mr. McCUMBER. With pleasure.
Mr. BRANDEGEE. How does the Senator from North Dakota construe the word "all" in the statute which declares these Indians to be citizens where it says they are entitled to "all the rights, privileges, and immunities of other citizens of the United States?

Mr. McCUMBER. I have construed it to relate simply to civil rights and to political rights. I wish to call attention right here to the decision in the Heff case, which acknowledges that.

Mr. LONG. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Da-

kota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly. Mr. LONG. Does the Senator claim that rights of property are not included in the rights of citizens the same as the right

political right," as he terms it? of liberty, a " Mr. McCUMBER. Property which the Indian has obtained as a citizen, free and clear, over which the Government still has no control, and also admitting that he has ceased to be the ward of the Government, would be property rights and would

come within the inhibition. Mr. CLARK of Wyoming. Will the Senator allow me a question?

Mr. McCUMBER. Certainly.
Mr. CLARK of Wyoming. I have been out of the Chamber and I have not heard all the Senator has said, but I should like to ask him if he has defined in any way what additional rights were conferred by the act making them citizens that they did not already have, if any?

Mr. McCUMBER. The right to hold any political office and the right to vote at elections will be two of them. I could give

other rights.

Mr. CLARK of Wyoming. In calling attention to that particular point the Senator will recall, with regard to the Five Civilized Tribes, that none of the rights to hold political office at that time were conferred that they did not already have. There was no right of voting that could be conferred at that time that they did not have. The only right to vote which they then had was the right to vote within their tribes for tribal officers. could confer no right to vote for county officials, because there were no county officials. It could confer no right to vote for members of the Territorial legislature, because there was no Territorial legislature.

Mr. McCUMBER. I was speaking of the law as applied to all, not only in the Indian Territory, but to those outside the Indian Territory, and my answer was directed, of course, to those cases where they have since exercised the right.

Mr. CLARK of Wyoming. When the Senator reaches the point as to the Indian Territory I should like his view as to whether any rights of any nature were conferred when we conferred citizenship?

Mr. McCUMBER. I can answer now that when we confer the right there may be no occasion for the exercise of that right at that particular time. We might have organized a Territorial form of government there and immediately the natural rights of citizenship would attach. The fact that we granted them the rights and privileges of all citizens would give them the same right as the white man in the matter of the conduct of the affairs of the State.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

In the enabling act which provided for the TILLMAN. new State of Oklahoma are not these Indians permitted to vote?

Mr. McCUMBER. They certainly are. Mr. TILLMAN. Do I understand the Senator is arguing that voters in the State of Oklahoma are still under the guardianship of the United States, and that we must continue perpetually, or for twenty-five years or some other time, to coddle and pet and look after them?

Mr. McCUMBER. That is the holding of the Department; it is the holding of the Senate, and it is the holding of the It has been expressed affirmatively time and again in every bill that has passed Congress since the enactment of the law granting them the franchise.

Mr. TILLMAN. Will the Senator give me vidual view as to the justice and propriety of it? Will the Senator give me his own indi-

Mr. McCUMBER. Yes; I certainly will. It is not only just, but certainly it is of the highest degree of propriety. The injustice that has been done has been the injustice of attempting to take away the control of the Government over them. If we had entirely taken it away, then we might as well dispose of this whole Indian appropriation bill, except for the purpose of carrying out the treaties. If we have not taken them away, then we have our duties to perform to protect those Indians; and inasmuch as Congress has declared that it still has the authority and it is still exercising the authority of a guardian, if we exercise it in one direction we certainly ought to exercise it in that direction which best subserves the real interests of the Indian and protects him from the rapacity of the white man.

Mr. TILLMAN. I am just asking for information. Are the Indians upon the reservations in the State from which the Senator comes citizens, and do they vote?

Mr. McCUMBER. They do.
Mr. TILLMAN. Yet their property is held in trust and they have guardians to look after them?

Mr. McCUMBER. Their property is held in trust. They have the guardianship of the Government of the United States. We have been granting them not only annuities but assistance from Congress since that law came into effect. We are taking their children to Carlisle and down here in Virginia and we are educating them. We are doing that on the assumption that they are still wards of the Government, because we would have no authority unless they were.

Mr. TILLMAN. Is it not a matter of fact that the reason we are holding on to those Indians is because they have got a whole lot of money which we are unwilling to turn over to them and let them "root hog or die?" Is is not because somebody in the Indian Department or somewhere else wants to continue to hold office and draw a salary as being guardians of these

Indiaus5

Mr. McCUMBER. On the contrary, we are holding on to them because we know that the moment we let go of them they will be subject to the rapacity of every white settler, and in why we are holding on to them. We know that in the struggle for existence they are not able and they will not be able to stand side by side with the white man. We know that they will lose and that the white man will gain. It is with that constant fear in our minds and with that absolute knowledge in our hearts that we are attempting to protect them and to continue their rights just as long as we can.

Mr. THLMAN. How long will this approximate and the Mr. THLMAN. How long will this approximate and the Mr. THLMAN. When are we going to get through with it? How long will this abnormal and unnatural

Mr. McCUMBER. We will get through with it when there are no more Indians in the United States, and that will probably be within the next twenty years.

Mr. TILLMAN. In the meantime the white man will use up more than half or two-thirds of the Indian's money in taking care of him.

Mr. McCUMBER. The Senator has answered his own question. Mr. TILLMAN. I am speaking about officials who are re-

quired to coddle and pet and watch over them.

Mr. McCUMBER. The proposition amounts simply to this: We allow those Indians to sell their land, to dispose of their property, because it is claimed that that property ought to be subject to taxation. It goes then to the white man, and it becomes subject to taxation. The white settlers have got the Indian's land and they have got the money, and then they have got the paupers to support, if they will support them. It is to

protect the Indian against this condition that we are trying to continue this control, if we have not already dispossessed ourselves of the whole Indian question.

Mr. TILLMAN. If the Senator will permit me, in a little trip through Oklahoma and the Indian Territory I met all classes of men-white men, Indians, mixed bloods, and othersand I was told that there were a large number of Indians down there just as competent, and I saw them and they appeared to me in conversation to be just as competent, to take care of them-selves as anybody else. Yet they are under these very restrictions. They are not allowed to handle their own estates, and we have got a whole lot of parasites, bloodsuckers, hanging around the Indian agencies and absorbing the property and increment from the Indian's land, and the Indian himself is in a state of starvation or semistarvation. Yet we keep up this infernal humbug philanthropy in caring for people who are just as capable of caring for themselves as they will ever be. I think we should get rid of the incubus and the lobbyists we have here every year who get hold of a lot of claims and try to absorb out of the Treasury the remnant of the Indian's property, and the Indian would be better off.

The Senator said in almost his first sen-Mr. McCUMBER. tence that he found these Indians as capable as the rest of the

population-

Mr. TILLMAN. Some of them.

Mr. McCUMBER. To take care of property rights. Then he closes by saying he finds them in a comparatively starving condition, because they are being robbed. The two statements are certainly not very consistent with each other.

Mr. BRANDEGEE. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. Certainly.
Mr. BRANDEGEE. I think the discussion that is now proceeding is going to be of great value to the country and to the I agree entirely with the Senator from North Dakota that if the law is so that the Government has no longer a legal right to hold these Indians under its guardianship, 90 per cent of the Indian appropriation bill, so called, would not appear in the bill.

I am very glad that the Senator from North Dakota has taken up this question. I do not consider that the propriety of the Government continuing to be the ward of the Indians is so much to be considered as the legality of it. In that connection I should like to ask the Senator from North Dakota if he regards the decision of the Supreme Court in the case of The United States against Rickert as being analogous or of any authority in determining the present position of the Government toward the Indians, at least in the Indian Territory?

Mr. McCUMBER. It is and it is not. In a certain sense the case of The United States against Rickert is. That case was one brought in Roberts County, S. Dak., against a member of the Wahpeton and Sisseton bands, or, rather, for the protection of his rights. The county of Roberts had levied taxes upon the real estate and personal property. The limitation had not yet expired upon the real property. In other words, the restriction of the right to sell had not yet expired, and the court held, and very properly held, that this land was granted to that particular Indian and this restriction was attached to the grant for the protection of the Indian himself, and that therefore the State had no authority to destroy any portion of the grant. far as that is concerned, it is not parallel and has no application whatever to the question of guardianship; but I think the court went a little further, and it might be construed into a support of this position when it commenced to deal with the personal property

The VICE-PRESIDENT. The Senator from North Dakota will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business,

which will be stated by the Secretary.

The Secretary. Table Calendar No. 26, Senate resolution No. 214, by Mr. Carter, "that a duly qualified entryman is entitled to a patent for land," etc.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily Without objection, it is so ordered. laid aside.

Mr. BRANDEGEE. I should like to ask the Senator from North Dakota if the case of the United States against Rickert did not arise solely out of a contractural relation between the Government and the Indian—a provision in the grant itself? Was it not the fact that the Government allowed the Indian to go on the land with an agreement that after twenty-five years the Government would give the Indian a patent to the land, and

was not the question in the case whether, pending the vesting of the title in the grantee, the land was taxable or not by the State of South Dakota?

Mr. LONG. Before the expiration of the twenty-five-year period.

Mr. McCUMBER. It was a condition that arose on the land.

There is no question about it.

Mr. BRANDEGEE. Let me ask the Senator a further question. In that case did the statute of 1901, declaring the Indians to be citizens, come before the court in any way, directly or indirectly, or did the court attempt in any way to construe that statute?

Mr. McCUMBER. I will not be certain as to that. It has been perhaps two years since I have looked at the case; so I do not know. But I want to call attention to the matter so far as it affected the personalty. The man to whom this personal as it affected the personalty. The man to whom this personal property was granted was a citizen of the United States. There was no restriction in the grant. There is no question, of course, but what the intention of the Government was that the Indian would take the horses and cattle and this personal property that came through purchase of the Government and through funds furnished by the Government and would continue to hold them; but there was no provision whatever that he could not sell them. So that did not correspond with the condition which attached to the land. In order to sustain the Government's position with reference to the personal property it considered the relation of guardian and ward again, in a condition of pupilage. as was stated in that particular case, a condition which could not exist except upon the theory that there was a wardship in the case; and with that assumption it held that the State could not take away property granted to that individual for the purpose of civilizing him and bringing him up to good citizenship.

Mr. LONG. If the Senator from North Dakota will permit me, I think the taxation of the personal property was defeated upon the proposition that the property in fact belonged to the Government and not to the Indian.

Mr. McCUMBER. No; it is stated it was given to the Indian for certain purposes.

Mr. LONG. If the Senator will permit me, I will call his attention to a part of the opinion bearing upon that point:

The personal property in question was purchased with the money of the Government and was furnished to the Indians in order to maintain them on the land allotted during the period of the trust estate and to induce them to adopt the habits of civilized life. It was, in fact, the property of the United States, and was put into the hands of the Indians to be used in execution of the purpose of the Government in reference to them. The assessment and taxation of the personal property would necessarily have the effect to defeat that purpose.

This shows the reason why the court held that the personal property could not be taxed by the State of South Dakota, because it was, in fact, the property of the United States and not the property of the Indian.

Mr. McCUMBER. The court say, on page 437:

If, as is undoubtedly the case, these lands are held by the United States in execution of its plans relating to the Indians, without any right in the Indians to make contracts in reference to them or to do more than to occupy and cultivate them until a regular patent conveying the fee was issued to the several allottees, it would follow that there was no power in the State of South Dakota, for State or municipal purposes, to assess and tax the lands in question until at least the fee was conveyed to the Indians.

That is in reference to the land.

Mr. McCUMBER. I am just reading a part of the whole,

These Indians are yet wards of the nation

Mr. TILLMAN. What is the Senator reading from?

Mr. McCUMBER. I am reading from the decision in the Rickert case:

These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition.

That is what the court said in that case. That, I admit, was not necessary for the decision in the case; but if that is the view of the court and if the court will stand by that proposition when the question is directly before it, there can be no question but that the mere fact of granting these political rights does not

destroy the relation of guardianship.
Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Da-kota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure. Mr. TILLMAN. Where did the Rickert case arise—in what State?

Mr. McCUMBER. In the State of South Dakota,

Mr. TILLMAN. Does the Senator see no difference between the Five Civilized Tribes of Indians that have been having schools and local self-government and one thing and another for thirty, forty, or fifty years and the blanket Indians out in the State of South Dakota?

Mr. McCUMBER. I see no difference in a provision of law which that is clearly held.

that applies to one the same as it does to the other. We will have to give the same construction to the same law.

Mr. LONG. Does the Senator see any difference between the patents held by the Indians in the Indian Territory to their lands and the patents held by the Indians in South Dakota under which this decision was rendered?

Mr. McCUMBER. I know nothing that would be antagonistic to this theory.

Mr. LONG. Is it not a fact that under this condition— Mr. McCUMBER. They do not hold exactly the same, but the same principle of law would apply, because if they are wards of the Government, then the Government has authority not only over the person, but over the property. They can not at the same time be wards of the Government and also be free and independent as to their property rights.

Mr. LONG. In the Heff decision did not the court decide that the National Government did not have control over the

person of the Indian?

Mr. McCUMBER. It did not decide that. It said that it could release its control. That was the decision. That was not necessary at all to that decision, nor is this mere statement which I read necessary to this decision. I will just finish reading this portion of the decision:

These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. They occupy these lands with the consent and authority of the United States, and the holding of them by the United States under the act of 1887 and the agreement of 1889, ratified by the act of 1891, is part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life and ultimately the privileges of citizenship.

While it uses the words "ultimately the privileges of citizenship" it nevertheless calls attention to the law of 1887, which absolutely granted them all the rights, privileges, and immuni-

ties of citizens of a State.

Mr. LONG. I will ask the Senator whether it is not a fact that under the decision of the Supreme Court in the Heff case, decided long after the case to which the Senator now refers was decided, it was a disputed point as to whether citizenship of the Indian attached when he took his allotment or at the end of the twenty-five-year period when he was to receive his final patent, and that the Heff case decided that the citizenship attached when he took his allotment and not when the final patent was issued?

Mr. McCUMBER. There is no question about that. The law itself declared that the citizenship should attach when he took his allotment. They did not have to raise a question of

Mr. LONG. But, Mr. President-

Mr. McCUMBER. Because the law itself expressly so provided. Now on what was it decided?

Mr. LONG. If the Senator will permit me, it may not have been necessary to raise the question, but it was raised in the Heff case by the Government, and it was decided in that case that the citizenship attached when the allotment was taken.

Mr. McCUMBER. That, Mr. President, was not the basis of the decision. The grant was the privileges and the immunities of the citizens of the State, and granting those privileges and immunities the court held that we could not segregate a certain class out of that citizenship and say that one of that class would not have the right to purchase intoxicating liquors and one of the other class could not sell to one of that class intoxicating liquors. It was upon the question of the immunities and the privileges from a single standpoint and not from the standpoint of property rights that the case turned.

Now, I want to call attention to something that was said in

the Heff case.

Mr. LONG. I hope the Senator will permit me.

Mr. McCUMBER. I always will permit the Senator. Mr. LONG. I hope the Senator will again refer to the de-

cision and state why the personal property was held exempt from taxation in the Rickert case.

Mr. McCUMBER. I gave that yesterday, and I think I have given it also to-day. I can repeat it. It was held that it was not subject to taxation upon the proposition that it was given to the Indian for a certain purpose, that of fitting him for citizenship, and a gift having been made for a certain purpose, or property turned over to the Indian for a certain purpose, that purpose could not be defeated by the State of South Dakota

by taking away the property under any character of law.

Mr. LONG. And that it was, in fact, the property of the United States

Mr. McCUMBER. I do not think that was the basis of the decision, although those words were used in the decision itself. I call the Senator's attention to the decision in Mr. LONG.

Mr. McCUMBER. I know.

Mr. LONG. But the Senator did not read the whole of it.

Mr. McCUMBER. I read all of it in reference to the taxation of personal property; but I will state again that the decision was based upon the assumption that the property was granted for certain purposes, which purposes could not be defeated by the State. That is what it is in a nutshell.

Now, let us take the Heff case, to which the Senator refers, and we shall get again the sentiment and the view that was taken by the court in that case and which has been taken by the court in all other cases. On page 508 the court uses this language:

. But it is said that the Government has provided that the Indian's title shall not be alienated or encumbered for twenty-five years, and has also stipulated that the grant of citizenship shall not deprive the Indian of his interest in tribal or other property.

Then it goes on to say:

But these are mere property rights and do not affect the civil or political status of the allottee.

I am trying to draw this distinction between the political and civil rights and mere property rights that the court has recognized in the Heff case and in every case where this question of citizenship has arisen. Again, on page 509, Justice Brewer used the following language:

But the fact that property is held subject to a condition against alienation does not affect the civil or political status of the holder of the title.

Just there, showing that at all times they had in mind the distinction between political and civil rights.

In the case of Wiggans v. Connelly, 163 United States, page

56, the court says:

The fact that the patent to this allottee had already been issued did not abridge the right of the United States to add, with the consent of the tribe, a new limitation to the power of the individual Indian in respect to allenation. The land and the allottee were both still under the charge and care of the nation and the tribe, and they could agree for still further protection, a protection which no individual was at liberty to challenge.

Those are pretty broad words, and they are directly to the point. The principal difference is this: They qualify this "with the consent of the tribe." It is an individual right, a right that attaches to the individual; and if his relation as a ward has ceased to exist, then the consent of the tribe would not cure the defect or deficiency.

Again, in the case of Ross v. Eels, 56 Federal Reports, 855,

Justice McKenna says:

The opinion of the court is along the line of other cases holding that the citizenship of the Indian did not revoke the control of the Government over his property.

I am not claiming, Mr. President, that these cases are not to some extent antagonistic to some of the others; but what I do claim is that in none of these other cases was the issue directly involved as to whether or not the Government could continue its relation over the property interest of the ward. It seems to me that it will very naturally follow that if the wardship continues-and it has always been regarded as a complete and the guardianship as a complete guardianship, over both the person and the property of the Indian-then, certainly, we can continue to restrict to a greater extent than at the time of the making of the grant. No one else can challenge it; no one but the Government can continue it; no one but the Government can take it away.

This case was appealed to the Supreme Court of the United States, and was dismissed upon motion of the Government's attorney. No opposition to the motion was offered. So it was practically conceded in that case.

Here is another case where the court held:

The contention in effect ignores the status of the contracting Indians and the relation of dependency they bere and continue to bear toward the Government of the United States. To uphold the claim would be to adjudge that the indirect operation of the treaty was to materially limit and qualify the controlling authority of Congress in respect to the care and protection of the Indians and to deprive Congress in a possible emergency, when the necessity might be urgent for a partition and disposal of the tribal lands, of all power to act if the assent of the Indians could not be obtained.

Mr. Pressident L. can put the same question back to the Sen-

Mr. President, I can put the same question back to the Sentors who are asking these questions, Are these Indians yet the wards of the Government? If they answer in the affirmative, then they are compelled to admit that, notwithstanding any grant that we have made, we have still the right to extend these limitations and also the right to take them away. The fact that they are our wards admits of no other theory than that we have control over both the person and the property, and if the granting them the mere right of citizenship destroys the relation of guardian and ward, then we have no right to pass more than 5 per cent of this entire bill that we are proposing to pass to-day. I think Senators will all agree with me upon that proposition.

Mr. President, assuming that we have a right to enact into law the other provisions of the bill, we have an equal right to enact into law this provision or to continue this provision which we placed in the bill of last year, which continued the limitation for twenty-five years longer.

Is it, then, proper legislation? Is it for the best interest of the Indian himself? I can not recall a single instance in which the right to dispose of his property has been given to a single individual Indian where he has not disposed of it immediately. In most cases where he got the restrictions removed it was done because of his desire to dispose of his property, and it was superinduced by the desire of the white man to get hold of that property. Whether we have taken off the limitation as it applies to the whole community or to a single individual, the result has been exactly the same.

The Senator from Minnesota [Mr. Clapp] says that it has worked well as to a certain tribe in his State. I think, however, he will find that it has possibly worked well with the white Indian, but with mighty few of the real Indians. I am not trying to look after those white Indians, those who have one-sixteenth or one thirty-second of Indian blood in their veins. I do not regard them really as Indians, although they may have

property and other rights.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. Certainly. Mr. BRANDEGEE. I should like to ask the Senator from North Dakota if I understand him correctly. Does he claim that the so-called "McCumber amendment," which was added to the appropriation bill last year, if submitted to the Supreme Court, would be sustained by the court?

Mr. McCUMBER. If the utterance of the Supreme Court which I have cited is correct law, then there can be no question but it would be sustained. I have stated to the Senate before that in considering some of these cases there has been a doubt in my mind, and there is a doubt to-day.

Mr. CLAPP. I merely want to call the Senator's attention— it is a matter that he appears to be familiar with—to the fact that the removal of restrictions at White Earth only applied to mixed bloods. It did not apply to the full bloods.

Mr. McCUMBER. I understand that, and I understand further, Mr. President, that the majority of these mixed bloods have very little Indian blood at all; that they are practically

white citizens. I do not care for those at all.

Mr. President, it has been urged here again and again that if we allow those Indians to sell their lands they will then be in a position where they will be forced to take care of themselves, and the only way to civilize them, to make good citizens out of them, is to compel them to make their living, the same as any white man. Many years ago I was of that opinion myself, but the longer I have studied this Indian question and the more I have become acquainted with the Indians, the more certain I have become that my first judgment was incorrect. It is incorrect for a fundamental reason. The Indians are not progressive. If they had been of the progressive type of the white race, does any Senator believe that for thousands upon thousands of years the vast opportunities of this continent would have lain dormant without being used in the slightest degree? Had they inherited the natural progressive inclination of the white race, or almost any other race on the face of the earth, can anyone doubt that these plains would have been burned off year after year and the Indians would not have lived only by hunting and fishing? All of these opportunities were before them; they were before their fathers for thousands of years. None of them ever attempted to utilize them because their inheritance was of that character that they could not and did not know or understand how to go to work and accomplish what the great white race has accomplished.

If we now take away the only safeguard of the Indian-that of holding between the one ocean and the other some little spot that he can still call the red man's land; if we fail to care for him to that extent, then, just as surely as the sun rises to-morrow, we will have made him a pauper the moment we let go of the entire control over his interests. No man can deny that, Mr. President, who is acquainted with the Indian character.

We have two conditions before us. Take away these restrictions and the white man will own the Indian's land; the white man will own his property. Then there is but one alternative, either to submit him to the tender mercies of the State and to the poorhouses of the State or to purchase him a home some-where else. Have we ever taken the land from any Indian that we did not have to purchase him other lands? Have we ever yet bought a single tract and told the Indians to go somewhere

else that we were not compelled to find him another home? Only last year we had to gather up the remnants of an old band scattered over the State of California and make provision for buying them a new home at ten times the cost of the original land that we took from them. There is but one avenue left.

Mexico has dealt more intelligently with the Indian problem than has the United States, for the simple reason that Mexico has left them alone while we have tried to make white people They live there pretty well. I believe that we will sooner or later be compelled to find a home for them in some foreign land.

Mr. CLAPP. I want to put in the RECORD now-it is the only opportunity perhaps—a hearty amen to the suggestion of the Senator as to the different methods of the two countries,

and the superiority of the Mexican method.

Mr. McCUMBER. Mr. President, what I have said has been said because of my sincere sympathy for the whole Indian race. We acted right at one time when we selected the beautiful lands of the Indian Territory and said that this shall be henceforth the land of the Indian; it shall be the home of the red man. We have despoiled him of his heritage; we have taken every acre of land of his fathers; we have driven the game from the country. The white man's plow has turned the furrow of the country. The white man's plow has turned the f civilization from one end of the country to the other. The red man's civilization must necessarily give way to the high-bred culture and civilization of the white man. We despoiled him of every right that he had on earth, and because he can not adapt himself to our conditions our civilization must force his extinction. The Government took the only right step that it ever took when it created the Indian Territory for the red man. Our superior intelligence, however, pressing close upon the Indian, first succeeded in getting him to agree that some white men should go into his territory. That agreement was followed by a great horde of the white race, and in a very short time we had control of the Territory. The Indian was at our mercy, and the great white civilization of the adjacent States, still crying for the Indian's land, forced the Government of the United States to take from the Indian the last heritage he had. Having despoiled him of all of these rights, it is my purpose although I admit that there may be a question of our constitu-tional authority—to extend the limitations we have already placed upon his grant so far as we can, and let the Supreme Court determine whether or not it is unconstitutionally done. I am very doubtful if the court will go to that extent. I am exceedingly doubtful if to-day the court would say that the Government of the United States has no authority over its Indian people. If it does say that, then we may as well set aside our Indian Committee and cease to attempt any further control over the Indians

I hope, Mr. President, that we will continue this as it has been before, and if any man believes that we have not the right to extend these limitations there is a speedy remedy in the courts of the United States, and we should let them pass upon this doubtful question.

Mr. President, I think the Senate will bear wit-Mr. CLAPP. ness that I occupy but very little of its time in making what

might be termed an effort at speechmaking, but I am going to vary my usual course and trespass for a little while this morning upon the time of the Senate in the discussion of this ques-

As a lawyer, of course, I recognize that even in the discussion of a legal question a person is always seriously handicapped if his position is not in accord with common and popular senti-At the outset I want to distinguish between the question of what ought to have been done for the Indians, between the the question of sentiment to-day and what can be done to-day in the light of past legislation and past treaties. There is no use in reviewing the mistakes of the past, except for one pur-pose, and that is in dealing with this Indian problem we nec-essarily proceed along experimental lines; and so far as the past has proven a failure it is a guide to the avoidance of mistakes in the future. I undertake to say that the past policy has demonstrated but one thing certainly, and that is that it is an utter failure. From beginning to end the policy of the United States Government toward the Indian has been a mistake, and no human ingenuity can start with a false principle and ever work out a right result.

The Constitution of the United States recognizes the capacity of the Indian to take care of his own affairs. It recognizes the Indians as consisting of nations, and authorizes the United States Government to make treaties with the Indians as na-But after sitting down and solemnly making a treaty with them, upon the theory that they are competent to transact their affairs and that they are competent to enter into treaties, we turn around and assume the rôle of guardian and relegate

them to the position of wards. It is an absolute travesty upon common justice and common honesty to have pursued that course toward the Indian. Either we should have regarded him as a ward, or, if we were right in recognizing his ability to transact his business in making treaties with him, then we should have recognized that relation, and not be put in the position taken by our courts and the position taken by Congress, after solemnly making a treaty upon this theory of equality in ability to contract, of turning around and saying: "This treaty is of no binding force on us, because we occupy the relation of guardian and you are simply our wards." Mr. President, I say again no human ingenuity will be able to devise a system based upon that false principle which would ever work out a right

I am willing to concede—and every man who has studied this question must concede-that the arguments which are made embodying the thought that the Indian will in the end suffer in contract relationship with his superior neighbor, the white man, is to be regretted and to be deplored; but the question is, What solution is there for this problem?

I know the Indians of the Indian Territory have certain rights under treaties. Under those treaties and the law, on the 1st day of July, I think, of this year a large proportion of those Indians will have the right of alienation. The details are

set forth in the committee's report.

Last winter we proceeded to pass a law which extended those restrictions. If the Senator from North Dakota [Mr. McCum-BER] is correct, and those restrictions can be legally extended, then it becomes a question of policy, and in the solution of that question sentiment is necessarily an important element. f the rights which the Indians had prior to the passage of the bill of last winter, which, for brevity's sake, I will refer to as the McCumber amendment, can not be interfered with by any legislation, then, no matter how much we may deplore the consequences. they are there, and the only question before us is, What is the best policy to pursue in the light of the legal conditions and the limitations upon our own power?

The discussion of the right of alienation and restriction upon alienation have always ignored one basic principle which the court has not met yet, because it has never been presented to the court. A restriction upon alienation can only rest upon one of two conditions. It must be a limitation placed in the grant at the time of the grant or it must be a limitation resting in the incapacity of the grantee to transact business, as the incapacity of coverture, infancy, or lunacy. If the limitation is placed in that instrument by the grantor at the time the grant is made, clearly the grantee, accepting that instrument with that limitation upon his rights, the right of the grantor to make further limitations must be measured by the terms of that grant, and no one would contend that, after the grantor had made his grant embodying in that grant the limitation, the grantor, at his own sweet will, could add to the force, character, or extent of the limitation.

Turning to the question of incapacity, Congress has passed laws by virtue of which when the Indian took his allotment he became a citizen of the United States as absolutely as any members of this body, with his rights as absolute, except that as to a particular piece of land there was a limitation attached. The moment he became a citizen, carrying the parallel of his capacity further, he attained his majority; and from that mo-ment the guardian could exercise no further authority over him. That is the basic principle upon which this question must rest, and it has got to be met when it is finally presented to the

I repeat, there could be no limitation except a limitation resting in the grant made by the grantor and accepted by the grantee, or a limitation resting in the incapacity of the grantee himself; and when that period of incapacity is passed, when he attains his majority, the relation of guardian and ward as to that transaction must cease, and no limitation can then be im-

posed by the grantor.

We are met—and I am glad the Senator from North Dakota brought this question up, for I want the Senate to understand it-we are met by the proposition that if this be true we are appropriating money here year after year for purposes for which we ought not to appropriate it. I want to say that of all travesties in legislation there is none greater than Congress appropriating money year after year to educate citizens of the United States, when those citizens in many instances have got funds in the United States Treasury with the management of which we are afraid to intrust them-funds that are piled up there which are a menace to these Indians. We do not dare to give them these funds to use, and yet we go on accumulating those funds in the United States Treasury and voting the people's money to educate people who have money which we do not

dare to give them to use. I hope this discussion will at least

open the eyes of Congress to that proposition.

It seems from an inquiry made of me by the Senator from Wisconsin [Mr. Spooner] that this question is not yet quite I want to repeat that down to last year there were certain legal conditions as to these restrictions. Last year, after these people had become citizens of the United States, had taken their lands subject to these conditions and restrictions, Congress went to work and enlarged the restrictions, limiting the power of the party to control and exercise the right of property over his property.

Mr. LONG. Does the Senator refer to section 19 of what is known as the "Five Tribes bill?"

Mr. CLAPP. Yes.

Mr. LONG. In which the period of restriction is extended

twenty-five years?

Mr. CLAPP. Twenty-five years, known as the "McCumber amendment." What was the effect of that? There are here to-day Indians from the Indian Territory who are insisting that we shall not remove their restrictions. But the Indian is not the only man interested. The man who wants to acquire this property at less than its value is also perfectly willing that this cloud shall remain upon the title. The fact is simply this: The man who is seeking the Indian's land can go to the Indian to-day and say, "You can not sell, because of the McCumber amendment," while every lawyer in that Territory, I believe the content of the content (even the author of the amendment himself does not insist upon its validity with any force), knows that that restriction, placed there after the grant had been made, is absolutely worthless and that the restrictions upon those lands will be released from time to time and will exist as they existed under the law prior to the passage of the McCumber amendment last spring.

Mr. SPOONER. Will the Senator allow me to interrupt him

for a moment?

Mr. CLAPP. With pleasure.

Mr. SPOONER. I understood the Senator to say that there are Indians here to-day asking that these restrictions be not removed.

Mr. CLAPP. Most certainly there are. Mr. SPOONER. Upon what ground?

Mr. CLAPP. Upon the ground that they own a great deal of property there, and they do not want the property taxedthe most natural ground on earth.

Mr. McCUMBER. Will the Senator yield to me while I also

answer the question of the Senator from Wisconsin?

Mr. CLAPP. Certainly.

Mr. McCUMBER. I have resolutions from the tribes, also many letters, asking that the restrictions be continued, if possible, and be extended, upon the ground that without the restrictions the grafters will soon own their property, and setting out the fact that it is the grafters only who want the repeal of what is called the "McCumber amendment."

Mr. CLAPP. There is no doubt about the fact that many of those Indians-part of them to escape taxation, part of them for the sake of protection-want these restrictions continued. But the question is, What is the effect upon the Indians there of continuing a restriction which confessedly is a very questionable matter so far as its legality is concerned?

Mr. LONG. I hope the Senator does not want us to understand that a majority of the Indians or any considerable por-

tion of the Indians

Mr. CLAPP. Oh, no. Mr. LONG. Want these restrictions to remain as they are under the McCumber amendment.

Mr. McCUMBER. If my information is correct, a majority of the real Indians, the full bloods, do wish them to remain.

Will the Senator from Minnesota allow me Mr. SPOONER. another question?

Mr. CLAPP. Certainly.

Mr. SPOONER. If the Indians want these restrictions to continue, and there is doubt as to the legality of the restrictions, ought the Congress not to permit them to continue until the court has passed upon the legality of the restrictions?

Mr. CLAPP. Undoubtedly.

Now, I am not arguing that these restrictions should be removed if the McCumber amendment is a valid enactment or if it comes within a reasonable supposition that it is a valid enactment. But it seems to me it is so absolutely wanting in validity that it simply places the Indians, who will sell under some circumstances or other anyhow, at a disadvantage in dealing with land speculators.

Mr. SPOONER. It is very easy to test its validity. The Indian sells and conveys in violation of the restriction. There is a case in which the court can be called upon to determine the validity of the restriction. My question is whether, if there be to that question, because it is a crucial question.

doubts as to the validity of the restrictions, we do not owe it to the Indians, who wish a continuance of these restrictions upon their power of alienation, to keep our hands off of the subject until the court, not the Senate or the House, shall have passed

upon the validity of the McCumber amendment?

Mr. CLAPP. That would be true if there was any question about it, but I believe the Senator from Wisconsin will agree when he examines the matter that there is no question.

Mr. LONG. Mr. President-

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. LONG. I will say to the Senator from Wisconsin that there are other provisions in this bill, amendments introduced by the Senator from Wyoming, which will enable a speedy de-termination to be obtained as to the validity of the provisions in the act of April 26, 1906.

Mr. BACON. I should like to ask the Senator from Minnesota a question to see if my recollection is correct. I am not familiar with the Indian subject. I have an impression that at the time of the adoption of the McCumber amendment, while the provision had been made for the removal of these restrictions, the time at which that provision was to take effect had not arrived.

Mr. CLAPP. That is true.

Mr. BACON. And that the additional restrictions imposed by the McCumber amendment were in fact imposed before these people had arrived at the period which the Senator denominates their period of majority."

Mr. CLAPP. No.

Mr. BACON. Before they had been emancipated from the restrictions.

Mr. CLAPP. Oh, before they had been emancipated from the

restrictions applied to a particular piece of land, and that only.
Mr. BACON. Not as a general thing.
Mr. CLAPP. The Indian, after he took his allotment and before the restrictions expired, under the decision of the Supreme Court, is a citizen of this country as absolutely as is the Senator from Georgia or I.

Mr. BACON. I did not wish to take issue with the Senator, but my imperfect recollection was, but still an impression, that there was the excuse for the enactment of the McCumber amendment imposing these restrictions that while provision had been made for this emancipation the period had not actually arrived. But I have no doubt the Senator is correct in his statement.

Mr. CLAPP. Take, for instance, the Creeks as a concrete illustration. All restrictions except as to homesteads will expire in five years from June 21, 1902. That will be the 21st day of June, 1907. That was a law, a law which left the citizen as absolutely free as any member of this body except that as to a particular piece of land there was a restriction until June 21, 1907. In the spring of 1906 we pass a law attempting to extend that restriction twenty-one years. It seems to me that it is so absolutely without question void-a mere cloud on the title of that Indian—that it simply operates to defeat the very purpose which every friend of the Indian has, that if the Indian is to sell he shall be permitted to negotiate on a basis of at least legal equality, if not mental equality. But we place

Mr. McCUMBER. Will the Senator right here allow me a question?

Mr. CLAPP. Certainly.

Mr. McCUMBER. It will make the Senator's position clear as well.

Mr. CLAPP. Very well. Mr. McCUMBER. Does the Senator claim that we could not extend the restrictions in case the Indians were still wards of the Government? Does he deny our power if he admits the wardship?

Mr. CLAPP. That question could not be answered yes or no, because it might be proper as to that particular trust which was carved out of that grant to use the word "wardship," when outside of that particular trust, limited to that particular grant, the word "wardship" would have no application whatever.

Mr. McCUMBER. What I want to get at is this: Does the Senator claim that the guardian, having made a contract with his ward, when the wardship is in existence, to the effect that certain property belonging to the ward may be sold when the ward reaches the age of 18, and before that ward has reached the age of 18 the guardian ascertains that the ward is not competent and still is a proper ward, could not continue that restriction for three or five years longer?

Mr. CLAPP. I invite the attention of Senators to the answer

If it were true that he did not attain his majority until some subsequent time within that period, the guardian would be guardian, but unfortunately under the law and under the decision of the Supreme Court that Indian attains his majority at the moment he receives his allotment, and attaining his majority, passes as to that subject beyond the control of the guardian.

Mr. McCUMBER. But if he attains his majority then the

wardship ceases, does it not?

Mr. CLAPP. Absolutely.

Mr. McCUMBER. Then the Senator would have to hold, in order to sustain his position, that the relation of guardian and the senator was a sustain his position. ward no longer exists between the Government and the Indian.

Mr. CLAPP. As to the United States Government and the allottee who has taken his allotment, there is no guardianship. As to property upon which the Government has held its hand in the creation and execution of a trust, there is a control over that trust, and the mere fact that a court inadvertently calls that "wardship" has no bearing upon the legal question in-

volved in this discussion.

Mr. McCUMBER. I want to say that several cases which I cited here declare that notwithstanding these grants, notwithstanding the declaration of citizenship, the wardship did not become extinct. I admit it was not necessary for the court to make that assertion in the decision, as I view it, of the cases that were decided, but they held it, as a declaration, and held it over and over again in the many cases. The Heff case seems to be absolutely opposite to that theory.

Mr. LONG. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. With pleasure.
Mr. LONG. I call the Senator's attention to the fact that all Indians in the Indian Territory were by act of Congress in 1901 made citizens of the United States-

Mr. CLAPP. Unquestionably. Mr. LONG. Whether they l Whether they had taken their allotments or not. And that these supplemental agreements were made in 1902, and that the supplemental agreements fixed the periods of alienation.

Mr. CLAPP. Yes; and that citizenship was absolute and complete, so far as the person of the Indian was concerned. From that time on the United States Government was as power-Mr. CLAPP. less to interfere, for instance, with the sale of liquor to that Indian as it would be to any white man. That individual has the right of suffrage. He has every right that pertains to a citizen. His property, however, a particular piece, and only a particular piece, is subjected to this trust which the Government imposed at the time of the execution of the trust deed.

Now, while law in the abstract can never change, the expression of law through the court necessarily grows as a subject becomes more and more the subject of judicial consideration, and it is true that the court frequently use the expression "guardian and ward." In the so-called "Rickert case," that came up from South Dakota, the attempt was made there to tax the property of an Indian. Mind you, at the very foundation it was not the effort of the Indian to insist upon his rights as against the Government, but it was the effort of the Government to interpose and protect the rights of the Indian as against taxation. In that case the court held that that property could not be taxed, because it was a trust.

I submit to any lawyer in this Chamber if there is anything in the relation of a trust that in itself would impress the property held in trust with a quality that did not pertain to the trustee, or a right pertaining solely to the trustee impress itself upon property which he held in trust without any beneficial interest. And yet the court never considered that question. Take, for instance, a railroad company which is enjoying an exemption from taxation, and, if you can, imagine it holding some property in trust and not enjoying the beneficial use of No lawyer in Christendom would contend that that property. because the trustee in the capacity of a railroad was exempt from ordinary taxation, the taxation in lieu being a percentage taxation, that that exemption would attach to the property which incidentally the corporation might hold in trust for some And yet the Supreme Court overlooked that principle one else. and said that because we held this land in trust, consequently it could not be taxed.

They went further and in the case of personal property they held that that property was exempt from taxation, and they say that this is practically the property of the United States, and upon that ground it is not subject to taxation.

There was some academic discussion in the Rickert case, but two years later, in 1904, in the Heff case, the Supreme Court stood face to face with this question and not in any academic be no sentiment in a cold legal proposition, at the same time sense. The court realized that if the control of the Federal there is this sentiment. If as a matter of fact the McCumber

Government had ceased as to the right of the Indians, and especially in restraint of his appetite for strong drink, it was a them, serious problem, and with that confronting question brought to their attention, with the Rickert case forced upon their consideration by the Solicitor-General, the Supreme Court held in the Heff case that the Indian had become a citizen, and in the most important matter of guardianship which a superior and a higher people, morally developed, could exercise over an inferior people, on the question of their morals and habits as affected by intoxication and the use of intoxicants, the Supreme Court had to admit that the United States Government had no more control over that Indian, because he was a citizen of the United States. They point out in that case the difference between exercising a control over the Indian and the limitation that has been carved out of a grant, and they distinguish between the two.

But in the light of the Heff case, Congress has no more jurisdiction over an Indian in the Indian Territory than it has over any other citizen of the United States. It may still exercise that trust as to the particular property which he Indian It may still exercise its trust as to communal property which has not been disposed of. But as to the right of the Indian to deal with his own property and to exercise his rights

there can be no question.

Mr. McCUMBER. Will the Senator from Minnesota allow

Mr. CLAPP. With pleasure.

Mr. McCUMBER. It is with reference to the Heff case. The Heff case in substance held that Congress has no power of special legislation to classify citizens, so as to create race or other distinctions and to subject one class or grade to stipulations and regulations not applicable to all citizens and incompatible with the reserve power of the States to enact and enforce valid local laws.

I take that from the decision as being all that was decided in the Heff case. The question of guardianship and the question of property rights were not discussed, but in a certain passage which I read a short time ago the court attempted to differentiate the political power that was obtained by the Indian by reason of his enfranchisement, if I may call it that, from the power of the Government over his property rights. I read before the portion of the opinion which differentiates it.

Mr. CLAPP. Yes; but the Senator would never contend for a moment that Congress could thus classify, and if they could, they had, and the Supreme Court stood face to face with the moral existence of the thousands of Indians in this country, and yet they had to hold that Congress had no authority to prevent the sale of liquor to them. The court held that the Indians are possessed of their political and civil rights, and the possession The court held that the Indians are of political and civil rights includes the possession of property There can be no qualification except as they point out rights. When a grant is made the grantor may attach a limitation, and the grantee, accepting it with that limitation, is bound by the limitation.

Mr. President, I have talked longer than I intended on this question. I have no feeling about it. While I speak with some earnestness, the Senator from North Dakota and I discussed this question in the committee without any feeling, and there is no feeling involved in the earnestness of this discussion. both seek the same thing. We are now up to the question, What can best be done in the light of existing conditions? If I knew that the Indians would recognize the McCumber amendment and not sell, that would be another question. But we know that down there both the Indian and the white men are ignoring the McCumber amendment. The Indians are selling in spite of the McCumber amendment, and the simple question that confronts us now, with that amendment questioned, is which is the better policy to pursue-to give the white man in the Indian Territory an opportunity to say to the Indian, "I will give you something for this land; you can not give me a good title," and give the white man an opportunity to deal with the Indian in that legal inequality which the law has made, or to repeal that amendment and place the Indian, so far as legal right is concerned, on a plane of equality with the white man. It is a proposition that Congress has to face.

The condition there to-day is one of chaos and confusion, and I believe that, while we may be actuated by the purest motives for the Indian-I have seen it in my own State in the last year-every effort to interfere with the law, with the legal rights of the Indians, has simply been at the cost and expense of the Indians. The white man knows the law; the white man takes his chance with his knowledge of the law; and in dealing with him the Indian is at that disadvantage. While there may

amendment is not valid, then we are doing an injustice to the Indian in leaving it upon the statute book. It would be far better, so long as the Indian will sell under some condition, to place him, I say again, upon a plane of equality, at least so far

as legal rights are concerned, with the white man.

I have no more interest in this matter than any other Senator in this Chamber. We all have the same common purpose, to pursue a policy that will be for the best interest of the Indian. There is no use to-day, at this late day, in the face of the legislation and the agreements of the past, being swept to one side It is a cold legal question, and if this is the law, if we can not to-day legally enlarge the restrictions, then it does seem to me that we make a serious mistake and do the Indians a great injustice in placing the white man where he can point to a supposed limitation and take advantage of it in getting the best of the Indian in the matter of the alienation of his land and the transaction of business.

Mr. McCUMBER. Before the Senator from Minnesota takes his seat I should like to ask him a question for information.

Certainly.

Mr. McCUMBER. Are there any of those cases now in which the limitation has already expired?

Mr. CLAPP. No, sir. Mr. McCUMBER. Then, as a matter of fact-

Mr. CLARK of Wyoming. Except in the Seminole country.
Mr. CLAPP. I beg pardon. I did not think of that,
Mr. McCUMBER. The percentage is small, and it is limited to the Seminole tribe.

Mr. CLARK of Wyoming. To the Seminole tribe.
Mr. McCUMBER. A very small tribe. In the other tribes
the limitation has not yet expired. So that these purchases that are being made to-day are absolutely void under the old law, under the old limitation, and they could not be enforced equitably or in any other way. These Indians are selling lands, ac-cording to the statement of the Senator and these others, which they have no right to sell under any law, and before the time has expired in which they will be legally entitled to sell the question whether this amendment is constitutional or otherwise can easily be determined by any of the courts.

Mr. CLAPP. That simply illustrates the evil and vice of this confusion. The McCumber amendment provided that the deeds should be void. That amendment is in force to-day, theoretically.

Mr. CURTIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. Each of the agreements provided that any con-

tract for sale should be void.

Mr. CLAPP. That is true, but you simply complicate this by that question. An agreement is made to-day under the McCum-The McCumber amendment theoretically repeals ber amendment. the provision of the agreement, and the agreement is no longer in force. If the court overthrows the McCumber amendment, then the instrument would not be void because of the final finding of the court that the McCumber amendment itself was void, and you would have the matter hung up in the air and involve the question whether an act done under a law while it was in force, not affected ultimately by the decision as to its validity, could then relate back and be declared void under the law which had already been superseded by the second law that was declared void. It simply illustrates the confusion as to title down there under this legislation,

Mr. LONG. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota

yield to the Senator from Kansas?

I wish to call the attention of the Senator to the further fact that in the Chickasaw and Choctaw nations onefourth of the surplus lands can be alienated in one year from the date of the patent, and some patents were issued in 1905, so one year has elapsed and those lands could now be alienated. Mr. CURTIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the junior Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. No patents, as I understand, were delivered to the Chickasaws and Choctaws in 1905. The first were delivered January 1, 1906. I may be mistaken about that, but that is the information I gathered when the Five Tribes bill was being con-

Mr. LONG. They were made out, but not delivered.
Mr. CURTIS. They do not take effect until delivery.
Mr. CLAPP. On page 22 will be found a telegram. I first took up the matter with the Commissioner of Indian Affairs, and he suggested that we take it up directly with the Commission to the Five Civilized Tribes. In the telegram Mr. Bixby seeks to approximate, not very accurately, of course, the status of the outstanding patents. Take the Choctaws and They can alienate one-fourth, exclusive of homestead, in one year from date of patent, one-fourth in three years after date of patent, and the remainder in five years from date of patent. It is a condition of chaos and confusion. That is the situation down there to-day.

Mr. McCUMBER. Does the Senator contend that if the McCumber amendment should be declared unconstitutional,

that has repealed the old law of limitation?

Mr. CLAPP. Oh, no; not at all.

Mr. McCUMBER. Very well. Then we are exactly in this position: Under the old law in most of the cases there is yet a limitation, and all sales are absolutely void. grafter who is seeking to obtain these lands for little or nothing under any excuse should lose his money, he could not get any equitable right, because the law declares that any contract for the sale shall be absolutely void.

So, if the amendment which was put on last year is declared unconstitutional, of course the other amendment has not been affected. It did not seek to repeal the other amendment. It simply declared a new limitation. If it is good, of course it supersedes the old limitation. If it is not good, the old limitation still stands. In this connection I call the attention of the Senate to the fact that the most that can be said is that inasmuch as the limitation is somewhat longer, the party who is seeking to obtain a title would pay less, but the party gets no right that he can enforce. It may be that the Indian would finally give the deed anyway. If there is anything to sustain it, it would be that possibly he would get a little more just now, but that little more would last him only a few days.

Mr. CLAPP. Mr. President, let us stick right to the concrete case here. For instance, take the Creek Nation. I undertake to say that any deed made after the 21st of June, 1907, by a Creek allottee will be valid, even in case the amendment

is declared void.

Mr. McCUMBER. Certainly.

Mr. CLAPP. The McCumber amendment can not be de-eided until after June under any circumstances.

Mr. McCUMBER. It can be decided, we will say, after June

of this year

Mr. CLAPP. Yes. Now, the moment that these exemptions expire under the old law, if the McCumber amendment is not valid, you have the entire real-estate aggregation of the In-dian Territory turned loose on these Indians and the Indians placed at a disadvantage by Congress, in addition to the disad-vantage which we all must admit they labor under by reason of racial difference.

Mr. McCUMBER. If one is a disadvantage, the other is. If the additional legislation extending the limitation is a disadvantage, then the old limitation must have been a disadvantage, and a disadvantage to the extent that it was a limitation.

Mr. CLAPP. Not at all. The old limitation was a valid limitation. No land speculator in the Indian Territory would have thought of defying the terms of the old limitation. It is the new limitation which they question. It is the new limitation which clouds the title to the Indian and puts him to this disadvantage, conceding all the time, of course, that that limitation is valid it presents an entirely If the limitation is valid, it presents an entirely tion is void. different question.

Mr. McCUMBER. I think the Senator is in error when he says that no attempt would be made to purchase the land under the old limitation. The same people who are fighting the additional limitation are a class of people who have been securing contracts from these Indians all over the country to sell their land, and on the assumption that the Indian will stand by his

bargain when he is able to sell it.

Mr. CLARK of Wyoming. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota vield to the Senator from Wyoming?

Mr. CLAPP. With pleasure.

Mr. CLARK of Wyoming. I can hardly let the statement of the Senator from North Dakota go unchallenged when he puts in an aggregation an intimation that the only people who are fighting this limitation are those who have dishonest motives.

Mr. McCUMBER. I certainly did not so intend it, any more than I would intend to say that of Senators here.

Mr. CLARK of Wyoming. I think it would so read in the

RECORD. Mr. McCUMBER. No; I am speaking of those people down

there who have been trying to buy the Indian's land before his right to sell the land accrued. Mr. CLARK of Wyoming. I wish to call the attention of the Senator and of the Senate to the fact that very many others than those engaged in land transactions of any sort believe in this legislation.

Mr. LONG. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.
Mr. LONG. In regard to the time when the land in the Choctaw and Chickasaw nations becomes alienable under the original supplemental agreement I will state that that agreement provides that the period of alienation for one-fourth of the land shall be one year from the date of the patent. I understand that many of the patents are dated in 1905, and that the one year has expired, and in other cases it will expire within the next few months.

Mr. CLAPP. That is my understanding.

Mr. President, in conclusion I merely want to say that I do not wish to be understood as advocating the removal of these restrictions. I appreciate how a legal question is more or less handicapped by sentiment. I have simply presented to the Senate this matter as it appears to me. It is for the Senate now to decide whether it will allow the McCumber amendment to stand or repeal it. Personally I have no feeling in the matter one way or the other.

Mr. McCUMBER. Mr. President, the last statement made by the Senator from Kansas [Mr. Long] was to the effect that the right to sell after the expiration of one year after the patent had issued would accrue to many of these Indians—that is, one year from 1905 or 1906 or 1907. That right has accrued. If anyone who has purchased under that right desires to test the amendment he can do so even at the present time, and I would

prefer to have the court pass upon it.

Mr. President, without going further into that case at this time, I wish to ask the Secretary to read a letter from the acting chief of one of these tribes with reference to the matter of the removal of restrictions.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

Mr. McCUMBER. I should like to ask Senators who are interested in the view of the Indians themselves to give attention to the letter.

The Secretary read as follows:

TEMPORARY HEADQUARTERS OF CREEK NATION,
ROOM 24, NATIONAL HOTEL,
Washington, D. C., January 28, 1907.

Hon. Porter J. McCumber,

United States Senator, Washington, D. C.

Sir: The undersigned delegates, representing the Creek Nation of Indians, earnestly ask your attention to the representations against the adoption of a certain amendment proposed for H. R. No. 22580, designated as the Indian appropriation bill, which, if it becomes law, removes the restrictions on the sale of Indian lands as at present fixed in law

designated as the Indian appropriation bill, which, if it becomes law, removes the restrictions on the sale of Indian lands as at present fixed in law.

The Creeks who own allotments of land that will be affected by the proposed legislation are as a body not asking that these restrictions be removed, but, on the contrary, are earnestly opposed to such removal. The measure is urged by people who have come from the surrounding States to our country, known as "grafters," and we regret to say a few of our own people who have joined in the clamer, all of whom expect to enrich themselves by taking advantage of the ignorance of the Indians of land values when they shall be left unprotected, as will be the case should you pass the proposed amendment.

The Creek council sent a committee of its trusted members, headed by its chief, to meet and tell the Senatorial committee at Muscogee to see to it that the restrictions be not removed as urged by the land speculators, and that committee falthfully and unanimously presented the views of the council, as the records will show. Most of the allotments in the Creek Nation are yet in the possession of the full-blood Indians and their minor children, who have no adequate knowledge of transactions in realties or of land values, and in the light of the unscrupulous methods we now see every day inblushingly practiced, by which our people are being fleeced of their allotments by those who are urging you to remove the present restrictions, we have no hesitation in predicting that should the amendment pass the most of our full-blood Creeks will within a very short time become landless. The Creeks know this, and knowing, too, that the removal of restrictions will be urged before Members of Congress by the grafters and others, they have sent us to appear here and present their wishes and earnest prayer that you do not beed the selfish demands of the grafters and throwing down the barriers, expose them to the merciless greed and restrictions imposed on these allotments will terminate by l

mediately follow the adoption of the amendment proposed will, in the present incomplete condition of our tribal affairs, bring about expensive litigations and complications of titles and ownership of lands that must result in great injustice and the certain pauperizing of a large number of the Creeks.

The Interior Department of your Government, including the Indian Office, possessing much valuable information respecting our affairs, is in accord and sympathy with the views of the Creeks in relation to the proposed legislation, and we earnestly implore you to use the friendly power and influence of your high station in preventing said amendment from becoming a law.

After surrounding us with conditions we never suggested, much less invited, don't tell us that your laws are such as to render you powerless to afford the simple protection the Creeks are so earnestly begging of you.

you.

Very respectfully,

P. Porter,
Principal Chief.
G. W. Grayson,
S. J. Haynes,
Delegates, Creek Nation.

Mr. McCUMBER. I have here a letter of February 5, signed by M. L. Mott, attorney for Creek Nation, also by P. Porter, principal chief; G. W. Grayson, delegate for Creek Nation, and Samuel J. Haynes, delegate for Creek Nation, on the same subject, which is very much to the point. I should like to have it read by the Secretary

The VICE-PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., February 5, 1907.

Hon. Porter J. McCumber, United States Senator, Washington, D. C.

Hon. Porter J. McCumber,

United States Senator, Washington, D. C.

Sir: For information of yourself and other members of the Senate, I most respectfully request to be allowed to submit the following in opposition to that amendment to the Indian appropriation bill which provides for the removal of restrictions upon the land of the Indian and freedman citizen composing the Five Civilized Tribes.

The Creek council, composed of the house of kings and the house of warriors, had before them in their annual meeting last October the question of the removal of restrictions, and by an almost unanimous vote they declared their unyielding opposition to it, and they selected a delegation to come to Washington and instructed them by resolution to use every means in their power to prevent the repeal of the twenty-five-year restriction clause, and thereby keep them out of the power of the land-grabbing "grafters."

The removal of restrictions in the absence of certain rules and regulations on freedman lands in 1904 was a mistake and a calamity. Few of these allotments were sold direct to any settler or one who would cultivate it, but in most cases to men who secured the same by disreputable and dishonest methods and at inadequate and rainous prices. An allotment bought to-day by the "grafter" would be sold to-morrow at an advanced price many times over. As a result, the adult freedmen's allotments, with few exceptions, are all gone, and now to remove restrictions upon their homestead would leave the larger number of them paupers and objects of charity, and a great number of them will gravitate to the town, where their time will be spent in idleness and vagrancy.

A large number of the manor freedmen's allotments have been purchased. The record of the Dawes Commission would show the allotee under age, and in many cases several years under age, and to obviate this difficulty the minor was induced to make affidavit that he or she had obtained their majority. Of course the price paid for such deed was a mere pittance. Later, if

ride and drive from house to house securing the signatures to deeds and contracts for homesteads at such prices as should make even an unscruppious man ashamed.

The removal of restrictions by the last Congress upon the inherited lands of mixed breeds proved unfortunate and disastrous to a large number of citizens, because it falled to provide for the sale under such rules and regulations as might be prescribed by the Interior Department, and, as in the case of the freedmen, the unsuspecting and unlettered mixed breeds lost their lands, receiving comparatively nothing for them.

Many hundreds of deeds have already been taken for the allotments of full bloods in the Territory; in many cases a small cash payment was made and a contract signed to make an indifferent additional payment after the date of the removal of restrictions. Many of these full-blood grantors assert that such deeds and contracts were interpreted (the interpreter being in the employ of the "grafter") as a mortgage and a note to secure a small loan. The attest of a notary is necessary in proving such conveyances, and in this connection I want to acquaint you with the fact that the profession of notary is the most densely crowded of any in the Territory, every "grafter" having one in his employ on a monthly, if not an annual, salary.

If the amendment referred to becomes a law, then inside of ten days after the date fixed by the amendment for the removal of restrictions every purchasable allotment held by the incapable and ignorant full bloods will be in the hands of the "grafters" at nominal prices, and the settler and honest purchaser will have to pay these "grafters" a fair price, which he would otherwise have paid the Indian.

Every "grafter" in the Territory has insisted and is insisting that the continuation of restrictions is to the disadvantage and injury of the citizens of the Five Civilized Tribes. Their admonitions upon this question should receive just the same weight as the advice of the horse thief to the farmer that a sure way to

the stable door unlocked and unguarded, especially during the night-time.

the stable door unlocked and unguarded, especially during the nighttime.

Some good people in the Territory are favoring the removal of restrictions upon the idea that taxation and settlers are necessary for
the better development of the new State. Ordinarily this would be
true, but the other side of this proposition means a landless and homeless number of thousands who would have to be fed and sheltered in
the almshouses built in every town and community. Taxes from the
land involved would go but a short way toward preventing ruin and
bankruptcy of the new State carrying such a burden.

No general in the silent tread of the midnight watch ever prepared
for his campaign with more deliberate purpose than has been the
organized movement in the Territory looking to the removal of restrictions upon lands of these wards of the Government. Weeks and
months before the Senatorial committee reached the Territory meetings were held in every town of any consequence and means and plans
devised and matured with the view to impressing most favorably and
forcibly the committee. The selection of representatives to present to
the committee the contentions of these towns, chambers of commerce,
and other interests were, where practicable and judicious, made from
among the mixed-breed citizenship; his introduction to the committee
was usually with much solemnity, and, to add to the weight, with a
title borrowed for the occasion. Every man living in the Territory and
familiar with the conditions there and with the methods of the
"grafters" knows in his heart that the removal of restrictions means
the impoverishing and ruin of the greater number of the full blood
Indians and the freedman members of the tribes.

The Creek council and the Creek Nation favor the removal of restrictions upon the allotments of the very aged and infirm and of
those afflicted with some fatal malady, but under such rules and regulations as may be prescribed by the Secretary of the Interior.

Very respectfully,

M. L. Mott,

Attorney for Creek

M. L. Mott, Attorney for Creek Nation.

We are in accord with and approve the foregoing statement.
P. PORTER,
Principal Chief.
G. W. GRAYSON,
Delegate, Creek Nation,
SAMUEL J. HAYNES,
Delegate, Creek Nation.

Mr. McCUMBER. I desire to call the attention of Senators to the amendment that is attacked. The McCumber amendment applies to full bloods only. All of these letters refer also to the protection of the full bloods. It does not affect the mixed bloods whatever.

Mr. CLAPP. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Da-kota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly. Mr. CLAPP. I am not doing it in any spirit of criticism, but simply to put the whole matter before the Senate.

Mr. McCUMBER. Certainly; I appreciate that.

Mr. CLAPP. But the Senator will admit that the McCumber amendment, however, did operate to extend the restrictions to full bloods.

Mr. McCUMBER. It affected full bloods only.

Mr. CLAPP. As to them it extended restrictions beyond the former limit.

Mr. McCUMBER. I have a letter here written by Cenhesse mahhe okis ce, who I take to be an Indian by the name, translated Johnson Tiger. I will ask the Secretary to read simply the first page of the letter, as most of the second page refers to other matters. It comes from what I understand to be a fullblood Indian belonging to one of these tribes. The grammatical construction is not perfect, but I think Senators will under-

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WETUMKA, IND. T., January 25, 1907.

The Secretary read as follows:

Wetumka, Ind. T., January 25, 1907.

Hon. Samuel J. Haynes,

Room 24, National Hotel, Washington, D. C.

Dear Sir and Friend: I have received both your letters, one of which was written while on your way and the last bearing date of the 20th instant. I am indeed glad to hear from you while on this your important mission, as I would be even at any other time also. I see by the Territory press that this Congress is likely to enact further legislation to more fully put us in a shape when death, perhaps, would be more desirable than to live and be vexed while living in the event Congress gives us a wholesale restriction. You know that the full bloods to a unit are opposed to the removal of restrictions, and no one that knows anything about the condition of things in our country can hardly censure the position they take in this matter. I find that even at this time that unscrupulous real-estate men have bought from heirs to deceased homesteads, giving them only \$10 for 40 acres, and they in turn have refused an offer of \$1,000. I know of one man in this town that has done this, but he is only one of a thousand that have done these things, according to all reports. If these things are done at a time when the Indians are under strict regulations of the Department, worse can be expected when the restrictions are removed from all the Indians without any distinction. Let the restrictions be taken off the mixed bloods, but not from the ignorant full bloods. I do not believe that the restriction need to be removed in order that the Indians be taxed to support the new State. The Creek treaty, of course, provides that the lands shall be saleable after five years from its approval by the President; but, undoubtedly, the Creek Nation never expected such a state of affairs to exist—that is, grafting and grafters. I do hope that the Congress will not grant restriction by the wholesale. Then, again, if the restrictions are removed, there will be thousands of acres that are sold to which somebody

that is an heir or heirs will be left out, for the reason that it is very hard to locate heirship to the lands that are now being sold.

Mr. McCUMBER. I simply want to call attention to the fact that where the writer of the letter uses the expression "I do hope that the Congress will not grant restriction by the wholesale," he evidently means that he hopes Congress will not remove restrictions by the wholesale.

Mr. CLARK of Wyoming. Mr. President, I had not intended at this time to take any part in this debate, but there seems to be a misapprehension in the minds not only of those from whom the letters just read have been received, but in the minds of

Senators as well, as to what this amendment is.

This amendment, Mr. President, proposes no wholesale removal of restrictions. It can not be said to operate as a pauperizing of the Indians. On the contrary, the amendment fixes absolutely the independence of the Indian by giving him a homestead that shall be inalienable. Under no circumstances under the provisions of this amendment can the Indians become paupers or a charge upon the State or county.

Mr. President, a year ago from this time, or a little later—Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. Certainly.
Mr. LONG. I hope the Senator will explain to the Senate what is meant by "homestead" in the Indian Territory.
Mr. CLARK of Wyoming. I shall endeavor to do that, and I will do it now lest I forget it.

A homestead upon the public domain, Mr. President, means 160 acres of land, which must be lived upon and made the residence of the head of the family, except under certain irrigation projects, where it may be fixed at a less amount. The homestead, under the allotment laws that we have passed for the Indian Territory, is a certain percentage of the entire allotment of the Indian. It may be the land upon which he lives, or he may live upon land which is not his homestead. The balance of his allotment, except that designated "homestead," is called "surplus land." The land in the Indian Territory has all been appraised by the Government of the United States, not with a view to its true value, but as a comparative basis upon which allotments shall be made.

An allotment—and I will not go into the details of the dif-ferent tribes, but state it generally—an allotment consists of so many acres of the average agricultural land, one-half of which shall be homestead and one-half of which shall be what are called "surplus" lands. This homestead and surplus land applies not only to the head of the family, but to every individual upon the tribal roll. So that each member of an Indian family consisting of a husband, wife, and four children receives as an allotment, aside from his or her surplus-land allotment, a homestead ranging in size from 80 acres, I believe, or is it 40

Mr. CURTIS. Forty acres. Mr. CLARK of Wyoming. From 40 or 80 acres to 160 acres. Mr. LONG. One hundred and sixty acres of average land.

Mr. CLARK of Wyoming. One hundred and sixty acres of average land. So that, as the committee report, they may have in a family of six in the Choctaw or Chickasaw Nation a homestead of more than 12,000 acres of land, depending in acreage upon the appraised value, as determined by Government agents, which, under the protection of this amendment, is absolutely inalienable.

Mr. CARTER. Twelve thousand acres? Mr. CLARK of Wyoming. Twelve thousand acres, averaging

as to the price of the land from 25 cents to \$6 an acre.

As I started out ot say, Mr. President, a year ago the Senate was in much the same condition that it is now in regard to matters connected with the Indian Territory. I for one felt that I was not competent, with the information then at hand, to deal finally with the matters connected with that Territory. The Senate felt likewise. Matters were bridged over, and a committee was appointed to visit the Indian Territory and gain such knowledge as possible upon the conditions there. That committee, of which I had the honor to be a member, I believe did their work conscientiously. I doubt if a committee has ever been sent from this body that tried, at least, to do more honest work than did that committee. I doubt very much the informa-tion contained in one of those letters that that committee was deceived as to real conditions.

The committee gave full and complete hearings, especially calling upon the Indians of the full blood to appear before the committee at public hearings and make their views known upon the subjects-matter in which they were interested. So far as chambers of commerce having influence is concerned, chambers

of commerce were absolutely cut out, the committee proceeding upon the theory that it should see at first hand and hear the exact condition of affairs as they existed; and those conditions are much worse than they have been depicted here, and as different as night is from day.

It is not my purpose, Mr. President, to discuss what has been the cause of the conditions in the Indian Territory; but I can not refrain from saying that, in my judgment, much of the evil results there have been caused by our ignorant legislation. can say also that much of it has also been caused by ignorant

administration of the laws which we have passed.

Mr. President, I only started to correct an erroneous impression that this was a wholesale removal of restrictions. This amendment, which was agreed to by the committee which visited the Indian Territory and afterwards agreed to by the Committee on Indian Affairs of the Senate as the best possible solution of this matter of alienation, provides that after the 1st of July, from the surplus land of the Indians in the Indian Territory, all restrictions shall be removed. In other words, Mr. President, that any man who has an allotment in the Indian Territory consisting of one-half homestead and one-half surplus land shall after the 1st of July be privileged to go into the open market and sell his surplus land for the best price he can obtain, if he cares to sell for that price, retaining unto himself forever the homestead which has been allotted to him as a homestead.

There were many considerations which moved the committee in making that report. One consideration was that under the present system and law the Indian can have his restrictions removed individually, notwithstanding the fact that Congress has

passed no general law removing restrictions.

Mr. LONG. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. Certainly.

I wish to correct the Senator in one respect. What the Senator states is true, unless the Indian is a full

Mr. CLARK of Wyoming. Yes; unless he is of full blood. Mr. LONG. There is no power anywhere to remove the restrictions of a full blood under the present law.

Mr. CLARK of Wyoming. That is true since the passage of

the law of 1906.

Mr. LONG. I will call the attention of the Senator to the fact that, under the ruling of the Interior Department, a fullblood Indian who had his restrictions removed by the Secretary of the Interior prior to the act of April 26, 1906, had them reimposed by that act unless he had disposed of his lands before

that law took effect.

Mr. CLARK of Wyoming. Both of the statements of the Senator are quite true. But what I wanted to call the attention of the Senate to was this: We were seeking to relieve a situation that now exists. Under the conditions as they now exist, and without reference to the McCumber amendment, the Secretary of the Interior is authorized to remove the restrictions upon the alienation of Indian lands, but this can only be done by personal application in each individual case. The re-The result is what is called "the grafter;" the inevitable result is the

grafter.

The Indian who is the subject of his wiles seldom thinks, in the first instance, of having his restrictions removed, but when he is approached by the land speculator, who enters into an agreement with him to present his case to the Secretary of the Interior, or rather to the Indian agent in the Indian Territory through whom the Secretary acts, and, by a system of wiles and deceits, or whatever may be the course, succeeds in getting an order from the Secretary to remove his restrictions. This is done by the speculator upon the promise that when those re-strictions are removed the land shall be sold to him for a specified price, which is far, far below the true value of the land, and far below the price the land would bring if it were sold in the open market by general sale. So we say that the present system is a system that is responsible for the land

speculator, who has sought to despoil the Indian.

Under the present operation of the McCumber amendment
the committee found this condition: That a family that had five, ten, fifteen, or twenty thousand acres of land had not the wherewithal to buy medicine at the drug store for their sick children. I remember in one case where a physician came before the committee-I think at Ardmore-and stated that he been called away fifteen or twenty miles into the countryand the other members of the committee who were present will recall the incident-where a family having an allotment, with five or six in the family, every one of whom had an allotment of the value of \$5,000, were absolutely unable to provide money to pay the expenses of even a physician to visit them. were what might be called "land poor."

I remember another case, which, I think, was at Ardmore, where a man had a thousand acres of good land, and that man and his family were obliged to wear gunny sacks in place of shoes, because, having no control of his property, he could get no money and had not the credit wherewith to buy them proper clothing and shoes. Those are some of the conditions, Mr. President, with which we are called upon to deal.

Mr. BURKETT. Could he not obtain a loan upon his land? Mr. CLARK of Wyoming. No; because under the law he could not encumber it and he could not make a living from it, as he had no means to buy material to work with. He could not buy the seed to put upon his land; he could not buy the ma-

chinery with which to work it.

Mr. BURKETT. Then there was no income from the land? Mr. CLARK of Wyoming. There was no income from the nd. Conditions like that, Mr. President, are what forced the conviction upon the committee that something ought to be done, not for the purpose of despoiling the Indian, not for the purpose of making him homeless, but for the purpose of putting him upon a plane so that he could stand side by side with his neighbor, where he could have an even show for his money, where he could have support for himself and his children, so that if he had a thousand acres of land in a homestead and another thousand acres of surplus land, the whole 2,000 acres might not lie idle and fruitless, but that he might sell a portion of the land and buy cattle and horses and seed and other material to make it valuable, and erect buildings and make a home upon his homestead, which by this amendment is made forever inalienable. Those were some of the considerations that moved this amendment.

Mr. LONG. And that he might be permitted to dispose of his allotment under the original agreement that he made with the

Government when he took his land in severalty.

Mr. CLARK of Wyoming. Exactly so, Mr. President. I take a moment here to refer to that part of the discussion that has occurred. We lose sight of the fact that these are not Indian lands in the ordinary acceptation of the term. The Senator from North Dakota [Mr. McCumber] and other Senators have been dealing with this question as though these were Government lands, as though these were lands on a reservation upon which the Government had placed these Indians. Why, Mr. President, these Indians hold those lands by a title as indefeasible as any fee-simple title in the United States of America. Seventy-five years ago, when the deed passed under the seal of the United States and under the hand of the President, it put those lands in fee simple in those Five Civilized Tribes in the Indian Territory. There was no question of an Indian reservation there, but every acre was paid for dollar for dollar and the fee-simple title granted. Yet we are dealing with those lands and we are dealing with those men as though they were Indians who had been placed upon a reservation and upon Government lands.

The Indians of the Five Civilized Tribes took their way into the Indian Territory reluctantly. They did not want to go. They had homes in the East; but the march of events rendered it necessary that they should move west of the Mississippi River. If some Senators in this body could have heard full-blood Indians, with the eloquence of a Logan, plead before the committee that their ancient rights should be given back to them; if you could have heard them protesting that every line of the legislation that we have written in contravention of the original agreement was unjust; if you could have heard them cite the treaty of 1832 and others, providing that they were to hold the lands within the boundaries of the Indian Territory as communal property as long as the grass should grow, the sun shine,

or the water run, you would have wondered if perhaps we had not made some mistake in our Indian legislation.

But, Mr. President, they were happy, as they said before the committee—and I regret that the entire evidence that was taken before that committee has not been printed. Every word of it was taken down; every word of it to-day is in the Printing Office waiting to come here, and I regret that we have not got it—they still were happy under their tribal form of government. They held their property in common; their fields were in common. Wherever a man wanted to go and make a home, he could go and appropriate all the land he wanted, whether it was 1, whether it was 10, or whether it was 100 acres. Under the operation of that tribal system of government, Gen. Pleasant Porter, whose letter has been read here to-day, had, we were in-formed, a hundred improved farms within the limits of the Creek Nation.

But the Congress of the United States in its wisdom decided that that was not the right way for an Indian to live. decided that there should be no more Indians in the Indian Ter-

ritory; that they should drop their old civilization.

I pause here to remark that these are not the ignorant Indians that we imagine. I have in my office in this building the printed book presented to that committee containing the written constitution-I was going to say as good as the Constitution of the United States, but I will not say that, but modeled upon the same lines—made seventy years ago. They have a written alphabet; they have upper and lower houses of their legislature. They had a paper published in the Cherokee language, was it

In the Cherokee language.

Mr. CLARK of Wyoming. In the Cherokee language, until a few months ago, when it was suspended by order of the Secretary of the Interior, for what reason heaven only knows.

But, Mr. President, we said that the Indian must no longer be an Indian; that the tribal government should be broken up; that there should be no more communal property: Indian should stand as a citizen of the United States, and we entered into treaties and contracts with the Indians of the Five Civilized Tribes. They demurred-and many of them to-day hold those treaties were negotiated and carried through by fraud—they demurred to taking the land in severalty. were satisfied with the condition of things as it had existed for seventy-five years in that country; but the Government of the United States said, "No; you must enter into these treaties and take your lands in severalty.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. CLARK of Wyoming. With pleasure. Mr. CULBERSON. Mr. President, I was struck with the statement of the Senator from Wyoming that the publication of the Cherokee newspaper had been suspended by order of the Secretary of the Interior. I ask him if he has that order con-

wenient so that he can read it?

Mr. CLARK of Wyoming. I have not that order; and I have the information only from the statements of those who are interested, and the statements of other interested parties who wanted authority to purchase the material, the Cherokee type, etc., so that they could start the paper again on their own account and have a publication in their own language. the fact as I heard it. I know nothing more about it. The simple fact is

Mr. CLAPP. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. CLARK of Wyoming. Yes; certainly.

Mr. CLAPP. It is not germane to this discussion, but it may be of interest to state that the Cherokee Nation voted a medal to Sequoia for his literary work, which, I believe, is the only governmental recognition of literary work in the history of the Amer-

ican people.

Mr. CLARK of Wyoming. Now, Mr. President, resuming the argument, if it can be called an argument historically, the Congress of the United States decided that these Indians must quit their tribal relations. Demurring, they consented. They consented upon condition. They said: "We will give up the community interest which we have in this tribal property. The Government says we have to do it." The Government said to them: "If you will surrender the individual interest which you have in this tribal property, the lands of which have been held in common, we will give you, in your individual name, a certain amount of that land to be carved out and called an allotment; we will give you that allotment free as free can be, except as to certain restrictions which shall cover a few years ahead, during which you shall not dispose of it." That was the contract and agreement between the United States and the Indians.

I care not one whit for all the law that can be cited in the decisions of the Supreme Court, or elsewhere, as to the power of

the United States to break that agreement.

Mr. LONG. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. Certainly.
Mr. LONG. Bearing somewhat upon the statement made by the Senator from North Dakota [Mr. McCumber] some time since, I will ask the Senator if it is not a fact that the Indians of the Indian Territory recognize the binding legal obligation of the restrictions in the supplemental agreements, and that they only object to the McCumber amendment which was enacted last year in violation of all those agreements?

Mr. CLARK of Wyoming. The only Indians in the Indian

Territory who do not recognize their binding effect are those who do not recognize the binding effect of any treaties since 1832.

Mr. President, I say I care not one whit for what any court in the world has decided as to the power of the Congress of the United States to break those agreements. I look at the mat-ter in a far broader way. Must we necessarily act in a certain way because the court says we have the power? I would act in a certain way because our pledged and plighted word to the other party to the contract says that we should act in that way. We should not use our power simply because we have it. should only use the power we have, be it little or much, along the lines of the just construction of the contracts between the Five Tribes and the Government of the United States.

We have said, in our agreements with these Indians, "If you take this land in severalty, you may dispose of it in a certain way in a certain time." That time was fast approaching when way in a certain time." That time was fast approaching when the Congress of the United States, a year ago, said, "We will modify that agreement upon which you took your lands in sev-eralty. It is true that you surrendered all your interest in your tribal lands; it is true that you took your individual allotments under our promise that you could dispose of or encumber them after the time stated; it is true that you have kept to the uttermost your part of the contract; but we have got the power, and we will not live up to ours. Instead of saying that you can alienate this land in July or August of this year, or, in the case of the Choctaw or Chickasaw Nation in 1907, 1908, or 1909, we will say that, having induced you to take these allotments, having compelled you to keep your part of the agreement, we will postpone the operation of our part of the agreement for twenty-five years longer."

I say, Mr. President, it makes not one whit of difference to me what the Supreme Court of the United States should decide as to our power in that respect. I say that if we have the power and exercise it it is a breach of faith and good morals

which can not be justified.

It is a mistake, as I say, to think that all of these people are unable to look out for themselves. I challenge any man to go to any part of the United States and find a more capable, more honorable, more upright, and better educated set of men and women than he will find in the Indian Territory. How many of the States of this Union send ten or twenty or thirty or forty of their young men per annum at the charge of the State to the highest educational institutions in the land? Is there one? And yet, until we broke up their tribal government and until we ourselves said they should not spend tribal funds for that purpose, there was not a year when the Choctaw Nation did not have its young men, at the expense of the nation, in the eastern colleges and universities. These young men to-day are in that nation engaged in the practice of the law and other professions and in building up communities which would be an honor to any State.

What public school system in the United States is there that has, not only a compulsory-education law, but, in addition, says if the labor of the child is needed at home, the State shall pay the father or the mother the value of that labor? And yet you find that there the tribe pays into the family funds so much per month for the time the child is in attendance upon the public schools. They have the best compulsory-education law, believe, that is on the statute books of any nation.

I had thought that I had made the question of surplus lands clear, but it has been suggested that I take advantage of this opportunity to clarify it still further. The surplus land is the land aside from the homestead, and is land equal in value to the homestead, but not always equal in acreage.

Mr. CARTER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. Yes.
Mr. CARTER. In order to make the question I had in mind more explicit, I understood the Senator to say that the land in question was all held as community property.

Mr. CLARK of Wyoming. Originally.

Mr. CARTER. Originally; but a treaty was made by the tribe, whereby this community property was allotted to the In-The Senator has stated that, in making dians in severalty. the allotment, a certain portion thereof was homestead and a certain portion so-called "surplus land." I ask if the homestead I ask if the homestead allotment and the surplus land combined of all the Indians made the aggregate of the original community property

Mr. CLARK of Wyoming. Not entirely; but it does in some of the nations. In the Choctaw and Chickasaw nations the amount of the allotment is so arranged that there was remaining out of the allotment something like 500,000 acres of coal lands; and I understand after all the allotments have been completed, both of the homestead and surplus lands, there will still

remain of the Choctaw and Chickasaw lands about 2,000,000 acres unallotted.

Mr. CARTER. In whom does the title to those lands rest? Mr. CLARK of Wyoming. It is still in common. The lands

still remain in common and are to be sold after the allotments are all made.

. Mr. LONG. Authority has already been given to the Secretary of the Interior to sell the remaining lands.

Mr. CLARK of Wyoming. They are still common lands and all are to be sold, but not until all allotments have been made.

Mr. SUTHERLAND. Mr. President-The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Certainly.

Mr. SUTHERLAND. Can the Senator state approximately how many acres of these surplus lands there are in the Indian

Territory that would be affected by the amendment?

Mr. CLARK of Wyoming. It opens up substantially one-half of the Indian acreage of the Territory, except the 2,500,000 acres referred to.

Mr. SUTHERLAND. So that, if I understand the proposi-

tion, if the McCumber amendment stands, then nearly one-half of the total area of the Indian Territory will not be subject to

Mr. CLARK of Wyoming. No; not that, because the McCumber amendment refers only to the full-blood lands.
Mr. SUTHERLAND. Approximately how many acres of land

will be in that condition, where the State can not tax them?

Mr. CLARK of Wyoming. It is impossible to approximate
the acreage, but there would be a very large percentage untaxed.

Mr. SUTHERLAND. There would be a vast area of land which the State could not tax.

Mr. CLARK of Wyoming. Yes. I thank the Senator for calling attention to that fact, because that is one of the reasons which entered into the conclusion at which the committee ar-

Mr. STONE. Will the Senator from Wyoming permit me?

Mr. CLARK of Wyoming. Certainly.
Mr. STONE. I am quite sure it is a fact that there are about 18,000 full-blood Indians in the Indian Territory

Mr. CLARK of Wyoming. Our information was that there were something over 20,000.

Mr. STONE. Approximately 20,000, then. That would be the number of persons affected and who are now affected by the so-called "McCumber amendment."

Mr. CLARK of Wyoming. Yes. Mr. McCUMBER. How many?

Mr. CLARK of Wyoming. Something over 20,000.

Mr. McCUMBER. Between twenty-two and twenty-four

Mr. STONE. I want to ask the Senator if he can state relatively the amount of surplus land as compared with the land covered by homesteads?

Mr. CLARK of Wyoming. It is substantially the same.
Mr. STONE. Half each way?
Mr. CLARK of Wyoming. Yes; about half each way. Of course the lands are divided according to the appraisement that is put on them by the Dawes Commission, which is put on simply for the purpose of comparison and not as indicating at all the true value of the land.

The Senator from Utah [Mr. Sutherland] spoke of a question that had some influence with the committee in forming their conclusions. That was the question of taxation.

While, of course, the first consideration in treating of this matter should be the consideration of the welfare of the Indians themselves, there is another consideration that necessarily enters into this matter, and that is the one of public the consideration of the Indian Townstown according to the Fire Children Chi policy. The Indian Territory, occupied by the Five Civilized Tribes, is about to become a part of the new State of Oklahoma. There is not within the bounds of the Indian Territory a county government, a court district, a road district, a school district, or anything that enters into the modern municipal or county organization. There has been no authority to levy taxes and there is none now except in the towns upon the regularly ap-proved town sites. The consequence is that we have coming into the State, in the eastern half of Oklahoma and the whole of the Indian Territory, a tract of land where there are more than 600,000 people, with very little taxable property outside of the cities and towns, and they have to enter upon the support of county, district, and judicial government, and this in a place where it is a matter of record that the courts are more expen-

while it is a line with the same of the face of the earth.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. Certainly.
Mr. LONG. The Senator referred to the fact that these lands are about to become part of the new State of Oklahoma. Is it not a fact that by the statehood law all these Indians, whether mixed or full bloods, are voters, can participate in all elections in the new State-

Mr. CLARK of Wyoming. Every one of them.
Mr. LONG. Including voting for delegates to the constitutional convention and voting upon the question of the approval of the constitution after it is made?

Mr. CLARK of Wyoming. Every one of them. Every one of them is a citizen of the United States, and a citizen of the State of Oklahoma, and as such citizen having an obligation to assist in the support and maintenance of their State and county and local governments, and yet we have there communities, the whole half of a State, perhaps thirty or forty counties, starting from the ground up without a dollar's worth of public improvements, without a road made, without a court-house built, without a school district established, and two-thirds of the taxable property outside the assessor's power.

In considering the matter of the removal of the restrictions I think that is a proper point to be taken into consideration. The Lord only knows how at the best those people are going to sustain their county and State governments. If all the land were subject to taxation at a reasonable rate, the burden would be hard enough, because never yet in the history of this nation has there been imposed upon any people the necessity of entering upon government without some foundation of taxable properry upon which to build. It is hard enough in any Territory being created into a State to assume the additional burdens of State government. But in all the Territories that we have ever admitted there has been a foundation. All the Territories have had their county governments running in shape, and usually with good county buildings and with taxable property. All the school districts have had their schoolhouses. There have been the judicial districts, with taxable property. But here we have to start from the ground up and start out and carve out a system with no foundation of taxable property upon which to rest it.

So, I say, I believe the question of policy is a proper one to be considered in connection with and secondary to the welfare of the Indians themselves.

Mr. BURKETT. Do I understand the Senator to say that all Indians who would be affected by this legislation are citizens and voters in the new State?

Mr. CLARK of Wyoming. No; not all of them; because when I speak of a citizen and voter, of course I do not mean a child 5 years old.

Mr. BURKETT. I did not mean that, either.

Mr. CLARK of Wyoming. I mean only those of proper age, want the Senator from Nebraska to understand that no matter what the age of the child may be, that child has an allotment equal to the allotment of a citizen.

Mr. BURKETT. I understand; but you would not contemplate making a law to permit that child to alienate any rights

to property?

Mr. CLARK of Wyoming. Oh, no. Mr. BURKETT. Except under due process of law, through a guardian.

Mr. CLARK of Wyoming. Through the courts. Mr. BURKETT. But I understand the Senator does say that the adults-persons over 21 years of age-who are affected by this legislation, do vote.

Mr. CLARK of Wyoming. I think only the male adults. Mr. BURKETT. The Senator contends that if they are able to attend to everybody else's business they ought to be able to

attend to their own business?

Mr. CLARK of Wyoming. I think if they constitute the Government and vote the taxation, they should be responsible for where a portion of the revenue is to come from.

Mr. President, that is all I care to say. I had not contemplated saying anything, and I should not have said anything except for the fact that I was fearful that a misapprehension of the result and purpose of this amendment might find lodg-

ment in the minds of Senators.

Mr. HEYBURN. I should like to ask the Senator a question before he takes his seat.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. CLARK of Wyoming. Certainly. Mr. HEYBURN. Does the Senator for

Does the Senator from Wyoming think that these Indians, having exhausted their allotments, whether by sale or by losing them in any way, could, as citizens of the United States, go upon the public domain in other States and take up homesteads?

Mr. CLARK of Wyoming. I think they could if they did not impinge upon that part of the law which says you can not take a homestead if you own so many acres of land else-

Mr. HEYBURN. The question in my mind arose out of that situation.

Mr. CLARK of Wyoming. I do not think there is any question about it.

Mr. HEYBURN. Then, having parted with their lands and never having exhausted their homestead right, would not they be in position to go into other States and exercise that right?

Mr. CLARK of Wyoming. I think they would be exactly in

that position.

Mr. LONG. I think the Senator from Idaho has the impression that under this proposed amendment the homesteads of the Indians in the Indian Territory are affected. The Indians will retain their homesteads, as provided in the supplemental agreements. There is no proposition pending to affect in any respect the homesteads of the Indians by blood.

Mr. CLARK of Wyoming. I think the three of us are right, but I want to make my own answer to the Senator from Idaho, and that is this: I believe that an Indian in the Indian Territory, having eighty acres or a hundred acres of homestead under the allotment law could go upon the public lands of the United States, if that were all the land he had, and take a homestead under the public-land laws of the United States, keeping in mind the idea that "homestead" in the allotment law is an entirely different thing from "homestead" in the general land laws of the United States.

Mr. HEYBURN. That is just what I had in mind, that the quality of the estate which the Indian takes under the allotment law, which we are pleased to term a "homestead." a homestead such as is contemplated in the homestead law.

Mr. CLARK of Wyoming. You might as well put in any other name as "homestead." It is merely a distinction.

Mr. HEYBURN. So that if the Indian becomes destitute, as it has been pictured here to-day that he would become destitute, either by his own improvidence or by being imposed upon, he will still have the right to go out on the public domain and take up a homestead.

Mr. CLARK of Wyoming. He does not need to go out, be-cause he has that much land left in the Indian Territory, which under this amendment is made absolutely inalienable. amendment does not allow the Indian to sell all his land. There is a certain proportion of his land that is allotted to him as a homestead, varying from eighty to a hundred and sixty or more acres of land-

Mr. HEYBURN. But is that a homestead within the meaning

of the homestead act?

Mr. CLARK of Wyoming. Not at all; but that so many acres of land this amendment says he shall not dispose of under any

Mr. HEYBURN. It only goes to constitute an estate that is prohibitory against the exercise of the homestead law.

Mr. CLARK of Wyoming. No. It prohibits him from sell-

Mr. HEYBURN. It would also prohibit him from locating.

A man can not take up a homestead if he owns a certain number of acres of land.

Mr. CLARK of Wyoming. If he had only 80 acres he might, Mr. HEYBURN. He might take up a homestead to the extent of the difference between that and 160. So the Indian would not be entirely destitute.

Mr. CLARK of Wyoming. It is absolutely impossible. Mr. SPOONER. The Senator from Wyoming referred to the intellectual capacity of the Indians down there and their ability to take care of their own affairs. Did he have in mind the

mixed bloods or the full bloods, or both in equal proportions?

Mr. CLARK of Wyoming. I would not want to have the conclusion reached that when I referred to the intellectual capacity I meant that was an average capacity to which I referred. I simply spoke of those things as illustrations of the capacity of

the Indian to reach the higher ground.

Mr. SPOONER. I suppose the average among the mixed bloods is very much higher than the average among the full

bloods?

Mr. CLARK of Wyoming. I should be inclined to doubt that somewhat. I think a full-blood Indian is likely to be of as high average intelligence as the half blood.

Mr. SPOONER. And in education?
Mr. CLARK of Wyoming. They all have their schools. It is seldom you can find a full blood who has not attended their schools, and the Indians have some of their own schools that are equal to academies in any of the States and Territories.

Mr. SPOONER. If the Senator will permit me to ask him,

to what extent did the representation from the full bloods ask of the committee the removal of the restrictions?

Mr. CLARK of Wyoming. I can not say as to that. I think a majority of them wanted the restrictions kept on their homesteads. The majority, I think, wanted the restrictions removed on their surplus lands. A large representation, or what assumed to represent a large body of full bloods, brought before us in one of the towns, claiming to represent something like a thousand full bloods—Mr. Jackson was his name, was it not? wanted the restrictions removed upon everything that they had. But that is not pertinent to this discussion, because the reason was that they were not satisfied with the allotting proposition. They wanted to return to their old communal way of Consequently they wanted the restrictions removed at once, so that they could sell out everything they had and go somewhere else, as the Senator from North Dakota suggested this afternoon, and purchase land which they could hold in common.

Mr. SPOONER. Did the Senator form any idea as to the relative number of full bloods who desire the removal of the

Mr. CLARK of Wyoming. Oh, no; I do not think I could. It would be impossible for me to say. There are the two opinions. Governor Porter, who of course is not a full blood, but represented the full bloods before us, and their committee did not seem to be in favor of removing the restrictions, although at the time the committee was before us-

Mr. LONG. Is it not a fact that the full bloods who opposed the removal of restrictions upon their surplus lands did so be-

cause they did not want to pay taxes on these lands?

Mr. CLARK of Wyoming. It was almost universal that that was one of the reasons, that they did not want their lands to become subject to taxation.

Mr. SPOONER. They do not differ very much in that re-

spect from the white man.

Mr. CLARK of Wyoming. Not much. That observation

was called out several times during our hearings.

Mr. SPOONER. My recollection was that last winter it appeared that while it would seem to be admitted that the re-strictions ought not to be removed from the full bloods—there were about 24,000-is that the Senator's understanding

Mr. CLARK of Wyoming. Twenty to twenty-four thousand,

as near as we could ascertain from the rolls.

Mr. SPOONER. Does the Senator understand that Governor Porter, who represented the full bloods before the committee in opposition to the removal of the restrictions as applied to them, represents them in this paper which was read this afternoon in opposition?

Mr. CLARK of Wyoming. The 24,000?
Mr. SPOONER. The full bloods.
Mr. CLARK of Wyoming. Oh, no; he simply represented the Creeks. The 24,000 includes them all.

Mr. SPOONER. How many Creeks are there? How many does he represent-full bloods?

Mr. CLARK of Wyoming. I do not know. I suppose there

are about 7,000 of the Creeks.

Mr. CURTIS. There are only 10,000 Indians of blood enrolled in the Creek Nation.

Mr. CLARK of Wyoming. There are about 7,000 full bloods. Mr. McCUMBER. About one-third of the entire number of

full bloods. Mr. SPOONER. What is there before the Senate or what was there before the committee to show the attitude of the full

bloods in the other tribes in relation to the removal? Mr. CLARK of Wyoming. There was before the committee a variety of opinions by full bloods, not only of the other tribes, but of the very full bloods that Governor Porter was repre-

senting. Mr. SPOONER. Is the Senator from Wyoming able to say

that it is the desire of the great body of the full bloods that these restrictions shall be removed?

Mr. CLARK of Wyoming. Oh, no; I can not say that, because I do not know that we had enough information.

Mr. SPOONER. I suppose it is the universal desire of the

white men in the country that the restrictions shall be removed.

Mr. CLARK of Wyoming. No; I do not think it is.

Mr. SPOONER. Pretty much so?

Mr. CLARK of Wyoming. I want to remove an impression which seems to exist here. The grafter, notwithstanding the letters of Mr. Mott and of General Porter, is not anxious to have the restrictions removed.

Mr. SPOONER. I did not have in mind the grafter when I spoke of the white men.

Mr. CLARK of Wyoming. Many white men, who are perfectly honest, are anxious to have the restrictions removed.

Mr. SPOONER. So that the land can be taxed.

Mr. CLARK of Wyoming. And they want the opportunity to purchase homes where they can and where they choose. grafter and the speculator profits by the present laws and condition of affairs, because whatever he buys he buys at a very

much reduced price compared to its real value.

Mr. McCUMBER. But after he has bought it and after he has a contract from all the Indians or a great number of them under the present law, would it not be for his interest to have the restrictions removed so that he could obtain immediate

Mr. CLARK of Wyoming. Perhaps at some future time. But I am speaking of the present moment.

Mr. SPOONER. I suppose these lands are rapidly advancing

in value

Mr. CLARK of Wyoming. Yes; they have gotten so that now lands in Indian Territory are worth 30 to 50 per cent of what like lands in Kansas are worth.

Mr. SPOONER. And they will probably continue to advance?
Mr. CLARK of Wyoming. They will probably continue to ad-

And there will be that difference in the price of lands in the Indian Territory and in Kansas because the titles in the Indian Territory are clouded by the McCumber amendment.

Mr. SPOONER. I doubt if that accounts for the entire difference.

Mr. McCUMBER. I want to ask the Senator from Wyoming a question for information.

Mr. CLARK of Wyoming. Certainly.

Mr. McCUMBER. The Senator has made clear the difficulties of the new State, because of the fact that certain of the land is not subject to taxation. Bearing in mind that this amendment which is attacked covers nothing but the surplus of the full bloods, I would like to ask him what percentage that surplus of the full bloods bears to the entire acreage of the State?

Mr. CLARK of Wyoming. I can not answer that question

because the premises are wrong.

Mr. McCUMBER. Would it be even 1 per cent?

Mr. CLARK of Wyoming. Speaking more especially in regard to local taxation, it would be more than 1 per cent. It would be more than 20 per cent, in my judgment. the counties within the present boundaries of the Indian Territory. Of course the Senator recognizes at once that his first premise was not entirely accurate.

Mr. McCUMBER. What is that? I will stand corrected

in any respect if the Senator will point out the error.

Mr. CLARK of Wyoming. The Senator said this amendment affected only the lands of the McCumber amendment—the surplus lands.

Mr. McCUMBER. My amendment affected simply the surplus lands. It continued in some instances upon the home-

Mr. CLARK of Wyoming. Yes.

Mr. McCUMBER. I do not know that it affected the homestead at all, but it affected simply the surplus. If it affects only the surplus, then it is a question how much that surplus would add to the taxable property of the State.

Mr. CLARK of Wyoming. It would add very greatly. Of course I am not prepared to say how much.

Mr. McCUMBER. I did not know but that the Senator had

Mr. CLARK of Wyoming. I have not the information.

Mr. McCUMBER. I myself do not know.
Mr. CLARK of Wyoming. Mr. President, there are other
matters connected with the report of the committee to which I

shall wish to call attention at a later time.

Mr. LONG. Before the Senator from Wyoming resumes his seat, I would like to ask him to state the effect of the McCumber amendment in the making of contracts for the sale of lands; that is, contracts for deeds to be made after the 1st of next July, when by the terms of the original agreements the land is alienable.

Mr. CLARK of Wyoming. Whether it is the working of the McCumber amendment or not, whether the parties are justified But I do know it to or not in their contention, I do not know. be the fact that contracts are being largely made to take effect at a future day. Contracts are being made, deeds are being given, to take effect at a future date, and wills are being made. Large amounts of money are being expended, and, to say the least, clouds are being cast upon the title of very much of the Indian land under those conditions. Now, whether or not a man is legally justified in concluding that the McCumber amendment is unconstitutional, or, if it is unconstitutional, that he

acquires any right, I am not prepared to say. I can only give the Senate the conditions as they exist, and the result will be, if the Indian is not deprived of his land entirely, that his title will be so clouded that the value of the land will never be what it should be.

Mr. McCUMBER. With the Senator's permission, I want to answer the suggestion of the Senator from Kansas [Mr. Long] as to whether or not it is because of this amendment that this great effort is being made to buy up the land. If the premises are true as stated by the Senator from Kansas, the very fact that we have extended the restrictions and made it harder to purchase brings more people into the field for the purpose of purchasing. I think that the letter which has been read here is a complete answer to that proposition. An organized effort is being waged for the purpose of securing the abolition of all restrictions upon other than the homesteads. That organized effort emanates from the Territory. Promises have been made, and it comes to me directly, that they will succeed in eliminating restrictions upon all but the homesteads this session, and, acting upon that assumption, a great many people have gone all over that country and are securing deeds with the understanding that they will be able to destroy the safeguard of the Indians in this restriction and obtain a clear title after this Congress has adjourned. That is the reason why, in my opinion, so many are making this house-to-house canvass, with their notaries accompanying them, and hired by the month, in order to get a contract for the deed, hoping to hold the Indian to the contract and before long dispose of these restrictions and then get title.

If there is a failure to secure a removal of the restrictions, and if they believed that they could not remove them in the very near future, I am doubtful if that business would not become very much less in a very short time.

Mr. CLAY. Will the Senator from North Dakota allow me

to ask him a question?

Mr. McCUMBER. With pleasure.

Mr. CLAY. Suppose the McCumber amendment is repealed, what restrictions under existing law would prevail preventing the Indians from selling their land, and when would those restrictions expire?

Mr. McCUMBER. The amendment related only to the surplus, and some of the restrictions have already expired-where they are allowed to sell one-fourth in so many years, one-fourth in five years afterwards, and so on. In some instances it would be, I think, about fifteen years before all of the restrictions would be removed.

Mr. CLAY. These were restrictions that were existing at the time the lands were allotted to the Indians?

Mr. McCUMBER. Yes.

Mr. CLAY. And the restrictions probably could be enforced by Congress regardless of the fact that the Indians were made citizens and regardless of the fact that the Territory was organized into a State?

Mr. McCUMBER. That is true. Mr. CLAY. Now, I ask the Senator this question: Could we impose upon the Indians any other restrictions than those which existed at the time they became citizens of the United States and at the time their lands were allotted to them in severalty?

Mr. McCUMBER. There is the crux of the whole matter, whether we can or whether we can not. If the statement is true that they are still wards of the Government, then my opinion is that we can absolutely. So the question reaches back to the question whether they are still wards of the Government.

We are treating them as such in this bill from beginning to end. There is not a single page of it that does not recognize their condition as being one subservient to and under the control of the Government. If the bill is legal from one end to the other, it must be upon the assumption of the relation of guardian and ward.

Even suppose that we grant them the rights of citizens, I do not think that that of itself releases them from the governing power of Congress over their property, especially where the tribe still exists. The Government can not recognize a tribe of white citizens in the United States. The Government has continued the tribal relations of these Indians, declaring that they shall be recognized as tribes and their chiefs hold their positions. It could not continue them as a tribe, whether it is for the purpose simply of preventing a land grant going to a railway, unless it continued them upon the assumption that they were still subject to control and were still the wards of the Government.

I have a case here that was decided some ten years ago, Wiggans v. Connelly. It is a case where the Government made a treaty in 1862 with the Indians, and in that treaty it declared that five years from that date they should become citizens of the

United States with all the rights, privileges, and immunities of It also provided that when they became citizens they should have the right to alienate their lands. It gave them a deed of their lands, a patent, reciting the fact of this treaty, and giving them the right to sell when they became citizens.

Under the provision of that law they obtained complete title to their property, but before the citizenship had been destroyed entirely, at least on account of the delay in its being ratified by Congress, the Government made another treaty with the Indians in connection with other tribes, and in that treaty it provided that a sale could not be made until after every minor became of age. That was changing the right to sell. The court held that they were still wards of the Government, and that still continuing their tribal relations, while they might be citizens they were still subject to the control of Congress, and it upheld the second provision which continued the limitation. It is not on all fours with and parallel to this case, and yet it is along that line.

I will ask whether or not the first treaty was Mr. LONG. ratified by Congress.

Mr. McCUMBER. The first treaty was ratified by Congress. Mr. LONG. I thought the Senator said that before the first

treaty was ratified a second treaty was made. Mr. McCUMBER. No; the first treaty was ratified by Con-ress. The treaty was made in 1862. The citizenship was to commence in 1867. The ratification did not take place for several years after the treaty was made, but it was ratified.

What case is that, I ask the Senator? Mr. LONG. Mr. McCUMBER. In the case of Wiggans v. Connelly.

Mr. LONG. In what report?

Mr. McCUMBER. In 163 United States, page 57.

I am taking up too much time, I know, but I wish to answer just one proposition by the Senator from Wyoming [Mr. Clark]. The Senator states that irrespective of what the United States Supreme Court may hold in regard to our power to change the contract, nevertheless he considers that we are morally bound to carry into effect the contract and to grant the Indians the right to make a sale in accordance with the terms of the original contract.

Mr. President, there is a moral obligation upon every citizen to comply with his contracts and upon the Government to comply with its contracts. There is a moral obligation which is superior to that, and that is that when a guardian makes a contract for his ward and ascertains that that contract is not for the interest of his ward he should abrogate the contract of his own volition. If we, as a nation, are certain that the contract which we made is not for the interest of our ward, then there is a higher obligation upon our part-of our own motion to cancel and change that agreement.

The VICE-PRESIDENT. The question is on agreeing to the

amendment on page 34.

Mr. CURTIS. Mr. President, I desire to make a point of order against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. CURTIS. That it is general legislation. It changes ex-

isting law

Mr. CLAPP. I suggest the discussion has revealed that it is simply carrying out treaty stipulations with Indian tribes. It is germane to the title of the bill.

Mr. CURTIS. There is no treaty stipulation with the tribes.

The Supreme Court has decided that the only thing we have with the tribes now is an agreement, and the law putting it in force is simply an act of Congress.

Mr. LONG. I will ask my colleague if it will be convenient for him to withhold his point of order for the present. I desire to make some observations on the amendment.

Mr. CURTIS. Certainly.

Mr. LONG. If convenient to the Senator from Minnesota that this provision should be passed over for this evening, it

can be taken up first in the morning.

Mr. CLAPP. I hardly think so. There are several amendments here that Senators were interested in, and I have advised them that this question would occupy the afternoon. They are not in the Chamber. I think if there is to be any further discussion we had better have it now, if it is convenient for the Senator from Kansas to proceed at this time.

Mr. LONG. Mr. President, the Senator from North Dakota [Mr. McCumber] said that, in his opinion, there was some doubt as to the validity of the amendment which he had incorporated in the Five Civilized Tribes act of last year. I will state that, in the opinion of those who have given consideration to the question in the Indian Territory, there is no doubt of its invalidity. It is believed there that, those Indians being citizens validity. It is believed there that, those Indians being citizens of the United States, Congress could not in 1902 make agreements with them providing that the restrictions on the aliena-

tion of their lands would expire in the Cherokee Nation in five years from August 13, 1902; in the Creek Nation in five years from July 1, 1902, and in the Seminole Nation immediately upon the delivery of the patents, and then in 1906, without the consent of the Indians, extend the period of nonalienation for twenty-five years. After the 1st of July next in the Creek Nation, and after August 14 next in the Cherokee Nation, sales will be made notwithstanding the McCumber amendment.

But such sales will not be made for the full market value of the lands, because the persons purchasing the lands will have to litigate in order to clear the title. The courts must determine whether Congress had the power to extend the period. It is a cloud upon the title of all the lands there. is that speculators will purchase the lands believing that the amendment will be declared beyond the power of Congress to enact. Without this amendment and under the original agreements they could at the expiration of these periods this year sell their lands in the open market for full value to persons desiring to purchase them, not for speculation, but to make homes for themselves and their families.

Mr. SPOONER. Will the Senator allow me to ask him a ques-

Certainly.

Mr. SPOONER. Does this cloud which is placed in what is called the "McCumber amendment" lead the Indians to sacrifice their lands?

Mr. LONG. They want to sell their lands. Mr. SPOONER. Will they sell at some sacrifice?

They will. Mr. LONG.

Mr. SPOONER. At very much less than the land is worth?
Mr. LONG. They will. They have made contracts, which
may not be valid, but contracts which they will keep. There was evidence presented to the committee showing that persons have been making these contracts on the theory that the McCumber amendment was invalid and would be declared so by the courts.

Mr. CLARK of Wyoming. Will the Senator from Kansas

allow me to interrupt him?

Mr. LONG. Certainly.
Mr. SPOONER. The Indian thinking it valid?
Mr. LONG. The Indian has a homestead sufficient for his purpose and wished to dispose of his surplus land in order to improve his homestead. He will be unable to get full value for the land on account of the cloud cast upon the title by the legislation of 1906.

Mr. SPOONER. Did the Indian sell his land under the cir-

cumstances for very much less than its value?

Mr. LONG. The lands have not yet been sold. The committee was not advised as to the nature of the individual contracts.

Mr. SPOONER. The prices were fixed, I suppose.
Mr. LONG. The prices, I suppose, in many instances are xed. The sales can not take place until the expiration of the periods designated in the supplemental agreements, but after those periods have expired, after the time fixed Indians could dispose of their lands under the original agreements, the lands will be sold notwithstanding the McCumber amendment.

Mr. SPOONER. Are payments made now on the contracts

by the purchaser?

Mr. LONG. I do not know as to that.

Mr. CLARK of Wyoming. I will say to the Senator that there were abundant statements made before the committee that partial payments were being made.

Mr. DEPEW. Is possession of the land delivered to the pur-

Mr. CLARK of Wyoming. Not ordinarily. I think one man spoke of having contracted for 900 pieces of land. Mr. SPOONER. Was there a substantial payment or a nomi-

nal payment?

Mr. CLARK of Wyoming. It was merely a nominal payment, Mr. SPOONER. Is the Senator able to state whether they

were sales with reference to the real value of the land, or whether they were substantially sacrificial sales?

Mr. CLARK of Wyoming. They were substantially sacrificial sales, and, I think, very largely sales that were made with the belief on the part of the grantee that no matter whether the Indian could or could not lawfully conclude not to complete the bargain, yet he would do it, moved by a sense of honor, which is very keen with those people; that while the law might not compel him to make the transfer, still when the time came

he would make it in order to perfect the bargain,
Mr. LONG. The Senator from North Dakota has referred to the Heff case. I wish only briefly to refer to it again. It is the latest expression of the Supreme Court upon this very vexed question of the control and government of the Indians. The general allotment act of 1887 provided:

That upon the completion of said allotments and the patenting of the lands to said allottees each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside.

It also further provided that they should be citizens of the United States. In 1897, ten years later, Congress passed an act prohibiting any person from selling or giving away disposing of malt or spirituous liquors to Indians, providing for prosecution in the United States district court, thus giving power to the National Government to control the Indian, not-withstanding the act of 1887, which subjected him to the jurisdiction of the laws of the State or Territory in which he might

The question in the Heff case was whether Congress, having parted with the control over the Indian in the act of 1887, could reassume control or guardianship over him by the act of, 1897, passed ten years later. That was the point decided in the case, and the Supreme Court of the United States, in passing upon that question, said:

that question, said:

It is said that commerce with the Indian tribes includes commerce with the members thereof, and Congress, having power to regulate commerce between the white men and the Indians, continues to retain that power, although it has provided that the Indian shall have the benefit of and be subject to the civil and criminal laws of the State and shall be a citizen of the United States, and therefore a citizen of the State. But the logic of this argument implies that the United States can never release itself from the obligation of guardianship; that so long as an individual is an Indian by descent Congress, although it may have granted all the rights and privileges of national and therefore State citizenship, the benefits and burdens of the laws of the State, may at any time repudiate this action and reassume its guardianship and prevent the Indian from enjoying the benefit of the laws of the State and release him from obligations of obedience thereto. Can it be that because one has Indian, and only Indian, blood in his veins he is to be forever one of a special class over whom the General Government may, in its discretion, assume the rights of guardianship which it has once abandoned, and this whether the State or the individual himself consents? We think the reach to which this argument goes demonstrates that it is unsound.

That is in regard to the personal rights of the Indian, the

That is in regard to the personal rights of the Indian, the question being whether Congress, once having given over to the State or to the Territory the control of these Indians, could, ten years later, reassume guardianship over the Indians just like Congress, having provided in the original agreements that the Indians in Indian Territory could sell their lands within certain fixed periods, could, in violation of those agreements, extend the periods without the consent of the Indians, reassume guardianship over him, and modify the original agreements. In this case, called "Matter of Heff" (197 U. S., 508), the court further said:

the court further said:

But it is unnecessary to pursue this discussion further. We are of the opinion that when the United States grants the privileges of citizenship to an Indian, gives to him the benefit of and requires him to be subject to the laws, both civil and criminal, of the State, it places him outside the reach of police regulations on the part of Congress; that the emancipation from Federal control thus created can not be set aside at the instance of the Government without the consent of the individual Indian and the State, and that this emancipation from Federal control is not affected by the fact that the lands it has granted to the Indian are granted subject to a condition against alienation and encumbrance, or the further fact that it guarantees to him an interest in tribal or other property.

Mr. President I do not contend that because these Indians.

Mr. President, I do not contend that because these Indians were made citizens of the United States in 1901 that all agreements made after that time restricting their power of aliena-tion are null and void. I do claim that when they took their allotments in severalty they should have a right to dispose of them according to the contract then made, and that it can not be modified, changed, or abrogated without the consent of the In-

There is another case to which I wish to call the attention of the Senate.

Mr. McCUMBER. Let me ask the Senator if the Heff case

did not limit it to the police jurisdiction?

Mr. LONG. It did; that was the only point involved in that case.

Mr. McCUMBER. Certainly; and that was all the court had to decide.

Mr. LONG. But the right of liberty guaranteed to a citizen is no more sacred than the right of property guaranteed to a citizen as well. The right of liberty and the right of property are given to the citizen of the United States, and Congress can not take such rights away by subsequent legislation without

the consent of the Indians.

Mr. McCUMBER. Let me ask the Senator from Kansas, so that I may have his position clearly, does the Senator contend that the relation of guardian and ward between the Government and the Indian tribes of the Indian Territory has ceased to exist?

Mr. LONG. I do most emphatically.

Mr. McCUMBER. And also that it has ceased to exist as to the Indians of Kansas, the Senator's own State?

Mr. LONG. As to those who have taken their allotments. Mr. McCUMBER. Practically all of the Indians now in the United States, with the exception of a very few tribes, have

been declared citizens of the United States.

Mr. LONG. The tribes in the Indian Territory are different from the others. In the general allotment act there is a trust period of twenty-five years, and not until the end of that trust period does the Indian secure a patent, a real patent, to the land,

Mr. McCUMBER. Then the Indian is declared to be a citizen from the time he takes his allotment. That is what I mean.

Mr. LONG. Yes; that was decided in this case.
Mr. McCUMBER. Yes; from the time he takes his allotment, irrespective of the limitation upon his power to sell. That being the case, does the Senator think the Government has the legal right to appropriate money for the support of Indian schools for those Indians who are absolute citizens of the United States and of the States?

Mr. LONG. That is a different proposition.

Mr. McCUMBER. But I am asking the Senator so as to get his opinion.

Mr. LONG. That is an entirely different proposition.

Mr. McCUMBER. It is the proposition of our power. I am asking the Senator if he so thinks. He does not need to answer if he does not desire to do so.

Mr. LONG. I am in the same position in regard to that power that the Senator is in regard to his amendment. He doubts the validity of his amendment, and I doubt our power in that respect.

.Mr. McCUMBER. I do not-

Mr. LONG. I am not convinced that we have not that power. But, so far as these lands are concerned, I am of the opinion that the agreements made with these Indians are valid and that they can not be abrogated or changed by the United States without the consent of the Indians.

Mr. McCUMBER. I doubt the power; I have doubts about the power myself; but I doubt it because I am doubtful as to whether that relation has become extinguished. If the relation is extinguished, then there is not the slightest doubt in my mind that we have no right to appropriate money for educating one class of American citizens differing from another class. There can be no doubt about that.

Mr. LONG. So far as the Indians in the Indian Territory are concerned, that relation has ceased; but the agreements made, by which they agreed to take their lands in severalty, are

valid and will be upheld by the courts.

Without going into a discussion of the case, I wish to call the attention of the Senate to the case of Jones v. Meehan, 175 United States, page 1, in which it is held that the construction of a treaty made with an Indian tribe is a judicial question, and that, notwithstanding subsequent legislation by Congress, land acquired under a valid treaty that had no restriction as to alienation could not be affected by subsequent legislation by Congress or by the executive department.

I have but little further to say in regard to the general policy covered by this amendment. I believe that it is for the best interest of the Indians in the Indian Territory that the McCumber amendment be repealed. I believe that unless it is repealed it will result in much litigation after the 1st of next July, when, according to the original agreements made with those Indians, the periods of alienation begin to expire. I believe, instead of turning this matter over to the courts to determine, instead of continuing the cloud upon the titles of the land in the Territory, Congress should undo what it did one year ago and repeal that amendment.

Mr. CURTIS. Mr. President, I dislike very much to delay the adjournment to-night, but I should like to detain the Senate about ten minutes in discussing this question.

I believe that the McCumber amendment has been of great benefit to the full-blood Indians in the Indian Territory—I speak only in regard to the full-blood Indians in the Indian Territory. I believe it would be a great mistake to adopt the amendment reported by the Senate committee and repeal the McCumber amendment in the act of 1906. I wish to cite but one or two cases to show that it would be against the interests of the full-blood Indians to adopt the pending amendment.

After very careful consideration, a year ago Congress removed the restrictions upon certain members of the Cherokee tribe of Indians; and I want to call your attention to two cases to show the result. One was the case of Betsey Gallicatcher. She owned 130 acres of land. The restrictions were removed and she sold that land for \$2,350. There were twentyeight producing wells on it. Eight of them were flowing and twenty were being pumped. Her income from the royalty on those oil wells amounted to \$39 a day, or \$14,245 a year; and yet she sold that land for \$2,350. I cite another case. Indian woman, Senah Oo yu sut tah, owned 50 acres of land. She sold it for \$1,500 after the restrictions were removed. There were eight flowing wells on that 50 acres. Her income was \$2,847 a year from the royalty alone; and yet, as I have said, she sold the land for \$1,500. I could, if time permitted, cite you to fourteen similar cases in the Cherokee Nation the very Indians that would be affected by this amendmentwhose lands were sold at from one-third to one-eighth of their Pass this amendment and you will rob nine-tenths of

white. Tass this amendment and you will for infections of the full-blood Indians in the Indian Territory of their land.

Mr. BRANDEGEE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Connecticut?

Mr. CURTIS. Certainly.

Mr. BRANDEGEE. I should like to ask the Senator from Kansas whether he knows what the facts are in those cases about the contract of sale; that is, whether those cases were cases in which the so-called "grafter" had gone to the Indians in advance and got a contract from them that he should have the privilege of buying that property provided he could get the restrictions removed?

Mr. CURTIS. I understand not. I am informed that the Indians did not know that the restrictions were removed; that persons came to Congress and represented that these people were qualified and got Congress to remove the restrictions; and that then, while the bill was pending for ratification, the people who wanted to secure the land ran some of the Indians down into Arkansas, had deeds executed for the land, and took possession of it, and filed the deeds as soon as the act was approved by the President of the United States.

Mr. BRANDEGEE. I should like to know if the Senator does not think that the parties who were wronged in those transactions could have gotten a better price for their property if there had been no restriction on it, so that everybody could have gone and bid on the land in the open market?

Mr. CURTIS. I do not believe that those people should have

been permitted to sell their lands at all.

Now, one more word on the legal proposition. The difficulty with my colleague and with other Senators who have been speaking on this amendment is that they fail to distinguish between the civil and political rights and the property rights of the Indians. It is true that when Congress once loses control of the Indian it can not again assume control of him by any act of Congress; but I maintain here that up to the time we lose control of the land of the Indian we have the right to change the condition and extend the time of the restrictions; That is, Congress in its wisdom at any time before the jurisdiction of the United States has ceased over the lands can increase the restrictions as well as remove them.

Mr. CLARK of Wyoming. Will the Senator from Kansas

permit an interruption?

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. CURTIS. Certainly.
Mr. CLARK of Wyoming. I should like to have the views of the Senator from Kansas as to exactly what additional right was conferred when we conferred by legislative enactment upon the people of the Indian Territory citizenship, including the rights and privileges and immunities of other citizens of the United States?

Mr. CURTIS. I do not think that we conferred one single

additional right to them.

Mr. CLARK of Wyoming. Then the Senator holds to the position that when we said in the law they are made citizens of the United States and given all the rights, privileges, and immunities of other citizens, that was an idle line in the law?

Mr. CURTIS. I do, except, perhaps, when Oklahoma becomes a State and the Indians are made a part of that State, they will have the right to vote at general elections, which right they might not have enjoyed but for that amendment to the act of

Mr. CLARK of Wyoming. One other question only, called out by the answer of the Senator. At the time that citizenship was conferred by express legislation was there any proposition as to the Indian Territory becoming a State, either as a part of the State of Oklahoma or otherwise?

Mr. CURTIS. Oh, I think it had been discussed; yes. I base my contention in regard to the lands of the full bloods upon the decision of the Supreme Court in the Rickert case. This was the case of an Indian to whom an allotment had been made under the act of 1887-the very act that makes the Indians of

the Indian Territory citizens of the United States. That act was amended, and under it they were made citizens.

Mr. CLARK of Wyoming. Yes; but the act to which I referred was a later act, in 1901.

Mr. CURTIS. The act of 1901 amended the act of 1887.

Mr. CLARK of Wyoming. And I should like to have the Senator, while he is speaking of the Rickert case, explain, of course in his own way, if he sees any difference between the rights of an Indian as to land to which he has no patent and the rights of an Indian as to land which is patented in the tribe by the United States Government.

Mr. CURTIS. I do not believe there is any difference, for this reason: The patent which was given to the Five Civilized Tribes was issued to them by reason of treaties; and the Supreme Court decided that the patent must conform to the terms of the treaty. The Indians who hold their land by reason of a treaty have just as sacred a title as have the Indians of the

Five Civilized Tribes who have patents.

When we entered into agreements with the Five Civilized Tribes we put into such agreements substantially the same conditions and restrictions that are contained in the act of 1887. What were they? That for the period of five years in the Cherokee country, for the period of five years in the Creek country, after the ratification of said agreements, and for the period of one year after the date of the patent in the Choctaw and Chickasaw countries, those Indians could not contract for the sale of or otherwise dispose of or mortgage their land. Congress, by reason of that agreement, held control of the Indian property for five years; and I maintain that under this Rickert decision, up to the expiration of five years, after the ratification of the Cherokee and Creek agreements, if we discover we have made a mistake, we have a right to extend the time of restric-Why? Because it is the guardian dealing with his ward. There is no vested right of any outside person.

Mr. CLAPP. Will the Senator pardon me for a question? The VICE-PRESIDENT. Does the Senator from Kansas

yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. CLAPP. As I have said before, I do not interrupt in any spirit of criticism, but to get the Senator's views. What rights, if any, does the Senator contend the Government would have in that property beyond the mere right to extend the restrictions? Would the Government have a right after that to add any other burden, to charge that property with a price which the Indian must pay before he would get his patent?

No. The Government is the guardian of the Mr. CURTIS. Indians and of their property, and that guardianship does not exist, except only until the time fixed in that limitation expires; but up to the time it does expire Congress has full control of that property and may extend the time, if it thinks the interest of the Indian requires it. Congress has the right, it has the power, and it is its duty to fully protect the interest of the Indian.

Mr. CLAPP. Then the Senator contends that anything which the Government felt was in the interest of the Indians as to their rights in that property, whether it was an extension of the time of the restriction or anything else, if it were justified by the plea that it was in the interest of the Indians, after that trust patent was issued within the five years, could be done?

Mr. CURTIS. Yes; because these Indians had no greater rights than those to whom patents had been issued under the

act of 1887.

Mr. STONE. I should like to ask the Senator a question. The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. CURTIS. Certainly.

Mr. STONE. Up to 1904 the restrictions on alienation applied to intermarried white citizens and freedmen-

Mr. CURTIS. Certainly.
Mr. STONE. Exactly as to the citizens of the Indian tribes.
By an act passed in the year 1904 restrictions on alienation as to freedmen and intermarried white adults were removed and they were permitted to sell their surplus lands. Does the Senator from Kansas hold that Congress could now impose restrictions upon the alienation of the surplus lands of those

Mr. CURTIS. No; because we removed the restrictions to take effect upon the passage of that act of Congress.

Mr. STONE. Yes. Mr. CURTIS. Bu But I maintain if Congress had placed the five-year limitation in the act, and within the five years had discovered that a mistake had been made, then it would have the right, so far as the Indian is concerned, to extend the time, because the Government is the guardian of the Indian and has control of his property.

Mr. STONE. I see; but, pressing the inquiry further, the Senator concedes the Government can not now impose restrictions upon the alienation of land owned by intermarried whites and freedmen because they were removed by the act of 1904. By the same token, how can you enlarge restrictions imposed upon any surplus lands of another class of citizens of the same country ?

Mr. CURTIS. Because in the one case Congress lost jurisdiction the minute it released them, while in the other it held jurisdiction of their property for five years; and if it discovered before any outside vested rights attached that it had made a mistake, then it would have a right to correct that mistake.

Mr. CLARK of Wyoming. While the Senator is on that line,

will he allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. CURTIS. Certainly.

Mr. CLARK of Wyoming. Does the Senator believe that after the removal of the restrictions, but before any outside right had attached, before the property had been sold, the Government could still, in its position as guardian, attach conditions to the land?

Mr. CURTIS. If the period had not expired, yes.

Mr. CLARK of Wyoming. But if the period had expired?

Mr. CURTIS. I doubt it.

Mr. CLARK of Wyoming. I will give this illustration: For instance, to-day the lands of the Indians in the Indian Territory are subject to sale. On the theory of the Senator that Congress is still the guardian of the Indian, and the Indian has not parted with the title to the land, and no outside rights have intervened, could Congress reassume the guardianship of the lands and place restrictions upon them?

Mr. CURTIS. I do not think so, because the limitation would

have expired and we would have lost control.

Mr. CLARK of Wyoming. But, under the Senator's theory, would not our duty as guardian of the Indian, if we are his guardian, and having his property unencumbered, compel us to put on those restrictions, and, under the Senator's theory, would we not be authorized to do so?

Mr. CURTIS. I do not go quite that far. I think I am sustained in the position I take by the decisions of the Supreme

Mr. BRANDEGEE. Will the Senator yield to me for a ques-

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Connecticut?

Mr. CURTIS. Certainly.
Mr. BRANDEGEE. I should like to ask the Senator from Kansas, Mr. President, in the case of a full-blood Indian, the restrictions as to whose property have been removed by the Secretary of the Interior, can the restrictions be reimposed by the McCumber amendment?

Mr. CURTIS. I think not.

Mr. BRANDEGEE. Well, does the Senator know that the Department has ruled that they can be?

Mr. CURTIS. I think if the Department has so held it was wrong. I think if the Senator will read the act of 1906 he will see that it recognizes the right of the Indian from whom restrictions had already been removed to control his property.

Mr. BRANDEGEE. I will read the decision of the Depart-

ment, if the Senator cares to listen to it.

Mr. CURTIS. I do not question that the decision has been made, but in my judgment the Department has made several decisions relating to the Indian Territory that are not in accordance with the law.

Mr. BRANDEGEE. I entirely agree with the Senator

Mr. CURTIS. These Indians are yet the wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. That is what I contend is true of the full-blood Indians of the Five Civilized Tribes, with whom we are now dealing. The Indians who hold lands under the act of 1887 do so with the consent and authority of

the United States. So do the Indians in the Indian Territory.

Mr. McCUMBER. I should like to ask the senior Senator
from Kansas [Mr. Long], if the junior Senator from Kansas
[Mr. Curtis] will allow me, if the solemn statement made by the Supreme Court, which he has just quoted, that these people are still wards of the Government is, in his opinion, correct?

Mr. LONG. I am of the opinion that under a later decision of the Supreme Court, in 197 United States Reports, which I cited in my remarks, the Indians of the Indian Territory have been released from the condition which they occupied prior to the passage of the act of 1901.

Mr. SPOONER. That is the whisky case?

Mr. LONG. Yes.

Mr. SPOONER. Is not there some difference between the power of the Government to maintain control over the habits

of the Indians and over the property of the Indians?

Mr. LONG. As was stated by the Senator from Minnesota [Mr. Clapp], if there is an obligation by the Government higher than the control of the Indian as to his appetite, I do not know what it is. Congress evidently recognized this in the act of 1897 when it attempted to reimpose on the Indians restrictions which it had released by the act of 1887. The Supreme Court decided that Congress did not have that power, having once released its control.

Mr. SPOONER. The one is a question of policy and the other is a question of law. I suppose it might be claimed that among the privileges and immunities of other citizens the In-

dians acquired the indefeasible right to drink.

Mr. LONG. They acquired the indefeasible right, under the act of 1887, to be treated as any other citizens of the United States, and not as a distinct class.

Mr. SPOONER. Does the Senator think it was possible that the Supreme Court could have held that the restrictions involved in the case which his colleague is reading from could have operated as an exemption from State taxation, except upon the theory that the Indian still continued to sustain peculiar relations to the Government which had not been operative as

to his property?

Mr. LONG. The exemption from taxation in the Rickert case was due to the fact that title had not yet passed to the Indians—that it was a trust patent. The United States still held the land in trust and would hold it until the end of twenty-five years, and during that period the State of South Dakota had no right to levy taxes upon the property held in trust for the benefit of the Indians. That is all that case decides, as I understand; and the personal property, which was also claimed to be exempt from taxation, was property

that belonged to the United States.

Mr. CURTIS. Yet, if the Indian to whom an allotment was made in 1887 died, his land descended to his heirs; and that is exactly the case in the Indian Territory. But I desire to read

from this opinion:

These Indians are yet wards of the nation, in a condition of pupilage or dependency, and have not been discharged from that condition. They occupy these lands with the consent and authority of the United States, and the holding of them by the United States under the act of 1887 and the agreement of 1889, ratified by the act of 1891, is part of the national policy by which the Indians are to be maintained as well as prepared for assuming the habits of civilized life, and ultimately the privileges of citizenship.

In the Heff case the court points out the difference, and it

But it is said that the Government has provided that the Indians' title shall not be alienated or encumbered for twenty-five years, and has also stipulated that the grant of citizenship shall not deprive the Indian of his interest in tribal or other property, but these are mere property rights and do not affect the civil or political status of the allottees.

Mr. CLARK of Wyoming. I should like to interrupt the Senator from Kansas.

Mr. CURTIS. Certainly.

Mr. CLARK of Wyoming. I should like to ask the Senator from Kansas whether there is a difference in the grantors of the patents to the lands to the Five Civilized Tribes and the grantors in a patent to the lands of which he is speaking?
Mr. McCUMBER. The grantee, you mean?
Mr. CLARK of Wyoming. The grantor.

Mr. CURTIS. The same conditions substantially were contained in the agreements made with the Five Tribes, so far as alienation and incumbrance are concerned, that were contained in the patents issued under the act of 1887.

Mr. CLARK of Wyoming. Yes; but my question was not, I think, understood. Does the Government of the United States issue the patents to the lands to the Indians to whom he has

been referring, outside— Mr. CURTIS. They do.

Mr. CLARK of Wyoming. I understand that the Government of the United States is the grantor of all these patents outside of the allotments in the Indian Territory.

Mr. CURTIS. That is true.

Mr. CLARK of Wyoming. But the United States is not the grantor of the patents issued in the Indian Territory; and I should like to ask the Senator—

Mr. CURTIS. But the United States joins in the patents issued in the Indian Territory, and Congress went so far as to authorize the issuing of valid patents by the Secretary of the Interior in case the chief of the nation refused to sign.

Mr. CLARK of Wyoming. Yes; that was to cure a delin-quency on the part of the chief of the nation. But the patent is issued from the nation that owns the land in fee to the Indian

who takes it in allotment, and I think perhaps a distinction

might be made between the cases.

Mr. CURTIS. Perhaps.

Mr. McCUMBER. I should like to ask the Senator from Wyoming where the chief gets the authority?

Mr. CLARK of Wyoming. It is community property, and the chief is the executor.

Mr. McCUMBER.

Mr. CLARK of Wyoming. He gets his authority to transfer the property of the tribe the same as the President gets his authe property of the tribe the same as the President gets ins authority to transfer the property of the nation. But as to where the authority comes from that is not to the question, I think.

Mr. McCUMBER. Could the chief make the deed unless Congress gave him authority?

Mr. CLARK of Wyoming. I think he could without doubt. I think the chief could make the deed if the tribe said that

their lands should be so deeded among themselves.

Mr. McCUMBER. Then one must acknowledge, if I may take the time of the Senator from Kansas further

Mr. CURTIS. Certainly.

Mr. McCUMBER. He must acknowledge that the tribe ex-

ists and retains the tribal relation.

Mr. CLARK of Wyoming. I am not speaking of the present moment. I am speaking of when they had their tribal rela-

Mr. McCUMBER. Certainly. Mr. CLARK of Wyoming. When they agreed to the manner

in which the deeds should be made.

Mr. McCUMBER. But they are making deeds that way now.
Mr. CLARK of Wyoming. Only in pursuance of the allotment. I was calling attention to the fact that the Government of the United States is not the grantor in any of these allotment deeds or patents that are made in the Indian Territory. The Government of the United States could not be the grantor, because the Government of the United States has nothing in the land which it can grant, the fee of the land being held in the tribe.

Mr. McCUMBER. But the point I want to make is that the only authority at present, if there is no tribal relation, must be an authority through Congress to an individual, which it de-

clares to be the chief.

Mr. CLARK of Wyoming. Not at all, because that authority was initiated and given before the allotments were taken, in the act providing for the allotments.

Mr. McCUMBER. I understand that, but suppose Congress had said that some other person should execute the deed. Would the Senator say that that would be our authority?

Mr. CLARK of Wyoming. Of course not, because the man who executes the deed is merely acting as the agent of the tribe in making the deed to the individuals of the tribe. He is not acting as the agent of the Government of the United States.

Mr. McCUMBER. But he gets his authority from Congress. Mr. CLARK of Wyoming. Oh, no; no such thing. Mr. CURTIS. I will detain the Senate only long enough to call attention to two other decisions of the Supreme Court.

Mr. SCOTT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. CURTIS. Certainly.
Mr. SCOTT. I move that the Senate proceed to the consideration of executive business.

Mr. CLAPP. I hope that motion will not prevail.

Mr. SCOTT. It is evident we can not get through with this matter to-night. Many of us have been delayed two or three days with relation to executive business which is important. It is now 20 minutes of 6.

Mr. CLAPP. I suggest that the Senator from Kansas be allowed to finish his remarks.

Mr. CURTIS. I can conclude in five minutes.
Mr. SCOTT. I withdraw the motion for a few minutes. The
Senator from Kansas says he will take but five minutes.
The VICE-PRESIDENT. The Senator from West Virginia

withdraws the motion that the Senate proceed to the consideration of executive business.

Mr. SUTHERLAND. Mr. President—
The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. The Senator spoke of the United States v. Rickert. Is it not a fact that in that case it appeared that the title of the land was still held by the United States?

Mr. CURTIS. Certainly.
Mr. SUTHERLAND. Held in trust for the Indians?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. And the decision of the court proceeded upon the ground that the State had no right to tax lands held by the United States?

Mr. CURTIS. Certainly.
Mr. SUTHERLAND. Owned by the United States.

Mr. CURTIS. Certainly. Neither would the State nor the Territory have the right to tax land in the Indian Territory.

Mr. SUTHERLAND. But in this case the title has passed to

the Indian. The fee is in the Indian.

Mr. CURTIS. Only by a patent which carried out the provisions of a treaty.

Mr. SUTHERLAND. The fee is in the Indian in the case we

are considering.

The fee is not yet in the individual Indian and Mr. CURTIS. can not be until the limitation fixed has expired.

Now, my colleague referred to these agreements as treaties.

The Supreme Court, in a recent case—the Red Bird case—considered them, and in the opinion it says:

Counsel for claimants speak of the act of 1902 as a treaty, but it is only an act of Congress and can have no greater effect.

Therefore, if it is only an act of Congress, and those are the

acts we are talking about, we have a right to amend them.

Then I desire to call the attention of the Senate to the decision of the Supreme Court in the Lone Wolf case. It says:

That Indians who had not been fully emancipated from the control and protection of the United States are subject, at least so far as the tribal lands were concerned, to be controlled by direct legislation of Congress, is also declared in Choctaw Nation v. The United States (119 U. S., 1, 27) and Stephens v. Cherokee Nation (174 U. S., 445, 483). (Lone Wolf v. Hitchcock, 187 U. S., p. 567.)

While the court does not decide in this case that it would could be properly that had been decided for the same that it would could be properly that had been decided for the same that I would could be properly that had been decided for the same that I would could be properly that had been decided for the same that I would could be properly that the decided the same and the same that I would could be same that I would be same that I woul

apply to property that had been deeded to an individual Indian, it does hold that it applies to tribal property; and if the McCumber amendment is in the interest of the Indian and does protect the full bloods of the Indian Territory, why not, instead of Congress declaring the act unconstitutional, let it go to the Supreme Court and let it say whether or not it is unconstitutional. That, in my judgment, is the better course to pursue, instead of Congress passing upon the constitutionality of an amendment which was placed in the bill on the motion of one of the Senators

Mr. HANSBROUGH. I offer an amendment intended to be proposed to the pending bill and ask that it may be printed and

lie on the table.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. LA FOLLETTE. Without taking any of the time of the Senate, but as bearing upon the amendment which has been under discussion this afternoon, I ask leave to have printed in the RECORD some letters received from the Indian Territory, some

written by Indians and some by white people.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the letters submitted may be printed in the Record without being read. In the absence of objection,

it is so ordered.

The letters referred to are as follows:

TULSA, IND. T., December 17, 1906.

Hon. ROBERT M. LA FOLLETTE, Washington, D. C.

Dear Senator: If the papers have not misquoted you, you support the Hitchcock policy of continuing supervision over the Indians' lands. I was at South McAlester during the sitting of the Senate committee. The country was ransacked for testimony to decry that policy and to put the friends of the Indians on the defense. There is no wise, no just friend of the Indians who favors the release of Indian allotments, and I do not say this from impulse or from a casual acquaintance with the Indian question.

I have canvassed this Territory from one end to the other the past month getting information from all sorts and conditions of people, and my conclusion is the wiser ones dreading the coming of statchood, with its implied control of them, with a dread as bitter and relentless as when under the leadership of Boudinot and Ross they fought the right of way concessions for the first roads entering the Territory. Rev. J. S. Murrow, who protested so earnestly at the McAlester sitting of the Indian Committee, had less of culture, perhaps, than some of the refined scoundrels who sought to decry his statements, but he spoke for every man in the Territory who is not either ignorant or brutally selfish.

Respectfully,

Respectfully,

TISHOMINGO, IND. T., January 22, 1907.

Hon. Senator La Follette, Washington, D. C.

Dear Sir: Knowing that our friends are very few in the United States Congress, and it may be because they do not know our needs and conditions here, I notice that the Senate committee has recommended that the restrictions be removed on all lands. What greater injustice could be done? To illustrate, a grafter has a five-year lease on a piece of land, and most of the full bloods have made such leases. Now the restrictions are removed. Who can or who would wish to buy this land in this condition but the grafter with his lease and at a price named by this same grafter? Dear sir, allow the full blood to go before some court and have his competency established and his lease made void before any sale can be made. I hope you will look into this. I am somewhat alone in this matter. As it is the desire of the whites here

to have restrictions removed so that these lands can be taxed, would it not be better for this to be postponed until after statehood? There are grafters here who are said to have thousands of acres under lease. If not asking too much, could you have a bill introduced selling our school property, also our capitol building and grounds? Our schools are an outrage as at present conducted, far more costly than before the United States Government took them from us.

Dear sir, I took the liberty of writing you last Congress, and hope I am not intruding now. I am an intermarried Chickasaw citizen.

Most respectfully,

T. K. WITTHOME.

T. K. WITTHOME.

The convention to form a constitution for the State of Oklahoma. GUTHRIE, OKLA., January 25, 1907.

Senator LA FOLLETTE. Washington, D. C.

Washington, D. C.

Dear Sir: Since you have in the past demonstrated an interest in fair play for the Five Civilized Tribes in the Indian Territory, I take the liberty of sending you a copy of a resolution which was introduced in the constitutional convention last week and which was referred to a committee the chairman of which is not in sympathy with its purpose. It is destined to die there or be reported after it is too late to accomplish the desired result. Please consider same and bear in mind that every citizen of the Indian Territory—except land sharks—is anxious to see Congress fix a just and equitable limitation on the sale of Indian surplus. There is a single firm in the Chickasaw Nation who have 30,000 acres of Indian surplus under lease, who are waiting for the removal of restrictions, when they expect to make a wholesale purchase at insignificant prices. Land monopolies and a hellish system of tenantry will result unless Congress does not prohibit the wholesale purchase by these land companies and grafters.

See to this, Senator, and the whole of the Indian Territory citizenship will thank you.

Please hand the additional copy inclosed to the chairman of Committee on Indian Affairs.

I am, very truly,

Carlton Weaver.

A memorial.

To the Congress of the United States, to the President, Theodore Roosevelt:

Roosevett:

Whereas the special Senate Committee on Indian Affairs has recommended the removal of the restrictions upon the alienation of surplus allotments and other lands in the Indian Territory; and

Whereas the material interest of all the people of the Indian Territory, as well as the State at large, depends upon a broad and equitable distribution of the landed interest; and

Whereas a great amount of said lands are at present controlled by land companies and speculators under an obnoxious lease system; and

Whereas unless prohibited by the Congress said land companies and speculators will gain control of a vast amount of Indian lands, which will result in large holdings and land monopolies: Therefore, be it

Resolved, That we, the representatives of the people of the Indian Territory and Oklahoma, in convention assembled, do respectfully pray that the sale of all said alienated lands be restricted so as to prohibit land or lease monopolies and to permit only natural persons to be come purchasers or lessees thereof, and then only of such limited amounts as will guarantee a broad and equitable distribution.

Resolved, That a copy of this memorial be forwarded to both Houses of Congress and the President of the United States.

JANUARY 30, 1907.

Hon. Robert M. La Follette,

United States Senate, Washington.

My Dear Sir: At a meeting of a number of delegates of the commercial clubs of the principal towns of Indian Territory at Muscogee recently it was decided that there would not be recommended for passage a law removing by the wholesale the restrictions on the alienation of lands of full bloods in Indian Territory. Experience has taught that the full blood, as a rule, in the handling of his own business—the difference between a good trade and a bad one—is not yet sensible enough to be trusted. The contemplated removal of restrictions by the wholesale on full-blood allotments may not be the best thing, though the mixed-blood Indian, as a rule, is able to manage his own affairs.

As a substitute for the amendment to the Indian appropriation bill, pardon me for handing you and urging the adoption of the one inclosed. By this means the Indian of the full blood will have his rights protected, and he will not be the subject of wholesale spoliation.

Sincerely,

E. Dunlap.

On and after thirty days from the approval of this act all restrictions upon the alienation, leasing, or encumbering of lands, except homesteads, of Indian allottees of less than full blood in the Indian Territory, and all the restrictions upon the alienation, leasing, and encumbering of lands of allottees not of Indian blood are removed from and after date of selection of allotment. Jurisdiction is hereby conferred upon the United States courts in Indian Territory, and the judges thereof, and of the United States court for the eastern district of Oklahoma, and the judge thereof, to hear and determine the application for the removal of restrictions upon the alienation, leasing, and encumbering of the lands, exclusive of the homestead, of full-blood Indian allottees in Indian Territory, and the application of such full-blood allottee for the removal of restrictions on the leasing of the homestead; and such court or judge shall, upon proper showing, cause to be entered of record an order removing such restrictions. Such application shall be filed in either district where the applicant resides or in which the whole or any part of his allotment is situated. All the restrictions upon the alienation of inherited lands, from the date of selection, are hereby removed. upon the aliena hereby removed.

ARDMORE, IND. T., January 21, 1907.

Hon. Robert La Follette, United States Senator, Washington, D. C.

Dear Sir: I address you regarding this matter because of your apparent friendliness for the Indian, particularly the full blood Indian.

In 1902 Congress enacted that the Choctaw and Chickasaw Indians in Indian Territory may dispose of one-fourth of the allotment within one year from date of patent. In 1906, however, Congress, in the Five Tribes bill, enacted a provision that no full blood may dispose of any portion of his allotment for twenty-five years, unless Congress sooner

removed the restrictions. Now, the select Senate committee, in its recent report on affairs in the Indian Territory, declares that the act of 1906 imposing the restrictions without the consent of the Indian to be invalid, and that because of this there is much unfair dealing in Indian Territory. This is true with reference to this one-fourth.

But Senator Loxo, of this select Senate committee, in his amendment to the Indian appropriation bill, proposes to remove restrictions by the wholesale after July 1. I submit that I am a member of the Choctaw tribe of Indians; I am familiar with the language; I know in person a few thousand members of the tribe, and I know their characteristics and their ability. After a long experience with these Indians, I feel convinced that the mixed blood Indian is capable of managing his own affairs; but that the full blood is not. Therefore to protect the full blood, repeal the McCumber amendment, I respectfully suggest, so that the old law of 1902 be left in force and effect with reference to the sale of one-fourth of the lands, exclusive of the homestead; remove the restrictions from the mixed blood, but provide that the United States court, or some special tribunal whose judgment could not be appealed from, be authorized or created to hear and determine the application of all full blood Indians to have their restrictions on the alienation of their lands, exclusive of their homestead; and where such full blood can show that he is competent to manage his own affairs or that there are circumstances that justify that the restrictions be removed on all or a portion of his lands, let judgment be rendered accordingly; otherwise not. Let the fee of attorneys for drawing up the papers for the removal of restrictions be fixed at, say, fifty or one hundred dollars, or \$25, or any reasonable amount, and make it a misdemeanor for any lawyer to charge more than that. This is the rule with reference to attorney's fees in the procurement of pensions.

The present system of removal of restriction

Mr. CLAPP. Mr. President, I wish to state that to-morrow morning after the conclusion of the routine morning business I will move that the Senate resume the consideration of the pend-

ST. LOUIS ELECTRIC BRIDGE COMPANY.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River; which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, be, and is hereby, authorized to construct, maintain, and operate a railroad, wagon, and foot-passenger bridge, and all approaches thereto, across the Mississippi River at St. Louis, Mo., in accordance with the provision of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HOPKINS. I wish to state that this bill is identical with a bill reported from the Committee on Commerce which is now on the Calendar. It is an important bill and quite short, and I ask unanimous consent that it may be put upon its passage.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. HOPKINS. I move that the bill (S. 8213) to authorize the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, to construct a bridge across the Mississippi River, be indefinitely postponed.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 7, 1907, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 6, 1907. SURVEYOR OF CUSTOMS.

Winfield S. Boynton, of Colorado, to be surveyor of customs for the port of Denver, in the State of Colorado.

PROMOTIONS IN THE ARMY.

Infantry Arm.

First Lieut. Clyffard Game, Eleventh Infantry, to be captain from January 24, 1907.

Infantry Arm-To be first lieutenants.

Second Lieut. Robert G. Caldwell, Eighteenth Infantry, from July 2, 1906.

Second Lieut. Hugh A. Parker, Twenty-eighth Infantry, from

Second Lieut. Charles W. Tillotson, Nineteenth Infantry, from July 3, 1906.

Second Lieut. Will D. Wills, Twenty-eighth Infantry, from

July 7, 1906.

Second Lieut. Arthur T. Dalton, Twenty-seventh Infantry, from July 13, 1906.

Second Lieut. Otho E. Michaelis, Fifth Infantry, from July 28,

Second Lieut, William C. Stoll, Eleventh Infantry, from July 28, 1906.

Second Lieut. Ira A. Smith, Nineteenth Infantry, from August

Second Lieut. James E. Ware, Fourteenth Infantry, from

August 7, 1906. Second Lieut. Frank W. Dawson, Twenty-ninth Infantry, from August 8, 1906.

Artillery Corps-To be colonels.

Lieut. Col. Medorem Crawford, Artillery Corps, from January 25, 1907.

Lieut. Col. Garland N. Whistler, Artillery Corps, from January 25, 1907.

Lieut. Col. Albert S. Cummins, Artillery Corps, from January

25, 1907. Lieut. Col. Alexander B. Dyer, detailed military secretary,

Lieut. Col. Leverett H. Walker, Artillery Corps, from January

Lieut. Col. Henry M. Andrews, Artillery Corps, from January

Lieut, Col. Charles D. Parkhurst, Artillery Corps, from January 25, 1907.

To be lieutenant-colonels.

Maj. Albert Todd, detailed military secretary, from January 25, 1907.

Maj. Edward T. Brown, Artillery Corps, from January 25, 1907.

Maj. Adam Slaker, Artillery Corps, from January 25, 1907. Maj. Henry H. Ludlow, Artillery Corps, from January 25,

1907. Maj. William R. Hamilton, Artillery Corps, from January 25,

1907. Maj. Charles W. Foster, Artillery Corps, from January 25, 1907.

Maj. Clarence Deems, Artillery Corps, from January 25, 1907. Maj. John V. White, detailed military secretary, from January 25, 1907.

Maj. Erasmus M. Weaver, Artillery Corps, from January 25,

Maj. Eli D. Hoyle, Artillery Corps, from January 25, 1907. Maj. Granger Adams, Artillery Corps, from January 25, 1907. Maj. Frederick Marsh, Artillery Corps, from January 25, 1907.

Maj. Charles G. Woodward, Artillery Corps, from January 25, 1907.

To be majors.

Capt. Isaac N. Lewis, Artillery Corps, from January 25, 1907. Capt. Samuel D. Sturgis, Artillery Corps, from January 25, 1907.

Capt. Elisha S. Benton, Artillery Corps, from January 25, 1907. Capt. Harry L. Hawthorne, Artillery Corps, from January 25, 1907.

Capt. Cornélis De W. Willcox, Artillery Corps, from January 25, 1907.

Capt. John D. Barrette, Artillery Corps, from January 25, 1907.

Capt. Elmer W. Hubbard, Artillery Corps, from January 25, 1907.

To be captains.

First Lieut. Daniel W. Hand, Artillery Corps, from January 25, 1907.

First Lieut. Robert F. Woods, Artillery Corps, from January 25, 1907.

First Lieut. Albert C. Thompson, jr., Artillery Corps, from January 25, 1907.

First Lieut. Theophilus B. Steele, Artillery Corps, from January 25, 1907.

First Lieut. Ellison L. Gilmer, Artillery Corps, from January

First Lieut. John McBride, jr., Artillery Corps, from January

First Lleut. Richard K. Cravens, Artillery Corps, from January 25, 1907.

POSTMASTERS.

FLORIDA.

J. P. Schell to be postmaster at Chipley, in the county of Washington and State of Florida.

NEW YORK.

John B. Alexander to be postmaster at Oswego, in the county of Oswego and State of New York.

John A. Raser to be postmaster at Harrison, in the county of Westchester and State of New York.

HOUSE OF REPRESENTATIVES.

Wednesday, February 6, 1907.

The House met at 12 o'clock m. The Clerk read the following communication:

Speaker's Room, House of Representatives, February 6, 1997.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore this day. J. G. CANNON, Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceeding was read and approved. BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. MANN. Mr. Speaker, I ask unanimous consent for immediate consideration of the bill which I send to the Clerk's desk.

The SPEAKER pro tempore (Mr. Dalzell). The gentleman from Illinois asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River.

The bill was read at length.

The SPEAKER pro tempore. Is there objection? [After a The Chair hears none. pause.]

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

PRINTING RESOLUTIONS IN RECORD.

Mr. WANGER. Mr. Speaker, I ask unanimous consent that the Clerk may read and there be printed in the Record and referred to the Committee on Interstate and Foreign Commerce the following three resolutions by the National Board of Trade recently in session in this city.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent for the present reading and printing in the Record of the paper which the Clerk will read.

Mr. PAYNE. Mr. Speaker, I am sorry to be obliged to object

to that, but I will have to do so. The SPEAKER pro tempore. The gentleman from New York

objects.

RIVER AND HARBOR APPROPRIATION BILL.

On motion of Mr. Burron of Ohio, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill, Mr. Currier in the chair.

The Clerk read as follows:

Improving Anacostia River, District of Columbia: Continuing improvement, \$127,000.

Mr. WANGER. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Pennsylvania moves Mr. WANGER. Mr. Chairman, I certainly hope that this sec-

tion will be adopted in order that the opportunities for commerce here may be protected and promoted, and as part of my remarks I send to the Clerk's desk and ask to be read in my time the following.

The CHAIRMAN. The gentleman from Pennsylvania offers

the following paper, which will be read in his time.

The Clerk read as follows:

[Extract from the minutes of the thirty-seventh annual meeting of the National Board of Trade, held in Washington, D. C., January 15, 16, and 17, 1907.]

INTERSTATE-COMMERCE LAW.

Whereas owing to the enormous increase in the railroad traffic of the United States, involving the congestion of merchandise at points of shipment and expensive delays in transportation; and
Whereas it is the judgment of large commercial bodies interested in more effective and less technical methods that these delays would be less frequent and less burdensome and that the interests of interstate commerce would be better conserved by proper traffic arrangements between the various railroad companies; be it therefore

*Resolved**, That the National Board of Trade recommends to the Congress of the United States such amendments to the interstate-com-

merce act as will permit proper railroad traffic agreements, such agreements to be inoperative if disapproved by the Interstate Commerce Commission.

GOVERNMENT OWNERSHIP OF RAILWAYS

Resolved, That the National Board of Trade deems that it would be highly inexpedient for the government, State or Federal, to take under consideration at this time any proposition looking to the acquisition or operation of our railways.

UNIFORM BILL OF LADING.

Resolved, That the National Board of Trade strongly favors a law providing a uniform bill of lading which shall define and affirm the liability of common carriers, and is of the opinion that such a law should be enacted without longer delay than is necessary to obtain full and accurate information on the subject from the thorough investigation now being conducted by the conference of the commissioners on uniform State laws.

True copy.

Frank D. Lahanne President.

FRANK D. LAHANNE, President. W. R. Tucker, Secretary.

Mr. WANGER. Mr. Chairman, I hope that the subjects referred to in these resolutions will have the serious consideration of every Member of Congress. I withdraw the pro forma

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Improving Norfolk Harbor, Virginia, and its approaches, from deep water in Hampton Roads to the junction of the eastern and western branches in accordance with House Documents Nos. 373 and 381, Fifty-ninth Congress, first session, including the removal of shoals at the mouth of the eastern branch, \$282,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute such project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$850,000, exclusive of the amounts herein appropriated.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer a

committee amendment in order to correct a clerical error.

The CHAIRMAN. The gentleman from Ohio [Mr. Burton] offers an amendment, which the Clerk will report.

The Clerk read as follows:

One page 23, strike out the word "western," in line 11, and insert in lieu thereof the word "southern."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Improving York, Mattaponi, and Pamunky rivers and Occoquan and Carters creeks: Continuing improvement and for maintenance, \$49,000, of which amount \$19,000 may be expended for the removal of the bar at the mouth of Occoquan Creek, in accordance with the report submitted in House Document No. 190, Fifty-ninth Congress, first session.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 24, after the word "creeks," insert a comma and the word "Virginia."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Improving Blackwater River, Virginia: Continuing improvement and for maintenance, \$8,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. Burton]

offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 25 strike out the word "continuing," in line 6, and all of line 7, and insert in lieu thereof the following:

"Completing improvements in accordance with the report submitted in House Document No. 177, Fifty-ninth Congress, second session, and for maintenance, \$8,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Improving harbor at Brunswick, Ga., in accordance with the report submitted in House Document No. 407, Fifty-ninth Congress, first session, \$146,650: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$350,000 exclusive of the amounts herein and heretofore appropriated.

Mr. BARTLETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the clerk will report.

The Clerk read as follows:

By adding at the end of line 9, page 30, after the word "appro-

priated:"
"Provided further, It shall be the duty of the Chief of Engineers in expending the money and carrying out the contracts in this paragraph authorized for the improvement of the harbor herein named, to ascertain if any person or corporation owning, controlling, or using any wharf or wharfage privileges at said harbor discriminates against any one in the transportation of freight by ship, vessel, or railroad, and whether any such wharf owners or wharfingers refuse to permit any vessels or ships to land at or use said wharves, and make report thereof to Congress."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. BURTON of Ohio. Mr. Chairman, I take it that the gentleman will state the reasons for his amendment, and then,

perhaps, I will desire to answer.

Mr. BARTLETT. Mr. Chairman, I do not desire to inject into this bill at this or any other point any legislation or any amendment that will not meet the approval of the gentleman from Ohio, the chairman of the committee. This is a matter of grave concern to the immediate locality that I represent and the city where I reside. The gentleman from Ohio [Mr. Bur-TON] and the Committee on Rivers and Harbors have been made familiar with the situation which this amendment proposes to correct—not to correct it immediately by legislation upon the bill, but to correct it by having the officer in charge of the work to officially report to the Congress a condition of affairs which is known to exist and admitted to exist at Brunswick Harbor. I would not offer this amendment if I thought it would in the least affect the appropriation so justly given in this bill for the harbor at Brunswick. If I thought it would jeopardize in the least any improvement of that harbor, or any appropriation for it, I would be the last man to make the suggestion or stand in the way of the improvement of the harbor. The condition which this amendment proposes to reach, by having information furnished to the Congress, so that legislation may hereafter be enacted in order to remedy it, is this:

The Government has spent each year, and proposes in this bill to spend, large sums of money to deepen and improve the Brunswick Harbor, which is one of the termini of the Southern Railway Company. That company has possession of and owns and controls the dock front and privileges in Brunswick Harbor, and the Southern Railway Company refuses to do business with only those steamboats or other boats engaged in navigation and transportation in and out of Brunswick Harbor and on the rivers running into the Brunswick Harbor for transportation of freight on the streams who compete with the railroad, and it makes contracts with only those that do not compete with them to permit the use of these wharves at Brunswick. The Southern Railway owns, as a part of its line from Brunswick to Atlanta, a line running from Macon to Brunswick, a distance of 190 miles. The railroad conditions as to freight charges and the delivery of freight at Macon are almost in-tolerable. The Southern Railway Company owning, as it does— or, rather, I will not state that to be a fact, because I may not be justified in doing so—but it controls all the lines that run from Macon, Ga., to the seaboard and undertakes also to control the competition which we are seeking to gain from Macon to the sea by reason of improving the Ocmulgee River and other Georgia rivers, for which appropriation is made in this bill, by denying to the boats that ply between Macon and Brunswick and to the sea the right to land at or use the docks and wharves of the Southern Railway Company, although just and reasonable compensation was offered to be paid. The railroad has refused to consider any proposition to permit the use of their wharves by any boat or vessel that competes with the railroad in the transportation of freight. In other words, they have a monopoly of the wharfage at Brunswick, and they arbitrarily exclude those boats that may compete with the rail-

Now, I know of my personal knowledge, from conversations and correspondence that I have had with the president of the Southern Railway Company and with the officials of the Southern Railway Company, that they do and have refused the privi-lege of using the dock by the boat that runs between Macon and The people of Macon, realizing the advantages that would accrue to that locality and to that section by river competition, during the last year inaugurated a boat line upon the river from Macon to Brunswick, and operated through the months of August and September. It was a success; but we found that when we undertook to land at Brunswick Harbor to meet the Mallory steamship, which plied between Boston, Balti-more, and New York, and which was the connecting line between the ports in the East from which we received our freight, we were denied the privilege and right, even for any compensation that the Southern Railway officials might fix, to use these wharves or to receive any freight from steamers at these wharves. The Macon boat was excluded therefrom absolutely and arbitrarily.

The CHAIRMAN. The time of the gentleman has expired. Mr. BARTLETT. I ask that I may have five minutes more, Mr. Chairman.

There was no objection.

We were compelled, in order to receive the Mr. BARTLETT. freight from the Mallory Steamship Line, to go to the expense of lightering our freight and to transfer it from the Mallory ships to our boat by lighters. I have here a letter, which I will not undertake to read, from President Spencer, then in life, in reference to this matter. It was of so much importance to our people that we insisted that he send a committee of his own When they officials to Macon in order to discuss the situation. arrived we found, instead of discussing the situation, they simply came for the purpose of announcing to us that they would not consider the proposition at all. At this meeting the railroad officials refused for any consideration to permit the use of their wharves by the Macon boat.

Now, the line between Macon and Brunswick was first built by State aid to the railroad corporation which constructed it; then it was sold, and bought by the Southern Railway Company. At that time it was known as the East Tennessee, Virginia and

Georgia Railroad Company.

After that, since 1893, the Southern Railway Company, by reason of its control and right to vote the stock of the Central Railway of Georgia Company and the other road leading from Macon to the sea, and by reason of its ownership and control of the other railroads to the seaports, has absolute control over the freight shipped to and from my city and has absolute control of the freight charges. The city of Macon undertook last year and is seeking now to prevent or to ame-liorate the intolerable conditions, which I will not undertake to state in detail, but concerning which I have letters from the largest merchants of that city, whose freight would be carried more cheaply if we can secure water transportation. Now, the freight is congested for weeks and weeks in the yards of the railroad at Macon, where it is not delivered and where demurrage is charged to the merchants if they do not send for and receive their freight within forty-eight hours; but where the railroads do not deliver to merchants their freight promptly, so that they will not have it for weeks after it has arrived, no compensation is paid them.

The General Government, in order to relieve the people of these transportation evils, has provided for a deepening of the stream that runs from Macon to the sea in order that we may have water competition with the railroads; and when we put boats on the river and they became a success by reason of the fact that they were carrying all the freight they could, the railroads endeavored to destroy these benefits by monopoly of the wharfinw privileges. This one boat carried nearly 2, 000,000 pounds of freight between Macon and the sea in two months, and demonstrated that water transportation was not only a success, but of immense benefit to our people. Now, the merchants had organized this line of boats. They were competing with the railroad for the freight; but we were met at the port of Brunswick by this great railroad corporation, which has control of the water privileges and landing places at the harbor of Brunswick, and they deny us the right, for any price the railroad might fix, to land even simply for the purpose of delivering and receiving our freight from other vessels that land there and that by contract with the railroad can not land anywhere else. I do not make this statement from hearsay, but advisedly. I have a letter from the president of the Southbut advisedly. I have a letter from the president of the Southern Railway Company which sustains it, and I know it from personal interviews and conversation with the officials of the company

One of those officials appeared before the Rivers and Harbors Committee, and this matter was inquired into, and they claimed the right to deny to those people who are competing with them for the freight-carrying business the right to use these wharves. which control this harbor, for which large appropriation is

made in this bill.

Now, that is the statement that we make. I simply want by this amendment to provide that the Congress of the United States, through its Representatives, may, from the official statement of the Secretary of War and the Chief of Engineers, know at the next session what are the facts. I would that I could put upon this bill a provision, applicable to all harbors, that wherever a railroad or any other corporation or person undertakes to monopolize and appropriate the wharves of the harbors of this country and to discriminate between the citizens who have right to use these harbors that we spend so much

money to deepen and improve for the benefit of the entire people, that it shall be prevented by legislation from so unjustly discriminating against the people; that the people's money shall not be spent solely for the benefit of these railroad corporations, whose chief purpose is to destroy competition. The people demand it, and I think we are ready to answer it by enacting legislation that will protect the people from such unjust exactions.

Mr. BURTON of Ohio. I see no special objection to this amendment. It is of the utmost importance that river and harbor expenditures be effective for the benefit of all persons and for all kinds of traffic. In some instances appropriations have been made the benefit of which has inured to certain corporations and individuals to an undue extent. I would suggest, however, that part of the wording of this proposed amendment would look like a detention of the appropriation until a report is made, and on conference with the gentleman from that district [Mr. Brantley] he is of the same opinion.

Mr. BARTLETT. I want to state to the gentleman from Ohio that I have no such purpose. I simply put it on that portion of the bill, because that was a harbor where that condition complained of and with which I am familiar exists, and I did not want to raise the question about all the other harbors provided for in this bill. I want to get the information, and the gentleman knows that I would not for a moment interfere with or detain or restrict the expenditure of money on the Brunswick Harbor.

Mr. BURTON of Ohio. May I suggest to the gentleman that the two lines here, "in expending the money and carrying out the contracts in this paragraph authorized for the improvement of the harbor herein named," contain an intimation that the appropriation is, in a measure, conditional?

Mr. BARTLETT. If the gentleman thinks that striking those words out of the amendment will relieve it of the objec-

those words out of the amendment will relieve it of the objection, I will consent to that.

Mr. BURTON of Ohio. Then, by unanimous consent, I ask, Mr. Chairman, that the language beginning with "in" and ending with "named" be stricken out. I should like to hear my friend from Georgia [Mr. Brantley] on this.

Mr. BARTLETT. I will agree to that.

The CHAIRMAN. The gentleman from Ohio [Mr. Burton] asks unanimous consent that the amendment may be medified.

asks unanimous consent that the amendment may be modified as he suggests. Is there objection?

There was no objection.

Mr. BRANTLEY. Mr. Chairman, the amendment as just modified is unobjectionable to me. I represent the Brunswick district and live in the city of Brunswick. Of course we believe that we deserve and need this appropriation, and we are exceedingly anxious for it, and I do not want the appropriation held up or detained in any way by reason of any investigation that is made. I have no objection, however, to any investigation.

Mr. BARTLETT. Mr. Chairman— The CHAIRMAN. Does the gentleman yield to his colleague? Mr. BRANTLEY. I have only a moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. BRANTLEY. I have no objection to any investigation looking to the prevention of any improper discrimination in the use of the wharves at Brunswick. The people of Brunswick are as much interested as the people of Macon in the improvement of the Ocmulgee River, and in the free passage of boats from the city of Macon to the city of Brunswick. In this particular matter about which complaint is made I have no personal knowledge. My attention has never been called to the matter either officially or personally, and all that I know concerning it is what I have read in the newspapers. Some time ago I learned in that way that the owners of a boat coming down from Macon to Brunswick demanded the privilege of using without charge the wharves of the Southern Railway at Brunswick. These are not the only wharves there. There are many wharves and wharf owners at the port of Brunswick, and we have available there a water front of 40 miles that can be utilized for wharves. Now, as to whether or not the Southern Railway Company was justified in saying to those people, "We built our wharf and you have no more right to demand the use of it than you have to demand the use of any other wharf," is not for me to say. I am perfectly willing to have the matter investigated. I am willing to have the discriminations removed, if any discriminations exist. I only wish that, in making the investigation, the improvements necessary at the port be not delayed nor the expenditure of this money prevented or held up. As the amendment has been modified so as to remove the probability of this, I have no objection to its being incorporated in the bill.

Mr. BARTLETT. Mr. Chairman, the statement that the peo-

ple of Macon or the owners of the boat plying between Macon and Brunswick applied to the Southern Railway Company to use its wharves without offering to pay compensation, or free of charge, is not a correct statement. On the contrary, they offered and were willing to pay compensation for the privilege I hold in my hand the correspondence (which of using them. I will put in the RECORD) between myself and President Spencer, of the Southern Railway Company, written at the instance of the people of Macon engaged in operating boats on the Ocmulgee River from Macon to Brunswick, in which we asked for the permission to land at the wharves for the purpose of transferring the freight from the line of steamers known as the "Mallory Line" to our own boat, the Mallory Line steamers having a contract to use the Southern Railway wharves and no other, and such reasonable charge as the Southern Railway might agree upon was offered to be paid. The people of Macon did not ask to use or occupy the wharves without paying reasonable and proper compensation therefor.

I know, further, that the committee of citizens said to the officials of the Southern Railway Company at the depot at Macon during August last, in the private car of the second vice-president, Mr. Culp: "We stand ready to pay you any reasonable charge you make for this service. Understand us, gentlemen, we do not want the use of the wharves free." So my friend and colleague from the Eleventh district of Georgia is mistaken, and he is not warranted in making the statement is mistaken, and he is not warranted in making the statement that the people of Macon asked the use of these wharves without charge. The contrary is true. In refutation of his statement I hold in my hand and will put into the Record the correspondence between President Spencer and myself on this subject; and refutation was also made before the River and Harbor Committee by Mr. Culp when summoned, who appeared be-fore that committee. The refusal to permit the use of the wharves was not put upon the ground that compensation was not offered to be paid. I will assure my colleague and his people that I have no desire to delay or hamper the appropriation for the harbor at Brunswick. I shall vote to give them every cent of money that will make it, as it is entitled to be, one of the great export cities of our country. But I am unwilling to vote for the money to improve the harbors of the country and then to turn the wharfage rights and the right to use them over to the great railway corporations of the country to the detriment of the business progress of the section of the country where I live.

I am unwilling to spend the money of the country solely for the benefit of the railroad company that have obtained and own these wharves and exclude from them those who may compete with the railroad and who are endeavoring to cheapen transportation to the people and relieve them from the grasping exactions of a gigantic railroad monopoly. I am not willing to consent that people of Macon and other cities in Georgia shall be deprived of the benefits they are entitled to obtain from the appropriations made to improve the Georgia rivers by the selfish and unreasonable exactions of the railroads.

I call attention to the following correspondence I have referred It will demonstrate that the people of Macon were not seeking to obtain the right to use the wharves of the railroad free of charge. On the contrary, the distinct offer is made to pay such reasonable amount as the railroad might agree upon. And that the privilege to use the wharves was denied, not because the railroad was not offered to be paid reasonable charges therefor, but mainly because the boat between Brunswick would compete with the railroad and reduce freight rates to the people of Macon and vicinity.

MACON, GA., July 18, 1906.

Macon, Ga., July 18, 1906.

Mr. Samuel Spencer,

President Southern Railway Company,

1300 Pennsylvania avenue NW., Washington, D. C.

My Dear Sir: The citizens of Macon, in conjunction with the chamber of commerce, are very much interested in securing navigation upon the Ocmulgee River from Macon to Brunswick, and especially above Hawkinsville. The Government has already expended a considerable sum of money upon the improvement of the Ocmulgee River, and it is contemplated to ask for additional appropriations; besides, there are many points between Macon and Brunswick that are not reached by any railroad or other means of transportation for freight.

With a view to increasing river navigation and demonstrating to the Government the feasibility of further improving the river, the citizens of Macon have, at considerable expense, arranged to have a boat ply between Macon and Brunswick, Ga., and have made a connection with the Mallory Steamship Line at Brunswick for the carriage of freight from eastern points to Brunswick, and thence to Macon via the boat line operating upon the Ocmulgee River. They anticipated that they would be permitted to have access to the wharves and landing places at Brunswick used by the Mallory Steamship Company upon such reasonable arrangements as to terms as could be made with the Southern Railway Company, which owns the wharves and landing places occupied by the Mallory Steamship Company, in order that freight forwarded by the Mallory Steamship Company to Macon via the loat line operating between Brunswick and Macon may be transferred in transit.

They have made an effort to that end, but have been informed by Tupper & Co., agents for the Mallory Line at Brunswick, that they will not be permitted, under the present agreement with the Southern Railway Company, to use the wharves at Brunswick in order to transfer freight from the Mallory Line to the boats plying between Macon and Brunswick. They have also had some correspondence direct with the Mallory Steamship Compány in New York, but have falled to secure this privilege. They have also had some correspondence with Mr. L. L. McClesky, division freight agent of the Southern Railway Company, in which he says that his company is not in a position to furnish berth room at the Brunswick docks for steamers plying between Macon and Brunswick on the Ocmulgee River, and declines to permit Macon boats to occupy berth room at the Brunswick docks in order to receive shipments from the Mallory Line or to deliver to that line shipments from Macon via the river boats.

This matter, as I have stated, is one of supreme importance to the city of Macon, and as I do not see how it can materially affect the interests of the Southern Railway Company I have consented, at the request of the Chamber of Commerce and the citizens of Macon, to address you this letter and to ask most earnestly that you will direct the matter taken up by the proper officials of the company in this division, with a view of having a conference between the officials of the Southern Railway Company and the people of Macon in order that the matter may be adjusted if possible.

As the Congressman from this district I am deeply interested in securing appropriations for the continued improvement of the Ocmulgee and am anxious that the money already expended on that work, as well as the money that may be expended in the future, shall result in increased traffic upon the river.

I do not represent anyone as an attorney in this matter, as I am not now practicing law, but I am simply acting on behalf of the people of Macon; and in making this request I feel assu

SOUTHERN RAILWAY COMPANY, OFFICE OF THE PRESIDENT, New York, July 28, 1996.

Hon. C. L. BARTLETT, Macon, Ga.

Hon. C. L. Bartlett, Macon, Ga.

Dear Sir: I have yours of the 18th, and beg to say that the matter shall have attention.

In this connection I hand you herewith copy of a letter written to the committee of the Chamber of Commerce of Macon, of which Mr. A. E. Campbell is chairman, in response to their communication upon the subject.

I hope that the proposed meeting between the committee and the officers of the Southern can be arranged at an early date and that the equities of the entire situation can be made clear to the satisfaction of both sides. both sides.
Yours, very truly,

S. SPENCER, President.

SOUTHERN RAILWAY COMPANY, OFFICE OF THE PRESIDENT, 80 BROADWAY, New York, July 24, 1996.

Office of the President, 80 Broadway, New York, July 24, 1996.

Mr. A. N. Chappell, Chairman; Messrs. W. E. Small, John C. Holmes, and Stephen Popper, Committee, Chamber of Commerce, Macon, Ga.

Dear Sirs: I beg to acknowledge receipt of yours of the 19th, and I will with pleasure have the matter investigated by the proper executive officers of the company, with the view of such a meeting as you suggest between the proper officers of the company and the representatives of the chamber of commerce.

In the meantime, however, I must in candor call your attention to some points which may necessarily govern the company in the matter. As you will doubtless appreciate, the terminals of a transportation line are the most expensive, and, as a rule, the most crowded portions of its property, and where additional ones are needed, the necessary property is always acquired at abnormally high prices. Under these conditions railway companies, of course, can not afford to provide terminals beyond their own needs for traffic passing over their own lines and producing transportation revenue. They can not reasonably allow the use of terminals for mere terminal rental unconnected with the securing of traffic for transportation.

The Southern Railway Company has no desire to obstruct in any way the facilities desired by any community in the matter of transportation or otherwise, but it can not consistently provide property or facilities for other transportation lines in which it has no interest and from which it can derive no benefit.

The CHAIRMAN The greatent is a specific passing the property of facilities for other transportation lines in which it has no interest and from which it can derive no benefit.

S. SPENCER, President.

The CHAIRMAN. The question is on the amendment as modified.

The question was taken; and the amendment as modified was agreed to.

The Clerk read as follows:

Improving Oklawaha River, Florida: Continuing improvement from the mouth to Leesburg, Fla., including Silver Springs Run, and for maintenance, \$15,000.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 34, strike out all after the word "Florida," in line 6, and strike out lines 7, 8, and 9, and insert in lieu thereof "completing the improvement from the mouth to Leesburg, Fla., including Silver Springs Run, according to the report in House Document No. 782, Fifty-ninth Congress, first session, for maintenance, \$15,000."

The amendment was agreed to.

The Clerk read as follows:

Improving anchorage basin at Gulfport and channel therefrom to the anchorage or roadstead at Ship Island; also Ship Island Pass between Ship and Cat islands, Mississippi: Continuing improvement and for maintenance, \$100,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 38, after the word "dollars," line 18, insert: "And the Secretary of War may annul that portion of the contract entered into February 20, 1901, between Maj. W. T. Rossell, Corps of Engineers, United States Army, on behalf of the United States, and Spencer S. Bullis, relating to maintenance of a channel and anchorage basin in the Mississippi, between Ship Island and Guifport, Miss., and the amount due to said Spencer S. Bullis, or his assigns, for maintenance shall be reckoned from June 14, 1906, to the date of the annulment at the rate of \$10,000 per annum."

The amendment was considered, and agreed to.

The Clerk read as follows:

Improving Inland Waterway Channel from Franklin to Mermentau, La., in accordance with the report submitted in House Document No. 336, Fifty-ninth Congress, second session, \$89,292, and the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed \$200,000 in excess of the amount herein appropriated.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer a committee amendment to correct the number. It is a mistake in the number of the document.

The Clerk read as follows:

On page 41 strike out the words "three hundred and thirty-six' and in lieu thereof insert the words "six hundred and forty."

The amendment was agreed to.

Mr. PUJO. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 42, after line 4, insert the following paragraph:

"Improving Inland Waterway Channel and excavating a canal from the Mermentau River, Louisiana, to the Sabine River, in accordance with the report submitted December 14, 1906, by Maj. Edgar Jadwin (House Document No. 640, Fifty-ninth Congress, second session), \$189,715; and the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed \$200,000 exclusive of and in excess of the amount herein appropriated."

Mr. PUJO. Mr. Chairman, by the rivers and harbors act of March 3, 1905, a survey was authorized of an inland waterway or inter-coastal canal from the Mississippi River to the Rio Grande, paralleling the Gulf of Mexico, with such an improvement as would afford the people residing along the proposed route additional opportunity of reaching commercial centers with their products.

Pursuant to this authorization Major Jadwin, district officer of that section, made a careful survey of this route, and on the 14th day of December, 1906, submitted his report. He approved the entire route from Franklin, La., to Corpus

Christi, Tex., and disapproved those sections from Donaldson-ville to Grand River, Louisiana, and from Corpus Christi to Point Isabel, Tex., the entire length of the waterway being 690

diles. The portion approved or recommended was 582 miles. This report in due course was referred to the Board of Engineers. After consideration and in passing decision on that report a portion of the reach was approved by the Board, and a portion disapproved. The sections from Franklin, La., to the Mermentau River, Louisiana, from Galveston to the Brazos, and from Aransas Pass to Pass Cavallo were found worthy of improvement. The stretch from the Mermentau River to the Sabine was not found worthy of improvement by the Board of Engineers for the following reasons:

[Extract from House Doc. No. 640, 2d sess., 59th Cong., pp. 32, 33.]

[Extract from House Doc. No. 640, 2d sess., 59th Cong., pp. 32, 33.]

The district officer estimates the cost of the work necessary to connect Mermentau River with Lake Sabine at \$380,215, and \$20,000 per annum for maintenance.

To a considerable extent the commerce of this section consists of lumber, and while the output is at present large, this industry is one which will probably decrease as the sources of supply in proximity to the waterway becomes exhausted. There are, however, other items of merchandise which would probably give to this portion of the waterway, if constructed, a considerable amount of commerce, but the Board is of the opinion that the prospective commerce is hardly sufficient to justify at the present time the expenditure of the large sum necessary to construct this portion of the waterway. Before recommending such an expenditure the Board thinks it more advisable that the section from Franklin to the Mermentau should be first completed, which would open up a through waterway from the Mississippi to the Mermentau. If the commerce, which will thereupon develop upon the completed portion of the waterway, shall be as great as is now expected, it may then be advisable to extend this waterway from the Mermentau to Sabine.

Summing up its conclusions, the Board recommends the improvement of the following sections of the proposed inland waterway from the Rio Grande to the Mississippi:

	Cost of original work.	Cost of annual maintenance.
Aransas Pass to Pass Cavallo	\$65, 850. 00 141, 528. 80	\$10,000.00 20,000.00
Franklin to Mermentau River	289, 292.00	20,000.00
Total	496, 670, 80	50,000.00

Respectfully submitted

D. W. Lockwood,
Colonel, Corps of Engineers.
R. L. Hoxie,
Lieut. Col., Corps Engineers.
E. Eveleth Winslow,
Major, Corps of Engineers.
Chester Harding,
Major, Corps of Engineers.
W. J. Barden,
Captain, Corps of Engineers.

Brig. Gen. A. Mackenzie, Chief of Engineers, U. S. A.

The Committee on Rivers and Harbors followed the recommendation of the Board and the bill reported by it carried an appropriation for the excavation of an inland waterway 5 feet deep and 40 feet wide between the points above stated.

In this connection, Mr. Chairman, I want to congratulate the Committee on Rivers and Harbors upon a resumption of the legislative powers supposed to be vested in them by law. In 1902 the rights of the Rivers and Harbors Committee and the rights of the membership of this House were practically taken

away from them by the act creating this Board of Engineers.

I recognize that the Rivers and Harbors Committee should have an advisory board of engineers, in so far as engineering problems are concerned, but I do not concede that the board's action should be final in any event as to the commercial advisa-

bility of a project.

I want, as I stated, to congratulate the committee upon the fact that they have resumed the legislative prerogative vested in them, in that the unanimous report by the Board of Engineers against the Cold Springs Inlet—Cape May project—was ignored by the committee and an appropriation of \$1,200,000 included in this bill for that improvement. I have no doubt that it is a meritorious project and am glad to see that the committee decided this matter for themselves; but I feel that in not pursuing a similar course in the inland waterway project the people of

Louisiana have suffered a great loss.

The products of southwest Louisiana between the Mermentau and Sabine are not confined solely to lumber. Half of the rice produced in the United States, practically all of the sulphur in North America, and millions upon millions of barrels of oil constitute a part of the output of that locality, and instead of there being 400,000 tons, the tonnage of originating commercial commodities now being handled by rail will exceed 1,500,000

Mr. Chairman, I propose to confine my remarks to the section from the Mermentau River, Louisiana, to Sabine Pass, Texas, as this reach extends through my district.

The district officer estimated the cost of the work necessary to connect the Mermentau River with Lake Sabine at \$389,215, and \$20,000 a year for maintenance. I now wish to incorporate as part of my remarks the report of Major Jadwin on this section, which was not concurred in by the Board of Engineers:

LAKE MISERE TO SABINE

I was about to inspect this section of the waterway when orders were received to proceed to Washington to appear before the River and Harbor Committee in connection with certain projects in this district. It is therefore not practicable at present to make as accurate and complete a report on these sections as on the rest of the waterway. Still, as there is sufficient data before me to show that construction of the sections is warranted, it seems better to so recommend now, as this will prevent delay in action on the entire project. I expect to inspect the sections after my return from Washington and take up some of the points which are here touched on only generally more in detail. Should the results be such as to indicate that the statements made to-day are too wide of the mark for the purpose of the report I will so report.

made to-day are too wide of the mark for the purpose of the report I will so report.

To connect this section with the one to the eastward a cut will have to be made through the marsh from Lake Misere to Willow Lake, thence across Willow Lake to a small lake at the head of Bayou Bois Connu, thence to Lake Calcasieu. The interest on the cost of this subsection and the cost of maintenance are estimated to total about \$21,000. From Calcasieu Lake westward the waterway will pass up Kelsor Bayou to Black Lake, thence across a marsh to Black Bayou, which empties into the Sabine River. The interest on the cost of this subsection and the cost of maintenance are estimated to total something less than \$20,000 for this section. It has already been shown that a saving of nearly \$100,000 a year can be properly credited at present to these sections on export oil from Jennings oil field to Port Arthur,

although this amount will probably gradually decrease unless other oil

although this amount will probably gradually decrease unless fields are discovered.

Calcasieu River is tributary to the Calcasieu Lake. The entire section is abreast of the enormous lumber country of western Louisiana. This was recently stated by a well-posted man in the lumber business to be the greatest undeveloped pine lumber district in the United States at present. A telegram just received from the Perkins & Miller Lumber Company estimates the output of the milling district at Lake Charles at over 200,000,000 feet. This is 200,000 thousand feet, or 400,000 tons. It is not believed that very much would be saved in freight rates on the portion of this lumber which goes to New Orleans for export. On that portion which is sent to New Orleans for domestic use it is estimated that a saving of 25 per cent can be made in the freight account. The exact amount which goes this way is not known to me.

tic use it is estimated that a saving of 25 per cent can be made in the freight account. The exact amount which goes this way is not known to me.

Lake Charles in 1900 had a population of 6,680, but has grown considerably since that time. Its general merchandise would receive a benefit from the waterway, as the rates on general merchandise from St. Louis to Lake Charles exceed those from St. Louis to New Orleans by an average of about 29 cents per 100 on less than carload lots and about 20 cents per 100 on carload lots, and general merchandise can probably be brought from Plaquemine to Lake Charles for less than the latter amount.

A large sulphur mine has been developed near Lake Charles. The parties owning it recently undertook, at their own expense, the construction of a canal from their lands directly west through the higher land to the Sabine River, intending to lock from the canal to the river. It was understood that they made a contract with the large contractor to put 16 dredges on the work. Several dredges were worked for a time, but the project was later abandoned. It was alleged that the railroads had offered such inducement in the way of reduced freight rates that it would not pay the company to assume the expense of construction of the canal. As definite figures are not at hand as to their present rates and output, the exact saving there would be to that industry can not be indicated. Much pine lumber for the intermediate coast country between Lake Charles and New Orleans would also move by the waterway.

A large percentage of the lumber—probably one-half—from the Lake Charles field goes to Port Arthur for export. If only one-fourth of the 400,000 tons went that way by the canal there would be a saving probably of one-half of the present freight rate, which is 5 cents a hundred, or \$1 a ton. This would make a saving to be credited to the reach from Lake Calcasieu to Sabine of \$50,000. There should also be credited to this ranch a saving on the general merchandise to flanger and Beaumont. This tonna

It is to be noted that the conclusion of the Board is expressed in general terms, and no logical reason is given for its decision. They hold that the commerce of this section consists principally of lumber, "and while the output is at present large, it will decrease as the source of supply in proximity to the waterway becomes exhausted."

This finding discloses a lack of information concerning the country through which this waterway is to be constructed. It further demonstrates that the report of the district officer was not given due weight, as it shows conclusively that not only is there a large lumber industry in the section between the Mermentau River and Sabine Pass, but likewise vast agricul-tural interests. The reach under discussion covers 72 miles. It passes through one of the greatest freight-originating sections of Louisiana. Were this section to be completed between the Mermentau River and Sabine Pass it would enable shippers to reach Calcasieu Pass and Sabine Pass, the latter one of the best ports on the Gulf.

The approximate tonnage of Acadia Parish, tributary to the proposed canal, in rice and rice products, is 100,000 tons; crude oil, 500,000 tens; cotton, 6,000 tens; miscellaneous, 10,000 tens; that from the city of Lake Charles alone exceeding 450,000 tens, not including sulphur. The parish at large probably originates a million tens more. I have not in this estimate

included incoming tonnage.

In order that the House may be informed of the freight rates obtaining in our locality, I insert the following table from the Interstate Commerce Commission:

Commerce Commission,
Interstate Commerce Commission,
Division of Rates and Transportation,
February 1, 1907.

Statement showing commodity rates, carload and less than carload, from Lake Charles, La., to New Orleans, La.

[Rates in cents per hundred pounds.]

Commodities.	Carload.	Less than carload.
Cotton Sugar Rice (rough) Rice (clean) Lumber		a\$1.50 .30 .14 .17½ .30

" Per bale.

This table shows that to ship a barrel of rough rice of 162 pounds to New Orleans in carload lots costs, in round numbers, 19 cents, or \$2.28 a ton.

By the inland waterway rice can be profitably shipped at 8 cents per barrel of 162 pounds, or 96 cents a ton, a clear gain of

\$1.32 per ton.

Statistics show that in the parishes tributary to this projected canal there has been and will be produced approximately 2,000,000 barrels of rice annually. Estimating that one-half of the rice produced would be shipped by the canal—1,000,000 bar--\$110,000.

Estimating the output of the sulphur mines to be 100,000 tons, which could be carried by water on the same basis as salt,

25 cents per ton, \$25,000.

Oil, 40 per cent of which, it is claimed, would be handled by water, estimated 1,000,000 barrels, 10 cents a barrel, \$100,000.

To which must be added the savings set forth in Major Jadwin's report, to be credited to this section, general merchandise tonnage of Orange and Beaumont on agricultural products alone from New Orleans, \$45,000. Total, \$280,000. And yet the Board of Engineers say that present and future commerce does not justify the construction of this canal. It surpasses human un-derstanding how or why the Committee on Rivers and Harbors could recommend an appropriation of \$1,200,000 for the Cape May project in the face of an adverse report of the Board of Engineers, and then turn down a proposition approved by the district officer, representing the Government of the United States, after survey in the field and a personal examination of conditions.

I know that the committee must be laboring under some honest error, as the project for southwest Louisiana will be of benefit not only to the agricultural interests of that section, but to that of the Northwest and of the manufacturing sections of the East.

Mr. Chairman, twenty years ago the people of Texas and Louisiana were striving to bring a good citizenship into their States so as to create wealth by the development of the natural advantages and resources of their respective sections. Their efforts have been rewarded beyond their expectations, and now the problem for solution is how to place the products of their enterprise and industry upon foreign and domestic markets at the lowest level of transportation charges for services performed, based upon the capital actually invested in the instrumentalities of transportation.

It is a conceded fact that water transportation is cheaper than all other known methods. Realizing this fact, it has been the constant effort of many of the Representatives of the people in the Congress of the United States to obtain liberal appropriations for the purpose of improving the navigation of the rivers

and streams of the respective States of this Union.

Not only has the attention of your national legislators been directed to the improvement of harbors, rivers, and streams, but likewise to the connection of streams and like avenues of commerce, where feasible, in order to facilitate the marketing of the products of the country at the lowest possible cost, so that the charge to the producer for their transportation would not reduce the value of the article produced to a point which would result in the contribution of his labor without compensation for the benefit of others.

The products of our territory and other sections of Louisiana consist principally of sugar, cotton, sulphur, salt, lumber, rice, corn, and fuel oil. The incoming traffic from abroad would be grain, foodstuffs, general merchandise, and coal. We should not rely upon the present supply of oil for fuel purposes, as its continual extraction from the earth will reduce the output until it will be required solely for refining; hence the fuel problem, we are to encourage the location of manufacturing concerns

in the South, is one of prime importance.

As a comparison between railroad rates and water transportation charges one has but to call attention to the fact that Pittsburg coal is brought in barges from that point to the city of New Orleans at a freight charge of 75 cents per ton at the wharves, after having been carried more than 2,000 miles; whereas coal of an inferior quality, mined in the Indian Territory, is shipped only 522 miles to the city of Houston, and the freight charges are \$2.50 per ton.

From the outset of my remarks it was apparent that I was opposed to this bill because of its want of legislative logic. I realize that owing to the traditions of the House it is immaterial whether the bill be logical or not, as the committee's report is always adhered to by the membership unless consent is given by the chairman to change the bill. The chairman of the Rivers and Harbors Committee is entitled to the respect of everyone, yet he has his pride of opinion as well as others,

and is in a position to weigh and exercise the great power in his hands. I have no hope of persuading him to change the report of the committee and include an appropriation of \$389.215 for the construction of this inland waterway from the Mermentau River to Sabine Pass; although, in justice and fair-ness, the project appeals to the legislative judgment of anyone familiar with the surrounding conditions.

I have been impelled to raise my voice in protest at the loss sustained by the people of my section because of the non-approval of this section by the committee. I was told that it was refused because the Board of Engineers declined to approve the report of the district officer. Yet this record discloses the fact that the Board of Engineers refused to approve

the Cold Spring Inlet project, Cape May.

Mr. Chairman, although the matter under discussion is not such as appeals to the majority, yet I was a witness to what might be termed an exhibition of "legislative powerlessness" connected with the discussion of this proposed improvement. After considerable persistence the Rivers and Harbors Committee was induced to refer to the Board of Engineers for further hearing their original findings on this inland waterway. Upon this hearing I participated in the presentation of the argument for the reversal of its original action. The legisla-tive anomaly was presented of Members of Congress—prominent members of the Rivers and Harbors Committee too—begging the Board of Engineers to reconsider their former findings and hold that the project was commercially advisable.

For the information of those who may read these remarks, and to show the trend of the times to concentrate power, I

insert the act creating this Board:

and to show the trend of the times to concentrate power, I insert the act creating this Board:

That there shall be organized in the Office of the Chief of Engineers. United States Army, by detail from time to time from the Corps of Engineers, a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commence existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work, and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have heretofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the Office of the Chief of Engineers. It shall further be the duty of sa

The section was again amended by the act of March 3, 1905 the river and harbor bill of that year-and the provisions of the section were extended by the latter act so as to require the Board to examine the review surveys as well as projects provided for by acts and resolutions prior to the river and harbor act of June 13, 1902.

There seems to be a disposition on the part of the representatives of the people to delegate their power to commissions and bureaus, and thereafter they awaken to the sad realization that

the creature has become greater than the creator.

From the action of the committee in rejecting all amendments of substance to this bill, I take it that the one offered by me might meet a similar fate, and not desiring to place this meritorious project in the position of having been disapproved by the vote of the House, I withdraw it.

I do not desire to leave the impression on the minds of any

of the Members that I have abandoned hope of securing the incorporation of this amendment in the bill at some future time. I believe that the rightfulness of the claims of the people that I have the honor to represent will be recognized, and that this amendment will yet become the law of the land. [Applause.]

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to withdraw his amendment. Is there objection? There was no objection.

The Clerk read as follows:

Improving Galveston channel, Texas: Continuing improvement, \$150,000: Provided, That no part of said sum shall be expended until a bond with proper sureties, satisfactory to the Secretary of War, in such amount as he may deem necessary, shall have been furnished, to insure that the city of Galveston will, on or before June 30, 1909, convey to the United States a good and sufficient title to the point of land known as Pelican Spit and the land adjacent thereto.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 45, insert after the word "thereto," line 11, the following:
"As described in the resolution of the board of commissioners of the
city of Galveston, Tex., dated April 1, 1905."

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Ohio.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Improving Cumberland River, Tenn., below Nashville: The Secretary of War may cause a survey to be made with a view to the improvement by locks and dams of that portion of the river heretofore surveyed in which no locks and dams have been constructed.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. This is made necessary by the fact that a part of this improvement is in Kentucky, which seems to have been omitted.

The Clerk read as follows:

Page 51, after the word "Tennessee," in line 5, insert the following: and Kentucky."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Sterling having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8080) for the relief of S. Kate Fisher, with accompanying engrossed copy of Senate amendment thereto.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 20028) entitled "An act granting an increase of pension to Reuben A. George."

The message also announced that the Senate had passed with

amendments the bill (H. R. 23394) to provide for an additional district judge for the northern and southern districts of Cali-

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill of the Senate (S. 925) entitled "An act for the construction of a steam vessel for the Revenue-Cutter Service, for duty in the district of Puget Sound," with an amendment as follows:

Page 2, after line 3 of said amendments, insert:
"One motor boarding boat for the port of Galveston, Tex.. not to cost exceeding \$35,000: Provided, The Secretary of the Treasury may use said boat at any other customs port in the United States as the exigencies of the service may require."

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8040. An act for the relief of Elizabeth R. Gordon.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Improving Tennessee River, Tennessee and Alabama, from Chattanooga, Tenn., to Riverton, Ala.: Continuing improvement by open-channel work, \$205,000, of which amount \$15,000 may, if required, be expended in that portion between Hobbs Island and Guntersville.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an

amendment to that paragraph.

The CHAIRMAN. The gentleman from Ohio offers an amend-

ment, which the Clerk will report.

The Clerk read as follows:

Page 52, insert after the words "open-channel work," in line 7, the following:

"To secure a depth of 5 feet at low water, in accordance with the project submitted in House Document No. 50, Fifty-seventh Congress, first session."

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Improving harbor at Cleveland, Ohio: Continuing improvement and for maintenance, \$223,000, of which amount \$98,000 may be expended for wharf room for the storage of material and plant or other Government property, in accordance with the recommendation contained in

the report submitted in House Document No. 270, Fifty-ninth Congress, second session: Provided, That no part of said sum of \$98,000 shall be expended for such wharf room unless terms can be made with the Cleveland Yacht Club in accordance with the recommendations of the Board of Engineers for Rivers and Harbors as set forth in said document: Provided further, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary for the prosecution of the project submitted in House Document No. 118, Fifty-sixth Congress, second session, and heretofore adopted, to be paid for as appropriations may from time to time be made by law, to an amount not exceeding \$900,000 in addition to the amounts heretofore appropriated or authorized.

Mr. GILL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 55, line 4, after the word "exceeding," insert the following: "One million and."

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Maryland.

Mr. BURTON of Ohio. Mr. Chairman, I would like to know just what this is

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. BURTON of Ohio. Mr. Chairman, I trust the House will not do that, although it pertains to my own harbor.

Mr. GILL. Mr. Chairman, I desire to say a few words as to the reason why I have offered this amendment. The chair-man and the Committee on Rivers and Harbors in dealing with the various questions on this subject that have been before them have, in my judgment and in the judgment of the people whom I represent, dealt with them with knowledge and with judgment and with honest purpose and with fair dealing to every part of the country in framing the bill which is now I heard in the general debate which took place here before us. on this bill one gentleman charging that the chairman of this committee dominated the committee. Now, Mr. Chairman, I want to say that from what I have observed on this bill while before the House that he could have made an additional He could have charged that the chairman of this committee dominated the House of Representatives as he has dominated the committee, and he has dominated the House of Representatives because I believe that the Members on this side and the Members on the other side of this Chamber believe that he has the best knowledge on this subject; that he has the best judgment on this subject; that his purposes with regard to these appropriations are honest to the utmost, and he endeavors with all the people throughout this broad land to deal in a fair manner with every part of this country.

Now, Mr. Chairman, I ask the Members on this side of the House and the Members on the other side of the House to unite in the passage of the amendment which I have offered, Mr. Chairman, if for no other reason, to demonstrate to the people of this country that while the chairman of this committee dominates the House of Representatives sometimes, and while he dominates the House of Representatives on this subject most times, that he does not dominate it all the time, and that there-fore we should not permit him to protest against this amendment, but insist in giving to the harbor of Cleveland the sum of money that will be sufficient to place the city of Cleveland in the same class with my city, the city of Baltimore, the city of New York, and the city of Boston. Now, Mr. Chairman, there are no politics in this bill nor any in the discussion thereof, but I desire now to inject a political suggestion in expressing the hope, Mr. Chairman, that our Republican friends will not nominate Theodore Burron to succeed our President, Theodore Roosevelt. We have been defeated by "Teddy" the first, and we do not desire to encounter "Teddy" the second.

The question was taken; and the Chair announced that the "noes" appeared to have it. appeared to have it.

Mr. GILL. Division, Mr. Chairman. The committee divided; and there were—ayes 22, noes 56. So the amendment was rejected.

The Clerk read as follows:

Improving Ohio River: General improvement, \$450,000: Provided, hat so much of this amount as may be necessary may, in the disection of the Secretary of War, be expended in the construction of a edging plant.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee in regard to this paragraph, "General improvement, \$450,000." I presume that is intended to cover the expense of both dredging and snagging operations on the whole river.

Mr. BURTON of Ohio. I would say to the gentleman there is a continuing annual expenditure for snagging on the river, an amount that is supplied without any appropriation. It is

expected that this amount, \$450,000, will furnish an additional dredging boat, and one dredging boat is now under construction with the funds already appropriated.

Mr. SHERLEY. Of course it is not intended that the whole amount shall be expended in providing a dredging plant.

Mr. BURTON of Ohio. Oh, no; the general improvement of the river itself, which involves a number of things,

Mr. SHERLEY. I understand that what may be in excess of the cost of the dredging plant will go to dredging the whole river without any regard to any particular section?

Mr. BURTON of Ohio. Certainly; to other kinds of improvements. I would say to the gentleman I think that the provision is as ample as has been made in any bill for the general improvement of the Ohio River; that is, for open-channel work.

I presume he is especially interested in the lower portion.

There was an attempt to amend the bill two years ago by making specific provision for the lower portion. That was opposed ing specific provision for the lower portion. That was opposed by the committee and defeated, and it is not thought best to separate the river into different stretches or reaches, but it is thought that this will be sufficient for the lower portion.

Mr. SHERLEY. My own view is in accord with the gentleman. The point of my inquiry was not in the way of criticism, but simply to bring out the fact that this was intended for dredging on the whole Ohio, and that the particular locality to be dredged would be left to the exigencies of the case as they

appeared to the War Department.

Mr. BURTON of Ohio. That is correct.

Mr. SHERLEY. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

Improving Ohio River, in the State of Pennsylvania, by the lowering the sill of Lock No. 6, so as to give a navigable passageway of 9 et through said lock, \$70,000.

Mr. DALZELL, Mr. Chairman, I desire to offer an amend-

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Dalzell] offers an amendment, which the Clerk will report. The Clerk read as follows:

The Clerk read as follows:

Insert after line 23, page 55, the following:

"Improving Ohio River, Pennsylvania: For building Lock and Dam No. 7 in the Ohio River, Pennsylvania, in accordance with the report of Maj. William H. Bixby, as printed in House Document No. 122, Fifty-fifth Congress, third session, \$294,800: Provided, That the Secretary of War may enter into a contract or contracts for such material and labor as may be necessary for the completion of said lock and dam, to be paid for as provisions may, from time to time, be made by law, to an amount not exceeding \$800,000 in excess of the amount herein or heretofore appropriated or heretofore authorized: And provided further. That the said lock and dam will be constructed with a view to a navigable depth of 9 feet."

The CHAIRMAN. The question is on agreeing to the amend-

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DALZELL. Mr. Chairman, I did not occupy any of the time of the House when the general debate was in progress, and I now ask unanimous consent that I may proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ALZELL] asks unanimous consent that he may proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. DALZELL. Mr. Chairman, the purpose of this amendment is to secure appropriation for the construction of Dam No. 7 in the Ohio River. The paragraphs immediately following those which have already been read provide for the construction of Dams Nos. 8, 11, 13, 26, and 37 in that river, but they omit Dam No. 7. And as I am in entire earnest in this proposition, Mr. Chairman, I trust I may have the attention of the committee for a few moments as I seek to demonstrate to them on the merits of the case that this amendment ought to prevail.

The people of western Pennsylvania, whom I have the honor with others to represent, have a very great and vital interest in this amendment. They believe that its success will tend to continue the industrial prosperity that they are now enjoying, and that its failure will go a long ways toward calling a halt in that prosperity. They believe, furthermore, that the failure of this amendment will render to a large degree unavailable the advantages to be derived from the expenditures already made in the Ohio River.

They are in deep earnest about this matter. They are so much impressed with the justice of what they ask that they are unable to understand why an immediate and favorable response is not given to their demands at the hands of the Congress. They wonder why their Representatives on this floor, if they have any influence at all, are unable to secure for them that which they consider a matter of justice.

Now, Mr. Chairman, I am not going to make light of the diffi-culties surrounding the Committee on Rivers and Harbors in the construction of their bill, and of the numerous appeals that are

made to them, and of the embarrassments under which they must necessarily labor in making wise choice as between various conflicting interests. And I am going to omit the customary eulogy upon the chairman of the Committee on Rivers and Harbors, who is not yet dead, because I have never yet heard anybody assail his integrity, doubt his ability or the wonderful knowledge that he possesses of the subjects with which he deals. But now, Mr. Chairman, neither the chairman of the Committee on Rivers and Harbors nor the Committee on Rivers and Harbors itself is infallible. In the rush of a short session, when no hearings could be had before the Committee on Rivers and Harbors, it may very well be thought that that committee has unconsciously emitted one or more worthy projects, and I want to say to the committee now, in all earnestness, that the people whom I represent have had no opportunity to appear before that committee and submit their claim to have this improvement made. This is the first time that the people I have the honor to represent have had a chance to be heard by the Members of this House, and all that I ask is that when I have concluded the Members of the House will vote in accordance with the merits of this proposition as I have made them to appear or as I have failed to make them appear, without regard as to whether or not the item was included in the original river and harbor bill.

Now, I am not going to stop and discuss the general policy of the improvement of the Ohio River. It is too late for that. That policy has already been inaugurated and its execution entered upon. In my judgment no other policy could have been adopted than the policy that was adopted.

I shall not stop, either, to discuss the relation of water carriage to the regulation and cheapening of freight rates. That question, too, was considered before this great improvement was entered upon, and that also is a closed chapter. I shall address myself, briefly as I can, asking your patience, to my amendment.

The Ohio River in its course to the Gulf washes the shores of six great Commonwealths. It drains 210,000 square miles of territory, in which there are 13,000,000 people, and it flows through as fair and fertile fields as ever met the smile of day. Along its banks are numerous cities and growing towns. Along its banks are numerous cities and growing towns. At its headwaters is the greatest manufacturing district in all the world, a district whose industrial developments are phenomenal. Let me tell you something of the Pittsburg district. It produces annually more coal than either France, Belgium, or Russia. It is built upon a bituminous coal bed, where there is visible to-day a supply of coal amounting to 3,000,000,000 tons. The Pittsburg district produces more iron and steel than either Great Britain, Russia, France, Austria-Hungary, or Belgium. The Pittsburg district produces more steel rails than either Germany, Russia, or France. The Pittsburg district produces more petroleum than Austria, Sumatra, Canada, and Java combined; more than all countries combined save only the rest of the United States and Russia. Pennsylvania makes 60 per cent of all the coke produced in the United States. Almost every ton of that coke comes from the Pittsburg district. Pittsburg manufacturers make substantially all the plate glass that is made in the United States. They have invested in that great industry over \$30,000,000. Pittsburg makes more structural shapes than all the rest of the United States put together. makes more tubing than all the rest of the United States; it makes more tin plate than all the rest of the United States; it makes more crucible steel than all the rest of the United States. Let me tell you what that amounts to. The tonnage of Pittsburg last year exceeded the total combined tonnage of five of the world's great ports-New York, London, Liverpool, Hamburg, It reached last year the amazing figure of 123,000,000 tons.

Now, my friends, the question is how to distribute that great tonnage.

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. SHACKLEFORD. From where does the district the gentleman refers to in Pennsylvania get its iron ore?

Mr. DALZELL. The iron ore comes from Lake Superior.
Mr. SHACKLEFORD. Is it not because of the favorable transportation facilities already given to Pittsburg that it does

get to Pittsburg?
Mr. DALZELL. We built our own railroads to bring it in.
Pittsburg enjoys some favorable facilities for transportation,
it is true, but that is no reason why it should not have all adequate transportation facilities so far as human ingenuity can

Mr. SHACKLEFORD. Would not the same thing exist at

St. Louis if the Government should give us the same advantages?

Mr. DALZELL. The gentleman should not try to drive me away from my argument by talking about St. Louis. I shall be glad to aid in giving to St. Louis what St. Louis is entitled to. I have nothing against St. Louis. I am as anxious to see St. Louis prosper as any other citizen of the United States can be. But I am trying to prove to you that there ought to be an appropriation in this bill that is not now in it, and I want you to decide that question from my statement upon the merits of the question and not upon the fact that it is not in the appropriation bill.

Now, to resume where I left off when I was interrupted. How shall that great tonnage be taken to market? Pittsburg has seven railroads. The topography of western Pennsylvania is such that the possible multiplication of these railroads does not exist. These seven railroads, like all the railroads everywhere throughout the United States, are to-day congested to the very point of disaster. Where shall we go for relief? To the Ohio River. It was to get rid of this great tonnage, to send this great tonnage, produced in that district, to market that the improvement of the Ohio River in the first place was inaugurated.

In 1885 Davis Island dam was constructed 5 miles below Pittsburg. The construction of that dam gave us Pittsburg Harbor. It was originally intended that it should have a 6-foot channel. It has since been changed so as to make it a 9-foot channel, as will be the improvement of the Ohio River, if the Chief Engineer's report is carried out, all the way from Pittsburg to Cairo.

I have not time to stop, nor is it necessary that I should, to detail the history of the building of those other dams in the neighborhood of Pittsburg. We started with No. 1, Davis Island dam. Then five more were built, until we have now six dams in the immediate vicinity of Pittsburg, from No. 1 to No. 6, the last one 28.75 miles from the city of Pittsburg. The river and harbor act of 1896 provided for a survey from Marietta to Pittsburg to ascertain the feasibility of filling in that stretch of river with movable dams, to ascertain their number, their location, and their cost, and in January, 1899, a final report was made, and the Government engineers located twelve additional dams. That would make eighteen dams from Pittsburg, twelve additional. No. 6, as I have told you, is 284 miles from Pitts-burg. No. 7 Dam, the one proposed in this amendment, is 36.44 miles from Pittsburg. No. 8 Dam, provided for in the next paragraph of this bill, is 46.8 miles from Pittsburg. Now, here is the present situation: We have six dams constructed. No. 7 ought to be constructed next, but the River and Harbor Committee skipped No. 7 and have gone to No. 8. With what result? What are the consequences? I say, in the first place, the omission of that dam is illogical. Where the freight is produced at the headwaters of the river, and the river is improved for the purpose of carrying off that freight, the improvements ought to be continuous from the headwaters; and, in the second place, the failure to construct No. 7 renders comparatively useless the original six dams that are there now, and I am going to prove that to you. I do not ask you to take my

word for it. I will give you the facts.

Colonel Stickney, the Government engineer, in his report upon these dams, said that they were useful for two purposes—first, for navigation, and, secondly, and largely at certain seasons of the year, more important for the purpose of harborage. Between Dam No. 1 and Dam No. 6 in the Ohio River there is not a single, solitary pool that is fit for the harboring of boats. No fleet could be gathered in any one of those six pools. It can be gathered in the pool at the city of Pittsburg, in the harbor of Pittsburg; and I want to call your attention to some very important facts in that connection as illustrating the importance of this question of harborage.

[The time of Mr. Dalzell having expired, by unanimous consent, at the request of Mr. Graham, it was extended ten min-

Mr. DALZELL. In June, 1895, there were collected in the Pittsburg Harbor 1,200,000 tons of coal, loaded on about 2,500 vessels, awaiting the water to move down the Ohio River, the largest tonnage ever assembled in any harbor in the world at any one time. The rise did not come until November 27. The cost of freight and vessels engaged in the service was estimated at \$6,310,000. It cost \$2,000 per day to keep the tonnage afloat and \$1,000 per day interest on the Investment; total, \$3,000 per day. This tonnage was kept waiting in Pittsburg Harbor for water in the Ohio River an average time of five months, or one hundred and fifty days, at a loss of \$450,000, which is 5 per cent on \$9,000,000. You can appreciate now what Colone! Stickney meant when he said that one of the great purposes

of this improvement was to furnish harborage in the pools on the Ohio River between the dams for these great freight cargoes that originate in the Pittsburg district.

Now I come back to what I said a moment ago. Between Dam No. 1 and Dam No. 6 there is not a solitary place in the Ohio River where a great freight fleet can be harbored. Why? Because of the conformation of the shores and the river bed of the Ohio River in its first 30 miles southward from Pittsburg.

The watershed is declivitous always, and Let me show you. erosion results, and that explains the physical condition of the first 30 miles of the Ohio River below Pittsburg. Davis Island Dam, or Dam No. 1, is 5 miles below Pittsburg and forms Pittsburg Harbor, as I have shown you, a good harbor for

Dam No. 2 is about 9 miles below Pittsburg, and in the pool above it are Horsetail Ripple, Neville or Sevenmile Island, Lowrie Ripple, Duffs bar, and Merriam bar. Here is a pool in which no harborage can possibly be secured at any time, high

Dam No. 3 is scant 11 miles below Pittsburg, and in its short pool of less than 2 miles are Whites Towhead, Whites Ripple, and the trap. The fall in the river in this pool is about 4 feet to the mile, making a current almost like a mill race.

Dam No. 4 is about 18 miles below Pittsburg, and in its pool

are Deadmans Island, Sewickley bar, and Logstown bar. There is no harbor here.

Dam No. 5 is about 25 miles below Pittsburg, and in its pool are Crow Island, Hog Island, Wallory bar and ripple, and La-There is no harbor in this pool.

Dam No. 6 is about 29½ miles below Pittsburg, and includes in its pool two long shoals—Beaver shoal and Raccoon shoal.

Now I have shown you up to this time that what I have stated about the harbors in the first six pools is absolutely true.

Now we come to Dam No. 7, the dam that ought to be constructed. Between No. 6 and the site of Dam No. 7 is 8 miles of natural harborage. The shore lines form a harborage without a shoal, without a ripple, without a bar. I ask you whether or not it is good business judgment to omit Dam No. 7 and go to Dam No. 8?

Mr. BURTON of Ohio. Will the gentleman from Pennsyl-

vania yield for a question? Certainly. Mr. DALZELL.

Mr. BURTON of Ohio. Do I understand the gentleman to say that when these dams are up there is not ample anchorage provided in them? Mr. DALZELL.

Mr. DALZELL. I do say so. Mr. BURTON of Ohio. Does the gentleman mean that there is not?

Mr. DALZELL. I do say so. I do not say so from my owr personal knowledge, but upon reliable information.

Mr. BURTON of Ohio. Why should there be lack of anchor-

age in 29 miles of water supported by dams?

Mr. DALZELL. I have given you the reason—because of

obstructions in the pools. I can not testify to that of my own knowledge, but that is the consensus of opinion of those who are familiar with the subject.

Mr. BURTON of Ohio. Does not the gentleman know that the sole object of the improvement is to provide 9 feet, and when the dams are up, every pool for every mile of the 29 miles is 9 feet, and that is the minimum?

Mr. DALZELL. I do not know any such thing. quoted to you your own engineer, Colonel Stickney, who says that the prime object of this improvement is not simply for navigation but for harborage, and I have illustrated by a concrete proposition the truth of Colonel Stickney's assertion. gentleman from Ohio, the chairman of the Committee on Rivers and Harbors, does not fully understand the facts in this case. I may say here without violating any confidence that I have been informed within the last twenty-four hours by more than one member of the Committee on Rivers and Harbors that these facts have never been laid before them.

Mr. BURTON of Ohio. The gentleman from Pennsylvania will pardon me, but the question is whether they are facts or

Mr. DALZELL. As between the gentleman from Ohio and myself I shall have to trust that to the committee. Now, then, that is not all. You not only have 8 miles of harborage between Dam No. 6 and the site of Dam No. 7, but you have until you get to Dam No. 8, which is provided for in this bill, 10 miles more. So that you have, below Dam No. 6, 18 miles of dry river when the water is low, all of which could be avoided by the

Now, mind you, the site for Dam No. 7 was bought two year It belongs to the United States Government to-day. All

the drillings in the river bed have been made and the tests have been made. The expense has been estimated, the Chief of Engineers tells us that the plans for its construction are now ready, and all they are waiting for is an appropriation to proceed with the work. Now, I do not want to say anything offensive, but it does seem to me that to provide for the construction of Dam No. 8 and leave Dam No. 7 unprovided for is

I appeal to you as business men. Is this a good business proposition? What is No. 8 worth without No. 7? What are Nos. 11 and 13 below worth without No. 7? East Liverpool, the greatest pottery city in the United States, is between No. 7 and No. 8. It had a tonnage last year of 3,777,400. It can neither go up the Ohio River nor go down the Ohio River without the construction of Dam No. 7.

Mr. BURTON of Ohio. But the gentleman will allow me to correct him. That tonnage can go down, because No. 8 is below. The gentleman is entirely mistaken.

Mr. DALZELL. Between 7 and 8, yes. Mr. BURTON of Ohio. It can go down.

Mr. DALZELL. There is no pool between 7 and 8, and No. 6 is 18 miles off. The gentleman, I fear, has not had these facts thoroughly explained to him. Now, gentlemen of the committee, if I have made a case, I want your votes, whether the Committee on Rivers and Harbors and its chairman are for it or not, I have not attacked any project in this river and harbor bill. I am willing they should all stay in it. I am willing to concede they are all good projects. I have nothing to say against any I seek to introduce into this bill no new project. seek to introduce into it a dam the site for which is already purchased, the plans for which are already made, and which the Government is now ready to go on with and execute if the money is furnished. I do not seek to introduce into this bill any great project that will ultimately take a large sum of money. All that is asked is the same appropriation that is made for these other dams, a little \$240,000 of cash in the first instance. In a bill of this character carrying \$83,000,000 it is a mere bagatelle to the United States Government. boon and aid to my people who contribute so much to the general prosperity of the country, and upon whose prosperity depends the contentment and material well-being of hundreds of thousands of wage-earners. All I ask is that this Committee of the Whole will exercise the function for which it was consti-tuted, of revising in the interests of justice the bill reported by the Committee on Rivers and Harbors, that does not but ought to have included Dam No. 7. I want nothing but fair play.

Let me have it. [Applause.]
Mr. BURTON of Ohio. Mr. Chairman, I can not at all criticise the gentleman from Pennsylvania [Mr. Dalzell] for his earnestness, but I desire to say to the Committee of the Whole that to pass the amendment which he has proposed would be a gross injustice. Let us survey for a moment the situation in the Ohio River. It is about 967 miles long. Originally no improvement was made except by open-channel work. Then a second plan was partially adopted and rather haltingly prosecuted, under which it was proposed to erect dams here and there, with the double purpose of providing harbors, or mooring places, below cities and of raising the level of the water so as to facilitate through navigation. It is upon that project that we are working now. There has been a survey and a partial report, which must still be reviewed by the Board of Review and Engineers, which contemplates the construction of fifty-four dams at a cost of \$62,000,000, we could not undertake these dams now, or any considerable number of them. And so we have been pursuing the policy recommended by the earlier reports and heretofore pursued by Congress

I' would state that appeals, though not made with the same eloquence as that for Dam No. 7, have nevertheless been made with the same insistence. I received a telegram from Parkersburg yesterday to the effect that it was an outrage that no provision was made for their dam there. I received one from Wheeling of a similar tenor relating to improvements elsewhere in the Ohio. It but added to my distractions at this present time, for what I most love just now is a contented community and a contented man, and even though this river and harbor bill is so very large there are comparatively few who seem to be contented. Now, then, what shall we do next? I read from the report of a survey of the Ohio River from Marietta to the mouth of the Little Miami. It is in accordance with this report that we are now acting. The engineer officer says (and his report is approved by the Chief of Engineers):

I therefore recommend strongly that the next dam to be built in the Ohio River be built below Cincinnati—

For that provision was made in 1902-

The next one below Point Pleasant and Gallipolis at the mouth of

For that dam below Gallipolis, No. 26, we have made provision in this bill, and when provision is made for it the aggregate appropriations in this bill for the Ohio River are over \$4,000,000, an amount very much in excess of what it has received before, an amount so large that, as gentlemen on this floor know, it has caused bitter criticism of the chairman of the Committee on Rivers and Harbors. Each of these dams cost approximately \$1,200,000. Only one could be provided in the Ohio-that is, only one new dam-without disturbing the equitable division of funds which should be made in the bill. Now we are asked to provide for dams below Gallipolis, below Par-kersburg, below Pittsburg, near to Wheeling, and in two or three other places we were asked to put in dams. What are the claims of Pittsburg? Bear in mind that the recommendation of the engineers is to locate these dams at places in the river where they will act for the benefit of navigation and where they will serve as harbors.

Will the gentleman allow me to ask him a Mr. DALZELL. question?

Mr. BURTON of Ohio. Certainly.

Mr. DALZELL. Does the gentleman mean to say that he has any report from engineers advising the omission of Dam No. 7 and the building of Dam No. 8?

Mr. BURTON of Ohio. I have said nothing of the kind, nor do I intend to.

Mr. DALZELL. But the gentleman stopped after he read only a part.

Mr. BURTON of Ohio. Very well. I will read what comes next after 26:

The next three below Parkersburg, mouth of the Little Kanawha; Catlettsburg, mouth of the Big Sandy, and Portsmouth, mouth of the Scioto River.

I am very much obliged to the gentleman.

Mr. DALZELL. But the gentleman has not answered what I asked him.

Mr. BURTON of Ohio. Oh, there is no report against that, That is in a separate part of the river, and I am coming to

The CHAIRMAN. The time of the gentleman has expired. Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for ten minutes. Is there objection?

There was no objection. Mr. BURTON of Ohio. What has been done? Six dams have been finished in the 29 miles below Pittsburg, and there are five incomplete dams in all the rest of the river. Now, the State of Ohio, the State of Kentucky, and other States deserve no better treatment from the Rivers and Harbors Committee than the State of Pennsylvania, but in all the other 940 miles, or 938 miles, of the river there are only five incomplete dams, while six dams have been completed in a section of only 29 miles below Pittsburg; and I want to say to you, gentlemen, after the first one below Pittsburg was constructed these dams in the lower portions of the river, of which I have read, confer as much benefit under the plan adopted as any dam just below Pittsburg. But a few interested parties there are able to complain louder. It is not quite correct to say they have not had any hearings, for they appeared before me and one or two other members of the committee a few weeks ago. I asked one of them this question: "There is a dam below Cincinnati that is Would you advise us to abandon that dam and only half built.

only half built. Would you advise us to abandon that dam and go on and build Dam No. 7 below Pittsburg, leaving the other incomplete?" It was a perfectly easy question for the gentleman. He answered, "Why, certainly we would."

Another gentleman said, "The chairman is foolish, because he is not in favor of Dam No. 7." Certainly; why should not these men be competent to judge when they owned some hundreds or thousands of acres of land in the pool to be benefited by the dam?

Another man said, "You are crippling industry." "Crippling industry," when here with less than \$25,000,000 a year the Rivers and Harbors Committee has been struggling to provide for all portions of the country. The absurdity, the brutal ignorance, to come in saying because a certain project is not adopted therefore you "cripple industry." [Applause.] I want to read some figures in regard to the amounts appropriated around the city of Pittsburg and the amounts contributed by that city as compared with other communities. I will add it under leave RIVERS AND HARBORS-COMPARISON OF EXPENDITURES

Statement of appropriations by the United States Government at leading points from January 1, 1896, to June 30, 1902, and of expenditures to date by municipalities for improvement of rivers and harbors.

	United States Government.	Municipalities.
Pittsburg and vicinity, including Allegheny and Monongahela rivers in Pennsylvania and Ohio River to the State line. Same, including Monongahela River in West	\$7,902,834.36	\$6,000.00
Virginia. New York and vicinity, including all harbors within a radius of 50 miles to Greenwich and Norwalk, Conn.; Hudson River to Albany; all	9, 032, 834. 36	6,000.00
harbors on the Hudson, and improvements in New Jersey within a radius of 50 miles	5, 297, 160, 00 5, 103, 500, 00 3, 787, 896, 00	(a) 100,000.00 1,343,652.86
Niagara. Cleveland and vicinity, including the harbors at Ashtabula, Fairport, Huron, Lorain, Port Clin-	8, 449, 153. 25	(a)
ton, Sandusky, and Vermilion. Cleveland alone Chicago and vicinity, including Calumet and harbors to Kenosha, Wis., on one side, and	3,429,434.72 1,706,000.60	2, 723, 865, 00 2, 277, 765, 00
Michigan City, Ind., on the other	2, 781, 807, 00 2, 354, 665, 00 6, 152, 581, 00	2, 397, 408. 25

⁶ Large sum expended; amount not ascertainable.
^b Large sum expended by cities and the Chicago Drainage Canal Commission; amount not ascertainable.

This statement was made after the bill of 1902 was passed, and the figures were prepared at the War Department. Nine million dollars was appropriated around that city and \$5,200,000around New York, which was next largest sum. What amount has Pittsburg contributed in the way of improvements to its own harbor or in that locality? The munificent sum of \$6,000, as against between two and three millions, and I must say, gentlemen of the committee, that when I look on the situation there below Pittsburg I question very much the propriety of these dams being constructed by the United States Government without local contributions. What was the condition? When you get 23 miles below Pittsburg there are farming lands worth \$50 to \$100 an acre, and the putting in of a dam makes them worth a thousand dollars an acre. Is it not fair that the locality should contribute some part of the expense of building the dam? We already have built these six dams, and it was asserted when they were advocated that they would provide anchorage ground. What need do you have for anchorage ground for more than 29 miles, and besides that, you have three dams finished or under way in the Allegheny, and dams in the Monongahela?

Do you need to continue dams clear down the Ohio on the assertion that they are needed for anchorage ground for Pitts-I do not think it is quite right to leave the impression with this committee that this enormous tonnage of Pittsburg is seeking outlet on that river—116,000,000 tons, or something of that kind. The total amount that went through this Davis Island dam, the first below Pittsburg, was only 3,247,000 tons last year, only one-fourth of the traffic of the Ohio River. Is not the rest of the Ohio entitled to something? Ought I to say when the choice came up between Dams 26 and 27 that I would turn my back upon the report of the engineers that 26 was the next to be built? Ought I to have turned my back upon the recommendation of the Ohio Valley Improvement Association, which followed that report and said 26 was the next to be built? Ought I to have ignored the fact that we have only five incomplete dams in the remaining 940 miles of the river and six completed dams in the 29 miles below Pitts-burg and recommended to the committee the construction of this Dam No. 7? Why, it outrages every idea of fairness and equality; and if there is one principle that we should observe in the Rivers and Harbors Committee it is this, not to yield because of clamor, not to yield because of criticism, but to do justice to the whole country. I know very well several trust magnates and others came down with the thought that they would overawe the Rivers and Harbors Committee

Mr. DALZELL. I say that is not so; I deny it.

Mr. BURTON of Ohio. You can only tell what their intent

Mr. DALZELL. That is pure demagogy.

Mr. BURTON of Ohio. Oh, I think the gentleman—
Mr. DALZELL. That is exactly what it is.
Mr. BURTON of Ohio. The gentleman is going a little far.
can only tell what the intent was by the action. They were little more discourteous in their words than any delegation which ever came before the committeeMr. DALZELL. Because the chairman at once assaulted

them as soon as they came in.

Mr. BURTON of Ohio. I think the gentleman from Pennsylvania is in error about that, and I think the House will stand by me on the proposition that I did not assault them. I am not

that violent in my manner.

Mr. DALZELL. The gentleman was pretty violent that day. Mr. BURTON of Ohio. Of course, when men say that a person is foolish, and all that sort of thing, it is but natural that the suggestion would be made that their time could be more usefully spent at home than in the River and Harbor Committee

om. [Laughter and applause.] Mr. GARDNER of Michigan. May I ask the gentleman a question?

Mr. BURTON of Ohio. Certainly. Mr. GARDNER of Michigan. I want to say that I have observed this discussion with a great deal of interest, the argument of the gentleman from Pennsylvania [Mr. Dalzell] and the answer by the gentleman from Ohio [Mr. Burton]. I may be unable to get the whole of the gentleman's statement right, but I have not yet heard any answer to the contention made by the gentleman from Pennsylvania [Mr. Dalzell] that other expensive improvements already made in the Ohio River are rendered comparatively worthless without the building of Dam

I would like to have that answered.

Mr. BURTON of Ohio. I will state that that assertion is not based upon the facts at all. The argument was made to us that the completion of Dam No. 6 and the other dams would increase by 50 per cent the navigable period in the Ohio. The completion of Dam No. 7 will no doubt somewhat further increase the navigable period, but so will every other dam on the river increase the navigable period in the Ohio and will give benefit to a local traffic. Why, the coal traffic out of the Kanawha River, clear below this, compares in magnitude with that out of the Monongahela, and we have included in this a provision for a dam below the Big Kanawha River, which is the one recommended by the engineers as the next to be constructed. The gentleman from Michigan [Mr. GARDNER] will, of course, understand this, that we can not construct all of the fifty-four, and must select those which will be of the greatest benefit in the improvement of the river. There is but one new dam provided for in this bill and that is the one below—26.

Mr. GARDNER of Michigan. That does not quite answer the point. If I understood the gentleman from Pennsylvania right, it was that these other dams for the purposes for which they were constructed are comparatively valueless without complet-

ing Dam No. 7.

Mr. BURTON of Ohio, I would say in answer that there is no basis for that argument. There are 29 miles of anchorage which is available nine months of the year. When the water is low there is a pool of 9 feet in depth in each, and through navigation for 9 feet is provided in every one of them. Otherwise you can not have any navigation on the river at all. It is true that when those dams are down they can not anchor their boats, but during the times when the dams are up, when the plan of canalization is made effective by the raising of the dams, it is possible.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. Dal-

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. DALZELL. Division, Mr. Chairman. The committee divided; and there were—ayes 56, noes 120.

So the amendment was rejected.

The Clerk read as follows:

Improving Lock and Dam No. 26 in the Ohio River, in the States of Ohio and West Virginia, \$100,000, and the provisions of the river and harbor act approved March 3, 1905, appropriating \$135,000 in the aggregate for Locks and Dams Nos. 19 and 26 are hereby repealed, and the said amount is made available for the construction of said Lock and Dam No. 26: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$965,000, in addition to the amounts herein appropriated or made available: Provided, That said lock and dam shall be constructed with a view to a navigable depth of 9 feet.

Mr. GAINES of West Virginia. I move to strike out the last

Mr. Chairman, I regretted very much not to vote for the proposed dam, No. 7, below Pittsburg. My only reason for not doing it is I recognize the fact that the Ohio River can not have more money for improvements at this time and because I know and think I can demonstrate that other projects for improve-ment of the Ohio River provided for in this bill are more merito-

rious and more deserving at this time than the proposed Dam No. 7.

The committee has just recently heard read by the chairman of the Committee on Rivers and Harbors that portion of the report of the Chief of Engineers recommending the construction first of the dam below Cincinnati, already provided for, then the dam below Point Pleasant, W. Va., and Gallipolis, Ohio, which is Dam No. 26, provided for in the paragraph just read. reasons, it seems to me, Mr. Chairman, might well be set out to the committee why Dam 26 was preferred by the Chief of Engineers in his report and the reasons which moved the Committee on Rivers and Harbors to give preference to that dam in this bill. On page 8 of the same report from which the chairman of the Rivers and Harbors Committee read, that of the Chief of Engineers, the report by Major Bixby, of the Engineer Corps, is quoted as follows:

I am decidedly of the opinion that specially advantageous results to commerce, obtained with special quickness, will follow the construction of dams across the Ohio River whenever these dams are built a short distance below large tributaries and large cities, partly because the large harborages thus obtained in the Ohio River will afford fine places for the loading and unloading of coal fleets and other tows, and for the stoppage and assemblage of such fleets and tows while waiting favorable stages for departure up and down both the main river and its tributaries, and partly because such increased harborage will be most advantageously placed by being at the already established centers of population and freight communications, thus giving special stimulus to commerce and related business interests.

Now, Mr. Chairman, this Dam No. 26, constructed, as it will be, a short distance below Gallipolis, Ohio, a distance of about 9 miles below the mouth of the Great Kanawha River, will give a pool 18 miles long in the Ohio River, at a point halfway, practically, between Pittsburg and Louisville, for the assembly of the great coal fleets destined to the lower portion of the river. The Kanawha, which flows into the Ohio River 9 miles above where this dam will be constructed, was locked and dammed by the Government some years ago for a distance of It flows through a country whose coal resources are 90 miles. practically inexhaustible. A few years ago the Government engineer who was in charge of that improvement, a gentleman of the highest ability and character, a citizen of my own town-Mr. Addison M. Scott-devised and tried the plan of letting the water out from one lock to another in the Kanawha, until all the water contained in the ten locks had gone into the Ohio, and in that way, upon the head of water thus artificially created, it has been possible frequently, on a very slight rise in the Ohio, to take Kanawha coal to Cincinnati and even to Louis-With this improvement—with this Dam 26—now provided for in this bill, with its 18-mile pool in the Ohio River and a considerable pool, as well as harborage, in the mouth of the Kanawha, it will be possible at any time, with occasional ex-ceptions on account of ice in the Ohio, to float coal to Cincinnati and to Louisville, and not only at those cities, but at many other points, reach available and important railroads for interior transportation. This would prevent famine prices for coal not only at Cincinnati and Louisville and other river points, but at points in the great Northwest and elsewhere, to be reached by rail from the Ohio River points.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of West Virginia. Mr. Chairman, I ask that I

may have three minutes more.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. GAINES of West Virginia. These are the reasons, Mr. Chairman and gentlemen of the committee, why Dam 26 has been preferred to some other projects in the Ohio River which have been submitted by the gentleman from Pennsylvania and others. And it does seem to me that instead of criticising the chairman and the committee for the method in which they have apportioned the money available at this time for rivers and harbors, it would be wiser for us to have the courage to provide, by some bonding system or otherwise, to secure a sufficient amount of money to give speedy completion to all these projects which gentlemen are so earnest in behalf of, and whose importance to commerce has been developed and proven beyond doubt. There was a time when the Rivers and Harbors Committee was besought to appropriate for improvements of rivers and harbors, not because the improvements were demanded by commerce already in existence and already developed, but in the hope that some time in the future commerce might be developed by the improvement. But that time has gone by. Conditions have changed. There is already developed a traffic way beyond the present means of transportation. The railroads of the country are unable to handle the low-grade freight of the country, and various portions of the country are suffering because there is no adequate supply of coal for domestic and manufacturing purposes.

It seems to me that it would be wisdom to provide in the very near future some means which would relieve the railroads of the congestion of low-grade freight, which would relieve the manufacturing sections of the country from undue scarcity and high price of their coal supply, and which would enable this low-grade traffic to move with something like the rapidity with which the business interests of the country and the general prosperity of the country demand. I feel confident, Mr. Chairman, that so far as the Ohio River appropriations are concerned, the items contained in this bill, as it is reported from the Committee on Rivers and Harbors, will be shown by careful and dispassionate examination to be a proof not only of what we all admit, that the chairman and the committee have been fair and honest in this matter, but that the committee have used the very best judgment in the selection of the items. The committee has been fair, too, in the amount appropriated for the Ohio.

[Here the hammer fell.] The Clerk read as follows:

Improving the Ohio River at Louisville, Ky.: By the removal of rocks in the channel of said river near to the falls, \$43,000.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last

Any quarrel between the advocates of river improvement is unfortunate; but unfortunate though it may be generally, it sometimes serves to clear the atmosphere. I am glad to second somewhat what was said by the chairman of the Rivers and Harbors Committee and by the gentleman from West Virginia [Mr. Gaines] touching the Ohio River. I am glad that there has grown up a realization on the part of the House and the committee that the Ohio River does not stop as well as begin at Pittsburg. Now, I say that with all kindness; but it is manifest that when an advocacy is made of a particular project on the ground that all other projects on the river are more or less useless unless that one project is attended to, we have a condition of civic pride, to put it mildly, that is altogether out of keeping with the facts. This bill, for instance, provides, by an expenditure of a third of what it will cost to build a dam on any other part of the river, for one at Louisville. That dam will give a 9-foot stage of water for 50 miles, a pool longer than anywhere else. It not only does that, but it gives 6 feet to the Kentucky River, which is now locked and dammed most of its way, and which, by virtue of other provisions of this bill, will be improved up to the coal fields at and near Beattyville, Ky., opening up that coal region, as the coal region of West Virginia is opened up by the provision for Lock No. 26, thus putting both these fields in competition with Pennsylvania, a consummation devoutly to be wished.

There is a stretch of river between Louisville and Evansville, many miles in length, where a limited amount of dredging will give the necessary depth of water most of the year round. we have had a hard time getting appropriations and getting the War Department to do that dredge work, usually because that portion of the appropriation that went to the Ohio River was being taken by the upper part of the river. Now, the gentleman from Pennsylvania [Mr. Dalzell] makes the startling statement that because commerce exists in large measure at the head of the river therefore the river ought to be improved downward instead of upward—the natural way. Every dam that is built below the city of Pittsburg is of just as much importance to the navigation of that river, and more so, than those built at and near Pittsburg. They all serve only to establish a certain pool along the river, and uone of them will have their complete utility realized until all the dams are completed. But to say that we, on the lower Ohio, must wait until all the dams around Pittsburg, which because of the declivity of the river have to be at closer distances, are finished before the lower part of the Ohio River is to be considered is, to my mind, a proposition without merit. Now, there is not a man on the Ohio but would like to have every dam provided for that is desirable and would like to have seen the dam provided for in this bill as suggested by the gentleman from Pennsylvania [Mr. Dalzell]; but there also is not a man here but what knows that of necessity there is only a certain amount of money that can go to the Ohio River and that this increase could not be made in accord with the general plan of the bill and of the treatment of the Ohio, and therefore its affirmative consideration by the committee would have resulted in denying the lower-river projects that are infinitely more pressing and important.

The fact that this debate has taken place will be a very valuable one if it serves to show to Pittsburg that she should cooperate with all portions of the river rather than gather to herself all of the appropriations made for the Ohio River. believe I can say with due modesty that I know as many river men on the Ohio River as any man in this House, and have

been in as intimate contact with them. I know that at my city there is now needed an improvement that any river man will tell you will do more for the whole river than any other improvement involving the same expenditure, and I refer not to the dam there, but to the enlargement of the canal. The falls of the Ohio are a natural obstruction to commerce, and Pittsburg in particular is interested in having every possible thing done to remove that natural obstruction. Now, we have got to have there an enlargement of the canal. It was built years ago, and is utterly inadequate to handle the freight that now passes down the river, because these boats, carrying immense tows, have to be broken up to pass through the canal, and by the time they get through and reassemble the fleet, the crest of the wave is gone, and they frequently have to lay just below Louisville for days waiting for another rise to continue their journey down the river. Pittsburg river men know that the improvement would be of more value to the river as a whole, and more valuable to Pittsburg than the improvement suggested by the gentleman from Pennsylvania. Yet I have not sought to provide for this work in this bill, because I know the necessary limitations upon the bill, but I gladly take the occasion not to criticise the zeal of the gentleman from Pennsylvania, but to call attention to the facts in the hope that it will be impressed upon the minds of some that the Ohio River does not stop with the State of Pennsylvania. [Applause.]
The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn.

Mr. SMITH of Kentucky. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

Insert a new paragraph to read: "Improving Green River, Kentucky, between Mammoth Cave and Munfordville in accordance with the report of Capt. Harry Burgess, Corps of Engineers, of date June 8, 1905, contained in House Document No. 377, first session Fifty-ninth Congress, for the construction of additional locks and dams so as to afford slack-water navigation to Munfordville, Ky., \$550,000."

Mr. SMITH of Kentucky. Mr. Chairman, I will not detain the committee long in advocacy of the adoption of this amendment. I would not propose the amendment if I had any doubt about the merits of the proposition involved. Green River at the point mentioned in the amendment at low-water mark is a stream of about 200 feet in width, and I do not believe there is another stream in the whole country of that width that will average the depth of that stream. It passes through a country that is very rich in its timber and mineral resources. report of the engineer who made the survey, Captain Burgess, is stated that there are, in this short stretch on either side of the river, at least 100,000 acres of timber that can not reach a market for the lack of transportation.

There are filed and printed with the report also the report made by the State geologist of Kentucky, giving the mineral resources adjacent to this splendid stream. I can do no better, Mr. Chairman, than to read a few extracts from these reports. I read from the report of Captain Burgess, in which he says:

I read from the report of Captain Burgess, in which he says:

On the lower part of this stretch timber lands lie on both sides of the stream. It is estimated that there are over 100,000 acres of good timber land bordering on this stretch of the river. The timber on this land includes oak, beech, ash, hickory, elm, and some excellent poplar, which timber is practically excluded from market, there being no means of transportation except by rafting during freshets, which is uncertain, involves a large loss of timber, and is apparently unprofitable. The land on the south bank at a little distance from the river is good farming land, but on the north the land is not particularly well adapted to agriculture. The river bottoms are generally narrow, the hills approaching the stream from both sides. These hills contain excellent oolitic limestone, suitable for building purposes and situated under the most favorable conditions for quarrying if to be transported by the river. There are deposits of iron which were worked somewhat in the past, but the coal and asphalt probably do not extend much above the cave. There are some deposits of excellent plastic clays near the river, among them a white china clay of unsurpassed quality.

I may state in this connection, Mr. Chairman, that early in

I may state in this connection, Mr. Chairman, that early in the last century there were iron furnaces established along this river, perhaps the first furnaces of this kind that were ever constructed west of the Allegheny Mountains. They were established, successfully operated for years, and were only abandoned when railroads were built into other mineral districts, affording a cheaper transportation than could be had by the furnaces along this stream. Concerning the mineral deposits, Mr. Chairman, I desire to read a few extracts from the report of the State geologist:

The hills are of limestone, the capping beds being a very light-gray, almost white, oolitic limestone. Included in the colitic beds is a band of blue limestone 2½ to 3 feet thick, which serves as a "parting" for the oolitic beds. Excepting one small opening at Munfordville, no quarries have been opened in this oolite. The stone is under a light covering of soil; hence there is but little overburden to remove. Large areas of it could be uncovered at convenient points to the river with very little stripping, and the drainage of quarries in it would be good.

At no point was the exposure such as to enable the making of a perfectly accurate section of the oblitic beds, but at Munfordville the following measurements were obtained:

		ncnes.
1.	Top ledge of gray colitic limestone	_ 38
2.	Second ledge, blue limestone	_ 29
3.	Third ledge, light-gray oolitic limestone	_ 46
4.	Fourth ledge, light-gray oolitic limestone	_ 29
5.	Fifth ledge, light-gray colitic limestone	_ (?)

It will be noted that a thickness of 11 feet 10 inches is exposed. The top of the fifth ledge only is exposed at the point where the section was made, but the croppings in the vicinity show it to be about 9 feet thick, giving a total thickness of about 21 feet, including the blue lime-

On the farm of Eli Bradley, 15 miles down the river from Munford-ville, the following section was obtained in the river bluff:

H. H. C.	Feet.
Top ledge, light-gray oolitic limestone	16
Second ledge, blue limestone	3
Third ledge light-gray colitic limestone	20

Beneath the third ledge blue limestone comes in. There are distinct seams, but no shaly partings between the ledges. The blue limestone forming the second ledge is subdivided into four layers of good thickness for curbing, paving, and rubblework. It is also excellent for ballast and macadam, and not too hard to crush readily for such purpose. The oolitic stone breaks well to line with wedge and feather or under hammer. It is soft enough to be cut or sawed to dimensions with great ease. The supply of this stone on Green River in Hart County is almost without limit.

Reading also from a further report of another one of the geologists upon the question of stone, I find the following:

geologists upon the question of stone, I find the following:

On either side of Green River the moderate elevations and the flat country along the river are capped with collitic limestone of good quality. It is in 18 and 20 foot strata; the upper 20-foot stratum is overlain with residuary clay and breecia; the 18 and 20 foot strata are divided by a 2½-foot stratum of compact blue limestone.

The collitic limestone being a building stone of standard value, and being in this instance advantageously located, would, provided the river is opened to traffic, suggest quarrying and dressing on a large scale for what would prove its uncontested market, namely, the river towns from point of production to New Orleans.

Its favorable location, known and unequaled value in the manufacture of Portland cement, combined with the abundance of maris in same locality, thereby supplying all raw material for making cement immediately on the banks of the river, which would be sent down inclines to barges or boats for transportation, thereby supplying several ideal locations for such a factory between Munfordville and Mammoth Cave.

Large beds of rock asphalt of good quality occur along the river for several miles.

It is a matter of history that Hart County in the past produced good pig iron from deposits along the bank of Green River. Above Munfordville, on the farm now owned by Gen. Simon Bolivar Buckner, is a deposit of limonite of good quality and known quantity. Should Green River be made navigable it is possible this industry may be revived, as cheap transportation would then be furnished for fuel and refined products.

There are also, Mr. Chairman, near this stream, some of the most excellent clays that can be found anywhere in the United States. I myself, sir, saw a sample of chinaware made from the clay by a firm in Trenton, N. J., I think, which sent a man down to take out a sample of the clay and manufacture it. I think it was as pretty china as I have ever seen in my life. The State geologist says concerning these clays:

Some of the white-china clays of this county, as to color and the production of beautiful translucent wares, are unsurpassed. In the various exhibits of the Louisiana Purchase Exposition no clays produced a better showing than the samples of kaolin from Hart County, Ky, now on exhibition in the State museum at Lexington.

Besides the kaolins, or china clays, there are plastic clays in almost unlimited quantities. These clays contain no large percentage of impurities, but are found possessing practically every shade of yellow, brown, drab, and red. The deposits range from 10 to 40 feet in thickness, and occur at various points over the entire area of the county north of the river.

Mr. Chairman, I can not express how intense has been my anxiety to see provision made by this honorable body for the improvement of this splendid stream to the point named in the amendment, and I sincerely regret that the committee did not include it in the bill now under consideration. That the opening up this stream for navigation to Munfordville would save thousands of dollars in transportation charges to the people in that section and result in the development of much valuable mineral and the marketing of millions of feet of lumber, hitherto untouched for the lack of facilities for reaching markets, there can be no doubt.

Mr. Chairman, I believe that this improvement is of sufficient importance, not only to that locality but to the commercial world in general, to justify the appropriation of the amount named in my amendment. I therefore ask the House in its wisdom to adopt the amendment I have offered.

Mr. BURTON of Ohio. Mr. Chairman, just a word about I have no doubt that there are very considerable mineral resources in that locality, and that it is a country which on development will assume very great prominence in furnishing its share of the resources of the country; but this is a very large country, and we have to provide transportation facilities for it as best we can. I think we should adopt the policy of improving the main streams first. The Ohio is not yet developed to a high degree of efficiency for navigation, and I trust the gentleman and his constituents may patiently wait until their turn comes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and the amendment was rejected. Mr. EDWARDS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers the amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 21, page 58, add the following par-

After the word "dollars," in line 21, page 98, and the following paragraph:

"Cumberland River, Kentucky: Continuing improvement by the construction of Locks and Dams No. 19 and 20, \$200,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the work of constructing said locks and dams, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$400,000, exclusive of the amounts herein appropriated."

The EDWARD Construction of the co

Mr. EDWARDS. Mr. Chairman, the Government has undertaken the improvement of the Cumberland River, and has di-vided that work into what is known as the upper Cumberland and the lower Cumberland, the upper Cumberland being designated as all that part of the Cumberland River above Nashville, Tenn., and the lower Cumberland being designated as that part below Nashville, Tenn. Under the present bill, with what has already been done, seven locks and dams are to be completed above Nashville. In the act of 1905 the policy was adopted to begin improving the Cumberland River at the head of the present navigation, and in that act was provided for the construction of Lock and Dam No. 21, which is 29 miles below Burnside, Ky., which is at present the head of navigation on the Cumberland Now, in this bill before the House the committee has seen fit to appropriate something like a half million dollars for the improvement of the river in and around Nashville, Tenn., but has not appropriated or provided for one dollar at the upper end of the river. Above Nashville, and in the portion which we are seeking to improve in Kentucky, a stretch of a hundred and ten miles below Burnside, there is no railroad, no means of transportation except the Cumberland River. Seven counties in the State of Kentucky are dependent upon this river, and if we could have the provision put in which I have offered, to continue the improvement from the upper end, as well as from the lower end, it would be of greater benefit, in my opinion, not only to the country at large, but to the local people there, than the improvement on the lower part. For this reason, Mr. Chairman, at Burnside, Ky., at the head of the present navigation in the Cumberland River, we tap the coal fields of Kentucky, and only 40 miles below there coal brings the enormous price of 30 cents a bushel, while it can be put on the cars at and near Burnside at 6 cents a bushel. One of the most important things, it seems to me, to the country to-day is to obtain cheap fuel, and while the Kentucky hills are full of coal and while they are tapped by the Cumberland and Kentucky rivers, the State of Kentucky, and especially the city of Louisville, have been purchasing their coal from Pittsburg, Pa., for the last quarter of a century, waiting for the improvement of the Cumberland and Kentucky rivers. I therefore hope that the committee will give my amendment favorable consideration. [Ap-

Mr. BURTON of Ohio. Do I understand this amendment is for the Cumberland River, No. 19?

Mr. EDWARDS. Yes, sir.

plause.

Mr. BURTON of Ohio. I would state we have made what seems to me very generous provision for the Cumberland River in the line that is most rational and helpful. We have provided for the completion of five locks and dams and we vided in the last bill for Lock and Dam 21. The board of engineers made a very exhaustive examination of this locality afterwards and reported adversely upon the dams between 7 and 21, and for the present those certainly ought not to be undertaken. As regards the Kentucky, the committee has recommended provision for the completion of the locks and dams to and including 13. Those will open up a very large part of country where there is a large quantity of coal; also raising the crest of the dam at Louisville will raise the water of the Kentucky at the mouth, making it so that the locality tributary to the river will receive very substantial benefit from this bill. As for the Cumberland, I do not think anything should be undertaken at the present time beyond that which is appropriated for, namely, the completion of these five locks and dams above Nashville, continuing slack-water navigation to Carthage and beyond. I trust the amendment will be voted

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Improving harbor at Marquette, Mich.: For maintenance, \$30,000.

Mr. BURTON of Ohio. One minute, Mr. Chairman. I desire to offer an amendment in line 24.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 58 strike out the word "For," in line 24, and insert in lieu thereof the following:
"Continuing improvement and for."

The amendment was agreed to.

The Clerk read as follows:

Improving Grand River, Michigan: Continuing improvement and for maintenance, \$80,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an

The CHAIRMAN. The gentleman from Ohio [Mr. Burton] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add after the word "dollars," in line 10, page 52, the following: "And the Secretary of War may cause an examination of the river to be made by a board of engineer officers with a view to the regulation of the floods in the interest of navigation."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows

Improving Chicago Harbor, Illinois: Continuing improvement and for maintenance, \$250,000.

Mr. MADDEN. Mr. Chairman, I desire to offer an amend-

The CHAIRMAN. The gentleman from Illinois [Mr. Man-DEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Insert after line 2, page 69, the following:

"Toward the construction of a navigable waterway 14 feet in depth, the locks, however, to be so constructed as to permit of a depth of water of 20 feet over the miter silis, from the south end of the channel of the Senitary District of Chicago near Lockport, Ill., by way of the Des Plaines and Illinois rivers, to the mouth of said Illinois River by way of the Mississippi River to St. Louis, Mo., in accordance with the report submitted in House Document No. 263, Fifty-ninth Congress, first session, \$3,000,000: Provided. That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said navigable waterway, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$28,000,000 exclusive of the amount herein appropriated."

Mr. MADDEN. Mr. Chairman, the State of Illinois, through

Mr. MADDEN. Mr. Chairman, the State of Illinois, through its legislature, passed an act some time ago which provides:

When such channel shall be completed and the water turned therein to the amount of 300,000 cubic feet of water per minute, the same is hereby declared a navigable stream, and whenever the General Government shall improve the Desplaines and Illinois rivers for navigation to connect with this channel, the said General Government shall have full control over the same for navigation purposes, but not to interfere with its control for sanitary or drainage purposes.

The Congress of the United States some years ago appropriated \$200,000 for the purpose of making a survey to ascertain whether or not the proposition of constructing a ship canal from the Great Lakes to the Gulf of Mexico was feasible. The survey under the appropriation made was conducted from Chicago

to St. Louis.

The commission appointed to make that survey reported the feasibility of the plan. This commission reported also the cost of the improvement to be \$31,000,000. The city of Chicago, through its sanitary district board, has already constructed the most expensive portion of this waterway, running from the city of Chicago, on the Great Lakes, to the city of Joliet, a distance of 40 miles. That part of the channel already constructed is 160 feet wide, 36 feet deep, and capable of carrying ships drawing 24 feet of water. Since this survey was completed the Sanitary District of Chicago has expended, in the further extension of the project, \$3,000,000, so that, as a matter of fact, the \$3,000, 000 thus expended should be deducted from the \$31,000,000, thus making the cost of the improvement \$28,000,000. That such an improvement would aid greatly in the movement of the commerce of the Mississippi Valley everybody in the country will agree. Chicago, having expended \$50,000,000 out of the pockets of its own people for the commencement of this great improvement, argues in favor of the further extension of the project by the Government of the United States.

The proposition to postpone the construction of this waterway until a survey is made of the Mississippi River, in order to ascertain whether or not that part of the project is feasible, seems to me to be unworthy of consideration.

If all the country is to profit by the opportunities which are to be created by the construction of the Panama Canal, we ought to be at work on this improvement now, so that when a survey is reported of the Mississippi River from St. Louis to New

Orleans, we will have proceeded so far with the work as to save much valuable time and be prepared to take advantage of the situation thus created several years earlier than we will otherwise be able to do.

It seems to me that no project presented for the consideration of the House has more merit in it that the one proposed in this amendment. The Mississippi Valley is bountiful in the products

of its farms, its forests, its mines, and its mills.

Its commerce can be developed beyond that of any similar territory in the nation if the needed facilities are but afforded, and I believe that we ought not to delay the favorable consideration of this question beyond the present session of Con-

Objection is often made to this as but a part of the project. But it is such an important part of an important project that it ought to be given immediate and favorable consideration. [Loud applause.]

Mr. LORIMER. Mr. Chairman, I have been unable to be present during the consideration of this bill in the committee, and I would like to make a few remarks that will take more than the time allotted to me under the rule. I therefore ask unanimous consent that I be given fifteen minutes to discuss this subject.

The CHAIRMAN (Mr. Olmsted). The gentleman from Illinois asks unanimous consent to proceed for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LORIMER. Mr. Chairman, I only intend to occupy the

time of the House long enough to discuss a few erroneous and misleading statements and reports that have been made to the Congress of the United States. Under the law passed a few years ago a commission was authorized to investigate the projects proposed by the Congress. They were instructed to report not only on the feasibility of the projects, but the desirability and their value to the commerce of the country.

In reviewing the deep waterway or the 14-foot channel between Chicago and St. Louis they report unfavorably, the principal contention being that the amount of commerce existing between the city of Chicago and the city of St. Louis does not justify this appropriation, and they make the statement to Congress that only 1,000,000 tons originate between the city of Chicago and the city of St. Louis annually. Had I been here during the discussion of this bill in the committee I am quite sure that I could have convinced the committee that it was a very incorrect statement, and in order to give this House an idea of how incorrect that statement is I will read to you the amount of tonnage of three articles that originate on the banks of the proposed waterway and pass between the city of Chicago and the city of St. Louis annually. From a point 60 miles below the city of Chicago, along the lines of the proposed waterway, there is originated annually and carried to the great city of Chicago 3,500,000 tons of stone. In the city of Chicago there is originated annually and carried to a point on the Des Plaines River, 40 miles below the city of Chicago, 1,000,000 tons of iron ore. There is mined along the banks of the Illinois River coal that is tributary to this waterway annually more than 8,000,000 tons. In 1904 there were 8,500,000 tons of coal mined tributary to the Illinois River. The total of these three items that are tributary to and would be carried on the 14-foot waterway between the city of St. Louis and the city of Chicago (all of this tonnage is in addition to the report made by the engineer board, because they gathered their statistics from miscellaneous sources) is in all 13,000,000 tons, instead of 1,000,000 tons annually, as reported by the board of engineers. If I had been able to attend the sessions of the committee during the past month, I am confident that I could have satisfied its members that between the city of St. Louis and the city of Chicago there originates annually more than 50,000,000 tons, and all tributary to the Chicago River, Chicago Drainage Canal, the Des Plaines River, and the Illinois River.

My colleague [Mr. Davidson], a member of the committee, yesterday gave his reasons why this improvement should be postponed. He seemed to me, while he was discussing it, not to express his full sentiments. I am convinced, from what I know of the sound judgment of the gentleman from Wisconsin, that when the time comes that we shall have all the data he requires, he will be in the forefront of the men who shall be advocating the construction of this waterway. But he expressed some fear yesterday that the Chicago Drainage Canal might reduce the levels of the Lakes at least 6 inches. Whether that be so or not, Mr. Chairman, I can not answer, but I know that the records of the levels of the Lakes prove that since the day the drainage canal was opened until to-day the Lakes have been higher than they were the day before the opening of the Chicago Drainage Canal, and the best engineers of the country, such men as Isham Randolph, the man who constructed the

Chicago Drainage Canal, and Lyman Cooley, one of the most celebrated engineers of this country, contend that the water diverted from the Lakes by the way of the Chicago Drainage Canal will never affect the levels of the Lakes. The gentleman said that Chicago is now only diverting a portion of the water that will be required, which will be 10,000 or 14,000 cubic feet per second. Chicago has been permitted to divert the water. He said if the 10,000 or the 14,000 cubic feet are taken from the Great Lakes, the damages that the National Government will be liable for, should it take over the Chicago Drainage Canal, would be enormously greater than the \$4,000,000 in damage suits that are now instituted against the drainage canal.

Mr. Chairman, whether it be a fact or not that the damages will be greater when the 10,000 cubic feet are diverted, 10,000 cubic feet per second is not essential for a ship canal. now taking from the lake, through the Chicago River and the drainage canal, 4,200 cubic feet per second, and the largest boats that sail upon the Great Lakes are traveling up and down the Chicago River every day, which is evidence that for the purposes of a ship canal much less than 10,000 cubic feet will be required. But for sanitary purposes 10,000 or more cubic feet will be required. And while the gentleman said that the Secretary of War was investigating to determine whether or not the required amount of water should be allowed to go through the drainage canal I am quite confident, should the question ever be presented to Congress to stop the diversion of water from Lake Michigan into the drainage canal, Congress will never agree that more than 160,000 cubic feet per second shall go by the way of the St. Lawrence River, to the detriment of 2,000,000 people requiring ten or fifteen thousand cubic feet per second for the preservation of the life and health in the great city of Chicago.

So I have no fear, Mr. Chairman, of the decision of the Secretary of War, because I have confidence in the Congress of the United States; and I know, too, Mr. Chairman, when that question comes up before the Congress of the United States, the gentleman from Wisconsin [Mr. Davidson] will stand with Chicago for pure water and for the preservation of the life and health of its people. The gentleman suggested that under our State law the Government would be compelled to assume obligations for damages caused by the construction of the drainage

It has never been the intention of any Representative from the city of Chicago or from Illinois to burden the people of the United States with any such obligations. If I had been present during the sessions of the committee, I should have proposed that certain money be appropriated to begin this work, I should have proposed an appropriation to make a survey from the city of St. Louis to the city of Cairo, and I should also have proposed that this waterway built by the people of Chicago, costing up to date more than \$53,000,000, should be turned over to the Federal Government without any possible obligation, and in making such propositions I should only have been expressing the sentiments of the people of the State of Illinois.

The gentleman from Mississippi [Mr. Williams] suggested yesterday in his remarks that if we can not have 14 feet from St. Louis to New Orleans it would be impossible to maintain a 14-foot channel from the city of Chicago to the city of St. Louis. Now, I know that the gentleman is mistaken, and I know, with the many things that he has to look after in the House, he has not given this project such attention as it is entitled to. If a 14-foot channel is constructed from Chicago to St. Louis, no high stage of water will ever affect this depth. It is not a silt-bearing stream above the Missouri River. In other words, the channel does not come in contact with the Mississippi River below the mouth of the Missouri River until it empties into St. Louis This bay always has a deep pool, even in periods when there is only 5 feet from St. Louis to Cairo. It is a well-known fact that all the trouble in the Mississippi River, the shifting of bars, is caused by the water from the Missouri. It is therefore obvious that there is no danger of filling the channel from Chicago to St. Louis, even though there is only 5 feet of water from St. Louis to Cairo. I agree with the gentleman when he says if we can not have the 14-foot waterway from Chicago to the Gulf of Mexico the waterway loses more than half its value. When I began discussing this project in this House twelve years ago the only thought that I had in mind was that we might begin at the Great Lakes and end at the Gulf of Mexico, and that the waterway might be so deep as to make it possible to carry ships of from two to four thousand tons burden. But if this project should stop at St. Louis-if it got no farther than St. Louis with 14 feet-there would be many days in each year when there would be 14 feet of water between the city of

St. Louis and the city of Cairo without any sort of improvement on the Mississippi River.

There is a project now for which Congress has been appropriating, looking toward an 8-foot channel between St. Louis and Cairo, and an Army engineer before the Committee on Rivers and Harbors two years ago said that it would not be difficult to maintain a 10-foot channel under the present project and that 9 feet was as easily obtained as 8 feet, proposed in the project.

The low-water stage between these two points is about 5 feet. With a 10-foot channel between these points, it would be 5 feet deeper in the very lowest possible stage than it is at this time, and would mean, Mr. Chairman, that, with the improvement of the river as proposed now, there would be more days in the year when there would be a 14-foot channel between the city of St. Louis and the city of Cairo than days when there would be less than that depth.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask that the gentleman's time be extended ten minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague be extended ten minutes. Is there objection?

There was no objection.

Mr. LORIMER. Mr. Chairman, as to the Mississippi River between the city of Cairo and the city of New Orleans, I have been informed by the engineers who have surveyed on the Mississippi River for many years that they always dredge for 12 feet, and that 14 feet has frequently been obtained, and once obtained is as easily maintained as 9 feet. So there is no difficulty in operating a ship of 14 feet draft between the city of Cairo and the city of New Orleans. Thus it is obvious that there are more days in the year when there, will be 14 feet under the present projects than days when there will be less than 14 feet from Chicago to New Orleans. The proposed waterway from Chicago to the city of St. Louis means that we are to have 14 feet of water every day in the year, and if that is not meritorious, Mr. Chairman, then I know of no meritorious project that has ever been presented to this Congress during my service.

I read a statement a few days ago in a newspaper made by a Member from Iowa with reference to this project, in which he said if this improvement is made it will be all right going downstream, but the velocity will be so great that it will be impossible to come upstream. This is a return of the ghost of twelve years ago. Twelve years ago I began discussing this project. Many Members said that it would be impossible to construct and maintain a 14-foot channel between the city of Grafton and the mouth of the Missouri River, because, they said, in order to have a 14-foot channel that would clean itself the Mississippi would have to be confined to a channel so narrow as to make the velocity so great that it would be impossible to manage a ship up or down stream the few miles from Grafton to the Missouri River. But I continued pleading with Congress for the survey, and \$200,000 was appropriated. A survey has been made. What is the report of the board of survey has been made. What is the report of the board of engineers? They report that the proper thing to do is to build a dam at Alton, thus creating from Alton to the Illinois River slack-water navigation 14 feet every day in the year, with the very minimum of dredging to maintain it, instead of a velocity so great as to render navigation impossible on the reach from Grafton to Alton.

So, Mr. Chairman, it is the old argument back again; it is the old ghost that was with us twelve years ago. During that time those of us who favored the survey answered in this wise: I do not know whether your statement is correct or not, but let us turn it over to a board of engineers, have them investigate, order them to report to the Congress of the United States, and if they report that a navigable channel can not be constructed and maintained then we will stop talking about it. The survey has been made; it has been demonstrated that the channel can be made navigable, and it does seem to me that this is rather a late day to come back with that old ghost.

Since I have served on the Committee on Rivers and Harbors I have become well acquainted with every member of the committee, and I know each member probably as well as any other member of the committee. With the members of the committee I have not the slightest complaint. I have confidence that every man acted on this project as his judgment dictated. I have no complaint with any man who disagrees with me on any proposition. All I ask is a fair, frank statement, an opportunity to make my case, and if I can not convince I do not expect to succeed. I do not think, Mr. Chairman, that the mean

hers of that committee should be criticised for any part of this bill that they have reported to Congress. I have so much confidence in the committee that I am satisfied to vote for the bill notwithstanding the fact that I have not participated in its preparation. If I have any complaint at all it is that the committee has not recommended appropriations enough. I am very glad to have an opportunity to discuss this subject on the floor of the House, and whether it wins to-day or not, much good has been accomplished in the discussion that has been going on for the last few days; more has been done to advance this project and to cause an appropriation to be made in the near future for it than all the work that has been done in the last So I think the gentlemen that have been advocating ten years. it here for the last six days are to be congratulated on calling the attention of the country to the value and the merits of this

Will we begin this work to-day? I can not answer that question. Will there be constructed a waterway from the Great Lakes to the Gulf? Yes. Just as sure as God reigns above. [Applause.] Gentlemen of the committee, if that be true, it will be constructed because it is a meritorious project, and because it will be of value to the people of the Mississippi Valley. It has been talked about for a hundred years. Let it be said that the waterway the people have discussed for a hundred years has been acted upon by this Congress. Let it be said from to-day that the beautiful dream of over a hundred years is now to become an accomplished fact. Why not give to the people of the Mississippi Valley an opportunity to place the product of that valley in Europe and in the Orient more cheaply than it can be placed there in any other way. The difference between the cost of transportation other way. The difference between the cost of transportation of grain by water from Chicago to New Orleans as against the cost of transporting by rail to the seaboard is from 7 to 9 cents a bushel; in other words, it costs from 9 to 11 cents a bushel by rail to seaboard against 2 cents by this waterway, and that means more to the farmers of the Mississippi Valley, many times more, than would pay the interest on the money

required to do the work. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, I hold in my hand a list of
Members of this House who have been reported to me as favoring
the deep waterway from the Lakes to the Gulf. Their position the deep waterway from the lakes to the out.

has been ascertained through letters written to them by their has been ascertained through their replies to those letters. They constituents and through their replies to those letters. evidently hold, as we do, that the time for this great undertak ing has come-that we should not defer until to-morrow what No doubt they will be surprised to learn, can be done to-day. as will James J. Hill, Theodore P. Shonts, and other great men of the nation who regard this project as the most urgent of all river-improvement projects, that under a new rule adopted by the Committee on Rivers and Harbors this undertaking can never be even considered, survey or no survey. And yet this is the case. The rule I refer to is to the effect that no project, large or small, shall be undertaken unless an amount sufficient for its completion can be appropriated at one time. It is patent to every thinking man on this floor that, if strictly adhered to, this rule will forever bar that great project from the committee room and the House, unless the Members take the bit in their teeth and run away from or run over the rule. The reasons for this are twofold: First, there never will be a river and harbor bill large enough to carry a sufficient appropriation for the completion of the deep waterway, because the revenues of the Government will not permit such an outlay at any one session; and, secondly, even if they did, even if we had the ready cash in the Treasury, such a bill could never pass through Congress, for the simple reason that it would mean the exclusion of every other project in the country, for the time being at least, which would be both impossible and wrong.

What, then, is the only alternative under these circumstances? Let us do as Alexander the Great did when he solved the Gordian knot-cut it with the sword which our constituents have placed in our hands. To-day this rule is being enforced against the Mississippi Valley. To-morrow it will be invoked against another section that may be interested in some great project, just as the committee or its chairman may see fit to make use of it. And, Mr. Chairman, what we find fault with is that, even in this bill, with a brand new rule staring its framers in the face, it has not been enforced indiscriminately-or will anyone claim that \$450,000 will suffice to complete the improvement of the Ohio or \$300,000 that of the Missouri? Why, ten or a hundred times those amounts would barely do for these purposes.

I call attention to this situation so that the Members of the House may understand that, under the rule referred to, no great projects can be considered in the future at all unless either bonds are issued to provide for them at one time or they over-

ride the committee rule and make appropriations on the installment plan, as has been done heretofore.

The Members in favor of the deep waterway, in view of this situation, have but one alternative, if they are in earnest in their support of that project, and that is to vote now for the amendment offered by the gentleman from Illinois, which will dispose of the rule and insure the beginning of actual work on that great enterprise.

[Here the hammer fell.]
Mr. WHARTON. Mr. Chairman, I would like to ask the gentleman a question, and that is if he would have any objections to reading the names on that list he has of those who are in

favor of the deep-waterway project?

Mr. BURTON of Ohio. Oh, Mr. Chairman, I think we had better make a test of that when the matter comes to a vote. Mr. Chairman, this is a most magnificent conception, this thought of a deep waterway from Chicago to the Gulf. I do not think we should regard our action here to-day, which I believe will be against it, as conclusive that it will not be adopted at some time. But we should give to it mature consideration before we begin. We should know the facts. There has been presented to the committee a statement of a so-called "expert" to the effect that the tonnage between St. Louis and Chicago amounted to 35,000,000 tons per year. An official report limiting the amount to three railways and that which is unloaded at the respective termini makes it, instead of 35,000,000, but 1,082,000 tons. At the instance of a St. Louis commercial organization an expert in this traffic appeared before the committee and stated that the total tonnage between St. Louis and Chicago was 4,500,000 tons. This is but an illustration, this variation in the estimates of tonnage, of the immature and imperfect consideration given to this project. I have listened to the figures given by my colleague on the committee from Illinois. He speaks of 8,000,000 tons of coal that might be handled. Does the gentleman realize that with the most economical means of transporting coal the total amount that is carried through the Louisville Canal and the main channel of the Ohio at Louisville to the lower Mississippi is but a million and a half tons, and does he expect that on this waterway the through traffic on that article would amount to 8,000,000 tons?

I stated briefly the other day the objections to this. First, that we should not undertake any projects unless we provide for completion. The committee desires to stand or fall in this bill upon that proposition, because it is the businesslike way in which to do things. We are providing in this bill for the construction of five dams in the Cumberland River, and the locks were constructed on an average of twenty years ago and have stayed there since, without one particle of benefit. lock and dam in the Columbia River that lingered nearly thirty years before it was completed, and not one iota of benefit could be obtained until its completion. We desire to abolish that, and desire to ask the approval of Congress in that course. The gentleman from Missouri [Mr. Bartholdt], who has just preceded me, says that policy makes it impossible that this project should ever be adopted, because so large an amount will never be put upon a river and harbor bill. I am not sure of that. It would of course mean very much larger appropriations than we are making now for this purpose. I further stated the other day that projects very worthy, very much pressed, have been pending before the committee for five years, ten years, and, in fact, for a longer time, and have not yet been provided for. Shall we take up this project which was not brought to the attention of the committee, at least with any degree of insistence, until the beginning of the month of December? There is a certain zeal in new converts which is very earnest and sometimes very amusing, and there has been a most splendid illustration of this zeal of the new convert in the advocacy of this The last session I do not recall that but one Member of this House spoke to me on behalf of this deep inland waterway.

Mr. MADDEN. That was because—
The CHAIRMAN. The time of the gentleman from Ohio has

expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that I may proceed for ten minutes more.

The CHAIRMAN. Is there objection to the gentleman's request? [After a pause.] The Chair hears no objection.

Mr. MADDEN. Will the gentleman yield?

Mr. BURTON of Ohio. I will if you will ask a question. Mr. MADDEN. The chairman of the committee just stated that in the report made to the committee on the number of railroads running between Chicago and St. Louis that the infor-

mation was there were three. Mr. BURTON of Ohio. There are more than that. I said

even the three railroads

Mr. MADDEN. I want to say there are six.

Mr. BURTON of Ohio. But the bulk of the traffic is by those three.

Mr. MADDEN. And I was just going to suggest if the rest of the information of the tonnage was as reliable as that it was not worth basing an opinion upon.

Mr. BURTON of Ohio. I will state to the gentleman the man who appeared before us and stated the traffic was four and a half millions laid special stress on the six railroads and included them all.

Another thing. This is but a part of a great plan, a water-way from the Lakes to the Gulf. We now know nothing on which we could base our action except on the canal from Chicago to St. Louis.

Would the chairman be willing to state-Mr. MADDEN.

Mr. BURTON of Ohio. I must decline to yield at this point. Mr. MADDEN. Will the gentleman let me ask him this ques-

Mr. BURTON of Ohio. Certainly.
Mr. MADDEN. Would the chairman of the committee be willing to say that, in the event the survey which it is proposed to make of the Mississippi River proved the adequacy or feasi-bility of the plan for the deep waterway proposed from the Lakes to the Gulf, he would favor it at some future time?

Mr. BURTON of Ohio. That question had best be answered when we know the amount of benefit that would be conferred by the undertaking. I certainly should have a very favorable dis-position toward an improvement of this kind if it could be ac-

complished within reasonable limit of cost.

I also stated the other day that we have been saying "no" to every project which has been presented to us which did not have the favorable opinion of the board of review. This has been made practically a hard and fast rule as to projects whether they would cost \$5,000 or \$500,000, and now you say that in a case like this, so recently brought to our attention, we should violate that rule and bring in a project that would cost \$31,000,-000. I think gentlemen who have argued so long on this subject have omitted one prominent or, indeed, two prominent, incidental features relating to this waterway, and I will ask the Clerk to read from extracts from the message of the governor of Illinois delivered last month.

The CHAIRMAN. The Clerk will read the extracts re-

ferred to.

The Clerk read as follows:

Under the law enacted by the last general assembly an internal improvement commission was appointed to investigate the various problems connected with the projected deep waterway from Lake Michigan to the Gulf of Mexico and with the reclamation of lands along the Illinois River subject to inundation and overflow.

The most prominent subject considered by the commission is the proposed extension by the National Government of deep-waterway navigation from Lockport, Ill., to St. Louis, Mo.

In connection with this most prominent feature of the commission's work the report of the commission shows many incidental advantages which will accrue to our own State from the construction of the proposed waterway. Among these are the creation of 120,000 electrical horsepower, which can be secured without in any way affecting the use of the waterway as a navigable channel. At the minimum estimate of \$25 per horsepower this electrical power would afford an annual income of \$3,000,000.

The reciamation of overflowed lands is another important advantage in the Illinois River Valley 350,000 acres of land are subject to overflow. Much of this would be relieved from this hazard as a result of the building of the proposed waterway.

Mr. BURTON of Ohio. So it seems Mr. Chairman, that

Mr. BURTON of Ohio. So it seems, Mr. Chairman, that there is an incidental benefit worth \$3,000,000 a year that would arise from the building of this waterway, which, capitalized at 4 per cent, would mean a value of \$75,000,000. Would it not at 4 per cent, would mean a value of \$15,000,000. Would it not be well for us, before the money is appropriated from the National Treasury to build this waterway, to find out who will have the benefit of that \$75,000,000, besides 350,000 acres of land, not of very great value, a large share of which will be reclaimed by this waterway. How can we tell what share of this agitation comes from the desire for navigation of this waterway and what share comes from a desire to use that water power, worth \$3,000,000 a year, or what share of it is due to the desire to reclaim a large share of 350,000 acres of land. On this subject I want to read some correspondence which has gone through the War Department. The chief en-gineer of the Sanitary Canal, Mr. Isham Randolph, wrote a letter to the governor of Illinois on the 17th of December last, in which he said:

THE SANITARY DISTRICT OF CHICAGO,
AMERICAN TRUST BUILDING,
Chicago, December 17, 1996.

Hon, CHARLES S. DENEEN, Governor.

MY DEAR GOVERNOR: I am advised that the combination which has lately been formed for the development of water power south of Joliet has sent representatives to Washington to get permission from the Secretary of War to carry through the plans which they have outlined.

Now, the development of this Illinois valley water power should be on systematic lines which would yield the greatest possible return of power consistent with a navigable waterway.

The plans proposed by the United States engineers for this river improvement ignore the water-power phase of the question, and these plans should be revised so that the best possible results may be obtained in the interest of both commerce and manufactures.

Would it be consistent for you to address a communication to the Secretary of War, asking him to withhold all permission for the development of water power in the Illinois and Des Plaines rivers pending a thorough study of the question, and would it be proper for you to state that the commission appointed by you and authorized by the State legislature had this whole question under advisement?

It is of the greatest importance that no vested rights should become intrenched in this valley which would hamper the waterway and the highest interest of the State.

Yours, with respect and esteem,

ISHAM RANDOLPH, Chief Engineer.

Then he asked the governor to write to the Secretary of War. The Secretary of War called upon the Engineer Department to make a report upon it, and this is what is said. At the same time I will insert a copy of H. R. 24271 and the report of the engineer office in regard to it, all relating to this subject of water power:

STATE OF ILLINOIS.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, Ill., December 19, 1906.

SIR: I inclose herewith a letter addressed to me by Mr. Isham
Randolph, chief engineer of the Sanitary District of Chicago, in reference to the development of water power south of Joliet in this State.
It is self-explanatory.

The last legislature directed me to appoint an internal improvement
commission, with a view "to investigate the various problems associated with a projected waterway from Lake Michigan to the Gulf of
Mexico, etc." The members of that commission are Mr. Isham Randolph, Chicago, president; Mr. Henry M. Schmidt, of Beardstown;
Mr. Henry W. Johnson, of Ottawa; Mr. Lyman E. Cooley, of Chicago,
secretary. dolph, Chic Mr. Henry secretary. Mr. Rand

etary. r. Randolph and Mr. Cooley are eminent engineers, and, with their sciates, have studied the development of Illinois Valley water power

Mr. Randolph and are code associates, have studied the development of Illinois variety water properties.

I should be pleased to have them accorded an opportunity to present to you their views before you finally determine upon any action in regard to the matters referred to. In the event you can accord them a hearing they will appear before you at your convenience. I consider this matter of very great importance to our State.

With high respect, I am, yours, truly,

CHARLES S. DENEEN, Governor.

Hon. WILLIAM H. TAFT, Secretary of War, Washington, D. C.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 28, 1996.

Respectfully referred to Maj. C. S. Riché for remark. By command of Brigadier-General Mackenzie:

H. F. Hodges, Major, Corps of Engineers,

[Third indorsement.]

United States Engineer Office, Chicago, Ill., January 2, 1907.

1. Respectfully returned to the Chief of Engineers, United States

1. Respectfully returned to the Chief of Engineers, United States Army.

2. I am of opinion that the questions herein raised merit most careful consideration.

3. The United States is being asked to spend \$30,097,462 to create a navigable waterway between Lockport and St. Louis, and thus connect the Great Lakes with the Mississippi. (House Doc. No. 263, 59th Cong., 1st sess.)

4. Of this amount \$15,355,900 is asked for between Lockport and Utica, which is that part of the line where water-power development is possible and which is the locality covered by the within correspondence, 5. I am of opinion that the improvement of this portion of the line can be made in such manner as to give practically a full power development without the sacrifice of any requirements necessary for navigation.

gation.

6. The total fall from Lockport to Utica is 136 feet. Of this, 39 feet is at Lockport. The power resulting from this latter properly belongs to the Sanitary District of Chicago and is now being developed by it.

7. Below Lockport and between there and Utica the fall is 97 feet; allowing for slopes in the pools, probably 91 feet of this is available

allowing for slopes in the pools, probably 91 feet of this is available for power.

8. One cubic foot of water per second falling 91 feet will give practically 10 horsepower; 10,000 cubic feet per second will give 100,000 horsepower; 14,000 cubic feet per second will give 100,000 horsepower; 14,000 cubic feet per second will give 100,000 horsepower.

9. Whatever flow is permitted to the Sanitary District of Chicago will, when all the works are finished, be maintained steadily, day and night, winter and summer.

10. The great and growing population of Chicago and vicinity, its advantages as a manufacturing center, its facilities for transportation, both by rail and water, especially with this proposed waterway connecting the Lakes and the Mississippi, make it unlikely that there would be any difficulty in marketing this full amount of power as rapidly as it could be developed.

11. The value of this water power is very great. Fifteen dollars per horsepower per annum is a conservative figure.

12. At this figure the fall of 10,000 cubic feet per second through the 91 feet between Lockport and Utica would be worth \$1,500,000 per annum, which if capitalized at 5 per cent would equal \$30,000,000.

13. Similarly the flow of 14,000 cubic feet per second would be worth \$2,100,000 per annum, or capitalized \$42,000,000.

14. There can be no question but that the value of this power is such that for its control a suitable navigable waterway from Lockport to St. Louis could be built at a profit to the builder by reason of the water power thus incidentally developed.

15. I am of opinion that power privileges and power rights such as these should not be ignored, nor should they be presented gratis to pri-

vate parties. The public should either own and develop them or else sell them for a suitable price to the highest bidder.

16. There are three instrumentalities apparent through which the public can act in handling the matter:

First. The Sanitary District of Chicago.
Second. The State of Illinois.

Third. The United States.

17. Which of the three should properly take charge of the matter is perhaps a debatable question. The waterway, in any event, should be free of tolls; and it is believed that its building and control by the United States would be more satisfactory to the public and to the country at large.

18. I believe, however, that the control of this valuable power should be vested in that one of the three which developed it in creating the waterway from the Lakes to the Mississippl, and, conversely, that one of the three that should be deemed best to control this power should build the waterway.

19. It does not seem equitable that one of the three should be expected to spend a great sum of money on the waterway and that one or both of the others should then control and profit by the water power thus developed.

20. It would also seem reasonable that that one of the three that finally undertook the work should be given by the other two all the nezessary legal rights in the locality now held by them.

21. Until the polley of the United States in the matter is finally decided it is recommended that the within request of Mr. Randolph be compiled with and that no permit be issued and no rights be granted contemplating water-power developments in Illinois or Des Paines rivers between Lockport and Utica.

C. S. RICHE,

Major, Corps of Engineers.

C. S. RICHÉ Major, Corps of Engineers.

Note.—Governor Deneen in his annual message to the general assembly, January 9, 1907, estimates that 120,000 electrical horse-power would be secured and states: "At the minimum estimate of \$25 per horsepower this electrical power will afford an annual income of \$3,000,000."

(Capitalized value, \$60,000,000.) Also speaks of relief of much of 350,000 acres of land from overflow.

DECEMBER 22, 1906.

My Dear Sir: I have your letter of December 19, with inclosures, and beg to advise you that I shall have pleasure in giving the commission to which you refer full opportunity for a hearing should they apply directly to me. I am to have a hearing with respect to the Drainage Canal on the 14th of January, and it is quite possible that they might wish to be present upon that occasion. The question there presented is as to whether I can grant permission to take 4,000 cubic feet a second from Lake Michigan for the Calumet River, and the projected drainage improvement in Chicago.

Very respectfully, yours,

W. H. Taft.

Hon. Charles S. Deneen, Governor of Illinois, Springfield, Ill.

[H. R. 24271, 59th Cong., 2d sess., House of Representatives, Jan. 14, 1907.]

Mr. Wilson introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill in relation to the Illinois and Michigan Canal and granting to the State of Illinois all rights, easements, and title of the United States, in, to, and into that portion of said canal lying between the upper basin, situated in the city of Joliet, and Lake Michigan.

States, in, to, and into that portion of said canal lying between the upper basin, situated in the city of Joliet, and Lake Michigan.

Whereas heretofore the United States, by act of Congress passed on to wit, March 30, 1822, authorized the State of Illinois to survey a route for a canal connecting the Illinois River and the southern bend of Lake Michigan, and reserving 90 feet of land on each side of said canal from sale and vesting the same in said State for canal purposes upon certain conditions, reserving certain rights to the United States; and

Whereas in order to assist the State of Illinois in the construction of said canal the United States, by act of Congress passed on, to wit, March 2, 1827, granting to said State a quantity of land equal to one-half of five sections in width on either side of said canal from one end thereof to the other, to be disposed of by said State as it saw fit, for the purpose of constructing said canal; and

Whereas said State of Illinois, by act of legislature in 1829, duly accepted the grants of Congress aforesaid and surveyed, laid out, and constructed the canal as by said grants proposed, which said canal connected Lake Michigan with the navigable waters of the Illinois River by a channel leading from a point near Utica, Ill., to a point on the south branch of the Chicago River, about 4 miles from where said river empties into Lake Michigan, said canal having been constructed and maintained of a size sufficient for canal-boat navigation; and

structed and maintained of a size sufficient for canal-boat navigation; and

Whereas said State of Illinois, by act of its legislature passed in 1899, provided for the incorporation of the Sanitary District of Chicago, a municipal corporation, and authorized said corporation, for the purpose of providing an outlet for the drainage and sewage of the city of Chicago and contiguous territory, to construct a channel whereby the sewage and drainage of said district was to be carried into the Des Plaines River by water from Lake Michigan, said channel to be of such dimensions and so constructed as to be navigable by the vessels of the Great Lakes and upon its completion to be a navigable stream; and

Whereas the said Sanitary District of Chicago, pursuant to its said authority, has constructed a channel parallel and adjacent to the Illinois and Michigan Canal from the latter's connection with the Chicago River to the said upper basin at Joliet; and

Whereas said channel of said district is of sufficient size and dimensions to accommodate not only canal-boat navigation, but also navigation of the vessels of the Great Lakes, and is completed to within a short distance of said upper basin, and will within a few months be connected with said upper basin and will then afford all the accommodation for commerce heretofore afforded by the said Illinois and Michigan Canal between said upper basin and Chicago and michigan canal between said upper basin and Chicago has been were and

whereas said channel of said Sanitary District of Chicago has been constructed by said district at an expense of nearly \$5,000,000, and forms the first section of the deep waterway from Lake Michigan to the Mississippi River; and
Whereas the State of Illinois has authorized said district, upon con-

necting its channel with the upper basin at Joliet, to cut across and destroy the Illinois and Michigan Canal between said points; and Whereas in the judgment of Congress the did right of way of said Illinois and Michigan Canal between said upper basin and said Chicago River, being adjacent to said right of way of said-sanitary district of Chicago, will be of more service and benefit to the people of that community and of the State of Illinois by being made a part of the said right of way of the sanitary district of Chicago. Therefore,

Be it enacted etc., That there be, and is hereby, granted to the State of Illinois all the rights, easements, interest, and title of every kind and nature now owned or possessed by the United States in, to, and into that portion of the Illinois and Michigan Canal, lying and situated between the upper basin, in the city of Joliet, Ill., and Lake Michigan, it being the intention of Congress by this act to give to said State a clear tile to the bed, banks, towpath, and reserved lands on either side of said canal, and to all the appurtenances and appliances appertaining and belonging to said canal, including all locks, basins, water rights, water privileges, and water power heretofore possessed and enjoyed by said canal: Provided, however. That this grant is made on the express condition that said State will, within six months after the passage of this act, grant unto the sanitary district of Chicago all the rights, titles, easements, and privileges hereby granted to it, together with all other property rights, title, interest, and easements which said State has in said portion of said Illinois and Michigan Canal, and in case of the failure of the State of Illinois to comply with the provision of this proviso by granting over to the sanitary district of Chicago, then this act to be null and void.

[First indorsement.]

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS, Washington, January 18, 1907.

1. Respectfully referred to Maj. C. S. Riché for early report.

2. If Major Riché desires to suggest any amendments, he will please indicate them on the within copy of H. R. 24271.

By command of Brigadier-General Mackenzie.

H. F. Hodges, Major, Corps of Engineers.

[Second indorsement.]

United States Engineer Office, Chicago, Ill., January 24, 1907.

Respectfully returned to the Chief of Engineers, inviting attention to my report of this date.

C. S. RICHÉ, Major, Corps of Engineers.

UNITED STATES ENGINEER OFFICE, Chicago, Ill., January 24, 1907.

Brig. Gen. A. Mackenzie, Chief of Engineers, United States Army, Washington, D. C.

Chief of Engineers, United States Army, Washington, D. C.
GENERAL: 1. In response to first indorsement, dated January 18, 1907
(C. of E. 62076), on wrapper of H. R. 24271, Fifty-ninth Congress, second session, I have the honor to submit the following:

2. This is a bill to quitclaim to the State of Illinois the right of way of part of the old Illinois and Michigan Canal, with the proviso that within six months the State transfer said right of way to the Sanitary District of Chicago. The strip of land which it is thus proposed to quitclaim is some 260 feet wide and 33 miles long and extends from the city of Jollet to a point close to the center of the city of Chicago.

from the city of Jollet to a point close to the central Chicago.

3. This right of way is valuable and could be sold to one or more railway companies for a handsome sum.

4. It follows what appears to have been an old lake outlet, is of good alignment, and is practically level for the entire distance. A single-track railway could probably be laid on each bank of the old canal with little or no grading.

5. This right of way contains some 1,040 acres, which, at \$1,000 per acre, would be worth \$1,040,000. This valuation is based upon the cost of the right of way of the Sanitary Canal through the same territory, and is not believed to be excessive, especially in view of the ease and economy with which the line could be rendered available for railway purposes.

cost of the right of way of the Sanitary Canal through the same territory, and is not believed to be excessive, especially in view of the ease and economy with which the line could be rendered available for railway purposes.

6. As recited in the preamble of the bill, the proceeds of the sale of public lands granted to the State of Illinois by the United States were used by said State in building this Illinois and Michigan Cana.

7. This canal in its day was a factor in the upbuilding of the Middle West. It has been useful in a national sense. Locally its usefulness to the State of Illinois and the city of Chicago has been very great. It has had much to do with the commercial growth of Chicago. Nor is its usefulness ended. Inadequate as it is for modern transportation requirements, it still exerts a regulating influence on freight rates on adjacent railways, and until a more efficient waterway is provided it is to the public interest that this canal be not abandoned. Such as it is, it is to-day the best waterway connecting the Great Lakes with the Mississippi and its tributaries.

8. It has not been a burden to the State of Illinois. Chief Justice Hand, of the State, and Justice Wilkin, in 1904, stated:

"The fact should not be lost sight of that the canal thus far has not been a burden to the State, and the evidence in this record does not show that it ever will be burdensome to the State. The original cost of the canal, which was approximately \$5,000,000, was paid for from the sale of lands donated to the State by the General Government for canal purposes, with the express understanding that the canal should be forever maintained by the State. From the time of its construction to the time of the filing of this bill the canal had earned more than \$6,500,000, and there now remains in the State treasury, after paying all its expenses and after refunding to the State all moneys appropriated for the use, the sum of \$338,695.76." (Burke v. Snively et al., Supreme Court of Illinois, 1904; Ill. Repts., Vol. 208; Phil

of Illinois nor to the Sanitary District of Chicago, which is a creation of the State of Illinois.

11. The preamble of the within bill implies that the main purpose of the channel, created at an expense of nearly \$50,000,000 by the Sanitary District of Chicago, has been to form the first section of a deep waterway from Lake Michigan to the Mississippi River.

12. For this implied reason, and to aid the Sanitary District in bearing this implied burden, the enactment of the bill appears to be sought.

13. If the channel created by the Sanitary District were actually a burden to the people within the limits of that district, it might be proper policy, in view of its possibilities as a link in a waterway of such national importance, for the people of the United States at large to help these people bear the burden in so far as this bill proposes.

be proper policy, in view of its possibilities as a link in a waterway of such national importance, for the people of the United States at large to help these people bear the burden in so far as this bill proposes.

14. But I am of the opinion that this channel has not been a burden to the people in the Sanitary District, and that, in means of sewage disposal, in the acquirement of sites for factories, in the accumulation of broken rock which can be sold for construction purposes, and last but not least, in the development of a great water power at or near Lockport, these people have had a return of more than dollar for dollar from the money expended by the district in its great work, and this irrespective of the possibilities of the channel as a line in a deep waterway from Lake Michigan to the Mississippi River.

15. I am of opinion that such a waterway should be built; I believe that it will be built. Its building may be postponed, but can not be prevented. Its depth and the size of its locks are matters that are of an efficient waterway connecting the Great Lakes with the internal navigation system, composed of the Mississippi and its tributaries, are too important to be much longer neglected.

16. As the national interest in such a waterway is large, it should preferably be built by the United States. In any event it should befree from tolls.

17. But if the United States is to build such a waterway, the United States should have ownership and control of everything that properly goes with it, and by this is meant specifically the right of way of the Illinois and Michigan Canai when the latter becomes no longer needed for navigation purposes, and also the water power below Lockport that would be developed by the construction of this waterway.

18. With regard to this water power I beg to invite attention to my third indorsement of the 2d instant on Governor Deneen's letter of the 19th ultimo (58726/21). To the presentation therein made I will add that in the governor's annual message to the general assembly

Committee on Interstate and Foreign Commerce, as estimates, reports, etc., regarding this waterway have been referred to the Committee on Rivers and Harbors.)

22. As the matter stands, the United States is being asked to build this waterway at an expense of some \$31,000,000, in order that the State of Illinois may not only secure the great benefits that will legitimately come to it from the resulting increase in means of economical transportation, but also that the State of Illinois may secure an additional income of \$3,000,000 a year from the water power thus incidentally developed by the United States.

23. In addition, the United States, which has borne the burden of the Illinois and Michigan Canal in the past, is now being asked to quit-claim to the State the valuable right of way of this canal, as it becomes no longer necessary for navigation.

24. The proposition seems jug handled. If the State of Illinois is to build the waterway, the power developed and the right of way of this old canal should go to the State. Otherwise, not.

25. While it may seem to the immediate and narrow interest of the State that the United States should be committed to the building of this waterway, and that meanwhile the State should appropriate to itself all avallable assets that should properly go with the waterway, I can not but believe that in the larger sense it would be to the States ultimate interest to lend itself to an equitable adjustment of these matters. The great State of Illinois can afford to do the square thing in a matter of such local and national importance.

26. The legitimate local benefits to the State of Illinois and to Chicago resulting from the building of this waterway will be enormous not alone in relieving bottom lands from overflow, as pointed out by the governor, but also in reduced transportation charges and in increased transportation facilities. If the States the valuable right of way of the old Illinois and Michigan Canal, and would aid the United States in securing rights to the power that wo

passed.

28. If. however, the pressure for its passage be too strong to be resisted, then I am of opinion that the provision of the act of March 2, 1827, applicable to the Illinois and Michigan Canal should be made applicable to the channel created by the Sanitary District of Chicago, to

wit:
"That it shall be and forever remain a public highway for the use

of the Government of the United States, free from any toll or other charge whatever, for any property of the United States or persons in their service passing through the same."

Very respectfully, your obedient servant,

C. S. RICHÉ, Major, Corps of Engineers.

Now, the State of New York has built, or is building, without calling on the National Government, a barge canal, which will ' great benefit to the whole country, at a cost of \$101,-000,000. A canal is projected from Lake Erie to the Ohio River, which private enterprise proposes to build. The terminus of it was erroneously given as at Cleveland, but it is, in fact, 54 miles east of Cleveland. Now, there is the strongest ground of them all in this case for construction by a State or other agency, because there is right in sight, created by it, water power which, according to the estimate of the governor of the great Commonwealth of Illinois, is worth \$3,000,000 a year. Shall we go on blindly and appropriate \$31,000,000 here? Why, gentlemen, the folly of such action would bring upon us condemnation for our carelessness and our wastefulness, and we could not stay that condemnation or relieve ourselves from the blame which would rest upon us.

See how easy it would be to build this to St. Louis and say then: "Oh, we don't care about the rest of it down to the Gulf. We have got what we want. We have not only the waterway, but we have our water power." So we should find out what it is going to cost and whether it should be undertaken in its entirety, and we should, again, as guardians of the public treasury and the public weal, refuse, and refuse peremptorily and decidedly, to make a gift such as will be made by the passing of this amendment and the adoption of

this waterway

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman has eloquently stated his side of this case. He is an expert at stating propositions coming from his committee. He says there is great danger that some-body will be benefited by the creation of 120,000 horsepower of water power if this waterway is constructed by the Federal Government. If there should be any water power created by the construction of the waterway, personally I feel that it should belong to the Federal Government if it constructs the waterway. If by any chance the waterway can be constructed more economically by the creation of water power, then there should be no objection to the creation of water power in the construction of the waterway.

The agitation of which the gentleman speaks is widespread and disinterested. This agitation is not only from the people of the State of Illinois, but from every other State bordering upon the Mississippi Valley. We make no apology because the legislature of Illinois passed resolutions requesting an appropriation for this great president. We halfer that the legislature of the great president we have a supervisor of the great president. propriation for this great project. We believe that the legislature of Illinois, in its official capacity, had the right to voice the sentiment of the people who give it power. No question has ever been raised by any one who advocated this project about any charge to be made for tolls. It would undoubtedly be a channel in which free transportation would be allowed. It would be under the jurisdiction of the Federal Government, and the Federal Government, as I understand it, allows no charge for toll on any waterway which it controls. The people of the Middle West feel, notwithstanding the fear expressed by the distinguished chairman of the Committee on Rivers and Harbors, that the creation of this waterway is not only wise, but that it is a good business proposition for the nation.

And I do not agree with the gentleman when he says that we would not be conserving the rights of the people of the nation should we vote for the expenditure provided in this amendment. We believe that the Federal Government owes it as one of its paramount duties to the people of the nation to expend the money to create the necessary facilities for the movement of the nation's products at the cheapest possible cost, and we believe, too, that in the creation of this waterway and the expenditure of the money proposed in this amendment that the Government would be doing one of the most beneficial things, not only for the commerce of the nation but for the development of the agricultural, mining, and manufacturing interests of the great Mississippi Valley

Mr. LORIMER. Mr. Chairman, I move to strike out the last two words.

Mr. MADDEN. I withdraw the pro forms amendment. The CHAIRMAN. The gentleman from Illinois withdraws the pro forma amendment, and the gentleman from Illinois . LOBIMER] moves to strike out the last two words.

Mr. LORIMER. Mr. Chairman, I have no objections to men differing with me in opinion as to whether or not the projects proposed to Congress are good or bad, and I do not impugn the

motives of the gentlemen who oppose the 14-foot channel from Chicago to the Gulf of Mexico, nor do I regard it as fair to the men who are now advocating this project that the chairman of the committee should insinuate to this Congress that when the waterway is constructed from Chicago to St. Zous Wilson St. Louis will say to the people of the lower Mississippi, "We St. Louis will say to the people of the lower Mississippi, "We St. Louis will say to the people of the lower Mississippi, "We St. Louis will say to the people of the lower Mississippi, "We start the people of the lower Mississippi, "The waterway is constructed from Chicago to St. Louis, Chicago and have got what we want; now you look out for yourselves. people in Chicago (the city which I have the honor, in part, to represent) and the people in Illinois are not discussing a waterway from St. Louis to Chicago; the only voice that is heard in reference to this project is a 14-foot channel from the Great Lakes to the Gulf of Mexico, and when they make this statement, Mr. Chairman, they are just as sincere as any gentleman in this House who makes a statement and claims to express his

true sentiments or the sentiments of the people he represents.

Now, with reference to whether or not this shall be a toll There is every reason why the people of Illinois should want a free waterway. Just a short distance from the city of Chicago, not over 60 miles, and running down through the valley, almost to the Mississippi, are found the most magnificent coal fields upon the face of the earth. By establishing this waterway iron ore and coal can be assembled in the Illinois Valley more cheaply than they can be assembled in any other part of this country, and not only can they be assembled in the Illinois Valley more cheaply than they can be assembled elsewhere, but they can be assembled in the Mississippi Valley. Ships may go down through the Illinois into the Mississippi, down the Mississipi and turn at Cairo, back all the way up to the city of Pitts-burg, on the Ohio, and thus assemble iron ore and coal in the magnificent coal fields of Pennsylvania more cheaply than they can be assembled in that State to-day. Our people, looking to the progress and prosperity of their State and to the advancement of the people of our State, are not thinking of impeding the commerce of this waterway by placing a tariff upon the boats that may traverse this great channel. There is no thought of a toll upon this waterway, in so far as the people of the State of Illinois are concerned, and it is within the power of the Congress of the United States now and here, to-day, in making the appropriation, to provide that all the water power below the city of Joliet shall go to the Government of the United States when it begins or completes the construction of this waterway.

The time of the gentleman has expired. The CHAIRMAN. Mr. BURTON of Ohio. Mr. Chairman, I will only take time to correct one statement made just now. I think the gentleman was perhaps unduly sensitive in regard to any remarks I made about abandoning the plan from St. Louis to the Gulf. I made no aspersion upon him. It is often the agitation that is heard, and it was in connection with the agitation that I spoke.

The gentleman is in error about the plain business and legal proposition of our ability to provide that this water power shall belong to the United States. The water-power privilege is an incident belonging to the abutting owner of the property, and we could frame no provision in this bill, or in any bill, which would reserve the right to the United States. It means, if you pass this amendment, to confer a gift, estimated by the governor of Illinois at \$3,000,000 per annum, on some one, and that some one is not the United States.

Mr. MADDEN. Do you admit that the improvement of the Ohio River created water power?

Mr. BURTON of Ohio. Not of any great importance.

Mr. MADDEN. Who does that belong to?

Mr. BURTON of Ohio (continuing). It is nothing such as you are contemplating. The structures in the Ohio are movable dams and in high water are let down. I ask for a vote.

Mr. SNAPP. Mr. Chairman, I ask unanimous consent to address the House for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the House for three minutes. [After a pause.] The Chair hears none. objection?

Mr. SNAPP. I desire to correct any impression that the chairman of this committee may have produced upon this House in regard to this water power, and I take it that every member of this committee understands that these statements are made for the purpose of prejudicing this House against this enterprise. I am not content to sit here in silence and permit this thing to Let me call the attention of this committee to the fact that the sanitary district channel, 30 miles long, terminates at Lockport, where the great fall in the Des Plaines River begins.

From there to the mouth of the Kankakee River the fall is 75 feet, and every member of this committee will understand, without the statement of the chairman or of any engineers, that this falling water between those points necessarily creates water power, and that water power, if properly developed, will, as has been said by the chairman, be of enormous value. let me call your attention to these facts: The Sanitary District

of Chicago has spent \$75,000,000, or will have spent that when this project is completed, toward the development of this waterway and the incidental development of this water power. vate parties also interested in this river are about, as I said in my remarks the other day, to expend several million dollars to develop this water power from the end of the Sanitary District Canal—20 miles—to the Kankakee River. That development will produce a navigable waterway 14 feet deep from Lake Michigan to the Kankakee River.

The estimated cost of the extension of this channel from the Sanitary District Canal to the Kankakee River is only \$7,800,000. The Sanitary District of Chicago and private parties will develop within the next two years that entire stretch, costing something like \$3,500,000. All that the Government is asked to spend to extend this channel from the end of the Chicago Ship Canal to the Kankakee River, the end of the possible development in this water-power enterprise, is about \$3,500,000. Will anybody contend that the Sanitary District of Chicago and the people of Illinois, who have spent and are about to spend \$75,000,000, three-quarters of the entire expense of this waterway from Chicago to St. Louis, should not have the benefit of this great expenditure and the value of the water power that they create?

The development of this power is incidental to the development of the waterway. The waterway can not be developed without developing this power, and the people of the State of Illinois, I say, have contributed or will contribute \$75,000,000 to this project. Without the water power there can be no waterway, because anyone can understand, without the help of engineering experts, that the waterway can not be built unless the water is allowed to fall downhill, thereby creating the power.

The State of Illinois has been sincere in this matter. The people of Chicago have been sincere. At an expense of \$75,000,-000 to them, they offer to this country an almost completed There is no water power in the river below the Kanproject. kakee, where most of the money we want must be spent. Will anybody, in good faith, contend for a moment that the people of the State of Illinois should abandon this water power, even to the General Government, when they only ask this Government to contribute \$25,000,000 to complete a \$100,000,000 project?

I say that the statement was made in order to appeal to the prejudice of this House. I want to appeal to your reason. Is there a man here in this House who will contend that, after this enormous expenditure by the State of Illinois, they should be requested to turn over to the General Government or to anybody the water power created incidental to this waterway? [Applause,]

Mr. BURTON of Ohio. Mr. Chairman—
The CHAIRMAN. If there be no objection, the gentleman from Ohio will be recognized.

Mr. BURTON of Ohio. I should not have said a word, except that the gentleman from Illinois [Mr. SNAPP] has stated that I have been seeking to prejudice the House. That is an accusation so common, though usually made outside of these walls, that I think I ought to give it a passing reference. I take it to be the duty of a Member of this body, when the interests of the United States are involved, to state here the facts as he knows them, to make such arguments from those facts as are necessary and proper, and I propose to make such statements of facts and arguments-you may call it prejudice or whatever you please.

I should certainly have been lacking in my duty to this House if, after this long discussion by the advocates of the waterway, I had let this vital fact go unknown. I have not said that the gentlemen were unfair. The most I would say in regard to them would be that they are not gifted in the diffusion of that essential information which is necessary to a full understanding of the subject under discussion. [Laughter.] certainly have not told you all the facts in regard to this proposition. Is it not a little unfortunate for the advocates of this waterway that the statement has just been made that it needs only a few million dollars to build this waterway over the section where water power is developed? The first proposition that was made to us was to appropriate just about the amount that the gentleman from Illinois has said is necessary to utilize the section in which this water power is. I do not accuse him or any of these gentlemen, but why was the proposition brought in to expend \$5,000,000 when it is just the amount required, not to create the waterway, not to create a waterway even to St. Louis, but to create one which will utilize this very valuable water power of which mention has been made? Chairman, I move that debate on the paragraph be now closed.

Mr. MADDEN. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Ohio has moved to close debate on the paragraph and all amendments thereto.

Mr. MADDEN. I wish to say this, with the permission of the Chairman. [Cries of "Regular order!" "Regular order!"] Mr. MADDEN. Mr. Chairman, I think it is only fair

Mr. BURTON of Ohio. I think, Mr. Chairman, that, as far as I am concerned, I will not press the motion, because I want a full and free discussion. I want to state that it is generally understood that the chairman or the person in charge of the bill shall have the closing of the debate. Gentlemen seem to feel extreme anxiety to have the last word of this discussion, an anxiety which is not in accord with the most orderly methods of discussion.

Mr. KEIFER. Mr. Chairman, I do not want to get into this controversy, but I want to ask this question of the chairman: I understood the gentleman to say that the Federal Government could not, in acquiring the right of this waterway through the canal, acquire the water power?

Mr. BURTON of Ohio. Unless, of course, they condemn all the land at the sides, and I know of no authority to do that.

Mr. KEIFER. The gentleman does not mean to say that they would have to condemn all the land at the sides to do that, because in the State of Ohio we have water for the canal and the water power when leased all the time. In the condemnation proceedings you condemn all the adjacent proprietary rights that would include the power.

Mr. BURTON of Ohio. I take it that a general statute might be framed that would give the United States Government control of the water power, but the error of my colleague lies in this: The original act under which the Ohio Canal was con-structed gave to the State the absolute fee-simple title in the lands upon which the canal is located and about it, and gave it such a title that they could sell a portion of the canal itself for a blacksmith's shop if they wanted to. Then, again, I question whether the Federal Government would want to go into such an Now, Mr. Chairenterprise as that merely for a water power. man, I desire that the motion for closing debate be pending. I move that all debate on the pending paragraph and amendments thereto close in ten minutes. How much time does the gentleman from Illinois [Mr. LORIMER] desire?

Mr. LORIMER. Two minutes. Mr. BURTON of Ohio. How much time does the gentleman from Illinois, his colleague [Mr. Madden], desire?

Mr. MADDEN. Five minutes.

The CHAIRMAN. The gentleman from Ohio moves that all debate on the paragraph and amendments thereto be closed in

The question was taken; and the motion was agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I understand that two minutes of that time will be consumed by the gentleman from Illinois [Mr. LORIMER] and five minutes by the gentleman from

Illinois [Mr. Madden].

The CHAIRMAN. That can be done by unanimous consent. Is there objection?

There was no objection.

Mr. LORIMER. Mr. Chairman, I have no desire to prevent the chairman of the committee from having the closing words in this argument, but I want to call attention to the fact that more than 100,000 horsepower can be developed along the Des Plaines To my suggestion that we might appropriate and provide that the water power accrue to the Government, the chairman responded that legal propositions would then intervene. I am not a lawyer and I do not know whether that is so or not, but if it is true, and lawyers know whether it is true or not, the property owners along the bank of the river have control of the power and the State has no control at all.

I can not for the life of me understand how either Congress or the State can compel people owning rights along the river to or the State can comper people owing rights along the river to relinquish them either to the State or to the Federal Government, and if that is true, then, Mr. Chairman, there was no excuse for interjecting that proposition into this argument. As to whether or not \$5,000,000 was requested in order to develop water power I wish just to make this statement: It will cost somewhere in the neighborhood of \$1,200,000 to build the first lock at the Chicago Drainage Canal 80 feet wide and long enough to receive a ship 600 feet over all. During my absence and I represented the sentiments of the Illinois delegation when made this request-I requested the committee, through its chairman, to appropriate not \$5,000,000 to carry this waterway down to a point where water power could be developed, but to appropriate \$1,200,000 to build the first lock.

It was understood by every member of the Illinois delegation that discussed this matter before we adjourned for the holidays that money enough was to be requested to build the first lock and to make the survey between St. Louis and Cairo. So

there was no thought in the mind of any member of the Illinois delegation of getting money enough to create a water power below the city of Joliet. The chairman of the committee re-ceived my telegram, and he knew, if he knew anything, that the request represented the sentiments of myself at least, and I say to the House that it represents the wishes of the Illinois delegation.

Mr. MADDEN. Mr. Chairman, the distinguished geutleman from Ohio [Mr. Burron], the chairman of the Committee on Rivers and Harbors, has made a statement that this amendment seeks to secure just enough money from the Federal Treasury to build such water power as can be created by its expenditure without reference to the construction of a naviga-

Mr. BURTON of Ohio. If the gentleman will just excuse a moment's interruption, I desire to say that I stated that as it was first presented it was that. The amendment at present

provides for the whole amount.

Mr. MADDEN. Personally I consider that the statement of the gentleman impugns the motives of the introducer of this amendment. The gentleman from Ohio says that we have been covering up the information which ought to have been given to the House, and in reply to that statement I wish to read from a speech made by my colleague [Mr. Snapp] on the 31st of January of this year. It is published on page 2044 of the Record, and it reads as follows:

The estimated cost from Lockport to the mouth of the Des Plaines River is \$7,822,000, more than half of which will be saved to the Government by the extension of the channel of the Chicago ship canal to Joliet, and the development of the water-power rights from Lockport to the Kankakee River by the construction of dams, equally necessary in the development of the waterway. It can be safely stated, therefore, that the cost of the entire project will not exceed over \$26,000,000 to \$28,000,000.

Now, I wish to submit to the consideration of the House whether the Members of this House from the State of Illinois have endeavored by any sort of subterfuge to secure this appro-The only thing we desire is the advancement of the interest of the commerce of the nation and the development of facilities by which the products of the Mississippi Valley can be moved more cheaply than they are moved now, and incidentally and forever to create the means by which the freight rates throughout the country may be reduced to a proper figure. I submit, Mr. Chairman, that the statement of the distinguished chairman of the Committee on Rivers and Harbors was not only unfair, but misleading.

Mr. BURTON of Ohio. Mr. Chairman, I yield the balance of

my time and ask for a vote.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Illinois will be withdrawn, without objection; and the question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. Madden].

The question was taken; and on a division (demanded by Mr. Madden) there were—ayes 43, noes 145.

So the amendment was rejected. The Clerk began reading.

Mr. BURTON of Ohio. One moment, Mr. Chairman. I desire to ask unanimous consent to postpone, without prejudice, until the completion of the reading of section 1 two items here—"Improving Chicago River, Illinois," and "Improving Calumet River, Illinois and Indiana."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the two paragraphs to which he has referred may be passed without prejudice until the reading of section 1 is Is there objection? [After a pause.] The Chair completed. hears none.

The Clerk read as follows:

Improving Illinois River, Illinois: Continuing improvement and for maintenance, \$50,000, of which amount such portion as may be necessary may be expended for snagging and maintenance: Provided, That the annual appropriation for operating snag boats on the upper Mississippi River, made by section 7 of the act of August 11, 1898, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," is hereby made available for similar purposes on the Illinois River, from its mouth to Copperas Creek.

Mr. BURTON of Ohio. Mr. Chairman, I desire to introduce an amendment

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 69 strike out the word "ninety-eight," in line 16, and insert in lieu thereof the word "eighty-eight."

The question was taken; and the amendment was agreed to. Mr. LORIMER. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

FOX RIVER, ILL.

Permission is hereby given to the Fox River Navigable Water Way Association to construct a dam across said river at or about 14,600 feet below the highway bridge at McHenry, in McHenry County, Ill.: Provided, however, That the right is hereby reserved to after, change, amend, or repeal this provision at the pleasure of Congress: And provided further, That nothing contained in this paragraph shall be construed as relieving the Fox River Navigable Water Way Association from liability for any damage inflicted upon private property by reason of the construction of the dam as aforesaid.

The permission granted to the Fox River Navigable Water Way Association under river and harbor act approved June 13, 1902, to construct a dam across said river in the northwest quarter of section 36, in township 45, in range 8 east of the third principal meridian, same being about 3,000 feet below the highway bridge at McHenry, in McHenry County, Ill., is hereby repealed.

Mr. BURTON of Ohio. Mr. Chairman, I will state I have

Mr. BURTON of Ohio. Mr. Chairman, I will state I have no objection to the amendment. As I understand, it is a mere change in the location of a dam, provision for which was made in the act of 1902.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

The Secretary of War is authorized to permit the Sterling Hydraulic Company, of Sterling, Ill., to erect, own, and operate a power station in connection with the dam built or to be built by the United States in Rock River at or near Sterling, Ill., in connection with the construction of the Illinois and Mississippi Canal: Provided, That the location and plans of said power station shall be subject to the approval of the Secretary of War: Provided further, That the navigation of Rock River and of the Illinois and Mississippi Canal and the operation and maintenance of said dam shall be in no way obstructed thereby: And provided further, That prior to the issue of said permit the Sterling Hydraulic Company shall waive any and all claims that it may have against the United States by reason of the construction, operation, and maintenance of the Illinois and Mississippi Canal, except such claims as it may have for the abstraction from Rock River of more than 300 cubic feet of water per second when the flow of Rock River immediately above is less than 1,000 cubic feet of water per second.

Mr. MACON. Mr. Chairman. I move to strike out the last

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a

question.

The CHAIRMAN. The gentleman from Arkansas moves to

strike out the last word.

Mr. MACON. Mr. Chairman, I desire to ask the chairman of the committee if in making the appropriation for the improvement of the Mississippi River which appears in the next paragraph it was contemplated that any part of it was to be used for the construction of a levee north of the St. Francis levee district, covering the lowland between that point and the highlands at or near Cape Girardeau, Mo.

Mr. BURTON of Ohio. It does not as framed. I have no objection to the amendment. The statute passed by the last session of this Congress extended the jurisdiction up to Cape

Girardeau.

Mr. MACON. That is the place I want a levee constructed to, so as to prevent the water from the river from passing through the lowlands just mentioned and running down behind the St. Francis levee into the basin in Arkansas and flooding much of our land that would not be overflowed at every high water if this levee was constructed.

Mr. BURTON of Ohio. By the time that paragraph is completed we will have an opportunity to take that up, or has the

gentleman an amendment which he proposes to offer?

Mr. MACON. I will offer an amendment then; yes, sir. Mr. BURTON of Ohio. I want to call the attention of the Chair to an error in regard to the two paragraphs which were postponed until the end of the reading of section 1. I am informed that the error is already corrected, so I will withdraw the request. I thought the two paragraphs were erroneously Now I will ask the Clerk to continue the reading placed.

The CHAIRMAN. The gentleman from Arkansas still has

Mr. MACON. Mr. Chairman, I withdraw my pro forma amendment

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

The Clerk read as follows:

Improving Mississippi River, from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, official, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, \$3,000,000, which shall be expended under the direction of the Secretary of War in accordance with the plans, specifications and recommendations of the Mississippi River Commission as approved by the Chief of Engineers for the general improvement of the river, for the building of levees, and for surveys, including the survey from the Head of the Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: Provided, That on and after the passage of this act the Secretary of War may enter into additional contracts for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$6,000,000, exclusive of the amounts herein and heretofore appropriated: Provided further, That the authorized sum last named shall be used in prosecuting the

improvement for not less than three years, beginning July 1, 1908, the work thus done each year to cost approximately \$2,000,000: And provided further. That the money hereby appropriated and authorized to be expended, in pursuance of contracts or otherwise, or so much thereof as may be necessary, shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same, with the view of ultimately obtaining and maintaining a navigable channel from Cairo down not less than 250 feet in width and 9 feet in depth at all periods of the year, except when navigation is closed by ice: And provided further, That the water courses connected with said river, and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, may, in the discretion of said Commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amounts herein appropriated or authorized.

Mr. MACON, Mr. Chairman, I desire to offer an amend-

Mr. MACON. Mr. Chairman, I desire to offer an amend-

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

That any funds herein appropriated for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of the Passes and Cape Girardeau, Mo.

Mr. BURTON of Ohio. I think a very much briefer amendment will cover the case. I will ask if the gentleman from Arkansas will be satisfied with this amendment:

Insert, on page 70, after the word "levees," in line 24, the following: Between the Head of the Passes and Cape Girardeau, Mo."

Another thing. I would like to hear from the gentlemen who represent the lower Mississippi if they desire to be heard in regard to this.

Mr. MACON. Mr. Chairman, I will accept that in lieu of the

other amendment.

Mr. HUMPHREYS of Mississippi rose.

Mr. BURTON of Ohio. Does the gentleman from Mississippi desire to be heard on this?

Mr. HUMPHREYS of Mississippi. Not on this particular amendment.

Mr. MACON. Mr. Chairman, I withdraw my amendment and accept the one offered by the gentleman from Ohio.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Arkansas [Mr. Macon] will be considered as withdrawn. The gentleman from Ohio [Mr. Burton] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 70, line 24, after the word "levees," insert: "Between the Head of the Passes and Cape Girardeau, Missouri."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to.
Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would
like to be heard on this paragraph for a few minutes.
Mr. BURTON of Ohio. Does the gentleman from Mississippi

object to the amendment?

Mr. HUMPHREYS of Mississippi. No; not at all. I simply desire to make a few observations on the paragraph as amended. I think the amendment a very proper one. There is an increase carried in the paragraph for the lower Mississippi for the ensuing year, the amount, as you will observe, being \$3,000,000 instead of \$2,000,000, which is usually provided. While the wording of the paragraph is identical with that heretofore employed, it is the intention of the Mississippi River Commission to spend this extra million in the further prosecution of bank revetment

The policy of revetting the banks, primarily to prevent levee lines from caving into the river, has not been favored by the commission. This policy, in fact, was definitely rejected a number of years ago, and a resolution to that effect was formally adopted by the commission. Time and experience, however, have convinced the engineers that a hard and fast rule could not be adhered to, and there has been of late some relaxation. is not the intention of the commission now to embark upon the general policy of revetting the banks of the entire Mississippi, nor is it the desire or expectation of this committee that this appropriation be expended to that end. There is, however, a middle ground to which events have forced the advocates of both extremes, and this extra million will be expended in furtherance of this resultant plan.

The Government has spent a good deal of money in the building of levees on the lower Mississippi. We have proceeded upon the thought that the riparian owners of the overflowed lands, which were thus protected from devastating floods, would contribute in fair proportion to the expense of the work. This has been done in the particular district which I represent. We have,

under State law, organized taxing districts for the purpose, and in the past twenty-five years we have paid into our levee boards more than \$15,000,000. During the same period the Government has expended less than \$10,000,000 along the same reach of the Of course when we began the building of levees after the series of destructive floods of 1882, 1883, and 1884 we did not realize the tremendous proportions of the system we were to undertake. If we had known then what the ultimate grade and section would have to be, perhaps there would have been more shrinking from the task which has since proven herculean in-deed. To get an idea of our situation, let me relate an incident: In the lower Yazoo district, which has a frontage along the river of 189 miles, after paying the most burgensome taxes for thirteen years, and each high water demonstrating that the levees must be built still higher, we cast up accounts immediately after the flood of 1897, and ascertained then that we had approximately 20,000,000 yards of dirt in the levee line. It was painfully apparent, however, that we were not out of the woods, and as the levees grew higher the cost of dumping a yard of dirt on top of them likewise grew higher. When that flood subsided we went at it again, and in the next six years we put another 20,000,000 yards of dirt on them. In other words, we did in the next six years as much as we had done in the previous thirteen. Then the flood of 1903 came—in many respects the biggest of them all-and when it had come and gone with its lessons our engineer made another report in which he announced that it could be fairly accurately told then what the ultimate grade and section would have to be, and that estimate was that still another 20,000,000 yards would be required. That was an appalling announcement, Mr. Chairman, and one that would have broken the spirit of a people less determined. More than 60 per cent of all our taxes had gone into those levees for twenty years, and still the end seemed no nearer than before. There was no high-sounding motto of Nulla Vestigia Retrorsum on our arms for the very practical and prosy reason that ours battle of shovels, not shields. But the situation was full of ominous meaning, and we knew our only pathway lay in front of us. The legislature authorized us to issue a million more bonds, which we did at once.

As I have said before, Mr. Chairman, we have proceeded upon the theory of contributions by local interests in the building of our levees, and this particular district has certainly kept the We have contributed more, in fact, than our just share. Few people had ever taxed themselves as we had for the conquests of peace, and we had found that her victories were not only no less renowned than war's, but were also hardly less

At this juncture, Mr. Chairman, it developed that the Mississippi River, pursuant to its own sweet and fickle will, had begun to cave its banks to such an extent that the levee at begin to cave its banks to such an extent that the levee at Longwood was about to go into the river. This was one of the largest sections in the entire line of the system, and if it were lost, a new line would have to be built at a cost, including rights of way, of \$750,000. As I remarked a moment ago, in the matter of local participation we had done our part. We had kept the faith; we had fought the good fight; but, Mr. Chairmen, we had also as regards our ability therein we had Chairman, we had also, as regards our ability to raise money, finished the course. There was but one alternative, and that was to induce the Mississippi River Commission to revet the banks and stop the caving. And this was contrary to their declared purpose and in violation of their expressed opinion as to the proper treatment of the river. Our engineers went before them, however, and pitted our condition against their theory, and being wise men, the Commission subjected their theory to the force of this ponderous fact and made the allotment, and the levee was saved.

Mr. SHACKLEFORD. What did it cost the Government to put in this revetment work you speak of to save the Longwood

Mr. HUMPHREYS of Mississippi. It cost a little more than

Mr. SHACKLEFORD. Has there ever been any estimate by the engineers of the cost of revetting the banks on a large scale so as to preserve the regimen of the river and also to protect your levee lines?

Mr. HUMPHREYS of Mississippi. There have been numerous estimates. Mr. Nolty, who is an engineer of considerable learning and experience, has estimated that the cost of revetment, including cost of plant, administration, and engineering ment, including cost of plant, administration, and engineering charges—in fact, everything—will be \$200,000 a mile. He says, also, that there are 500 miles of caving bank between Cairo and the mouth of Red River. In other words, that it would cost \$100,000,000 to revet all the caving banks along that reach of the river, which is about the only part of the river where there is any considerable caving. It is the opinion of our en-

gineers, however, that it would not be necessary to revet more than one-half of the caving banks; in other words, not more than 250 miles. And it is also their opinion, and in this Mr. Nolty concurs, that if the work were done on a large scale that is, if the Government should go at it in a businesslike way-the cost per mile could be cut almost, if not quite, in half, so that the revetment, instead of costing \$100,000,000, would probably cost not more than \$25,000,000.

Of course, the protection of levees is not the only-in fact, is not the principal object in view in doing this revetment work. It is very necessary, in the first place, to prevent the bends from being cut off. I think all the engineers are agreed on this, because you can readily see what disastrous consequences would follow in the wake of a cut-off where the bend, let us suppose, is 15 miles around and only 1 mile across. fall in the river is about 6 inches to the mile, and when the cut-off is made we would therefore have a fall of $7\frac{1}{2}$ feet in 1 mile. This would upset existing conditions for 40 or 50 miles above and below the cut-off, and, in addition, experience has demonstrated that this shortening of the river would be only It would at once begin to eat into the opposite shore, and in a very few years it would restore the length lost by the cut-off. The amount of silt dumped into the river by reason of these caving banks is astounding. In an article written by Chief Engineer West, of the Mississippi Levee Board, he says that in his district alone, embracing only one side of the river for a distance of 189 miles, "67 square miles of land, most of which was highly improved, have been abandoned by the retirement of the levee line from caving banks since 1882. and but for the limited revetment that has been done this would have been considerably more." Assuming that an equal amount of caving occurs on both sides along this reach of the river, enough land is caved in in this 189 miles annually to fill the river to the level of its banks for a distance of 12 miles. While on this point I will read another passage from Mr. Nolty. He says.

If the revetment work is systematically prosecuted, there will eventually be such a small amount of sediment carried out that the necessity of dredging in the pass and seaward extension of the jetties will be removed.

But let me return, Mr. Chairman, to the Longwood levee. Since this allotment was made by the Commission, they have made others for similar purposes. It is intended to relax still further the old rule, and this additional \$1,000,000 which this

paragraph carries will be expended in that way.

In the annual report of C. H. West, chief engineer of this levee district, he makes this startling statement:

Since 1882 there have been 172 miles of levee abandoned, or 91 per cent of the total length of the controlling line.

During the three years since the high water of 1903 there have been 31.45 miles of levee abandoned, or nearly 17 per cent of the total length of the controlling line.

As the levee grows in volume the loss per mile from caving banks becomes more and more serious, and if the same rate continues the time will soon come when the annual revenues will not be sufficient to build the new levees required to replace those that cave into the river.

There is no more competent authority than this officer. man understands the problem of this great river more thoroughly than he and no man has brought to its study more patriotic zeal or more intelligent energy, and I quote his opinion therefore with some degree of assurance.

I believe, Mr. Chairman, that this appropriation marks the beginning of the end of what at some times in the past has appeared to be an endless, if not a hopeless, fight.

The upper Yazoo district has demonstrated beyond cavil the possibility of holding the Mississippi River within its channel in flood time. It has withstood all the floods of recent years, and if the Federal Government will see to it that the levee lines as they are to-day will not be permitted to cave into the river the problem there is solved. What is there accomplished is simply a demonstration of what can be done everywhere.

We have proceeded thus far, Mr. Chairman, on the theory that there was a dual responsibility along the lower Mississippi. That it was as much the duty of the Federal Government to improve the navigation of its rivers by building levees which incidentally protect the property of the riparian owners as it was the duty of the riparian owners to build levees to protect their property which incidentally improve the navigation of the rivers. The burden, therefore, has been borne by both.

Right here let me read again from Mr. West's report:

But for the enormous loss of levee due to the extensive caving of the river banks the entire levee line would by now be as high and strong as it is estimated it will ever have to be to control the highest floods that may be expected.

When we remember that this revetment work is permanentengineers estimate that a mattress properly placed will last one hundred years-and that but for caving banks the levees would

likewise be permanent, I say, when we recall these facts, I believe we can at last see the light breaking in the east, the light which I confidently believe will usher in the day wherein shall be seen the consummation of our hearts' desire, the subjection of the world's greatest and most unruly water course to the will and the purposes of man.

The Clerk read as follows:

The Clerk read as follows:

Improving the Mississippl River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement, \$250,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$750,000, exclusive of the amounts herein and heretofore appropriated: Provided further, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years, beginning July 1, 1908, the work thus done each year to cost approximately \$250,000: And provided further, That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the improvement, and in temporary expedients of channel regulation connected with such operation, and in the maintenance and repair of the permanent works already constructed, except that such portion of the authorized annual expenditure as shall not be necessary for the accomplishment of the above-named purposes may be expended in the construction of permanent works of channel regulation. Mr. BARTHOLDT. Mr. Chairman, I desire to offer an

Mr. BARTHOLDT. Mr. Chairman, I desire to offer an

amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri [Mr. Bar-THOLDT] offers an amendment, which the Clerk will report. The Clerk read as follows:

Thold offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 72. line 9, after the word "improvement," strike out "two hundred and fifty thousand" and insert "one million."

In line 14, after the word "aggregate," strike out the words "seven hundred and fifty "and insert "three million."

Lines 19 and 20, after the word "approximately," strike out "two hundred and fifty thousand" and insert "one million."

Lines 24 and 25, after the word "and," strike out the words "in temporary expedience of." and insert "in permanent;" and after the word "regulation" strike out "connected with such operation."

On page 73, line 1, after the word "constructed," strike out "except that" and also lines 2, 3, and 4 and insert the words "and in further improvement of the river in accordance with the plans of the Engineering Corps of the War Department of 1881;" so that the paragraph will read:

"Improving the Mississippi River from the mouth of the Ohlo River to and including the mouth of the Missouri River: Continuing improvement, \$1,000,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$3,000,000, exclusive of the amounts herein and heretofore appropriated: Provided further, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July 1, 1908, the work thus done each year to cost approximately \$1,000,000: And provided further, That the sums herein appropriated and authorized shall be expended in the operation and maintenance of the dredging plant already constructed and authorized for the Improvement in permanent channel regulation and in the maintenance and repair of the permanent works already constructed and in the further improvement of the river in accordance with the plans of the Engineering Corps of the War Department of

Mr. BARTHOLDT. Mr. Chairman, though the edict has gone forth from the Committee on Rivers and Harbors that every amendment to this bill, however meritorious, shall be voted down, and though the Committee of the Whole seems to religiously observe this injunction, I yet venture to offer what has been read to the careful consideration of the House.

If adopted, this amendment will, in the judgment of many of the friends of the Mississippi River, vastly improve this bill. It will result in reviving navigation on the Mississippi River and grant to the people what they believe themselves to be justly entitled to. Consequently the amendment aims at fair justly entitled to. Consequent dealing and equal justice to all,

Briefly stated, the amendment increases the amount for that stretch of the Mississippi lying between the mouth of the Missouri and the mouth of the Ohio rivers from \$250,000 to \$1,000,000 annually for a period of four years, and it provides a continuation of the permanent improvement of that part of the river in accordance with the plans of the United States engineers of 1881.

During the general debate not a single argument, not a single valid reason, has been advanced why that plan for the permanent improvement of that stretch of the river should be aban-If the river can not be improved, then the \$26,000,000 heretofore expended on that stretch have been thrown away and the committees and the Congresses which appropriated this enormous amount of money and the engineers of the War Department who made the plans stand convicted before the country and the world of having been guilty of an egregious blunder, and this is exactly what the bill in its present state means. on the other hand, such improvement is possible, and I venture to say that every member of the committee will concede that it is, then we ask why our necessities have not been met at a time when the bounty of the committee has been extended to everything and everybody else? There is not a constituent of a Member representing a Mississippi Valley district on this floor

who is not vitally interested in the improvement of that part of the Mississippi River, because it needs improvement more than

any other part.

And so I ask, Why will these Members allow the river to be abandoned and the work there to be reduced to mere dredging at a time when all the constituencies have made common cause to demand the recognition to which they are entitled? It is stated on behalf of the committee that the tonnage does not justify the outlay, but in other sections the same committee has made appropriations on the theory that commerce will follow the improvement. If this is true in other sections, why should it not be true in ours? Do you doubt for one moment that we will have either the freight or the bottoms to carry it in if you make the river safe and navigable?

Another argument used against us is the alleged necessity of lateral canal between St. Louis and Cairo to secure the required depth. This is an idea which has been brought forward by the so-called "reviewing board," that appendix of the committee by which the committee shapes its engineer reports as well as its own action. But that idea, Mr. Chairman, is scorned by nearly all the competent engineers whom I have consulted

on the subject.

Mr. BURTON of Ohio. Right in that connection-

Mr. BARTHOLDT. I will yield to the gentleman if my time can be extended.

Mr. BURTON of Ohio. I am asking now for information, and in no way to embarrass the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask that the gentle-man's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. I want to ask this question: The gentleman stated in his remarks the other day that all the Army engineers with whom he had talked said that it was possible, by contraction work, to develop 14 feet in the Mississippi River from St. Louis to Cairo. The committee desires to know if anyone who is an Army engineer has said that, and would like to have anyone making that assertion before them.

Mr. BARTHOLDT. No.

Mr. BURTON of Ohio. I would like to know what Army en-

gineer stated that.

That statement, I will say, in answer to Mr. BARTHOLDT. the gentleman's question, was made by me in reply to a question by the gentleman from Iowa [Mr. Hepburn], who asked me to describe the plan according to which the river between St. Louis and Cairo was to be improved. I answered that according to the judgment of the Army engineers with whom I had conferred this improvement could be made by contraction or the narrowing of the river, by revetment work, riprapping, and so forth; but I did not state in this connection that that would

secure 14 feet. I did not state that.

Mr. BURTON of Ohio. Then I understand the gentleman to say that that entire statement that such results could be accomplished by contraction work is to be qualified so as not to

mean 14 feet could be obtained in that way?

Mr. BARTHOLDT. As a layman I can not tell. I have not the authority of an engineer to say that 14 feet could be secured in that way

Mr. BURTON of Ohio. What I desire to know is if there was any engineer who said that 14 feet could be obtained in that way

Mr. BARTHOLDT. In connection with the 14-foot proposition?

Mr. BURTON of Ohio. Or in any connection.

It is in connection with the general im-Mr. BARTHOLDT. provement of the Mississippi River that is to secure the depth which we want for our purposes-8, 9, 10, or 12 feet. that for that Col. Amos Stickney will be an authority which the gentleman will recognize. He has stated it, and Major Burr has stated it, and other Army officers whom the business men of St. Louis have consulted on this subject have stated the same thing; but you simply abandon the whole plan of improvement.

Mr. BURTON of Ohio. Does the gentleman state of his own

authority or from any conversation that either of these Army officers has ever stated to him that a depth of 12 feet could be

obtained by contraction work'

Mr. BARTHOLDT. Well, I will at least go as far as 10 feet. do not remember that they stated 12 feet, but they stated 10 feet could be secured, which would be sufficient for all practical purposes

Mr. Chairman, I was stating that the river engineers, competent river engineers, scorned the idea of a lateral canal, and hold, as we do to-day, that the best canal to be constructed there should be in the channel of the river itself.

Mr. BURTON of Ohio. May I ask the gentleman another question?

Mr. BARTHOLDT. Yes, sir.
Mr. BURTON of Ohio. This assumes a good deal of impornce.
We have provided here for a survey for a 14-foot water. way from St. Louis to the Gulf. The gentleman from Missouri says that competent engineers scorn the idea that a lateral says that competent engineers scorn the idea that a lateral canal will be required for any part of this distance. Is the gentleman from Missouri willing that a clause be placed in this section for a survey: "Provided, That no part of this shall be expended, nor shall any survey be made, in case it shall appear that a lateral canal is required?"

Mr. BARTHOLDT. Mr. Chairman, in answer to that I will say we have not asked for a survey for a lateral canal. That idea has been injected into the proposition by the so-called "reviewing board" and by the Committee on Rivers and Harbors; so that, in order to be consistent, you, the committee, and the distinguished chairman of the committee must provide for the survey for a lateral canal.

survey for a lateral canal.

Mr. BURTON of Ohio. I will say to the gentleman from Missouri that somebody else should be consistent besides the committee and the chairman. The gentleman from Missouri states that everybody derides this idea of a lateral canal. Is he willing that a clause be inserted in this provision for a surrey that the survey shall not be made in case a lateral canal is a necessity? That is a direct question, and one that assumes a great deal of importance.

Mr. BARTHOLDT. I must leave that entirely to the com-

mittee, because we have not considered it.

The CHAIRMAN. The time of the gentleman has expired.
Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.
Mr. SHACKLEFORD. Before the gentleman takes his seat I want, with the permission of my colleague [Mr. Bartholdt], to inform the gentleman from Ohio, chairman of this committee, that there are some people interested in the improvement of the Mississippi River beside those who live in St. Louis; and notwithstanding the gentleman from St. Louis might be willing to waive the provision in that bill, I should prefer for one, representing another constituency equally interested in that stretch of the river, to insist that the provision remain as it is, pending

Mr. BURTON of Ohio. I think we ought to have a distinct understanding about it. The gentleman from Missouri [Mr. Bartholdt] says that everyone derides the idea of a lateral canal, and perhaps it is not improper to say that attacks have been made upon the committee because they suggested such a canal. Now, let us have what is called a "show down" on this. Are you willing to have it provided in the section for a survey that one shall not be made if a lateral canal is found to be

necessary

Mr. BARTHOLDT. Mr. Chairman, the committee have drafted this bill. They have seen fit to inject into it the proposition of the possible necessity of a lateral canal along that stretch of the river. When that proposition was first suggested in the committee room it was entirely new to us. first we heard of a lateral canal being necessary along the 200 miles of the river between St. Louis and Cairo. Consequently I can not assume the responsibility here, on the spur of the moment, of advising the Committee on Rivers and Harbors as to whether that survey should extend to the proposition of a lateral canal or not.

Mr. BURTON of Ohio. But does not the gentleman think he is hardly justifiable in saying here that every competent engineer derides the lateral canal, and then declining to carry that opinion into effect by providing for a survey that shall ex-

Mr. BARTHOLDT. Mr. Chairman, I have made this statement partly from information which I have received from engineers personally, not recently, but years ago, but mainly upon the authority of a letter which I have received, an official letter, from the manager of the Business Men's League of St. Louis.

Mr. BURTON of Ohio. Oh, it comes from the Business Men's

Mr. BARTHOLDT. Do not speak of the Business Men's League in derisive tones, because it is the greatest business organization in the country.

Oh, yes. Mr. BURTON of Ohio.

Mr. BARTHOLDT. And that gentleman states that the members of the Business Men's League who are interested in river improvement have made it their business to inquire of Army engineers whether they thought a lateral canal along that stretch was necessary or not, and the engineers invariably an- for improvements of the Mississippi River are like the river

swered, I am informed, that such a canal was not necessary and that they never heard of it. I was then requested to offi-cially ask the chairman of the committee, on the floor of this House, what Army engineer has advised him of the necessity of such a canal.

Mr. BURTON of Ohio. Then I will ask another question. Is the gentleman willing to telegraph to this Business Men's League and find out from them whether they are willing to have such a clause as that go in-that the lateral canal shall

prevent the making of a survey?

Mr. BARTHOLDT. I have no objection to that. As I said before, we have no interest in a lateral canal. We believe that the Mississippi River can be deepened.

Mr. BURTON of Ohio. That is, you have no interest in a lateral canal even if it is required for a waterway from St. Louis to the Gulf?

Mr. BARTHOLDT. No, sir; I will not go to that extent. We want the 14-foot channel, but we are advised upon competent authority that the Mississippi River can be deepened suffi-

ciently without the necessity of a lateral canal.

Mr. BURTON of Ohio. Again, I want to ask the gentleman who is the competent authority that says that below St. Louis it can be improved to 14 feet without canalization—that is, without locks and dams or without a lateral canal? Who has said anything of that kind? I am asking for individuals. I am asking for names

Mr. BARTHOLDT. I will answer it. I take it that when an organization like the business men's league makes a statement to a Member of Congress in an official letter, which they know might be used before this House and before the country, they know what they are talking about and are careful in making any statement.

Mr. BURTON of Ohio. Then I trust the gentleman will telegraph to them and ask if they are willing-that is, if they are

the actuating force behind the gentleman. The CHAIRMAN. The time of the gentleman from Mis-

souri has expired. Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Missouri asks that his colleague's time be extended five minutes. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Chairman, I would like to ask the gentleman from Missouri, my colleague, a question. Is the Business Men's League of St. Louis responsible for the resolutions passed by the legislature of Missouri and the legislature of Illinois?

Mr. BARTHOLDT. I want to say to my colleague that I don't know a thing about those resolutions, nor have I wired the legislature to reconsider or rescind them. I have no con-

nection with it whatever.

Mr. LLOYD. I understood a few moments ago, as I came into the Hall, the gentleman to say that he had the letters that may have been written by individuals in Missouri to Members of Congress and their answers.

Mr. BARTHOLDT. I have not.

Mr. LLOYD. What was it that the gentleman said? Mr. BARTHOLDT. I made the statement that I have a list of Members who, in response to letters from their constituents, expressed themselves in favor of the deep waterway, which is an entirely different proposition from the one we are now discussing.

Mr. LLOYD. I beg the gentleman's pardon; I understood him to say that he had the letters. Mr. HUMPHREYS of Mississippi. I would like to ask the

gentleman a question.

Mr. BARTHOLDT. Certainly.

Mr. HUMPHREYS of Mississippi. Are the letters which Congressmen have written to their constituents in which they say they are in favor of this particular project, in favor of the

14-foot project from the Lakes to the Gulf?

Mr. BARTHOLDT. Yes. Now, Mr. Chairman, in the minute remaining let me say that I not only favor every improvement and every appropriation contained in this bill, but I also resent the insinuation as if I or any of my friends had made an attack on the personal character of the distinguished chairman of the Committee on Rivers and Harbors. Hence I regard all the remarks made in defense of the gentleman, as far as we are concerned, as gratuitous and unnecessary, if not an attempt to injure our just cause by impugning our motives instead of answering our arguments. All we ask, Mr. Chairman, is a square deal, and as an argument in favor of our proposition I say in the language of the St. Louis Globe-Democrat, "Argument

itself, on a large scale, and the biggest of them all is that written by nature on the map." [Applause.]

Mr. DAVIDSON. I would like to ask the gentleman a question. Does the gentleman from Missouri take the position of some of the leading papers, that unless this project is adopted they would kill the bill?

Mr. BARTHOLDT. I do not indorse that statement and will say right here that no matter what disposition the House may make of the amendment I offer I shall vote for the bill. But since my friend from Wisconsin has asked me a question, I would like to revert for a minute to a statement he made on the floor yesterday, namely, that there was not a single steamboat on the Mississippi River owned by St. Louis capital. I have a telegraphic reply to a question which I asked in regard to this subject, and it states:

The following lines owned almost exclusively by St. Louis interests operate on the Mississippi; St. Louis and Tennessee River Packet Company, eight boats; Eagle Packet Company, five; Chester Line Steamers, two; St. Louis and Cape Girardeau Transportation Company, one; Columbia Excursion Company, one; New Union Sand Company, two; Wiggins Ferry Company, ten; Interstate Car and Transfer Company, four; Madison Ferry Company, three; Venice and Carondelet Transportation Company, two; Ivory Transfer Company, two; and many similar boats and a number of barges.

W. F. Sauxders.

Mr. DAVIDSON. Let me ask the gentleman if those are ferryboats?

Mr. BARTHOLDT. No; only the last three, but there are nineteen other boats besides those engaged in the ferry busi-

Mr. Chairman, I will print in the Record an extract from the Waterways Journal of February 2, 1907:

REAL CONDITIONS OF THE ST. LOUIS CHANNEL-IDEAS OF A PRA-STEAMBOAT MAN ON THE IMPROVEMENT OF THE MISSISSIPPI

STEAMBOAT MAN ON THE IMPROVEMENT OF THE MISSISSIPPI.

In view of the present agitation for a deep waterway from the Lakes to the Gulf, it seems strange that our St. Louis delegates to the waterways convention at Washington, D. C., some weeks ago were not better posted in regard to conditions of the navigable channel at present and during the past five or six years, so that they could have answered Speaker Cannon and Chairman Burton more correctly when asked why there were not more boats plying on the Mississippi. Mr. Burton stated to Congressman Bartholder recently that for years the Mississippi, between the mouths of the Missouri and Ohio rivers, had shown a depth of from 7 to 8 feet.

Our Congressmen and even our St. Louis 14-feet-through-the-valley boosters, who should be better informed, seem to be laboring under the impression that Mr. Burton was right. No doubt in Washington they take it for granted that the reports sent in from the United States Engineer Department from St. Louis are correct, as they have no other way of knowing, but I beg to differ from them and hope to show in this article that even United States engineers are sometimes mistaken. I have steamboated on the Mississippi River continuously, except when blocked by ice, from 1870 to September, 1905, and was employed by the Dolphin Transportation Company for the past thirty-two years; have held pilot and master's license twenty-eight years. I merely state this to show that I have head an opportunity to know whereof I speak. Since 1880 I have been in charge of towboats, but always stood my watch at the wheel. During all these years I employed the best of pilots, such as Deam, Burbach, Miller, McCullough, Townsend, Shinkle, and Donahue, all veterans who served in the famous Anchor Line and the St. Louis and Mississippi Valley Transportation Company. No doubt Capts. H. Haarstick and J. M. Mason can testify as to their good piloting.

Now, I contend, and without fear of contradiction by any pilot in

the St. Louis and Mississippi Valley Transportation Company. No doubt Capts. H. Haarstick and J. M. Mason can testify as to their good piloting.

Now, I contend, and without fear of contradiction by any pilot in service—except those in the Government service—that in the past five or six years the United States Engineer Department has not maintained between St. Louis and Cairo an 8-foot channel by 2 or 3 feet, and I venture to say that if they had kept open an 8-foot navigable channel for towboats the once famous Valley Line and Anchor Line would be in existence to-day.

It is a well-known fact among river men that pilots in the Government service nearly always report 2 or 3 feet more water than other pilots can find running the same marks, and to show that they are sometimes mistaken I will state an instance, and can prove it if called upon. On September 16, 1904, we came up to a crossing called "Hamburg Towhead," or "Bainbridge," and there found a dredge boat two-thirds of the way across the river from where she had dredged and buoyed a channel. In trying to get between the buoys, which we found were not far enough apart to permit the passage of our tow of three loaded barges, we lost some little time, and the captain of the dredge boat came down to us and stated that he had a 9-foot channel there. We went ahead slowly and found only 5½ on one side and 6 feet on the other, right between his buoys, which said captain witnessed for himself. When I asked him where his 9 feet of water was he answered: "Well, by gosh, I had it here yesterday evening."

The same season, a little later on, a dredge boat lay tied to the bank at Hacker Towhead for a week or two with steam up and a crew

of water was he answered: "Well, by gosh, I had it here yesterday evening."

The same season, a little later on, a dredge boat lay tied to the bank at Hacker Towhead for a week or two with steam up and a crew abourd, and never even tried to improve the channel just below there at Silding Towhead and Stanard bar, while steamboats were pounding away at those places on 5 and 6 feet of water, and before the close of navigation, on November 24, it got down to 4½ feet.

That winter Major Casey stated in Congress that he had maintained an S-foot channel between St. Louis and Cairo. It seems to me our St. Louis delegates should have known these facts when they went to Washington to plead for larger appropriations.

Following I will give only a few of the soundings as we found them:

In August, 1900, 4½ feet at Bainbridge. United States survey boats were there, and they could not find any more. Six feet at Sulphur Springs; 6½ feet at Stanton, Daniels, and Buffalo Island; in September, 6 feet at Stanton, 6 and 7 feet at Rattlesnake, Bainbridge. Dickys, and Cape Girardeau; in October, 6½ feet and 7 feet at Birds Point; in November, 7½ feet at Ste. Genevieve; in March, 1901, 5½ and 6 feet at Brewers Point, Philadelphia, and foot of Ste. Genevieve; in May,

RECORD—HOUSE.

FEBRUARY 6,

7 and 8 feet at Ste. Genevieve; in July 7½ feet at Okaw and Herculaneum, 6½ feet at Relitionance and Herculaneum, 6½ feet at Plennings, 6 and 6 feet at 105 of other places, and remained practically so until the close of the season.

18 feet at 105 of other places, and remained practically so until the close of the season.

18 feet at Chew, 62 feet at Head of Okaw; in November; 7½ feet at Danlest, 64 feet at Head of Okaw; in November; 7½ feet at Danlest, 64 feet at Head of Okaw; in November; 75½ feet at Danlest, 65 feet of the season of the se

months they made us a rate of \$25 per car, which, of course, was out of all reason, and we couldn't stand for it.

No doubt this railroad company thought, as theirs was the only road from there to the river, they would charge what they pleased. We afterwards made an agreement with a private party to construct a railroad from the river to our land and do our hauling. When the trunk line people discovered this road heading toward our land they came to see us, and haven't quit coming yet. They now offer a rate of \$35 per car through for a distance of nearly 300 miles and assume switching charges besides. This seems to be a pretty good argument that river regulation is rate regulation. As soon as we had an opening to the river, down came rail rates with a vengeance.—John E. Luebben.

Mr. CLARK of Missouri. Mr. Chairman, I am not desirous

Mr. CLARK of Missouri. Mr. Chairman, I am not desirous of making a speech at this late hour in the day, especially on a thing that has been spoken about so much. One thing I am dead sure of, however, and that is that if the chairman of the Committee on Rivers and Harbors, the distinguished gentleman from Ohio [Mr. Burron], were to happen to die during this session, which God forbid, all we would have to do to get up a book of eulogies would be to reproduce this debate. [Laughter

and applause.]

Having said that, I want to say that I am most heartily in favor of the amendment offered by the gentleman from Missouri Mr. BARTHOLDT]. If we are going to undertake to improve the Mississippi River at all, his proposition contains the essence of good sense. If we are not going to have deep water from St. Louis to the Gulf, all of these other propositions go by the board. I don't care a straw whether the channel is the bed of the Mississippi or a lateral canal, except, of course, that common sense, economy, and prudence dictate that if it can be made in the bed of the private property to be published. in the bed of the river, the bed of the river ought to be utilized, but if it can not be made in the bed of the river, then I am in favor of the lateral canal. What every man in the Mississippi Valley wants—I don't care whether he is a farmer or a mechanic or a merchant or a lawyer or a doctor or what he isif he has half sense, is deep water, in the first place, from St. Louis to the Gulf, and then these other propositions follow in

order and as consequences of that.

Under the leave to print I insert an article which is more or less pertinent to this discussion, which article I recently wrote for The Associated Sunday Magazines, of New York, and which was published last Sunday in their magazine supplement furnished to several great metropolitan dailies. Here is the

article, headlines and all:

WHEN THE MISSISSIPPI VALLEY RULES THE NATION—WITHIN FIVE YEARS ITS VOTERS WILL BE ABLE TO ELECT THE PRESIDENT AND HOUSE OF REPRESENTATIVES.

If the population of the Mississippi Valley increases as rapidly, when compared with the population of the rest of the country, from 1900 to 1910 as it did from 1890 to 1900, the valley States could, if voting solidly, elect a President and House of Representatives in 1912. They could do it easily in 1922 and for all time thereafter. The Senate will be the only possible obstacle to their complete supremacy, and eventually the Senate must on every important question yield to the public sentiment voiced by the House of Representatives fresh from the people, just as the British House of Lords yields to the British House of Commons.

With an area of 1,250,000 square miles, or 800,000,000 acres, much of it richer than the valley of the Ganges or the Delta of the Nile, drained by 16,900 miles of navigable rivers capable of bearing upon their broad bosoms the commerce of the world, possessing an ideal climate—cold enough for virtue, warm enough for comfort—situated in the heart of the continent, the Mississippi basin is the most delectable place for human habitation beneath the stars, and constitutes an empire more valuable than that over which the Roman eagles flew or that over which Napoleon ruled when in the plentitude of his imperial power.

THE VALLEY'S MEN AND WOMEN.

THE VALLEY'S MEN AND WOMEN.

perial power.

THE VALLEY'S MEN AND WOMEN.

Acre for acre, there is more tillable land, more fertile, and more bountifully stocked with minerals, building stones, and timber in the great valley than in any other considerable portion of the Republic. Rich land and a bracing climate nurture the flower of the human race—big, strapping, sinewy men, handsome, healthy, high-spirited women, fit to be the fathers and mothers of the future rulers, not of our own country only, but of the whole world. The valley was first populated by the very cream of the original thirteen States and by the elite of every European country. Speaking of the pioneers, President Roosevelt, in his life of Col. Thomas H. Benton, says:

"Physically they were, and are, especially in Kentucky, the finest members of our race; an examination of the statistics relating to the volunteers in the civil war shows that the natives of no other State and the men from no foreign country whatsoever came up to them in bodily development."

The descendants of these pioneers are in every way worthy of their ancestors, and there are no evidences of degeneracy, mental or physical, among them.

Of course, I would not be understood as contending for one moment—neither, I assume, would President Roosevelt—that a man must be big physically in order to be a good, valuable, influential, or even great citizen; for everybody knows that some of the foremost men of all this world were small in body, among them Napoleon, the Duke of Luxembourg. Alexander Hamilton, Aaron Burr, James Madison, and Alexander H. Stephens. In many instances activity and muscular compactness compensate for build and height. It is generally known that there is a minimum stature fixed for privates in the regular Army, and that it is 5 feet 10 inches, the theory being that they can stand the hardships of military life better than taller ones. Evidently the authors of that maximum did not take their lesson out of the book of that King of Prussia who ransacked the earth to find

recruits for his brigade of giants, and who would pay more for a 7-footer than he paid an ambassador to a foreign court.

A foreign critic of everything American once declared that we were prone to mistake mere bigness for greatness; and I fear that in many cases we must plead guilty to the soft impeachment; but usually bigness counts for, other things being equal, increased strength. Large bodies generally support large heads, and large heads generally contain large brains. I was told by a man who was told by a New England hat manufacturer that hats for the trade east of the Alleghenies ran from No. 6 to No. 7; in the Mississippi Valley, from No. 7 to No. 75, and in Texas, from No. 7 to No. 8. Perhaps the brains of the wearers of the hats from No. 6 to No. 7 may make up in ineness of texture for what they lack in size and weight, on the principle that precious articles are made up in small packages.

James Wilson, of Iowa, Secretary of Agriculture, who in his person and career demonstrates what a Scotchman may come to, provided he is caught young enough and brought to this country, and my friend Walter Williams, the savant who edits the Columbia, Mo., Herald, agree that 1 acre of ground in this country is sufficient to support one human being.

ITS VALUE IN NEW ENGLAND.

leing.

It is only fair to assume that these philosophers were influenced by local environment and were basing their inspiring calculations on the wondrous fertility of Missouri and Iowa soils, which is a marvel to dwellers in less favored regions even in our highly favored country. It is said that when that brilliant and masterful man, Thomas Brackett Reed, first traveled through my Congressional district and observed the fatness of the land, he threw up his hands in an ecstasy of astonishment and exclaimed, "My God! that soil is so rich that if they had it back in New England they would sell it by the peck for seed!" And this man from Maine was correct.

While the average acre fertility of the Mississippi Valley is less than that of Missouri and Iowa, it is clear as crystal that it is greater than in the country at large. The Wilson-Williams ratio of persons to the acre would place the valley population potentiality at \$00,000,000 souls, nearly one-half of the present population of the globe—most assuredly a triumphant answer to the Malthusian pessimists, and an indisputable argument in favor of the antirace suicide theory so much exploited by President Roosevelt and so enthusiastically practiced by divers Americans (one of whom in my district was the prood father of twenty-one children, which, if he had not been a Democrat, would have entitled him to the London consul-generalship under the present Administration). Statisticians tell us that the birth rate is diminishing everywhere; but while that is true of this country in general as well as of others, it is also true that it diminishes more slowly in the Mississippi Valley than east of the Alleghenies. The people of the great valley obey with alacrity the primal command of God to Adam and Eve: "Be fruitful, and multiply, and replenish the earth, and subdue it." Mirabile dictu! Of all the multitudinous speeches I have heard, I have never known but one man to enlarge upon the debt of gratitude a government owes to fathers and mohers as such. Most assuredly th

"Doubtless God could have made a better body of land than the Mississippi Valley; but doubtless He never did."

THE WORLD'S ASPARAGUS RED.

In an exuberant moment, Thomas F. Marshall, of witty and therefore of blessed memory, characterized Woodford County, Ky., as "the asparagus bed of the garden spot of the world." To a gourmet that is the ne plus ultra of compliment. Woodford is indeed a goodly land and, like Zion of old, beautiful for situation; but in the Mississippi Valley are many such asparagus beds in many such garden spots. For instance, in the ten counties of my Congressional district I can find enough land rich as the richest acre in Woodford and as fair to look upon to make ten counties the size of Woodford, and then have enough good land left to make twenty more counties of the same dimensions.

Build another Chinese wall about the Mississippi Valley, cut us off from all communion with our kind, and inside that wall we can produce all the necessaries and most of the luxuries of human life.

Political parties may come and go; all sorts of empirics may try alk kinds of experiments on the body politic; pseudo statesmen may produce panies terrible in their results; sordid greed may, by legislation, levy tribute upon the country till the iniquity cries to Heaven for redress; but one thing cocksure, so long as summer and winter, seedtime and harvest, do not fail, the denizens of the Mississippi Valley can not be starved. If the departed spirits of ancient worthies take any interest in the affairs of this lower world. Epicurus and Luculius must regret that their lives were not cast in the pleasant places of the great valley—the granary of a mighty nation, the storehouse of the world.

All this talk of good cheer may not appeal to the esthetic; but nevertheless the average man and woman will agree with Charles Lamb as to the beatific frame of mild in which one finds himself, having dined well. Napoleon said that an army travels upon its stomach, and the colossal Corsican might have extended his remark to n THE WORLD'S ASPARAGUS BED.

2 each; to Illinois, Texas, and New York 3 each. Prior to the apportionment under the census of 1900 the States lying wholly or in part in the Mississippi Valley had 286 Representatives in Congress, representing two hundred and eighty-six three-hundred-and-fifty-sevenths of the population of the United States. Under the census of 1900 they gained 22 Representatives out of 386, showing a gain of twenty-two three-hundred-and-eighty-sixths of the entire population of the country. Prior to the census of 1900 the States lying entirely outside the valley had 71 Representatives out of 357 in Congress, and therefore had seventy-one three-hundred-and-fifty-sevenths of the population of the entire country. Under the census of 1900 they gained only seven three-hundred-and-eighty-sixths in Congressional representation, and therefore in population.

entire country. Under the ceases of 200 and representation, and therefore in population.

That statement shows that the States outside the valley made a greater percentage of gains in Representatives and population in the census period from 1890 to 1900 than did those lying in the valley; but that calculation is misleading, for in the foregoing statement New York with 34 Representatives, Pennsylvania with 30, Virginia with 10, North Carolina with 9, South Carolina with 7, Georgia with 11, Alabama with 9, and Texas with 13, a total of 123 (under the census of 1890) are counted in the valley, though only very small portions of them are in it Counting these as nonvalley States, the statement is: Under the census of 1890 the valley States, containing one hundred and sixty-three three-hundred-and-fifty-sevenths of our population, gained 16 Representatives out of a total increase of 29; while the nonvalley States, with one hundred and ninety-four three-hundred-and-fifty-sevenths of our entire population, gained only 13 Representatives out of a total of 29. That is, while the population of the valley States in 1890 was only 45 per cent of our entire population in 1890 to 45 per cent in 1900.

PITTSBURG'S APPORTIONMENT.

Even this latter statement does not present the case exactly, for,

Even this latter statement does not present the case exactly, for, while only infinitesimal portions of New York, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Texas lie in the valley, a large slice of Pennsylvania—the region around Pittsburg, which is growing at a phenomenal rate and whose actual and potential wealth staggers the imagination—is in the valley and bound to it closely by the ties of commerce, constantly growing stronger; and for every essential purpose Texas is an integral part of the valley. Oklahoma will soon have 5 Representatives in Congress, and, in justice, should have 8, Add to the last statement of the valley's strength in Representatives and population, all of Texas and Oklahoma, together with one-fourth of Pennsylvania, and it makes the valley's increase in population relatively much greater, once more illustrating the truth of Bishop Berkeley's famous line, "Westward the course of empire takes its way."

Bishop Berkeley's famous line, "Westward the course of empire takes its way."

That Joseph G. Cannon—"Uncle Joe"—will be elected Speaker of the House in the Sixbleth Congress, if he lives, is among the certainties of the future. That Congress expires March 4, 1909. Between that date and March 4, 1861, are twenty-four Congresses. To fill the Speakership in them—the second most powerful office in our governmental system—valley men (counting Uncle Joe as already elected) have been elected for thirteen terms: Schuyler Colfax, of Indiana, three; Michael C. Kerr. of Indiana, one; J. Warren Keifer, of Ohio, one; John Griffin Carlisle, of Kentucky, three; David Bremner Henderson, of Iowa, two; Joseph G. Cannon, of Illinois, three; while nonvalley men have been elected for eleven terms: Galusha A. Grow, of Pennsylvania, one; James Gillespie Blaine, of Maine, three; Samuel Jackson Randall. of Pennsylvania. two; Thomas Brackett Reed, of Maine, three, and Charles Frederick Crisp, of Georgia, two.

WITH OKLAHOMA'S HELP.

WITH OKLAHOMA'S HELP.

WITH OKLAHOMA'S HELP.

With Oklahoma in the Union, we shall have 92 Senators, 391 Representatives, and 483 votes in the electoral college. Of the forty-six States, twenty-one are wholly or almost wholly in the Mississippi Valley—Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, Indiana, Ohio, West Virginia, and Mississippi. These have 42 Senators, or 5 less than a majority; 188 Representatives, or 8 less than a majority; 230 Presidential electors, or 12 less than a majority. It will be observed that this leaves both Pennsylvania and Texas entirely out of the valley. There can be no doubt that the next census will give the twenty-one valley States control of both the House of Representatives and the electoral college; but the majority of the Senate will still come from the twenty-five States wholly or mostly outside the valley. In all human probability that will be the status of the Senate for all time—42 from the valley States and 50 from the nonvalley States, unless we finally conclude to make States out of Arizona, New Mexico, Alaska, and our colonial possessions, or unless we annex the British North American possessions and cut them up into States, or unless Texas should avail herself of the extraordinary privilege of dividing herself into the States, a right which she has by the treaty and resolution of annexation. My prediction is that she will never so divide herself. State pride is too strong, and the Texan who would advocate such a proposition would run the risk of being mobbed. Who can blame that magnificent and mammoth Commonwealth for her pride in herself and her faith in her destiny? BEGAN TO FEEL THEIR OATS.

BEGAN TO FEEL THEIR OATS.

In 1824, at the close of "the era of good feeling," the valley States began politically to feel their oats, to borrow a strong horsy phrase, and made their initial effort to achieve national supremacy by running two candidates for the Presidency, Andrew Jackson, of Tennessee, and Henry Clay, of Kentucky, who were destined to keep the country in a turmoil for a quarter of a century with their rival ambitions and personal animosities. Old Capulet and Old Montague did not hate each other more cordially than did "The Great Commoner" and "The Iron Soldier of the Hermitage," and this personal hatred of these masterful valley men constituted the line of demarcation between political parties in the United States for a score of years, just as certainly as Frederick the Great in the Seven Years' war brought the French and Russian armies about his ears by his sarcastic mots about the Czarina and Madam Pompadour. It will be remembered that the Presidential fight in 1824 was a quadrangular performance, John Quincy Adams, of Massachusetts, and William Henry Crawford, of Georgia, being the other two competitors. Really it was a sectional contest rather than political, for all four claimed to be of the same political faith. It was the Southwest in general and the Mississippi Valley in particular against the rest of the country; for let it not be forgotten in this connection that a portion of Georgia lies within the Mississippi Valley.

COLONEL BENTON'S CONDUCT.

COLONEL BENTON'S CONDUCT.

How thoroughly it was a sectional fight is shown by the conduct of that immortal Missourian, Col. Thomas Hart Benton. In the preliminary contest he was for Clay, largely by reason of the fact that they were kinsmen by marriage, but chiefly because Clay was a valley man. Clay not being able to bring his candidacy into Congress, because he stood fourth in the electoral college, Benton transferred his support to Crawford in preference to Jackson, because he and Jackson had once fought each other almost to death in a pistol duel at Nashville, and as a consequence were not on speaking terms, though they lived to rival the loves of Jonathan and David and of Damon and Pythias. Crawford being removed from the consideration of Congress by a stroke of paralysis at the psychological moment, Benton, sectional feeling prevailing over private hate, promptly transferred his support to the hero of New Orleans, and from that day till the hour of his death was more Jacksonian than Jackson himself.

If Henry Clay had stood firmly by his section the valley men would have won, and won easily, in the contest in the House of Representatives: but in the nick of time he went over to Adams, thereby electing the New Englander, induced to such action, no doubt, by personal jealousy of Jackson. This jealousy grew out of the fact that they lived in neighboring States and the further fact that he did not believe that both he and the Tennessean could reach the Presidency. Perhaps if Clay had supported and elected Jackson he would have reached the Presidency himself. It is clear that his opposition to Jackson prevented his realizing that lifelong ambition.

JACKSON'S ULTIMATE TRIUMPH.

JACKSON'S ULTIMATE TRIUMPH.

Though Adams became President, the moral victory was with the valley men, and in 1828 they sent Jackson over the mountains to Washington, not only as a full-fledged President, but as the avant courier of the valley statesmen destined to control the Government of the Republic. Jackson's election was epoch maker in our affairs and marked the beginning of the end of seaboard domination. It is of vastly more importance in its sectional than in its political aspect and influence.

marked the beginning of the end of seaboard domination. It is of vastly more importance in its sectional than in its political aspect and influence.

During the forty years prior to that event all our Presidents had come from the sunrise side of the Appalachians, thirty-two years' service of the four decades falling to Virginians and eight to Massachusetts men. Since that, counting President Roosevelt's present term as finished by himself, eighty years have elapsed—twenty Presidential terms. Valley men have been selected to fill fourteen of these: Jackson, two; the eider Harrison, one; Polk, one; Taylor, one; Lincoln, two; Grant, two; Hayes, one; Garfield, one; the younger Harrison, one; McKinley, two—leaving only six to nonvalley men; Van Buren, one; Pierce, one; Buchanan, one; Cleveland, two; Roosevelt, one. True, the death of William Henry Harrison, Taylor, Lincoln, Garfield, and McKinley, all valley men, reduced the actual service of the valley men and increased that of the nonvalley men by about seventeen and a half years; for it is an interesting fact that every President who has died in office was a valley man and every time the Vice-President who succeeded by reason of the death of his chief was a nonvalley man.

It is also apropos to state that while in the first thirty-six years two New Englanders—the Adamses, father and son—were elected for one term each, in the last eighty-four years only one New Englander—Franklin Pierce—was elected, and he for only one term, while only one other—James Gillespie Blaine—was nominated. No New Englander has been elected since 1852, and at the present writing New Englander has been elected since 1852, and at the present writing New Englander has been elected since 1852, and at the present writing New Englander has been elected since 1852, and at the present writing New Englander has been elected since 1852, and at the present writing New Englander has been elected since 1852, and at the present writing New Englander has been elected since 1852, and at the present writi

fluence of the valley in electing Presidents increases quadrennially.

STILL MORE PROSPERTY COMING.

The systematic movement now on foot adequately to improve the Mississippi Valley's wast system of waterways will add immensely to the valley's wealth, prosperity, prestige, and political influence. The people of the great valley are just waking up to the fact that God, in his infinite wisdom and beneficence, never vouchsafed to any other people such a magnificent system of waterways as He has given to them, and that no people ever so signally failed to improve them for all they were worth. In his great speech before the St. Louis river and harbor convention Herry T. Ratney, of Illinois, predicted that men would before long behold the amazing spectacle of an American battle ship going from the Gulf to Chicago by way of the Mississippi River, the Illinois River, and the Chicago Drainage Canal. He also confidently predicted 9 feet of water from Pittsburg to Cairo, 9 feet on the upper Mississippi, and 14 feet from St. Louis to the Gulf. Add to these the improvement of the Missourl and other great rivers, together with the building of the Lake Erie and Pittsburg Canal, and there will come such an impetus to commerce in the Mississippi Valley and such a cheapening of freight rates as will multiply both the population and wealth of that vast region many fold before this new century is old.

From the earliest settlements west of the Alleghenies the Mississippi River has been a potent factor in our affairs. The invincible determination of the western frontiersman to have free-water access to the Gulf was what induced Thomas Jefferson to make the Louisiana purchase, the most stupendous transaction in real estate suggested on earth since the devil took the Savior to the top of a high mountain and offered Him the dominion of the world to fall down and worship him. Even at this late day it makes a patriot's blood run faster to read Jefferson's sentence, "The Mississippi must flow unvexed and unfettered to the sea." It was th

speech on this particular proposition. I rise for the purpose of saying that I am in full sympathy with the motion that is made by my colleague, Doctor Bartholdt, and I would be very

glad indeed if every Member on this floor would give his support to the measure. The engineers in charge of that part of the river have said in their report that \$650,000 is necessary for the maintenance of that part of the stream during the next year. If this appropriation of \$1,000,000 per year is made, it is only \$350,000 that would go to a permanent improvement. This, with the \$190,000 for a survey, will give encouragement to our Lake-to-the-Gulf proposition, which is dear to the heart of many Missourians, and a project well worthy the attention of the American people. It gives encouragement to the upper Mississippi River resident, because it will show that there is no pur-

pose to abandon any part of that great river.

Mr. COUDREY. Mr. Chairman, I want to preface my remarks by stating that we do not question the integrity of the members of the Rivers and Harbors Committee, but it does look like they are biased, not prejudiced. The twenty millions of people in the Middle West have been slighted. They are entitled to every consideration, and certainly the Mississippi River between St. Louis and Cairo, like all other meritorious projects, should have its proportion of the total appropriation of over \$83,000,000 carried by the bill presented to this House, and I again appeal to the gentleman from Ohio and the other members of his committee and the whole House to vote for the amendment—give us the money we should have for this most impor-tant stretch of the great Mississippi. I am quite sure that the members of this committee will agree with me that they are not infallible; I know that they have overlooked a most important project, and it is not too late to remedy this matter, and I again appeal to them on behalf of the people of the great Mississippi Valley. Why should we not start the great midcontinental waterway uniting the Lakes and the Gulf? Why permit this portion of the great Mississippi River to be neglected? as nearly one-fourth of the entire population of the United States live in the territory drained by this great river, their claims should be answered. We come to you because the coun-try is suffering from inadequate transportation facilities. Daily we read articles in the newspapers of the millions of dollars that are lost annually to our people by the failure of the National Government to provide the assistance which is within their grasp. I differ with some of my colleagues from Missouri and Illinois on the subject or question as to whether the members of the State legislatures should petition us to do something in behalf of the people we have the honor to represent. I think they do a wise thing in again calling the particular attention of the Members of Congress to this matter. I hope their appeals will not be in vain. We could very easily appropriate a few millions of dollars, which would start our project on its way, and I want to ask the chairman of this committee if he won't reconsider this matter. Our people represent millions of tons of tonnage, and I do say without hesitation that our section has been discriminated against, and I know that they have not received what they are entitled to, and according to the present rules of the Rivers and Harbors Committee the Mississippi River during our lifetime will continue to be neglected. am certainly in favor and will vote for the amendment.

Mr. RHODES. Mr. Chairman, I desire to ask the chairman of the Committee on Rivers and Harbors one question. like to know whether or not the amount of money carried in this appropriation providing for the improvement of this stretch of the river between the mouth of the Ohio and the mouth of the Missouri can be used for improvement purposes other than

dredging's

Mr. BURTON of Ohio. Mr. Chairman, I will state to the gentleman that the engineer having the work in charge was here and his statement was taken. He also made a further statement in writing, in which he said that \$150,000 per annum would take care of the dredging, \$85,000 per annum would be needed to take care of existing works, revetment, etc., in the river, and that there would be a balance of \$15,000 per annum for use in case of emergency on new works. This is in addition to the balance on hand after paying for dredges under construction.

Mr. RODENBERG. Is is not a fact, however, that the local engineers at St. Louis specifically recommended \$650,000 for the

work this year?

Mr. BURTON of Ohio. I do not recall the exact amount. Mr. RODENBERG. That is the statement in their report.
Mr. BURTON of Ohio. I only know indirectly, because the

estimates of the local engineers are not given this year in the reports of the chief, unless they be given by accident.

Mr. RODENBERG. In the Book of Estimates for this year

it was \$650,000.

Mr. BURTON of Ohio. I know it was more than \$250,000 a

Mr. RHODES. Mr. Chairman, it is refreshing for me to know that there are methods of improvement provided and contemplated by those in charge of that stretch of the river for improving it by methods other than that of dredging.

I am here reminded of the fact that a year ago now this question came up under a little controversy which took place on the floor of this House. At that time I asked the distinguished chairman of this committee whether or not under existing law money could be expended for improvement purposes other than dredging, and the reply was that under existing law not one dollar of the appropriation carried in the river and harbor act of 1905 could be expended for purposes other than dredging. that time I remember of having expressed my opinion that the method of improving this stretch of the river by dredging was and had not been a success. I gave it as my opinion a few days ago on the floor of this House that the method of improving this stretch of the river by dredging had not been a success, and, Mr. Chairman, I give it now as my opinion dredging is not a success. For two reasons I most heartily indorse the amendment offered by my colleague from the city of St. Louis [Mr. BARTHOLDT]. I am for the amendment, first, because it contemplates improvements other than by dredging, and I am for the amendment, in the second place, because a larger sum of money is provided for in the amendment than is carried in the The meager sum of \$250,000 for the improvement of this stretch of the river between the mouth of the Ohio and the mouth of the Missouri is not what we ought to have and is not what we are entitled to. It has been somewhat discouraging to me as a citizen of the great Mississippi Valley to sit here and listen to speech after speech and see that the Ohio River, which is but one of the tributaries of the great Mississippi, has been converted into a series of dams and locks from source to mouth.

Of the total volume of water that flows toward the sea through the Mississippi, the great father of waters, the amount which flows into it from the Ohio is a very small per cent, and yet the Mississippi River from the mouth of the Missouri to the Gulf of Mexico is provided for to the extent only of about \$5,000,000, a distance of 1,200 miles. I am informed that the greatest length of the Ohio River is only about 900 miles. Yet that stream, which has had in the past expended upon it millions of dollars, gets \$4,000,000 under the provision of this bill. Mr. Chairman, I know, as a matter of fact; I know, as a matter of observation, that the improvement by dredging of this part of the Mississippi River is not, and never will be, a success. As I explained a few days ago, the alluvial banks of this stream are such that it can not contain the great

volume of water it must necessarily contain.

The CHAIRMAN. The time of the gentleman has expired. Mr. RHODES. Mr. Chairman, I ask unanimous consent for two more minutes.

The CHAIRMAN. Is there objection?

Mr. BURTON of Ohio. How much time does the gentleman

Mr. RHODES. Two minutes.

Mr. BURTON of Ohio. I ask unanimous consent, Mr. Chairman, that the gentleman may have two minutes more,

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RHODES. I was about to say, gentlemen, I know, as a matter of observation, that good, substantial improvements heretofore begun have actually gone to waste and into decay as a result of the abandonment of well-fixed methods of bank improvement, by which the river was formerly improved. I know that by fencing, by revetment, and by other means of bank improvement greater results and better results will come to that stretch of the river than by the method of dredging; I know, too, we need more money; therefore I hope the amendment offered by my colleague from St. Louis will prevail. It is

right and it is just. [Applause.]

Mr. SMITH of Illinois. Mr. Chairman, representing a district bordering on the Mississippi River, living in the State of Illinois, knowing something about that stretch of the river between Cairo and St. Louis, having traveled up and down the same many times, knowing that the amount of money which is provided in this river and harbor bill for the next year to enable the Engineer Corps to do the work that ought to be done there is absolutely insufficient, I rise to say that I heartily indorse the amendment of the gentleman from Missouri [Mr. Bar-THOLDT] and indorse the statements made upon the amendment by the other gentlemen who have spoken. My district reaches from the mouth of the Ohio River away beyond the mid line between Cairo and St. Louis. I know that work is needed at many places in my district. Work has been done time and time again. Much of it has been wasted by reason of there not having been a sufficient amount appropriated to do the work as it ought to have been done to make it a permanent improvement. I know that in addition to the work that has been done I have

been called on by my constituency time and again to urge the Department to do more work, stating the absolute necessity for same. Responding to those calls, I have gone to the Engineer Department when Congress was not in session and presented the cases specially. Every time I have presented such cases as made out to me by my people, and as I knew the facts to be myself, I have asked that an engineer be sent specially to make examinations at the points indicated by my people and by myself and report to the Engineer Corps at Washington whether the statements made by me to the department were correct or not and whether or not the work we asked for was necessary. In each of those cases an engineer has been sent, and in almost every case the report of the engineer has been an absolute confirmation, not only of the statements made by my people but the statements made from my own personal knowledge to the department. And so long, Mr. Chairman and gentlemen of this committee, as there was any money remaining of the funds appropriated for that stretch of the river the Engineer Corps has been doing the work. But I have reports in my possession today, made recently, after I had made the same request that I have stated before

The CHAIRMAN. The time of the gentleman has expired. Mr. SMITH of Illinois. Mr. Chairman, I ask unanimous con-

sent for five minutes more.

Mr. BURTON of Ohio. Mr. Chairman, before very long I shall make a motion to close debate. However, I ask unanimous consent that the gentleman from Illinois [Mr. Smith] have five minutes more

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Illinois. I thank the committee and the chairman of the Committee on Rivers and Harbors for their courtesy. I was saying that I have in my possession reports made by the engineer in charge after the Department had or-dered him to make the examinations at those various places in my district and report whether the work was necessary or not, and those reports show that the work is necessary, and "very necessary" is the language in some of them. And then when I called upon the War Department and asked them that in compliance with the report of the engineer in charge they would order this work done, the reply was simply that they had no money with which to do the work. And the reports of the en-gineer making the examination in each one of them stated that while the work at those points was necessary, and in one or two instances they stated it was "very necessary," yet he says: There are no funds remaining out of which I can do the work."

Now, gentlemen of the committee, those statements are absolutely true. They are borne out by the report of the engineer and the statements of the Engineer Department. the case, it is necessary that we have more money than is provided for in this bill if we intend to provide means to do any thing to protect and preserve that channel from Cairo up to St. Louis. I heartily indorse the amendment offered by the gentleman from St. Louis and earnestly ask the membership of this committee to vote with us and give us this amount, which is justly deserved and absolutely needed. [Applause.]

Mr. BURTON of Ohio. I move that the committee do now

The motion was agreed to.

The committee accordingly rose; and Mr. Dalzell, Speaker pro tempore, having assumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor bill, and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana, chairman of the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 25483; Report No. 7312) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes; which was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. Mr. Speaker, I desire to reserve all points of order.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that any member of the Committee on the Post-Office and Post-Roads may have the privilege to file minority views any time within the next five legislative days.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Overstreet] asks unanimous consent that any member of the Committee on the Post-Office and Post-Roads may have liberty to file minority views within the next five legislative Is there objection?

There was no objection.

GALEN E. GREEN.

The SPEAKER pro tempore laid before the House the bill (H. R. 3393) granting an honorable discharge to Galen E. Green, with a Senate amendment, which was read.

Mr. CAPRON. Mr. Speaker, I move to concur in the Senate

amendment.

The motion was agreed to.

S. KATE FISHER.

The SPEAKER pro tempore also laid before the House the following Senate resolution; which was read, considered, and

IN THE SENATE OF THE UNITED STATES, February 6, 1907.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8080) for the relief of S. Kate Fisher, with accompanying engrossed copy of Senate amendment thereto.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bilis, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution :

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium

seizures :

H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States; H. R. 12690. An act to define the term of "registered nurse"

and to provide for the registration of nurses in the District of Columbia:

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa:

H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19568. An act vacating Alexander place and Poplar street, in the subdivision of a part of a tract called "Lincoln," District of Columbia, and vesting title in the present owner;

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 24361. An act to amend an act entitled "An act to authe borough of North Charleroi, Washington County, to a point over the Monongahela River, Pennsylvania, from a point in in Rostraver Township, Westmoreland County," approved March 14, 1904;

H. R. 24367. An act to authorize the Inter-State Bridge and Terminal Railway Company, of Kansas City, Kansa, to construct a bridge across the Missouri River at or near Kansas City, Kans.

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across the Tug Fork of Big Sandy River about 21 miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River, in the State of Alabama; and

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.

BILLS REFERRED.

Under clause 2 of Rule XXIV, House bill 23394, entitled "An act to provide for an additional district judge for the northern and southern districts of California," with Senate amendments, was taken from the Speaker's table and referred to the Committee on the Judiciary

S. 8040. An act for the relief of Elizabeth R. Gordon was referred to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FASSETT, for four days, on account of death in family.

WITHDRAWAL OF PAPERS.

Mr. Humphrey of Washington, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. M. Darling (H. R.

8631, Fifty-ninth Congress), no adverse report having been made thereon.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 33 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24755) to encourage private salmon hatcheries in Alaska, reported the same with amendment, accompanied by a report (No. 7306); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOUTELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 25056) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, reported the same with amendment, accompanied by a report (No. 7309); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24887) providing for a United States judge for the northern district of Alabama, reported the same without amendment, accompanied by a report (No. 7310); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORRELL, from the Committee on Militia, to which was referred the bill of the House (H. R. 25408) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889, reported the same without amendment, accompanied by a report (No. 7311); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 21204) to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots, reported the same with amendment, accompanied by a report (No. 7301); which said bill and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6872) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," reported the same without amendment, accompanied by a report (No. 7302); which said bill and report were referred to the House Calendar.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River, reported the same with amendment, accompanied by a report (No. 7303); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 807) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of women and children in the United States, submitted a report (No. 7304); which said report was ordered to be printed.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, reported the same with amendment, accompanied by a report (No. 7305); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the

Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 13718) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, reported the same without amendment, accompanied by a report (No. 7307); which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 10453) for the relief of John H. Lohman, reported the same without amendment, accompanied by a report (No. 7308); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. RHODES: A bill (H. R. 25466) increasing salaries of rural free-delivery letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOOD: A bill (H. R. 25467) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on Ways and Means.

By Mr. AMES: A bill (H. R. 25468) to regulate the business of insurance within the District of Columbia—to the Committee on the Judiciary.

By Mr. GREGG: A bill (H. R. 25469) to provide for the establishment of an immigration station at Galveston, Tex., and the erection in said city, on a site to be selected for said station, of a public building—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: A bill (H. R. 25470) to amend an act entitled "An act to expedite the hearing and determination of suits in equity, etc.," approved February 11, 1903, by adding a new section, to be called section 3—to the Committee on the Judiciary.

By Mr. COUDREY: A bill (H. R. 25471) prohibiting and providing penalties for false, fraudulent, or misleading advertisements—to the Committee on the Judiciary.

By Mr. DE ARMOND: A bill (H. R. 25472) to fix the limita-

By Mr. DE ARMOND: A bill (H. R. 25472) to fix the limitation applicable in certain cases—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: A bill (H. R. 25473)

By Mr. THOMAS of North Carolina: A bill (H. R. 25473) authorizing a survey to be made of Queens Creek, North Carolina—to the Committee on Rivers and Harbors.

By Mr. BRICK: A bill (H. R. 25474) to amend sections 5 and 6 of an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same."—to the Committee on Patents

same"—to the Committee on Patents.

By Mr. BABCOCK: A bill (H. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906—to the Committee on the District of Columbia.

Also, a bill (H. R. 25476) making personal taxes in arrears a personal claim against the person owing such tax to the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHWICK: A bill (H. R. 25477) to protect the rights of any owner of letters patent for an invention—to the Committee on Patents.

By Mr. OLCOTT: A bill (H. R. 25478) to amend section 2745 of the Revised Statutes of the United States, relating to compensation of examiners at the port of New York—to the Committee on Ways and Means.

By Mr. NORRIS: A bill (H. R. 25479) to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district—to the Committee on the Judiciary.

By Mr. PARSONS: A bill (H. R. 25480) to permit the city of New York or the Hudson County Water Company, or either of them, to lay, maintain, and operate two water-pipe lines across and under the waters of the Kill von Kull from Bayonne, N. J., to Staten Island—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of West Virginia: A bill (H. R. 25481) for the relief of the depositors of the Freedman's Savings and Trust Company—to the Committee on Banking and Currency

Company—to the Committee on Banking and Currency.

By Mr. HULL: A bill (H. R. 25482) to amend section \$78 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET of Indiana, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposesthe Union Calendar.

By Mr. LAMB: A joint resolution (H. J. Res. 236) authorizing the Secretary of the Navy to furnish metal for a bell—to the

Committee on Naval Affairs.

By Mr. PARSONS: A concurrent resolution (H. C. Res. 53) concerning claims existing between the citizens of the United States and the Government of Nicaragua—to the Committee on Foreign Affairs.

By Mr. SHEPPARD: A resolution (H. Res. 817) creating a Committee on Levees and Improvements of the Rivers of the United States not Tributary to the Mississippi River-to the Committee on Rules.

Also, a resolution (H. Res. 818) creating a Committee on Levees and Improvements of the Rivers Tributary to the Mis-

sissippi River—to the Committee on Rules.

By Mr. SULLOWAY: A resolution (H. Res. 819) to pay the principal examiner by detail to the Committee on Invalid Pen-

sions—to the Committee on Accounts.

By Mr. MORRELL: A resolution (H. Res. 820) requesting the Bureau of Corporations to investigate and report upon the methods of ascertaining land values in the District of Columbia-to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 25484) granting a pension to John A. Cherry—to the Committee on Pensions. By Mr. BATES: A bill (H. R. 25485) for the relief of John

M. Devereaux—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 25486) granting an increase of pension to Joseph Umsted—to the Committee on Pen-

By Mr. BROOKS of Colorado: A bill (H. R. 25487) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as Baird's ranch, in the Territory of New Mex-

ico—to the Committee on War Claims.

By Mr. COUDREY: A bill (H. R. 25488) granting an increase of pension to David F. Fox—to the Committee on In-

valid Pensions.

Also, a bill (H. R. 25489) granting an increase of pension to Louisa Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25490) granting an increase of pension to Mary A. McDonough—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 25491) granting an increase of pension to William Ogan—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 25492) for the relief of James A. Watson—to the Committee on Military Affairs.
By Mr. FLOYD: A bill (H. R. 25493) granting an increase of pension to John W. Hughs—to the Committee on Invalid Pen-

Also, a bill (H. R. 25494) granting an increase of pension to Berry W. Hudson—to the Committee on Pensions.

Berry W. Hudson—to the Committee on Pensions.

Also, a bill (H. R. 25495) granting an increase of pension to Andrew J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25496) granting an increase of pension to John F. D. Gerall—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 25497) granting an increase of pension to James S. Walsh—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 25498) for the relief of the trustees of the Christian Church of Union City, Tenn .-- to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 25499) granting an increase of pension to James Doyle—to the Committee on Invalid Pen-

By Mr. LAFEAN: A bill (H. R. 25500) for the relief of Daniel B. Miller, United States Army, retired—to the Committee on

Military Affairs Military Affairs.

By Mr. LEWIS: A bill (H. R. 25501) granting an increase of pension to Robert S. Rose—to the Committee on Pensions.

Also, a bill (H. R. 25502) granting a pension to Claricy B. Dunaway—to the Committee on Pensions.

Also, a bill (H. R. 25503) granting a pension to Susie Dixon—to the Committee on Pensions.

By Mr. McGAYIN: A bill (H. R. 25504) for the relief of

By Mr. McGAVIN: A bill (H. R. 25504) for the relief of George W. Sheldon & Co.—to the Committee on Claims.

By Mr. McNARY: A bill (H. R. 25505) for the relief of John J. Kane—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 25506) granting an increase of pension to Irwin J. Crane-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25507) granting an increase of pension to

A. S. Smith—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 25508) granting a pension to Fannie L. McVey—to the Committee on Invalid Pensions.

By Mr. REID (by request): A bill (H. R. 25509) for the relief of W. H. Hicks, administrator of the estate of John Diehl, deceased to the Committee on Wor Claims. deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 25510) granting an increase of pension to Henry E. Schoppmeyer—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4606) for the relief of Gilbert E. L. Falls-Committee on Claims discharged, and referred to the Committee on

War Claims.

A bill (H. R. 7256) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15400) for the relief of Fred F. B. Coffinmittee on Military Affairs discharged, and referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Paper from Admiral George Dewey Naval Camp, inviting Members of House of Representatives to attend a reception to be given Richmond Hobson—to the Committee on Naval Affairs.

Also, petition of the Colored American Colonization Society. asking that a tract of land be set aside for a home for colored citizens who feel that their rights and privileges are invaded in

their existing homes—to the Committee on the Public Lands.
Also, petition of the National Board of Trade, for the ship-subsidy bill—to the Committee on the Merchant Marine and

Fisheries.

Also, petition of Nicholas R. Klug and 40 others, for an amendment to the free-alcohol law—to the Committee on Ways and Means

Also, petition of the legislature of Minnesota, for an appropriation to construct a canal in Aitkin County as an aid to the reservoir system of the Mississippi River, and for the further purpose of reclaiming public lands—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Petition of the Academy of Natural Sciences of Philadelphia, against destruction of the Bureau of Biology in the Agricultural Department—to the Committee on

Agriculture.

By Mr. ALEXANDER: Petition of Chapin Post, No. 2, Grand Army of the Republic, of Buffalo, N. Y., for the McCumber pension bill—to the Committee on Invalid Pensions.

Also, petition of the executive committee of the Grand Army of the Republic of Buffalo, N. Y., for retention of United States pension agency—to the Committee on Appropriations.

By Mr. BATES: Paper to accompany bill for relief of Francis

M. Devereaux—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of citizens of Adams, Wash.; East St. Louis, Ill.; McKinney, Tex.; Springfield, Ill., and Easbey, S. C., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BIRDSALL: Petition of the Order of Railway Conductors, No. 164, of Eagle Grove, Iowa, for bill S. 5133 (the sixteen-hour bill)-to the Committee on Interstate and Foreign

Also, petition of Thomas E. Mathews et al., for pensions for soldiers and sailors who were confined in rebel prisons—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of the Herald-Democrat, of Leadville, Colo., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURNETT: Petition of the Alabama legislature, for legislation prorating to the cotton-growing States whatever cotton-tax money there may be in the Treasury—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of General W. S.

Hancock Post, Grand Army of the Republic, No. 255, Department of Pennsylvania, against abolition of pension agencies to the Committee on Appropriations.

By Mr. CURRIER: Petition of Herbert R. Bailey and other Spanish and civil war veterans, for restoration of the Army canteen-to the Committee on Military Affairs.

By Mr. DALE: Petition of the Immigration Restriction League, against further immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of the Academy of Natural Sciences, of Philadelphia, Pa., against destruction of the Bureau of Biology, Department of Agriculture—to the Committee on Agriculture.

Also, petition of Lieutenant Ezra S. Griffin Post, No. 139, against abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the Central Labor Union of Scranton and vicinity, for a general arbitration treaty between nations-to the Committee on Foreign Affairs.

By Mr. DAVIS of Minnesota: Joint memorial of the legisture of Minnesota, for an appropriation to construct a canal in Aiken County, Minn.—to the Committee on Rivers and Harbors.

By Mr. DOVENER: Papers to accompany bills for relief of Benjamin T. Dunlap and John M. Null-to the Committee on Invalid Pensions

By Mr. DRAPER: Petition of the Merchants' Association of New York City, for an appropriation for a post-office building on the Pennsylvania Central Railway site in New York City-to the Committee on Public Buildings and Grounds.

By Mr. FLETCHER: Petition of the Minnesota legislature, for a canal in Aiken County, Minn.-to the Committee on Rivers and Harbors.

By Mr. FLOYD: Papers to accompany bills for relief of Robert H. Hawkins and Robert McFarland-to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of E. L. Lockwood and others of the railway orders of the Oregon Short Line at Glenns Ferry, Idaho, favoring bill S. 5133 (the sixteen-hour bill)—to the Com-

mittee on Interstate and Foreign Commerce.

By Mr. FULKERSON: Paper to accompany bill for relief of Lafayette Hagin—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the American Musical Copyright League, against certain portions of the copyright bill-

the Committee on Patents.

Also, petition of the National Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Bankers' Club of Chicago, for a bank-note issue as recommended by the American Bankers' Association-to the Committee on Banking and Currency.

Also, petition of D. Heenan, of Streator, Ill., for an appropriation of \$50,000,000 annually for improvement of waterways-to the Committee on Rivers and Harbors.

By Mr. GRAHAM: Petition of the Academy of Natural Sciences of Philadelphia, Pa., against destruction of the Bureau of Biology in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of citizens of Allegheny County, Pa., for increasing the salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of the Farmers' Association of the Connecticut General Assembly, for maintenance of the Bureau of Biology in the Department of Agriculture to the Committee on Agriculture.

By Mr. HUNT: Petition of the joint committee of the Affiliated Business Men's Association, for legislation to build a waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors

By Mr. LAFEAN: Paper to accompany bill for relief of Daniel Miller-to the Committee on Claims.

Also, petition of the State Seal Cigar Company, of Yoe, Pa., for removal of the tariff on Sumatra tobacco—to the Committee on Ways and Means.

By Mr. LAMB: Petition of T. S. Laurence, secretary of the Portsmouth Retail Merchants' Association, for increase of salaries of postal clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: Paper to accompany bill for relief of Claricy B. Dunaway—to the Committee on Pensions.

By Mr. McCARTHY: Resolution of the senate of Nebraska, against the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of the women's clubs of Falls City, Nebr., for enactment of the Beveridge bill on child labor-to the Committee on Labor

By Mr. McKINLEY of Illinois: Petition of the Woman's

Christian Temperance Union of Tuscola, Ill., for the Littlefield

bill (H. R. 13655)—to the Committee on the Judiciary.
By Mr. MARTIN: Paper to accompany bill for relief of Fred F. B. Coffin-to the Committee on Military Affairs.

By Mr. MILLER: Petition of the legislature of Kansas, for an appropriation of \$75,000 to improve the Missouri River on the Kansas side at Elwood City-to the Committee on Rivers and Harbors

By Mr. MOORE of Pennsylvania: Petition of the Academy of Natural Sciences of Philadelphia, against the destruction of the Bureau of Biology in the Department of Agriculture-to the Committee on Agriculture.

Also, petition of Howard H. Pallatt, for passage of bill S. 4403, favoring restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. MORRELL: Petition of the National Board of Trade of Philadelphia, for \$50,000,000 appropriation annually for improvement of waterways-to the Committee on Rivers and Har-

Also, petition of the National Board of Trade of Philadelphia. for a law to enforce treaty obligations-to the Committee on

By Mr. NEEDHAM: Petition of the Chamber of Commerce of Stockton, Cal., for improvement of the waterways in the United States-to the Committee on Rivers and Harbors.

By Mr. OLCOTT: Petition of John Timmermann, of New York City, against interference in Kongo Free State affairs-to the Committee on Foreign Affairs.

By Mr. OTJEN: Petition of the Journal, against tariff on linotype machines-to the Committee on Ways and Means

Also, petition of the United Spanish War Veterans of Milwaukee, Wis., for restoration of the Army canteen-to the Committee on Military Affairs

By Mr. OVERSTREET of Indiana: Petition of the International Association of Machinists of Indianapolis, against cooly

labor on the canal—to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Jonathan Mills-to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of William E. Webster-to the Committee on Invalid Pensions.

By Mr. REEDER: Concurrent house resolution No. 11 of the Kansas assembly, for an appropriation of \$75,000 for improvement of the Missouri River on the Kansas side at Elwood Cityto the Committee on Rivers and Harbors.

By Mr. REYBURN: Petition of the National Board of Trade, for free admission to the United States of Philippine products except sugar and tobacco-to the Committee on Ways and Means.

Also, petition of the Academy of Natural Sciences of Philadelphia, against destruction of the Bureau of Biology of the Agricultural Department-to the Committee on Agriculture.

Also, petition of Anna M. Ross Post, No. 94, Grand Army of the Republic, of Philadelphia, Pa., against abolishing the pension agencies—to the Committee on Appropriations.

By Mr. REYNOLDS: Paper to accompany bill for relief of

William H. McClellan—to the Committee on Invalid Pensions. By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Mrs. Mattie C. Fisher—to the Committee on Invalid Pensions

By Mr. RYAN: Petition of the Merchants' Association of New York City, for early construction of a post-office for New Yorkto the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: Petition of the Oklahoma constitutional convention, against passage of bill H. R. 12710, permitting the St. Louis and San Francisco Railway Company to purchase and consolidate with certain other railways in Oklahoma, and asking that the legislature of the State of Oklahoma be permitted to legislate on said subject—to the Committee on Indian Affairs

By Mr. SULZER: Petition of A. Parlett Lloyd, against the no-attorney-fee clause of the McCumber bill—to the Committee on Invalid Pensions

Also, petition of the Merchants' Association of New York, for bill (H. R. 22678) providing increased facilities for the United States Patent Office-to the Committee on Patents.

By Mr. TALBOTT: Petition of citizens of Maryland. reciprocal demurrage in railway-rate transactions-to the Committee on Interstate and Foreign Commerce.

Mr. TOWNSEND: Petition of various organizations of Ypsilanti, Mich., for the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary

By Mr. WANGER: Petition of Lodge No. 610, Brotherhood of Railway Trainmen, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of George Smith Post, No. 79, Grand Army of

the Republic, Department of Pennsylvania, against the abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the National Board of Trade, held in Washington, D. C., for such amendments to the interstate-commerce act as will permit proper railway traffic agreements, such agreements to be inoperative if disapproved by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WHARTON: Petition of the National German-American Alliance of the United States, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

SENATE.

THURSDAY, February 7, 1907.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Burrows, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Henry J. Brown, administrator of the estate of Elmyra Brown, deceased, et al. v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 8080) for the relief of S. Kate Fisher, with the accompanying engrossed copy of the Senate amendment thereto.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3393) granting an honorable discharge to Galen E. Green.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented sundry memorials of citizens of Moline, Ill., remonstrating against any intervention on the part of the United States Government in the affairs of the Kongo Free State; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rockford, Minn., praying for the enactment of legislation to permit the manufacture by consumers of denatured alcohol in small quantities; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Kingsley Methodist Episcopal Church, of New York City, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Unions of Broad Ripple, Gosport, Castleton, Hamilton, Hartford City, Barbersville, Fort Wayne, Goshen, Liberty, Hillsboro, Oakland, Marshall, Bluffton, Jonesboro, North Vernon, Markle, Nottingham, and Sheridan, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. BURKETT presented the petition of A. P. Tilley, of

Mr. BURKETT presented the petition of A. P. Tilley, of Osceola, Nebr., praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Clay Center, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Merchants' Exchange of Oakland, Cal., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fruit Growers' Association of Hanford, Cal., praying for a modification of the present Chinese-exclusion law, so as to permit the immigration of laborers irrespective of nationality; which was referred to the Committee on Immigration.

Mr. FLINT presented a petition of sundry citizens of Los Angeles, Cal., and a petition of the congregation of the Central Presbyterian Church, of Los Angeles, Cal., praying for the enactment of legislation to regulate the interstate transportation

of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation providing for the removal of duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Needles, Cal., praying for the enactment of legislation to protect that city against the encroachment of the Colorado River; which was referred to the Committee on Commerce.

Mr. MILLARD presented a petition of sundry citizens of Fremont, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Falls City, Nebr., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the

Mr. NELSON presented a memorial of the Press Association of Goodhue County, Minn., remonstrating against the enactment of legislation to exclude from the mails newspaper publications classed as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a memorial of the Axton Fishers Tobacco Company, of Louisville, Ky., remonstrating against the passage of the so-called "free leaf tobacco bill;" which was referred to the Committee on Finance.

Mr. OVERMAN presented a memorial of Bailey Brothers, of Winston-Salem, N. C., and a memorial of the Ozburn Hill Company, of Winston-Salem, N. C., remonstrating against the passage of the so-called "free leaf tobacco bill;" which were referred to the Committee on Finance.

Mr. LATIMER presented a petition of the executive committee of the Interchurch Conference on Federation, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

Mr. CLARKE of Arkansas presented petitions of sundry citizens of Heber, Magazine, Prescott, and Pocahontas, all in the State of Arkansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of the congregation of the Church of Christ of Sayre, of the Christian Endeavor Society of Landisville, of the Woman's Christian Temperance Union of Reading, of sundry citizens of New Holland, of the congregations of the Methodist Episcopal and First United Presbyterian churches of Kittanning, of the Woman's Christian Temperance Union of Athens, of the congregation of the Methodist Episcopal Church of Athens, and of the Christian Woman's Board of Missions of the Church of Christ of Sayre, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 7848) for the relief of the Corn Exchange National Bank, of Philadelphia, Pa.; which were referred to the Committee on Claims.

Mr. SCOTT presented a petition of the State Board of Agriculture, of Charleston, W. Va., praying for the enactment of legislation to prohibit newspaper publishers from sending their publications through the mails after their paid subscriptions have expired; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE presented petitions of sundry citizens of Hoagland, Rush County, Hamilton, Elkhart, Brazil, South Union, Marion, Connersville, Amboy, Monroeville, Richmond, Auburn, Valparaiso, Markle, Hartford City, Bedford, Fountain City, Williamsburg, and Huntington, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the executive committee of the Interchurch Conference on Federation of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was ordered to lie on the table.

in the Kongo Free State; which was ordered to lie on the table. He also presented a memorial of sundry citizens of Goshen, Ind., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Commiftee on the District of Columbia.

He also presented a petition of Iron Molders' Union No. 56, of Indianapolis, Ind., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a petition of the Central Labor Union of Lafayette, Ind., praying for the extension of the provisions of the Chinese-exclusion laws so as to include Japanese and Koreans: which was referred to the Committee on Immigration.

He also presented petitions of sundry Hebrew citizens of South Bend, Ind., the Hebrew Sick Benefit Society of South Bend, Ind., and the Alliance of German Societies of Indiana, praying for the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigra-

He also presented a petition of the Central Labor Union of Lafayette, Ind., praying for an investigation into the conditions of woman and child workers of the country; which was ordered to lie on the table.

Mr. KNOX presented petitions of M. P. Kennedy, of Pittsburg; C. D. Walton, of North Wales; L. E. Walton, of Greensburg; W. H. Swoap, of Sackett; F. I. Dickert, of Pittsfield; H. W. Thayer, of Philadelphia; S. E. Miller, of Corry; H. A. Spangler, of Allegheny; Lillie C. Doty, of Youngsville; G. H. Daron, of Dover; H. E. Naegrle, of Philadelphia, all in the State of Pennsylvania, and of the Gardner Nursery Company, of Osage, Iowa, praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which were repacker bill" relating to postal fraud orders; which were referred to the Committee on the Judiciary.

He also presented memorials of Arthur Edwin Brown and Edwin G. Conklin, of Philadelphia, Pa., remonstrating against the enactment of legislation abolishing the Bureau of Biology in the Department of Agriculture; which were referred to the

Committee on Agriculture and Forestry.

He also presented petitions of the directors of the Fayette City National Bank, of Fayette City; the Keystone National Bank, of Pittsburg; the First National Bank of Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation providing for the issue and redemption of national bank guaranteed credit notes; which were referred to the Committee on Finance.

He also presented petitions of the Civic Club, of Pittsburg; B. Neill, of Philadelphia; E. M. List, of Philadelphia; W. W. Fiske, of Philadelphia; Consumers' League of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

Greed to lie on the table.

He also presented petitions of J. F. McMullen, of Wilkinsburg; C. W. Cantrell, of Pittsburg; Edward Hull, of Pittsburg; James Melvin, of Pittsburg; E. V. Foster, of Pittsburg; George W. Comfour, of Pittsburg; H. C. Reese, of Pittsburg; Rev. G. H. Flinn, of Pittsburg; Frank Kronz, of Pittsburg; J. S. Asbeck, of Pittsburg; George F. McConnell, of Millvale, all in the State of Pennsylvania, praying for the enactment of legislation providing for an increase in the salaries of letter carriers and postal clerks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Reading; St. Paul's Methodist Episcopal Church, of Lancaster; First United Presbyterian Church of Newcastle; sundry citizens of Carbondale; Presbyterian Church of Conneautville; First Baptist Church of Kittanning; the Religious Society of Friends, of Darby; trustees of Christ Methodist Episcopal Church, of Pittsburg; Robert R. Fritsch, of Allentown, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee

on the Judiciary.

He also presented memorials of Edwin M. Stanton Post, No. 208, Department of Pennsylvania, Grand Army of the Republic, of New Brighton; Lieutenant Ezra S. Griffin Post, No. 139, Department of Pennsylvania, Grand Army of the Republic, of Scranton; C. S. Davis Post, No. 148, Department of Pennsylvania, Grand Army of the Republic, of Selinsgrove; Colonel Gus. W. Town Post, No. 46, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia; George Smith Post, No. 79, Department of Pennsylvania, Grand Army of the Republic, of Conshohocken; George G. Meade Post, No. 1, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia; General Alex. Hays Post, No. 3, Department of Pennsylvania, Grand Army of the Republic, of Pittsburg; Grand Army Association of Philadelphia and Vicinity, Philadelphia; M. A. Gherst, commander, Department of Pennsylvania, Grand Army of the Republic, of Reading, all in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing pension agencies throughout the country; which were referred to the Committee on Pensions.

He also presented petitions of James S. Whitney, of Philadelphia; A. Booth, of Haverford; L. Booth, of Haverford; M. E. Booth, of Haverford; Everett Stuart, of Philadelphia; R. B.

Haines, jr., of Philadelphia; H. B. Gerhardt, of Harrisburg; S. J. Anderson, of Allegheny; Friends Intelligencer, of Philadelphia; John H. Converse, of Philadelphia; C. S. Albert, of Philadelphia; W. E. Shipley, of Philadelphia; Wayland Hoyt, of Philadelphia; John W. Cadbury, of Philadelphia; H. W. Cadbury, of Philadelphia; A. F. Anderson, of Harrisburg; Agnes Kemp, of Swarthmore; Eva J. Smith, of Warren; Rev. A. Kelly, of Erie; W. W. Bacon, of Philadelphia; W. A. Levering, of Germantown; W. C. Warren, of Germantown, Rev. H. B. Hartzler, of Harrisburg, all in the State of Pennsylvania, and of the executive committee. Inter-Church Conference on Federation. New York, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Preachers' Association of Boston, Mass., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union and the congregation of the John Nelson Memorial Church, of Leicester, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CURTIS presented the petition of Arthur B. Schaeffer, of Kansas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with-

out amendment, and submitted reports thereon:

A bill (H. R. 20688) granting an increase of pension to Joseph M. Storey

A bill (H. R. 20732) granting an increase of pension to Le Roy

A bill (H. R. 20738) granting a pension to Sarah A. Hawkes; A bill (H. R. 20740) granting an increase of pension to Guthridge L. Phillips

A bill (H. R. 20823) granting an increase of pension to Wil-

liam H. Webb; A bill (H. R. 20858) granting an increase of pension to Wil-

liam C. Thompson;
A bill (H. R. 20953) granting an increase of pension to James D. Walker

A bill (H. R. 20957) granting an increase of pension to William Chagnon:

A bill (H. R. 21121) granting an increase of pension to Marcus

A bill (H. R. 21133) granting an increase of pension to James W. Cosgrove

A bill (H. R. 21022) granting an increase of pension to Thomas N. Gootee

A bill (H. R. 21025) granting an increase of pension to Enoch May:

A bill (H. R. 21039) granting an increase of pension to

Nelson J. Weller;
A bill (H. R. 21087) granting an increase of pension to Albert Manice :

A bill (H. R. 21097) granting an increase of pension to Henry W. Martin;

A bill (H. R. 21103) granting an increase of pension to Jacob Palmer

A bill (H. R. 21111) granting an increase of pension to Arthur

Graham; A bill (H. R. 21115) granting an increase of pension to Sylvester Bickford:

A bill (H. R. 21118) granting an increase of pension to Jacob Hartman

A bill (H. R. 21120) granting an increase of pension to John A bill (H. R. 21249) granting a pension to Minnie Scheele;

A bill (H. R. 21238) granting an increase of pension to John W. Gahan

A bill (H. R. 21134) granting an increase of pension to Frederick Kriner

A bill (H. R. 20087) granting an increase of pension to John

M. Dixon; A bill (H. R. 20684) granting an increase of pension to

William M. Neal;
A bill (H. R. 20713) granting an increase of pension to Timothy Quinn; and

A bill (H. R. 21257) granting an increase of pension to Thomas Morris.

Mr. HANSBROUGH, from the Committee on Public Lands,

to whom was referred the bill (S. 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes, reported it with amendments.

Mr. CLARK of Wyoming. I ask leave to file at a future day a minority report with the bill just reported from the Committee

on Public Lands.

The VICE-PRESIDENT. Leave is granted.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes, reported it without amendment.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them without amend-

ment, and submitted reports thereon:

A bill (H. R. 23686) granting an increase of pension to William H. Kehlbeck:

A bill (H. R. 23684) granting an increase of pension to Harry C. Cadwell:

A bill (H. R. 23683) granting an increase of pension to Thomas

A bill (H. R. 23656) granting an increase of pension to John

A bill (H. R. 23653) granting an increase of pension to Dewitt C. Chapman;

A bill (H. R. 23652) granting an increase of pension to William H. Zimmerman

A bill (H. R. 23651) granting an increase of pension to John W. Wilson;

A bill (H. R. 23645) granting an increase of pension to Isaac

L. Griswold A bill (H. R. 23644) granting an increase of pension to Charles

A bill (H. R. 23624) granting an increase of pension to Albina

M. Williams;

A bill (H. R. 23622) granting an increase of pension to Benjamin Maple

A bill (H. R. 23608) granting an increase of pension to John Manley

A bill (H. R. 23599) granting an increase of pension to Alfred B. Stansil;

A bill (H. R. 23593) granting an increase of pension to Charles M. Buck

A bill (H. R. 23550) granting an increase of pension to Eliza-

A bill (H. R. 23549) granting an increase of pension to Isaiah

A bill (H. R. 23528) granting an increase of pension to John

M. Smith: A bill (H. R. 23527) granting an increase of pension to Jo-

seph E. Knighten; A bill (H. R. 23526) granting an increase of pension to Ste-

phen D. Jordan: A bill (H. R. 23522) granting an increase of pension to George W. Shacklett;

A bill (H. R. 23495) granting an increase of pension to Adam

A bill (H. R. 23481) granting an increase of pension to John

A bill (H. R. 23477) granting an increase of pension to Caro-

line Vick A bill (H. R. 23475) granting an increase of pension to

Thomas J. Green: A bill (H. R. 23468) granting an increase of pension to Mar-

tin Becker A bill (H. R. 23458) granting an increase of pension to Edgar

A bill (H. R. 23423) granting an increase of pension to El-

bridge Simpson; A bill (H. R. 23371) granting an increase of pension to Clark

Crecelins A bill (H. R. 23365) granting an increase of pension to Wil-

liam Seitz; and A bill (H. R. 23357) granting an increase of pension to James

M. Houston. Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without

amendment, and submitted reports thereon: A bill (H. R. 20107) granting an increase of pension to Wil-

liam A. Brown; A bill (H. R. 24017) granting an increase of pension to Tim-

othy Hanlon A bill (H. R. 23984) granting an increase of pension to Jacob Miller:

A bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller:

A bill (H. R. 23973) granting an increase of pension to Henry Loor Reger :

A bill (H. R. 23969) granting an increase of pension to William Morson;

A bill (H. R. 23958) granting an increase of pension to Thomas W. Parsons;
A bill (H. R. 23957) granting an increase of pension to John

Heinrichs

A bill (H. R. 23915) granting a pension to William Stegal;

A bill (H. R. 23899) granting an increase of pension to James P. Hanna

A bill (H. R. 19650) granting an increase of pension to Alexander W. Taylor;

A bill (H. R. 20615) granting an increase of pension to Julia T. Baldwin

A bill (H. R. 22853) granting an increase of pension to Burden H. Barrett; and

A bill (H. R. 21294) granting an increase of pension to Lissie

D. Allen. Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with-

out amendment, and submitted reports thereon: A bill (H. R. 23339) granting an increase of pension to Martha L. Burnham

A bill (H. R. 16389) granting a pension to Jefferson Wilcox; A bill (H. R. 23281) granting an increase of pension to William T. Fisher

A bill (H. R. 23279) granting an increase of pension to David H. Moore

A bill (H. R. 23278) granting an increase of pension to James M. Morris

A bill (H. R. 23265) granting an increase of pension to Henry Helton

A bill (H. R. 23250) granting a pension to Georgie A. Mercer; A bill (H. R. 23234) granting an increase of pension to James W. Walsh, alias James Powers;

A bill (H. R. 23195) granting an increase of pension to Aurora Garwood Ellis; A bill (H. R. 23182) granting an increase of pension to Mar-

tha Ella Wrenn; A bill (H. R. 22842) granting an increase of pension to Wil-

liam C. Hodges; A bill (H. R. 22838) granting an increase of pension to W.

Ira Templeton : A bill (H. R. 22820) granting an increase of pension to George

S. Schmutz A bill (H. R. 22772) granting an increase of pension to Mary

S. Sanders A bill (H. R. 22764) granting an increase of pension to Sam-

nel V. Carr A bill (H. R. 22762) granting an increase of pension to John

M. Gilbert A bill (H. R. 22750) granting an increase of pension to William Jenkins

A bill (H. R. 22747) granting a pension to Celestia E. Out-

A bill (H. R. 22746) granting an increase of pension to Felix G. Cobb;

A bill (H. R. 22715) granting an increase of pension to Terrance Dovle:

A bill (H. R. 23327) granting an increase of pension to Paul Sheets:

A bill (H. R. 23299) granting an increase of pension to Henry Goodlander

A bill (H. R. 23247) granting an increase of pension to George I. Stults:

A bill (H. R. 23241) granting an increase of pension to Mary A bill (H. R. 23197) granting an increase of pension to Agnes

E. Brown A bill (H. R. 23187) granting a pension to Jennie E. Lucken-

bach: A bill (H. R. 23153) granting an increase of pension to George

Quien: A bill (H. R. 23143) granting an increase of pension to John

H. Robbins ; A bill (H. R. 23136) granting an increase of pension to Syl-

vanus Sloat A bill (H. R. 23121) granting an increase of pension to Frank

A bill (H. R. 23096) granting an increase of pension to James L. Colding;

A bill (H. R. 23057) granting an increase of pension to James M. Davidson

A bill (H. R. 22990) granting an increase of pension to Francis A. Lander

A bill (H. R. 22985) granting an increase of pension to Henry Bauerlin;

A bill (H. R. 22978) granting an increase of pension to Thomas Adams;

A bill (H. R. 22951) granting an increase of pension to Alice H. Ragan

A bill (H. R. 22929) granting an increase of pension to John O. McNabb:

A bill (H. R. 22927) granting an increase of pension to William A. Leach; and A bill (H. R. 22846) granting an increase of pension to Martin

Holmes, alias George Langin.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 8075) to provide for the construction and equipment of a revenue cutter, with headquarters at New Orleans, La., reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3720) granting an increase of pension to Joseph McNulty

A bill (H. R. 13706) granting an increase of pension to Albert C. Roach:

A bill (H. R. 8816) granting a pension to Mary Schoske;

A bill (H. R. 22022) granting an increase of pension to Josiah H. Shaver

A bill (H. R. 22036) granting a pension to Emma A. Hawkes; A bill (H. R. 23877) granting an increase of pension to Mary A. Edwards

A bill (H. R. 23874) granting an increase of pension to Wil-

liam R. Horn;
A bill (H. R. 23872) granting an increase of pension to Charles

A bill (H. R. 23858) granting an increase of pension to Hugh M. Cox

A bill (H. R. 23846) granting an increase of pension to Sarah Ann Kendig

A bill (H. R. 23845) granting an increase of pension to George W. Cassle

A bill (H. R. 23812) granting an increase of pension to Joseph

A bill (H. R. 23811) granting an increase of pension to Theron Cross

A bill (H. R. 23810) granting an increase of pension to Ira J. Everson;

A bill (H. R. 23805) granting an increase of pension to Thomas Hamilton

A bill (H. R. 23804) granting an increase of pension to Phoebe

E. Sparkman: A bill (H. R. 23803) granting an increase of pension to David C. Jones

A bill (H. R. 23795) granting an increase of pension to Patrick McMahon;

A bill (H. R. 23792) granting an increase of pension to Zeurial McCullock

A bill (H. R. 23783) granting an increase of pension to George

A bill (H. R. 23781) granting an increase of pension to Honora Higgins

A bill (H. R. 23778) granting an increase of pension to Henry

Clapper A bill (H. R. 23777) granting an increase of pension to James

Marshall A bill (H. R. 23774) granting an increase of pension to James

Kelley ; A bill (H. R. 23772) granting an increase of pension to Temperance Davis;

A bill (H. R. 23770) granting an increase of pension to Henry D. Combs

A bill (H. R. 23764) granting an increase of pension to Joseph C. Fisher

A bill (H. R. 23762) granting an increase of pension to Adeliade Wagner:

A bill (H. R. 23739) granting an increase of pension to Elizabeth Pillow:

A bill (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer;

A bill (H. R. 23703) granting an increase of pension to Clarendon Kelly;

A bill (H. R. 23699) granting an increase of pension to Joseph Countryman; and

A bill (H. R. 23687) granting a pension to Blanche C. Polk.
Mr. PERKINS, from the Committee on Commerce, to whom
was referred the bill (S. 8170) amending an act to create a
customs district of the Territory of Arizona, approved April 29, 1890, reported it with an amendment, and submitted a report

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 1217) for the relief of the estate of Henry Ware, deceased, reported it without amendment, and submitted a report thereon.

Mr. HEYBURN, from the Committee on Manufactures, to whom was referred the bill (S. 4633) authorizing Government assistance in the development and encouragement of ramie fiber, silk, and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of Commerce and Labor, reported it without amendment, and submitted a report thereon.

ST. JOHN'S (FLA.) LIGHT AND POWER COMPANY.

Mr. TALIAFERRO. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 8128) granting to the St. John's Light and Power Company a right of way for street railroad purposes through the United States military reservation of Fort Marion, in St. Augustine, Fla., and through other Government property in said city, to report it favorably with amendments, and I submit a report thereon. I ask unani-

mous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The first amendment was, at the end of section 2, to insert:

And if said company shall fall or refuse to remove its tracks, poles, wires, and other structures and appurtenances from the reservation within said period of sixty days after notification so to do, then, and in that event, the Secretary of War may cause the same to be removed at the expense of the said company and without liability to damages at the e

The amendment was agreed to.

The next amendment was, to insert as an additional section the following:

Sec. 3. That said company shall pay such reasonable annual rental for such right of way, and at such time as may be fixed by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF SCHOOL FUNDS TO SOUTH CAROLINA.

ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (S. 8065) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, to report it favorably with an amendment.

Mr. TILLMAN. It is a matter of some importance that the bill should be passed immediately, and I ask unanimous consent for its consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 2, line 4, after the words "South Carolina," to strike out the remainder of the bill in the following words:

The interest on which is applied to the support of said schools, shall, on the 1st day of July, 1907, be paid over to the State of South Carolina, which State shall set apart said sum as a separate interest-bearing trust fund and administer the same in such manner as it may elect for the benefit of free public schools in the parishes of St. Helena and St. Luke, in said State, as provided in the act of Congress approved March 3, 1873.

And in lieu thereof to insert:

In trust for the purposes of carrying out the provisions of an act entitled "An act to amend an act entitled 'An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes,'" approved March 3, 1873, and the said sum of \$50,490 is hereby appropriated to carry out the provisions of this act.

So as to make the bill read:

So as to make the only read:

Be it enacted, etc., That the sum of \$50,450, heretofore invested in United States registered 4 per cent honds of the funded loan of 1907, and the sum of \$40, invested in United States registered 3 per cent bonds of the loan of 1908 to 1918, an aggregate of \$50,490, invested by the Secretary of the Treasury under the provisions of the act of Congress of March 3, 1873 (17 Stat., p. 600), as a fund for the use and support of free public schools in the parishes of St. Helena and St. Luke, S. C., in trust for the purpose of carrying out, etc.

The amendment was agreed to.

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The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA VALLEY (WASHINGTON) RAILROAD COMPANY.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6691) granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes, to report it favorably, with an amendment in the nature of a substitute, and I submit a report thereon.

Mr. FULTON. I ask unanimous consent for the present con-

sideration of the bill just reported.

The Secretary read the proposed substitute; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was to strike out all after the enacting clause and to insert:

The amendment was to strike out all after the enacting clause and to insert:

That the Secretary of War may authorize the Columbia Valley Railroad Company to build a railroad and telegraph line through the Military Reservation at Scarborough Head, known as Fort Columbia, Wash., and to that end may set aside for occupancy by said Columbia Valley Railroad Company such ground, and no more, as is actually required for the track, embankment, trestle, and necessary buildings: Provided, That the ground so occupied shall remain the property of the United States under such police and other military control as the military authorities may deem it necessary to exercise: Provided further, That the location and grade of said railroad, the design and location of the station house and other buildings, and all other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad shall be under such regulations as the Secretary of War may from time to time establish: Provided further, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments: Provided further, That the said railroad company shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War.

Sec. 2. That the Secretary of the Treasury may authorize the said Columbia Valley Railroad Company to build a railroad and telegraph line through the United States quarantine station grounds in section 17, township 9 north, range 9 west of the Wilamette meridian, in the State of Washington, and to that end may set aside for occupancy by said Columbia Valley Railroad Company such ground, and no more, as is actually required for the track, embankment, trestle, and necessary buildings: Provided, That the location and grade of said railroad and all other details of construction within the limits of said quarantine station, and also all matters pertaining to the operation and maintenanc

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEAVES OF ABSENCE TO ENTRYMEN.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands, to whom was referred the bill (S. 8277) providing for stated leaves of absence to entrymen under the homestead laws, to report it favorably with amendments, and I ask

for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The amendments were on page 1, line 5, after the word hereafter" to insert the word "actually," and after the word " hereafter " "Provided," in line 7, to strike out the remainder of the bill and insert:

That nothing in this act shall be so construed as to relieve home-stead entrymen of the duty of residence during the months not herein named: Provided further, That in commutation homestead proofs no credit for the period of actual absence under this act shall be allowed.

So as to make the bill read:

Be it enacted, etc., That no homestead entry shall be canceled and no final proof shall be rejected because of any failure of the entryman named therein to hereafter actually reside upon the lands covered by his entry during the months of December, January, February, and March, or any portion of such months: Provided, That nothing in this act shall be so construed, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS COLLECTION DISTRICT OF PUGET SOUND.

Mr. BURROWS. I am directed by the Committee on Finance, to whom was referred the bill (S. 7502) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington, to report it favorably with an amendment. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The amendment was, in line 6, before the word "thousand," to strike out "four" and insert "three;" so as to make the bill read:

Be it enacted, etc., That there shall be in the customs collection district of Puget Sound, State of Washington, an appraiser of merchandise, to be appointed by the President, and by and with the consent of the Senate, and with compensation at the rate of \$3,000 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-SHIP FOR NARRAGANSETT BAY, RHODE ISLAND.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8186) to construct and place a light-ship at or near Ohio Shoal, Narragansett Bay, Rhode Island, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

Mr. HEYBURN. I desire to inquire of the Senator from Washington at what point in the river it is proposed to construct the dam?

Mr. PILES. It is a House bill, and it is accompanied by the report of the House committee. The report shows at what point in the river the dam is to be constructed.

Mr. HEYBURN. The bill came from the committee this morning. The construction of dams across navigable rivers is sometimes a matter of considerable local importance.

The VICE-PRESIDENT. Is there objection to the present

consideration of the bill?

Mr. HEYBURN. I think the bill had better go over until I can examine the report and see where the dam is to be constructed.

Mr. PILES. I have no objection to its going over for the present.

The VICE-PRESIDENT. The bill will go over. Mr. HEYBURN subsequently said: I withdraw the objection which I interposed to the present consideration of House bill

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. HEYBURN subsequently said: I desire to enter a motion to reconsider the vote by which the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, was passed.

The VICE-PRESIDENT. The motion to reconsider will be

Mr. HEYBURN. I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

CHARLES E. DANNER & CO.

Mr. DANIEL. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 8685) for the relief of Charles E. Danner & Co., to report it favorably without amendment, and I submit a report thereon. The bill carries an appropriation of \$240. It remits a penalty under the recommendation

of the Commissioner of Internal Revenue. I ask leave for its

present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Charles E. Danner, John N. Wallace, and W. Porter Danner, copartners trading under the name of Charles E. Danner & Co., \$240, the amount paid by them for a wholesale dealer's license for the sale of oleomargarine, and the penalty thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF COPYRIGHT ACTS.

Mr. MALLORY. On behalf of the minority of the Committee of Patents, I submit in writing the views of that minority in opposition to certain features of the bill (S. 8190) to consolidate and revise the acts respecting copyrights, and I ask that the views of the minority be printed.

The VICE-PRESIDENT. It is so ordered.

S. W. PEEL.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication, to report it favorably without amendment, and I submit a report thereon.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill. Mr. SPOONER rose.

Mr. ALDRICH. I think the bill had better not be considered at this time

The VICE-PRESIDENT. Under objection, the bill will go to the Calendar.

Mr. CLARKE of Arkansas. Let me inquire if that rule is to be applied to all bills or if it is to be applied simply to this one?

Mr. SPOONER. I rose not for the purpose of objecting to the bill, but for the purpose of inquiring of the Senator what rate of interest the bill carries.

Mr. CLARKE of Arkansas. The rate of interest mentioned in

If it is not mentioned, it will not carry any interest. the bill.

Mr. SPOONER. If it is not mentioned?

Mr. CLARKE of Arkansas. Then it will carry none.

Mr. SPOONER. The bill requires the payment of interest. Mr. CLARKE of Arkansas. Let the Secretary read that particular provision of the bill, so that we may know about it.

The VICE-PRESIDENT. The Secretary, without objection, will read the provision, at the request of the Senator from Ar-

The Secretary read as follows:

And in case the said court finds any sum or amount due the claimant for his services and disbursements as aforesaid, it shall thereupon direct the same to be paid with interest from the funds of said nation now in the Treasury of the United States.

Mr. CLARKE of Arkansas. If there is no interest found due,

of course it will render that part nugatory.

Mr. SPOONER. I suppose the Senator would not fix the rate

in the bill?

Mr. CLARKE of Arkansas. No; I do not care anything about it.

Mr. SPOONER. Then that clause ought to be stricken out.

Mr. CLARKE of Arkansas. There is no objection to the The VICE-PRESIDENT. The bill goes to the Calendar. There is no objection to that.

Mr. CLARKE of Arkansas. I wish to inquire of the Senator from Rhode Island if that rule is to be applied to all bills or to this particular bill? Does the objection arise from some provision of this bill or is it to be the rule not to consider any bills under unanimous consent from now on?

Mr. ALDRICH. I never heard of the bill until it was read at the desk. It seems to be a bill to provide for sending a case to the Court of Claims in which the United States is not a party and apparently has no interest except perhaps in some kind of relation which it may have toward the Indian tribe. It provides also for the payment of interest on a claim. I do not know anything about the amount. It has never been customary for the United States, when the Government has any interest in

the matter or any control over it, to pay interest on claims.

Mr. CLARKE of Arkansas. That matter can be satisfactorily

Mr. ALDRICH. I do not know anything about the amount involved. It seems to me that it is too important a bill to be disposed of in this way. Therefore I interposed an objection, and substitute therefor smaller allotments of irrigable land, and

which I presume I had a right to do, and it had no reference to any other bill.

Mr. CLARKE of Arkansas. I suppose the Senator over-looked the fact that the matter has been considered by the Committee on Indian Affairs and favorably reported by that committee.

Mr. ALDRICH. I did not. I understood that it was reported from that committee.

The VICE-PRESIDENT. The Chair will remind Senators that the debate is proceeding entirely by unanimous consent. The bill goes to the Calendar.

IMMIGRATION STATION AT GALVESTON, TEX.

Mr. CULBERSON. On the 5th instant I introduced a bill (S. 8327) to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building, and asked its reference to the Committee on Immigration. In some way the bill was referred to the Committee on Public Buildings and Grounds instead, and improperly referred. I move that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Immigration.

The VICE-PRESIDENT. Without objection, it is so ordered. BILLS INTRODUCED.

Mr. ALDRICH introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8347) granting an increase of pension to Ervin F.

A bill (S. 8348) granting an increase of pension to Cornelius

E. Bliss; and A bill (S. 8349) granting a pension to Mary Ellen Van

Amringe. Mr. BLACKBURN introduced a bill (S. 8350) for the relief

of the legal representatives of John Hoey, deceased; which was read twice by its title, and referred to the Committee on Claims. Mr. PENROSE introduced a bill (S. 8351) to correct the military record of Christian Heinze; which was read twice by its

title, and referred to the Committee on Military Affairs. He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on

Pensions: A bill (S. 8352) granting a pension to Thomas J. Parker

(with accompanying papers);
A bill (S. 8353) granting an increase of pension to R. M.

Musser A bill (S. 8354) granting an increase of pension to Joseph N. Croak, alias Joseph N. Croke (with accompanying papers);

A bill (S. 8355) granting an increase of pension to William Martin (with accompanying papers);

A bill (S. 8356) granting an increase of pension to Peter Grace; and

A bill (S. 8357) granting a pension to Pamelia Roberts.

Mr. PENROSE introduced a bill (S. 8358) for the relief of parties from whom cigars were seized on account of bearing counterfeit stamps; which was read twice by its title, and referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 8359) extending the time for making final proof in certain desert-land entries; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. GAMBLE introduced a bill (S. 8360) granting an increase of pension to John C. Roth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 8361) granting an increase of pension to Clarrissa Whitney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions. mittee on Pensions.

He also introduced a bill (S. 8362) to authorize the city council of Salt Lake City, Utah, to construct and maintain a bouleward through the military reservation of Fort Douglas, Utah; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Commit-

tee on Claims

A bill (S. 8363) for the relief of Lizzie Dickson, administratrix of Archibald D. Palmer, deceased; and A bill (S. 8364) for the relief of the estate of Edward Gaudin

(with an accompanying paper).

Mr. NEWLANDS introduced a bill (S. 8365) authorizing the Secretary of the Interior to cancel certain Indian allotments

providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLARKE of Arkansas introduced the following bills; Mr. CLARKE of Arkansas introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8366) for the relief of the Mount Pleasant Masonic Lodge, No. 99, of Austin, Lonoke County, Ark.; and

A bill (S. 8367) for the relief of the estate of William H. Lindsay, deceased.

Mr. WHYTE introduced a bill (S. 8368) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8,

1896; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURROWS introduced a bill (S. 8369) granting an increase of pension to Simeon F. Dickinson; which was read twice

by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8370) granting an increase of pension to Elizabeth Sweat; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8371) granting an increase of pension to Rose L. Gibbon; which was read twice by its title,

and refered to the Committee on Pensions.

and refered to the Committee on Pensions.

Mr. HALE introduced a bill (S. 8372) granting an increase of pension to Elizabeth G. Illsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 8373) granting an increase of pension to Robert McVay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

CLAIMS UNDER THE NAVY DEPARTMENT.

Mr. PENROSE submitted two amendments intended to be proposed by him to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department; which were referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MALLORY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

Mr. BURROWS submitted an amendment proposing to appropriate \$3,500 to enable the Commissioners of the District of Columbia to employ special counsel to enforce, by proceedings in the proper courts, the lien of the District of Columbia for unpaid taxes etc., intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. DICK submitted an amendment proposing to appropriate \$195,260.43 to pay amounts found due the several States for expenses incurred and paid by them under the act of July 27, 1861, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropria-

Mr. LODGE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

ADMINISTRATOR OF EPHRAIM PERKINS.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 7986) entitled "A bill authorizing the payment to the administrator of the late Ephraim Perkins, captain, of the value of his three-fourths of brigantine Eliza and cargo, illegally captured by the French, as ascertained by the Court of Claims," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate their findings of fact and law.

CHARLES S. HANKS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General and the Secretary of Commerce and Labor are hereby severally directed to report whether Charles S. Hanks has at any time been paid from public funds for service in either of their Departments, and, if so, by whom he was employed and what sums have been paid to him and for what service; and they are also severally directed to send to the Senate copies of any reports he may have made with reference to matters he may have been required to investigate. investigate.

PRINTING OF SERVICE PENSION LAW.

On motion of Mr. McCumber, it was

Ordered, That 10,000 copies of the "Act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 6, 1907, be printed in bill form and with good-sized black-faced type, for the use of the Senate document room.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 6:

S. 976. An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with

S. 4350. An act for the relief of Arthur A. Underwood;

S. 7099. An act granting an increase of pension to Esther A. Cleaveland; and

S. 7760. An act to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River.

JOHN M'KINNON, ALIAS JOHN MACK.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Military Affairs, and ordered to be printed: To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of the 5th instant, I return herewith Senate bill No. 1160, entitled "An act to correct the military record of John McKinnon, alias John Mack." THEODORE ROOSEVELT.

THE WHITE HOUSE, February 7, 1907.

THE PHILIPPINE ISLANDS.

Mr. CLAPP. I move that the Senate proceed to the consid-

eration of the Indian appropriation bill.

Mr. CLAY. I ask the Chair if it is not true that the resolu-tion which I introduced yesterday, and which went over on ob-jection, should come up this morning as part of the morning business?

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Georgia [Mr. CLAY] on a previous day, which will be read.

The Secretary read the resolution, submitted by Mr. CLAY

on the 6th instant, as follows:

on the 6th instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following:

A statement of the amount of money expended by the United States for equipment, supplies, and military operations in the Philippine Islands each year from July 1, 1902, to the present time. Said statement to include the amount of money paid by the United States for and on account of railway transportation for troops to and from the Philippine Islands since July 1, 1902, and the several railway companies to which it was paid and the sums paid each of them. Said statement to include a full and complete account of all our expenditures in the Philippine Islands since July 1, 1902, up to the present time.

The Secretary is also directed to inform the Senate the number of United States soldiers now stationed in the Philippine Islands, and how long, in his judgment, it will be necessary for the United States to maintain an army in the Philippine Islands, and what number of soldiers will be required to maintain law and order in said islands, and what will probably be our annual expenditures in maintaining such army in said islands.

He is also directed to inform the Senate what progress, if any, has been made by the people of the Philippine Islands in qualifying them-selves for self-government.

Mr. LODGE. Let that resolution go over, Mr. President.

Mr. LODGE. Let that resolution go over, Mr. President. Mr. BURROWS. The resolution was offered yesterday and

went over The VICE-PRESIDENT. The resolution went over yester-

Mr. LODGE. I did not know that when I made the request. Then I move that the resolution be referred to the Committee on the Philippines.

Mr. CLAY. Will the Senator withdraw his motion for a min-

Mr. LODGE. Certainly.

Mr. CLAY. I call the Senator's attention to the fact that in the year 1902 a similar resolution was introduced and unanimously adopted by the Senate, and the information then asked for was sent to the Senate. Since 1902 no annual statement

appears, so far as the Senate knows, as to our expenditures in the Philippine Islands. I believe that Congress ought to know exactly what is going on in the Philippine Islands. informed that we are spending from forty to fifty million dollars a year, and we ought to know how much our Army and our Navy are costing us every year in the Philippine Islands. Congress ought to be informed as to all of our expenditures in those islands. It is extremely difficult, Mr. President, to ascertain how much our Army expenses have been increased by reason of the retention of those islands, and how much our naval expenditures have been increased on that account.

As I have said, there was no objection to the adoption of a similar resolution in 1902, and I feel sure that if this resolution shall go to the committee, in all probability we will not be able to get any action upon it during the present session of

Mr. LODGE. Mr. President-

Mr. CLAY. I sincerely hope that my friend the Senator from Massachusetts will allow this resolution to be adopted either to-day or to-morrow, or at some other early day in the

Mr. LODGE. Mr. President, all the expenditures about which the Senator speaks are published now. This resolution calls for merely additional work on the part of the Department, as understand the resolution from hearing it read. everything is in print that can have any bearing upon the matter at all, and I think the resolution ought to be referred to the Committee on the Philippines before we agree to it. The commiftee should have an opportunity to look into the question and see whether there is any need of such an inquiry and whether the information can not be obtained in the document room, the reports having already been printed.

Mr. CLAY. Mr. President, I will say to the Senator that, in my opinion, this information ought to be forwarded to the Senate in tabulated form, in order that the Senate may have it printed as a document and in order that the country may know exactly what we are doing in the Philippine Islands, and what progress we are making in those islands in regard to the civilization of those people and preparing them for self-government.

Mr. LODGÉ. That information is reported in full every year

by the Secretary of War.

Mr. CLAY. I understand that, Mr. President, but if you go over the report of the Secretary of War, involving many hundreds of pages, you will find it almost impossible to obtain the exact information in a form in which it can be sent to the If this information can be furnished to the Senate, itemized in short form and presented to the country, then the country will know exactly what we are doing in the Philippine Islands.

Mr. President, the Philippine Commission reports fully and elaborately on everything in the islands, and that report is a public document before Congress for distribu-—a report made annually. Nothing more can be added to All the information is in the report of the Philippine Commission and the report of the Secretary of War, and the expenses are all to be found stated in their proper places in those reports. Our expenditures and the expenditures made by the Philippine government are all returned in the reports, and every particle of this information is before us.

As to the general condition of the people there, a report is sent in every year by the Philippine Commission.

Mr. CLAY. Mr. President—
Mr. SPOONER rose.

The VICE-PRESIDENT. Does the Senator from Georgia

yield to the Senator from Wisconsin?

Mr. CLAY. Certainly I yield to the Senator from Wisconsin. Mr. SPOONER. I rose for the purpose of asking the Senator from Georgia to allow this resolution to go over until to-morrow.

I am willing to do that; but I first want to say Mr. CLAY. a word in reply to the Senator from Massachusetts [Mr. Longe]. Mr. SPOONER. That might go over with it. If the Senator

will permit me, I think there are one of two items of information called for by the resolution of the Senator which ought to be eliminated from it on two or three grounds. The general scope of the resolution, so far as I am concerned, I do not care anything about; but there are matters which ought not to be discussed here, and if the Senator will allow the resolution to go over until to-morrow I should think perhaps he might conclude to modify it in that regard.

Mr. CLAY. I have no objection to the resolution going over,

but I should like it to go over without losing its place.

I want to say, in reply to the Senator from Massachusetts. that I am exceedingly anxious to ascertain how much of our naval expenditures can be chargeable to the Philippine Islands. We are spending \$100,000,000 a year for the purpose of maintaining a navy; and I want to ascertain, if I can, how much of those expenses can be charged to the Philippine Islands.

Mr. ALDRICH. Mr. President-Mr. CLAY. Just one moment. I believe last year we spent nearly \$100,000,000 for the purposes of war, and the Army appropriation bill of this year will carry about \$82,000,000. want to ascertain, if I can, how much of this expenditure can be charged to the Philippine Islands. It is a very difficult task to find out exactly how much we are spending in the Philippines and how much more the Navy costs by reason of the retention of those islands. By critical examination of the report of the Philippine Commission it is impossible to secure the information which I desire. I am perfectly willing, however, that the resolution shall go over until to-morrow.

Now I yield with pleasure to the Senator from Rhode Island

[Mr. ALDRICH]

Mr. ALDRICH. The Senator from Georgia says he wants to know how much more is the present cost of the Navy than it would be if we did not have the Philippine Islands. is to determine that? Whose opinion does the Senator from Georgia propose to ask on that subject—the opinion of the Sectary of War or that of the Philippine Commission, or whose?

Mr. CLAY. The Philippine Commission is really under the Secretary of War. I propose to ask the Secretary of War to give us an estimate of how much of the expenses of the War Department can be chargeable to the Philippine Islands.

Mr. ALDRICH. How about the expenditures of the Navy Mr. CLAY. That I propose to find out by another resolution asking the Secretary of the Navy to inform the Senate how much of the naval expenditures can be chargeable to the Philippine Islands. It is exceedingly important that the American people should know what is going on in our possession 8,000 miles away from us, how much money we are expending there, how much we may have to expend in the future, and the exact

situation in those islands.

Mr. ALDRICH. The Senator from Georgia, of course, desires some accurate information upon this subject, and he is asking about a subject upon which accurate information can not be furnished by anybody. It is purely a matter of opinion. The Secretary of War can give no better information as to the increased cost of the Navy on account of the possession of the Philippines than can the Senator from Georgia himself, and his opinion would be worth no more to the American people than would the opinion of that distinguished Senator. The Senator could make a statement here on the floor that would have all the force and authority that any other man's opinion would have as to what would be the cost outside the actual expenditures for the Army in the Philippines and the cost of transportation. The discussion here shows very clearly that the resolution ought to be referred to some committee to be considered, in order that we may ask for positive and accurate information on subjects on which such information is obtainable, and not pass a resolution asking for the opinion of people on subjects on which they have no right to express an opinion.

Mr. President, it is inconceivable to me that the Secretary of the Navy could not give a correct idea as to how much money we are spending on account of our Navy in the Philippine Islands, and I am sure that the Senator from Rhode

Island is mistaken in his statement.

Mr. President, I have never known a resolution of this kind heretofore referred to any committee; and the Senator will find that a resolution exactly like this was heretofore introduced and unanimously adopted by this Senate, and the Senator from Rhode Island did not then object to it.

I do not desire to consume the time of the Senate this morning, for I know that time is precious to the Senate, and the Senator from Minnesota [Mr. Clapp] is anxious that the Indian appropriation bill shall be proceeded with. I am willing, therefore, that the resolution shall go over until to-morrow morning.

The VICE-PRESIDENT. Without objection, the resolution

will lie over.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. FRAZIER. Mr. President, I had given notice that today immediately after the conclusion of the morning business I would address the Senate on Senate resolution 183. however, the wish of the Senator from Minnesota [Mr. Clapp] in reference to the Indian appropriation bill and his desire to make progress with it. I am informed by that Senator that the bill will probably be concluded to-day. I therefore transfer my notice to to-morrow morning immediately after the conclusion of the morning business.

INDIAN APPROPRIATION BILL.

I move that the Senate proceed to the consideration of House bill 22580, making appropriations for the Indian Department, etc.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipu-

lations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

Mr. STONE. Mr. President, I would not consume the very valuable time of the Senate now by further discussion of the pending amendment except for the fact that it is one of the important questions before the Senate. I do not say it is "the most important," for that would be an exaggeration; but it is a question of high moment, and I feel that as a minority member of the Committee on Indian Affairs I ought to say something

regarding it.

The fundamental question here is, Whether the Congress has power to change the title under which allottees in the Indian Territory hold their land by imposing new or additional re-strictions upon the right of alienation. In order to arrive at a correct conclusion as to that Senators ought to understand the exact status. They ought to be familiar with the legislation heretofore enacted affecting the relation of the United States to these tribes and the legislation under which they hold

By an act of Congress, indeed by several acts so far as these Indians are concerned, citizenship was conferred upon the peo-ple belonging to the Five Civilized Tribes—citizenship in all its amplitude and with all the rights, privileges, and immunities enjoyed by any and all citizens of the United States, and they are in the full enjoyment of those dignities, privileges, and pre rogatives now. After this was done—this was in 1902—ar agreement was entered into between the Indians of these tribes and the Government of the United States concerning the disposition of their lands. There had been previous agreements of recent date—in 1898, for instance—which had been ratified by the tribes and by Congress and which, by virtue of the action of Congress, had become laws of the United States. But all former agreements and laws were finally merged into the agreement of 1902.

Under the agreement or act of 1902 it was provided, among other things, that the Indians of these tribes should take their For a long time they had been held as lands in severalty. tribal or communal property. The Indians agreed to take the lands in severalty and have them allotted. A certain part of each allotment was to be set aside as a homestead; the remainder was to be what was designated as surplus land. Restrictions upon the right of alienating these lands, whether home-steads or surplus lands, were imposed by the terms of these agreements, which were afterwards passed into the form of law by the act of Congress. All homesteads were made in-alienable during the life of allottees or for twenty-one years. As to the alienation of surplus lands, different restrictions were imposed on the lands of different tribes

As to the Cherokees it was provided that they might alienate their surplus lands-lands outside of their homesteads-five years from the date of their allotments; the Creeks in five years from the approval of the agreement of 1902—that is, on June 30, 1902. The Seminoles by act of July 1, 1898, were authorized to receive their patents and convey their lands when their tribal government was dissolved, and it was provided that that tribal government should be dissolved March 4, 1906.

The Choctaws and Chickasaws were authorized to sell onefourth of their surplus lands in one year after the issuance of the patents, one-fourth in three years, and the remainder in

five years after the same date.

Mr. President, these restrictions up to 1904 applied to all allottees, whites and freedmen, as well as to citizens of Indian blood. But by an act of Congress passed April 21, 1904, restrictions upon the alienation of allotments to white intermarried citizens and freedmen were removed, except as to their homesteads. In 1904 that privilege was granted the whites and the freedmen of the Territory. But no change was made respecting the restrictions resting on the allotments of Indian So far as those restrictions were concerned, they remained as they were fixed by the act of 1902, under which the allotments were made.

It was further provided in the act of 1902 and in previous laws and agreements that the tribal governments and tribal re-lations existing in these several nations should be dissolved and that the Indians should be citizens of the United States. Their tribal governments have been, for all practical purposes, dissolved, substantially dissolved, in pursuance of the agreements If they exist at all it is only in a nominal sense. are exercising no authority, no governmental function. If they exist at all, it is chiefly so by virtue of the resolution adopted by Congress last session continuing the tribal relations for the

sole purpose of preventing the Missouri, Kansas and Texas land grant becoming effective. They are practically dissolved.
So the matter stood up to 1906. On April 26, 1906, a provision

was inserted in the act relating to the Five Civilized Tribes under which it was provided that restrictions on the alienation of any land belonging to Indians of full blood in the Indian Territory should be extended for a period of twenty-five years.

Mr. President, under this provision, if a valid law, all lands allotted to full-blood Indian citizens, whether homesteads or surplus lands, are made inalienable for twenty-five years. This, of course, is a radical change of the former law under which the allotments were made and received. In the Five Tribes there are somewhere between 18,000 and 24,000 full bloods, the exact number not being definitely known. There are in these tribes between 80,000 and 90,000 people of Indian blood all told, both mixed and full bloods, and of these about one-fourth are full bloods and three-fourths mixed bloods. So it follows that about one-fourth of the Indians and one-fourth of the land belonging to them are affected by this provision of the law of April 26, 1906.

Mr. President, at the time this provision was proposed I said that I did not believe that it was constitutional, and I still adhere to that view. While Congress might remove restrictions on the alienation of lands owned by these Indians, I did not be-lieve and do not now believe that Congress could impose new or additional restrictions of this kind on property held and owned by these Indians in severalty and in fee, they being citizens of the United States, having all the privileges and immunities of other citizens by the very terms of the law. These Indians of the Five Tribes held their respective lands for many years in com-mon as tribal or communal property. As I have already stated-

Mr. CLAPP. Mr. President—
The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. Certainly. Mr. CLAPP. I suggest I suggest to the Senator from Missouri that he incorporate right here, for the sake of plainness, the additional statement that they held those lands absolutely in fee. Perhaps the Senator was going to do it.

Mr. STONE. I was about to make substantially that statement. They did have a very excellent title as tribes to this communal property, both as a matter of morals and good faith as

well as a matter of law.

Take the Choctaws and Chickasaws for example. For long years these tribes held, occupied, and owned large areas of land east of the Mississippi River. They surrendered those lands to the Government of the United States and went over to what is now known as the Indian Territory, and there took possession of certain lands which the Government conveyed to them by a patent deed, or patent deeds, in exchange for the lands they surrendered in Mississippi and Tennessee. Under that deed and under the solemn compact and treaty which they made with our Government they were entitled to occupy and hold that territory as long as they existed as tribes. For seventy years, covering two generations, these Indians have lived on those lands, having and maintaining local tribal governments, with gover-nors or head chiefs, with legislative assemblies and judicial They were engaged in numerous useful and profitable industries; for the most part, of course, in agriculture, and had churches, schools, and whatever betokens civilized communities.

Some ten years ago the Government adopted the policy of inducing the Indians of these Five Tribes to dissolve their tribal governments and tribal relations and to have their property partitioned and allotted to the members of the tribes in severalty. Conferences looking to this end were held between representatives of the Government and representatives of the several tribes, and agreements were reached under which these

Indians consented to the proposal of the Government.

Under the very terms of those agreements, written in plain English and afterwards ratified by the Government and the tribes, so that the agreements were crystallized into the statute law of the nation, the lands were allotted in severalty. It was provided in the agreements and the law that the freedmen, former slaves of these Indians, and their descendants, should each be given 40 acres of land, and that the remainder of the land held by the several tribes should be allotted in equal parts to the members of the tribes respectively, men, women, and children; and it was provided that a certain amount of each allotment should be selected and designated as the homestead of the allottee, and that the remainder should be held as surplus lands.

The number of acres constituting a homestead differs in different tribes, that being regulated by the agreement made by each tribe with the Government. There was necessarily a difference in the acreage covered by the homesteads in the

different tribes, because of the fact that there was a large difference in the areas owned by the different tribes, and the number of persons in the several tribes also differed largely

It was provided in the agreements and the law that the homestead of all allottees should be inalienable for a long period of time, I believe in every instance during the life of the allottee, with the exception in some cases that it should not extend beyond twenty-one years from the date of the patent; and restrictions upon the sale of the surplus lands were imposed for short periods, differing in the several tribes, as already shown. After the expiration of these periods the surplus lands were to be open for sale.

Under these agreements and laws lands have been allotted and large numbers of patents to allottees have been issued and delivered. All this work of allotting was practically completed long ago. The lands are held and occupied in severalty and in fee simple, subject only to the restrictions imposed by the law under which the allotments were made and the patents

Mr. President, in this state of the case could the Congress step in and impose new or additional limitations upon the title of those people, or what is the same thing in effect, enlarge and extend the restrictions imposed at the beginning, and which were a part of the original agreement and law? I do not believe that that lies within the constitutional power of the Congress, or that the power to do any such thing is vested in this or any other legislative body under our form and theory of government.

I do not deny that the restrictions on alienation imposed at the time the Indians agreed to adopt the allotment policy of the Government, and which existed at the time the allotments were made, will run with the land. I do not deny that such restrictions are valid and enforceable. But to assert that after these agreements were made and enacted into law, and after the allotments were made to the Indians and rights and titles had become vested in the allottees, the Government could then deal with these Indians as if this were trust property, still held by the Government and over which the Government might still exercise a plenary power and control, so as to change the very title under which the allottees received their land, is to assert something I believe to be absolutely unsound. If we can extend restrictions on alienation from the very day the old restrictions ended to a further period of twenty-five years, then we could pass a law prohibiting alienation forever. I do not believe that any such law could be upheld. It would be a remarkable and dangerous rule to establish. Restrictions laid upon alienation at the time the selection of allotments was made may stand, but that is the end of it.

Mr. President, if a man enters a homestead on the public domain or preempts land, as might have been done under former laws, there were and are restrictions imposed by law upon his right to dispose of the homestead or preemption or whatever the claim may have been. There were certain things the homesteader or the preemptor was obliged to do, and there were certain limitations as to time. These had to be complied with before an alienable title was vested. Would it be maintained that after a citizen had taken a homestead or made a preemption Congress could divest him of his title by new legislation or impose additional restrictions upon the title so as to destroy or impair its value? The two cases are not wholly analagous, but the one does serve to illustrate the other.

These Indians are as much citizens of the United States as any homesteader on the public domain. They gave up and surrendered rights and privileges dear to them and valuable to them, and in pursuance of a solemn agreement made with the Government of the United States, which agreement was crystallized into a statute law of the United States, took their lands in severalty upon terms well understood, and subject to fixed limitations and restrictions. I can not agree to the proposition that the Government can now change the title by which these Indians hold their estates. I have read the Heff case, the Rickert case, the Lone Wolf case, and the others that have been cited, and I feel absolutely confident that there is nothing in any of those cases that will warrant or support the contention which is here made that these allotments are still so far under the jurisdiction of the United States that the Congress may deal with them as it pleases. The Senator from Kansas [Mr. Long] demonstrated that on yesterday in his discussion of these adjudicated cases. For the most part they are wholly inapplicable to the present consideration

Mr. CLAPP. Will it disturb the Senator if I make a sugges-

Mr. STONE. No. Mr. CLAPP. I will ask the Senator if it is not a fact that the Lone Wolf case was the earliest case, and as far back as the Lone | Mr. President, it is said this law was intended to protect Wolf case the court expressly safeguarded against the sugges- | the improvident. No doubt it was so intended, and it may have

tion of interfering where the title had finally passed to an Indian individual?

Mr. STONE. That is true.

Mr. President, the Lone Wolf case and the others, for the most part I say, are inapplicable to this consideration, but so far as they are applicable without exception they tend to support the view that Congress can not extend the restrictions as was done by the act of 1906. Even the able Senator from North Dakota [Mr. McCumber], who is leading this fight on the other side as a matter of sentiment—a sentiment that does more credit to his heart, if I may say it, than to his judgment-concedes that much. If we can enlarge the original restrictions, now in some instances already expired, and prohibit the alienation of these lands forever, why could we not with equal right repeal the act of 1904, which removed restrictions on the lands of intermarried white citizens of the tribes, and impose restrictions on those lands at our pleasure?

The junior Senator from Kansas [Mr. Curtis] said we could not do that because the Government by removing the restrictions on the lands of white citizens lost jurisdiction over them, but that it has not lost jurisdiction over the lands of Indian citizens because we acted and assumed to extend restrictions before those already existing had expired. There might be something

more in this contention if it were true-

Mr. CURTIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. I do. Mr. CURTIS. I am afraid the Senator from Missouri did not quote me correctly. I stated that we lost jurisdiction over the intermarried whites and freedmen, because when we removed the restrictions the removal applied immediately. soon as the bill became a law the restrictions were removed. So far as the Indian is concerned, we did not remove the re-strictions, but we held control of the land for five years, we will say, in the Cherokee and Creek nations. Now, my contention is that at any time within the five years we, being the guardian of the Indian, have the right to extend that period, if we think it to be for the best interest of the Indian, no outside rights having been attached.

Mr. STONE. The Senator from Kansas evidently did not follow me in what I said, for I said exactly what he has said,

at least in substance.

Mr. CURTIS. Then I beg the Senator's pardon. I must have misunderstood him.

Mr. STONE. I was remarking when interrupted that there might be more in the contention made by the Senator from Kansas if it were true that the lands of these Indians were held by the Government in trust and that the relation of guardian and ward still existed. But that is not true. Most certainly the Government has no jurisdiction as a guardian over the person of these Indians any more than it has over the person of white. citizens of the tribe. It can not control the movements of the Indian citizen any more than it can of the white citizen. the allotments were made the Government did not hold the lands. of Indians, whites, or freedmen in trust. On the contrary, a fee-simple title under the very terms of the law was vested in If after this fee-simple title was vested in the allottees, and if within an hour before the expiration of the three or five year restriction on the right of alienation the Congress could so far change the title of these Indian citizens to their lands as to prohibit them from alienating it at all at any time in the future—and it could prohibit forever if it could for twenty-five years—it would seem to me that with equal right the Congress might reassert jurisdiction and control over the lands of the whites and the freedmen; and yet to attempt to do that would be admittedly absurd.

So, Mr. President, it seems perfectly clear to me that the Government holds no such interest in these lands, as trustee or otherwise, as gives to it the right to direct their disposition beyond the conditions and limitations imposed when the allotments were made and accepted.

But, Mr. President, after this question of law comes the question of policy. As the matter now stands, under the law of last year the title to all these Indian lands is clouded and the value of the lands thereby lessened, although sales are being constantly made.

If the provision of law known as the "McCumber amendment" is not a valid provision, if it will not stand the test of the courts. and if lands are being sold in spite of it under clouded titles and at depreciated valuations, every day it remains upon the statutes of the country it is a source of immeasurable detriment to the people it was intended to benefit.

that effect to a limited extent. But while you are protecting the improvident you are doing harm to an equal or greater number who are just as much entitled to your consideration.

There are between 80,000 and 90,000 Indians belonging to these tribes in the Territory, and of these between 18,000 and 20,000 are full bloods. If it were possible to separate the incompetent from the competent, and if it were constitutionally permissible, it might be a wise and humane exercise of power to deny to those who are incompetent the right of alienating any part of their lands.

I am in sympathy with the wish and purpose of the Senator from North Dakota. It is a humane purpose, and it challenges the respect and sympathy of every man. The poor and ignorant, whether in the Indian Territory or elsewhere, appeal to us. This class is not confined to Indians or the Indian Territory. I venture to say, and I do not believe it will be denied, that relatively there are no more incompetent, ignorant people among the Indians of the Five Civilized Tribes than can be found in the Territory of New Mexico and in other States and Terri-

To protect these people against themselves, so that they may not become paupers and be sent adrift without a penny and with out any employment, ignorant and helpless, the imposition of these restrictions is urged. It is all based on sentiment and conjecture. Why, Mr. President, these people could not become paupers. If this committee amendment should be adopted, and if under it they should sell all their surplus lands, they would still have their inalienable homesteads; and the homesteads represent at least one-half of their land possessions. With the proceeds of the sale of their surplus lands they could improve their homesteads and greatly improve their condition; but even if they wasted the surplus lands, they would still be far from paupers or from suffering. The homesteads would be secure to them for life.

Mr. McCUMBER. I think the Senator is in error when he states that in any number of these homesteads the restriction is only limited to the lifetime of the holder. I believe in every instance they do not run beyond twenty-one years, and those twenty-one years have already run to the extent of from one to five or six years.

Mr. STONE. In the Choctaw and Chickasaw nations the provision is that the homestead shall not be sold during the lifetime of the allottee or homesteader, not to exceed twenty-one

Mr. SPOONER. That makes the limit twenty-one years.

Mr. STONE. It does make it twenty-one years.

Mr. SPOONER. If he lives.
Mr. STONE. Twenty-one years if he lives. Mr. SPOONER. If he dies, it is shorter.

Mr. STONE. But with the other tribes my remembrance is that the homestead is for life. I may be mistaken, but I think But a homestead for twenty-one years, with from sixteen to twenty years still remaining, ought certainly to be enough to give assurance that there is no danger of that want and suffering my friend from North Dakota seems to dread so much.

Now, the area of land held by the homesteads is equal to the area covered by the surplus. So, I say, if these Indians should dispose of their surplus lands and improvidently waste the proceeds of the sales, they would still have their munificent homesteads, which they could not alienate or encumber.

Mr. DEPEW. For fifteen years? Mr. STONE. The Senator from North Dakota says from sixteen to twenty years.
Mr. CURTIS. Mr. President-

The PRESIDING OFFICER (Mr. Bulkeley in the chair). Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Certainly. Mr. CURTIS. The agreement says "not exceeding twentyone years from the date of the certificate of allotment," and those certificates

Mr. STONE. What tribe is that? Mr. CURTIS. The Cherokees; and that was substantially the provision in each of the agreements, except with the Sem-

Mr. SPOONER. Will the Senator read that provision, with the permission of the Senator from Missouri?

Mr. STONE. Certainly. Mr. CURTIS. Section 13 of the act of July 1, 1902, is as follows:

Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allottable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the life-time of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said

homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt con-tracted by the owner thereof while so held by him.

It is not limited to twenty-one years, as I thought it was. Mr. STONE. Suppose all homesteads were limited to twentyone years. In the name of common sense would you want to a greater privilege to any man enjoying the rights and dignities of American citizenship than to give him his home-stead for twenty-one years free from all taxation? If these people can ever learn to care for themselves, they can certainly do it in twenty-one years. In the course of nature not many of the older class will be living twenty-one years from now. is reasonable to say that the greater number of the older full bloods who have taken these homesteads will be gathered to their fathers before the twenty-one years have ended; and if the younger ones who have nontaxable homesteads, the boys and girls who are now children, have twenty-one years of schools in a populous State with a wise Government, and with the activities of a splendid civilization all around them, can not be sufficiently advanced in the industrial arts to live, then

their case is simply hopeless. Mr. President, Oklahoma is about to be admitted as a State. Half the land of this great empire known as Indian Territory, which constitutes half the State, is held as homesteads, made inalienable for many years, and exempted from taxation; and the proposition here is, by those who oppose this amendment, to make a large part if not the whole of the other half of that empire inalienable for twenty-five years—a quarter of a century—so that no homes can be acquired by honest settlers, and thus block the progress and development of one of the greatest States ever born into the Union.

The VICE-PRESIDENT. Will the Senator from Missouri kindly suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will

be stated by the Secretary.

The Secretary. Table Calendar No. 26, Senate resolution No. 214, by Mr. Carter. "That a duly qualified entryman is entitled to a patent for land," etc.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

from Missouri will proceed. Mr. BACON. With the permission of the Senator from Missouri, I desire to ask him, purely for information, whether he understands that the effect of this amendment will in any manner interfere with the allotment, or does it simply restrict the power of alienation?

Mr. STONE. It does not interfere with the allotment.

Mr. BACON. The Indians would still have their allotments? Mr. STONE. Oh, yes. The Senator is speaking of the committee amendment?

I am speaking of the amendment the Senator Mr. BACON. is now discussing. Is there any other amendment which in any manner proposes to interfere with allotments?

Mr. STONE. No amendment. This amendment would simply remove

Mr. BACON. The power of final alienation.

Mr. STONE. After July 1 next all restrictions on the alienation of the surplus land of allottees would be removed, the restriction still continuing on the homesteads.

Mr. BACON. If the restriction continues, will that operate in any manner to interfere with the allotment, or does it affect anything except the power of final alienation?

Mr. STONE. No; it does not affect the allotments. allotments have been made already, and the title vested in the allottees

It does not restrain or interfere with the Mr. BACON. right of the Indian to lease his land in any way or make any disposition of it other than a final disposition?

Mr. STONE. It does not, except that he can not encumber or in any wise dispose of it now. The land of an Indian is simply locked up under the present law.

Mr. BACON. He can lease it. Mr. STONE. He can lease it, with the consent of the Secretary of the Interior.

Mr. CLAPP. The full bloods can not.

Mr. STONE. No; but the mixed bloods can.
Now, Mr. President, I am about through. Some letters were read here yesterday from prominent members of the Creek tribe. Among the writers was General Porter, who is the titular head of that tribe, if they have such an official at this time. I know General Porter. He is a very estimable gentleman, prominent in the public affairs of his people and of the Indian Territory.

He is being prominently mentioned, and with a good deal of favor, as a possible representative in this body of the new State of Oklahoma. The Senator from Wyoming [Mr. Clark] said yesterday in the debate that this distinguished son of the Creek Nation is the fortunate possessor of something like 100 improved

Mr. CLARK of Wyoming. Mr. President—
The PRESIDING OFFICER (Mr. Kean in the chair). Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. STONE. Certainly.

Mr. CLARK of Wyoming. If I did not state at that time I meant to be understood as referring to the time when the Indians held all this land in common. Of course, when it was allotted General Porter could only take his allotment as prescribed by law, surrendering the balance of it.

Mr. STONE. At all events, I am of opinion that these gentlemen believe that their lands would be exempt from taxation under the State government, and they believe it with some good reason, if the law remains as it is under the act of 1906. If these restrictions are removed and the lands opened to sale there can be no question then but that they will be subject to taxation, and they ought to be.

Mr. CLAPP. Will the Senator from Missouri pardon a ques-

tion?

Mr. STONE. Certainly.
Mr. CLAPP. I should like to ask the Senator if he thinks that in 1906 Congress could pass a law which would carry into a State and challenge the sovereignty of a State as to its taxing power and exempt lands from taxation the title to which the United States had absolutely parted with fifty years before, as it did in the case of these lands?
Mr. STONE. I do not.
Mr. CLAPP. No; I presume not.
Mr. SPOONER. Suppose they were exempted before it be-

comes a State?

Mr. CLAPP. Exempted by whom?

Mr. SPOONER. By Congress.

Mr. CLAPP. That is just the gist of my inquiry. Can Congress, as to lands to which the Government has parted with the title fifty years ago, to which it retains to-day no shadow of title, now, in 1906, before the State is admitted, pass a law regarding those lands which will carry the exemption from taxation of those lands into a State after the State is organized?

Mr. McCUMBER. May I interject a question right there to

the Senator from Minnesota [Mr. CLAPP]

Mr. CLAPP. Yes, sir; if the Senator from Missouri is will-

Mr. STONE. Certainly. Mr. McCUMBER. If Congress has no title whatever in the land, then could Congress make any restriction whatever if it parted with its title fifty years ago? If the one is illegal is not the very restriction that we have made illegal on the ground that Congress had no ownership in the property?

Mr. CLAPP. Except for one thing, that as to these lands in

1902 the Indians who owned the fee, because it was a fee title they got fifty years ago, consented to Congress passing a law, not for the creation of trust deeds, but an act of Congress under which the restriction would exist. Had it not been for that I undertake to say as a lawyer that the restriction as to those lands would not be worth the paper it was written on.

Mr. McCUMBER. It seems to me— Mr. STONE. Mr. President, I do not just now care for that discussion. For the present purpose it is immaterial whether the lands are or are not taxable or would or would not be taxable under existing law when the State of Oklahoma is admitted; that does not specially affect the point to which I But the gentlemen who are assuming to am now adverting. speak, no doubt with authority, for the Creek Indians (I say neither "yea" nor "nay" as to that, for I do not know) are undoubtedly of the opinion, which prevails there, that if the restrictions are not removed and if the law remains as it was enacted last year the lands will not be subject to taxation, and that they can live in the State, be citizens of it, enjoy all its benefits, be eligible to its offices, become governor, Congressman, Senator, make laws, and execute laws, and yet pay not a farthing for the support of the Commonwealth-

Mr. CLARK of Wyoming. Will the Senator yield to me a

moment?

Mr. STONE. Yes, sir.
Mr. CLARK of Wyoming. I desire to say in this connection that that particular feature was especially brought out during the visit of the committee to the Indian Territory at every meeting that they held. With the vast majority of the full bloods, as well as the mixed bloods, who were opposed to the

removal of restrictions the one ground of their opposition to that policy was that it would bring their land thus released

under taxation.

Mr. STONE. Mr. President, I have not any doubt that there is a "nigger in the wood pile," and that considerations of this kind are influencing the activity of these distinguished representatives of the Creeks here in making their eloquent protests. Here is my friend, and he is my friend, General Porter, a splendid man, capable of representing his State anywhere, a man with a fine history and fine character. It would be a great thing for him and his people if they could live in the State of Oklahoma, enjoy all the benefits of its government, be eligible to any of the honors within the gift of its people, participating in the conduct of the public affairs of the Commonwealth, and yet be exempt from every burden of the government. No wonder they protest. Indeed, they do protest too much. There is good reason for their course.

Mr. President, in conclusion, I want to say that I do not believe that the progress of the State of Oklahoma ought to be blocked by putting unnecessary obstacles in its pathway. owe something to the people who are to go there and who have gone there to live by our permission and invitation to build up a great Commonwealth. We owe something to them as well as to a comparatively few ignorant, unfortunate Indians, pitiful remnants of these ancient tribes. God knows, I pity them as much as anyone, and I would do nothing to harm them; but it does seem to me that it is enough, under the conditions and circumstances confronting us, if we assure their homesteads to them for life-homesteads adequate for their support, being never less than 40 acres to every man, woman, and child, and in some instances stretching out into great baronial estates so far as area goes, amounting even to ten or twelve thousand acres to a family. It seems to me that we keep faith and do justice when we do that.

Mr. SPOONER. Ten or twelve thousand acres?

Mr. STONE, Yes; in some instances. The Choctaws and Chickasaws have an average homestead of 320 acres, and it may run up to several times that amount, depending upon the character and value of the lands; and it may fall below 320 acres. It depends upon the value of the land. But whether one or two or more constitute the family there is a homestead for each, and the larger the family the larger is the aggregate amount of the family homestead possession. These homesteads represent, as I have said, one-half the total area of the Territory-inalienable for years and years to come and nontaxable.

Mr. President, it seems to me that when we give to these people this much we do them no harm; we are not unjust; we are not unmindful of duty, and we subject them to no unnecessary danger by giving to them the power and right to sell the other half of their lands to settlers, who go in there to live and strive among them. The people who go there are not grafters or thieves, but for the most part they are excellent and worthy people, who have gone there from all our States. To be sure, there may be speculators, grafters if you wish it so, in the Indian Territory as there are elsewhere, who seek to take advantage and to amass dishonestly; but such men constitute the exception and not the rule in the population.

The white men and women who have gone to the Indian Territory to live are as intelligent, as worthy, as patriotic, and as honest as the average run of citizens in any of the States, and nobody familiar with them and with the condition there controvert that statement. The Senator from Connecticut, whom I see before me [Mr. Brandegee], went down there from New England as a member of this special committee, went over the Territory, which was new and strange to him, and he comes back here to give his testimony as to the high character,

as a rule, of the people residing there.

I believe, Mr. President, that if moral, worthy, intelligent, industrious men and women take homes among these Indians and give to them, by their example, lessons of industry, economy, and prudence, nothing will do more to civilize and advance them. We could not do anything better calculated to promote the welfare and elevate and civilize the Indian. The best civilizer is contact with civilization.

Mr. President, it seems to me that from every point of view, whether it relates to the right and power of Congress to impose these additional restrictions or relates to the question of policy to be pursued by the Government-whether from the one point or the other we view it-the amendment proposed by the Committee on Indian Affairs ought to be embodied in the law.

Mr. McCUMBER. Mr. President, those Senators who are seeking by the amendment in this bill to controvert the constitutionality of a law passed by this Congress a year ago have removed from the crown of their argument its most precious jewel, that of consistency. The Senator from Missouri [Mr. STONE] bases his assumption upon the broad ground that has been adopted by every Senator who has taken that side of this subject, that we have made citizens of these people, that they hold the same relation to the Government and to the State that any other people in the State hold to the respective sovereignties, and that, therefore, we can make no law regarding their property rights that we could not make in reference to the property rights of any white citizen of any State of the

The weakness of that proposition in this case is this: Senators seek to strike at the constitutionality of a past law by a bill which they themselves acknowledge by their own arguments to be absolutely unconstitutional from top to bottom, every page of which has written and printed upon it the word "unconstitu-This bill in the very first portion of it provides Why? irrigation for these Indians. It imposes upon the white citizen burdens that it fails to impose upon the Indian citizen. It compels the white citizen to pay immediately, while the Secretary of the Interior may protect the red citizen. Thus we have the

distinguishing characteristics between those citizens.

I know the Senator from Missouri will say that Congress has no right, and would not have under the Heff case, to make the color of the skin of any citizen the basis of distinct legislation in his favor. I agree with that if we have lost control of that citizen with the peculiar color to his skin. But let us take this proposition: We educate the brown-colored citizen of North Dakota. Does the Senator believe that the Government of the United States can educate the yellow-haired people of North Dakota and exclude from its schools those of darker hair? If they can do that, then they can impose certain conditions and restrictions upon citizens of one class differing from citizens of another class, and thereby impose conditions which they prohibit the State from imposing upon this special class of citizens.

Again, I find by this very bill that it is proposed to provide

for a certain sum of money to be paid to judges of Indian courts. Is it possible that any Senator espousing that side of the case will admit that we can provide a court in a State for people having blue eyes and not for those with black eyes? Does the Senator contend that that is constitutional? Yet we are voting for that character of legislation. If one is unconstitutional, Mr. President, every one of these provisions of like character must be unconstitutional.

Again, we are, on every page of this bill, providing for an appropriation of so much money for the support and civilization of the Shoshones, the Kickapoos, the Sioux, the Oneidas, and the other tribes of Indians all over the country. Congress of the United States vote an appropriation for the civilization of citizens based entirely upon their color if there is no other inequality than that of color or previous condition? The Senator who makes the constitutional argument in this case must answer that also in the negative.

So, Mr. President, we can follow through every one of these Here is an appropriation to educate 700 pupils at the Haskell Institute, in the State of Kansas. What right have we to segregate a certain class of the citizens of Kansas and educate them and refuse to open the doors of the school buildings to other citizens? We can not do it if the contention of the Senator from Kansas is correct.

Mr. President, I have not gone so far in my argument against this particular phase of the bill. I admit that it is a serious question whether the courts will hold the McCumber amendment of last year to be constitutional. There are many doubts surrounding it. I only say in support of it that the Supreme Court has never yet decided, nor has any other court, so far as I can learn, decided directly, that we can not, so long as an In-dian tribe exists as a tribe and continues its tribal relations, although it is given the right of citizenship, still increase or extend the limitation upon the power of alienation. That is as far as I need to go in this case; but every case that has been considered has been based upon the theory that these citizens are still wards of the Government. The court declared in the Rickert case that, notwithstanding the fact that we had given full citizenship to the Indians of Roberts County, S. Dak., they were still the wards of the Government. I asked the Senator from Kansas yesterday if he denied that the court which pronounced that sentence had made an error. He would not say whether it had or not. I understand his position, and he bases it exactly as my position upon this other proposition is based, that it is a matter of doubt. Then if it is a matter of doubt, I am going to resolve that doubt in favor of the Indian.

The Senator from Missouri has stated that we have no right to block the progress of the great State of Oklahoma by keeping so much of its territory free from taxation; that we owe to the citizens of the new State that we give them the opportunity to raise on all the lands alike the necessary funds to conduct

their government. I can answer the Senator from Missouri with the simple proposition that we should not under any circumstances accelerate the progress of the State of Oklahoma by the sacrifice of our Indian population. I know, and every Senator, I believe, knows, that the removal of restrictions would absolutely destroy the Indian; and to the extent that we remove them just to that extent have we committed an irreparable injury against them.

It is more than a mere matter of sentiment with me. It is a matter of eternal justice. I for one can not look upon the fastdisappearing tribes of Indians, who once owned this country as much as any people on the face of the earth ever owned any country, being driven out of it, paupers and vagabonds, without an atom of sympathy on the part of the great American people who have robbed them of their ancient heritage.

I want to protect every full-blooded Indian just as long as the Government can possibly protect him, and when the limita-tions have expired, when the white man will be in possession of the last acre of his property in the United States, I want him to have a little fund sufficient to buy a home at some other place in the universe, where he may live as long as God Almighty will allow him to live, as an Indian, and where he will not be compelled to live the life of a white man, which means the death of the red man. There is no other sentiment that I have upon this case than that.

So, Mr. President, I submit this matter, so far as I am concerned, with the single proposition that we are not in a position to challenge any other law upon the ground of con-stitutionality while the very bill that challenges it is loaded from top to bottom with unconstitutional items upon the same basis and for the same reason that we would declare the old law unconstitutional.

Mr. BACON. Mr. President, before the Senator from North Dakota takes his seat

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. With pleasure.

Mr. BACON. As I understand the argument of those in favor of this amendment, it is based mainly upon the ground that the restriction heretofore imposed by the McCumber amendment was illegal, being inconsistent with the previous legislation granting full rights of citizenship without any restriction.

Mr. McCUMBER. That is the extended restriction.

Mr. BACON. I understand. Now, what I want to ask—and it is in this case largely to have the views of other Senators, because I do not profess to be familiar with the Indian question—as I understand the amendment of the committee found on pages 34 and 35, it proposes to retain the restriction so far as it applies to homesteads.

If I am incorrect in this, of course Senators will correct me, but it seems to me that the assumption of the power to impose that restriction must necessarily be based upon the legality of the McCumber amendment-

Mr. McCUMBER. It certainly must.

Mr. BACON. Because it is simply carving out of the Mc-Cumber amendment a lesser restriction; in other words, the gument of Senators is that any restriction is illegal.

Mr. McCUMBER. In other words, it continues the unconstitutional law so far as it affects homesteads and repeals it so far as it affects surplus lands.

Mr. BACON. It seems to me, if the Senator will pardon me a moment—and if I am wrong, the Senator from Minnesota will correct me—to my mind it seems that the committee in proposing that there shall be the restrictions to the extent of the homesteads, necessarily recognizes the legality of the McCumher amendment.

Mr. CLARK of Wyoming. Not at all.
Mr. BACON. I may be in error. I am merely making the suggestion for the purpose of getting information, rather than submitting it as an argument. Having made the suggestion, I will not continue further, but leave it to other Senators to discuss it.

Mr. McCUMBER. Whatever view the Senator may take of it, my view is this: It does not repeal the McCumber amendment, which continued the restriction twenty-five years, except as to surplus lands. If it related to other lands, I will ask the Senator from Wyoming whether the amendment of last year related also to homesteads?

Mr. CLARK of Wyoming. Yes.
Mr. McCUMBER. Then, if it related to homesteads and it continued the restriction on homesteads for a few years at least, say from fifteen to twenty or twenty-five years, that part is not repealed by the provision in this bill, but still continues

Mr. CLARK of Wyoming. That part was largely reenacted

by other laws and agreements with the Indians.

Mr. McCUMBER. Except it continued the period of restriction, which was beyond the original agreements and the original

Mr. CLARK of Wyoming. Not very far in the case of homesteads.

Mr. McCUMBER. It continued it for twenty-five years, and none of the others continued it, as I understand, beyond twentyone years from the date of the allotments, and the allotments have been made from time to time for the last five or six years. That is correct, is it not?

Mr. CLARK of Wyoming. No, Mr. President; it is not correct; and the theory upon which the discussion has been going on is to my notion an incorrect one. The proposition of those opposed to this amendment is not altogether based upon the ground that all our acts have been unconstitutional in treating with the property of these Indians. I expressly stated in the few remarks that I made yesterday that whether or not we had the power cuts little figure in my mind. I based it upon the ground that we had made certain agreements with the Indians, and the mere fact, if it did exist, that we had the power to break that agreement and impose additional restrictions ought not to be exercised by us according to any rule of good morals or good faith. That was the proposition upon which my argument was based, if I made myself clear in any respect. was not taking into consideration the question as to the power of Congress over these lands; but assuming, for the sake of the argument, that we had the power, I maintained that it was an immoral and an unjust thing to do to exercise that power.

Mr. President, before this point of order is decided, I have few more suggestions that I desire to make, in view of the debate as it progressed yesterday. Some letters were put in the Record by the Senator from North Dakota [Mr. McCumber], and also some letters, without reading, at the close of the discussion by the junior Senator from Wisconsin [Mr. La Follette]. I only call the attention of the Senate to the latter letters, because they reflect in some degree upon the work of the special committee in the Indian Territory

Mr. McCUMBER. May I ask the Senator if he refers to the letters I submitted?

Mr. CLARK of Wyoming. No; I am speaking only with reference to the latter letters. The letters which the Senator in-

troduced did not so reflect.

Mr. McCUMBER. I read them over and I thought they did If I had thought they did, I certainly should not have submitted them.

Mr. CLARK of Wyoming. Not at all; but the letters which were later introduced did, in a measure, reflect upon the work of that committee. I desire to call attention to the letters appearing on pages 2360 and 2361 of the Record. The first is a letter written from Tulsa, Ind. T., December 17, 1906, signed C. H. Cook-undoubtedly a very worthy man, though I am not acquainted with him. He says:

TULSA, IND. T., December 17, 1906.

Hon. ROBERT M. LA FOLLETTE, Washington, D. C.

Dear Senator: If the papers have not misquoted you, you support the Hitchcock policy of continuing supervision over the Indians' lands. I was at South McAlester during the sitting of the Senate committee. The country was ransacked for testimony to decry that policy and to put the friends of the Indians on the defense.

There is a plain intimation that the work of the committee as "packed" with reference to the particular feature and with reference to the particular feature embodied in this amendment.

Mr. LA FOLLETTE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. CLARK of Wyoming. Certainly.
Mr. LA FOLLETTE. I think, Mr. President, that the Senator is drawing an absolutely unwarranted inference from that sentence of the letter. I do not think it was the intention of the writer to imply that the committee was ransacking the country for testimony. I think the writer of that letter means that there were those interested in presenting to the committee witnesses who would testify in favor of the sale of these lands. I think that is all that was intended by the writer. certainly would not have offered that letter here if I had thought that it implied any desire on the part of the committee to secure partisan testimony.

Mr. CLARK of Wyoming. As a member of that committee I may be unduly sensitive. If I am, it is because the work of that committee has been so fully and completely misrepresented in the public press and in public documents, and certainly when the writer says that on the visit of the committee the country was ransacked for testimony to decry a certain policy, it would |

indicate at least that the committee itself who summoned the witnesses before it asked them to come in order to sustain a previously conceived notion as to the legislation which ought to be accomplished. But further on in this same letter, Mr. Presirent, I see this:

I have canvassed this Territory from one end to the other the past month getting information from all sorts and conditions of people, and my conclusion is the wiser ones dreading the coming of statehood, with its implied control of them, with a dread as bitter and relentless as when under the leadership of Boudinot and Ross they fought the right of way concessions for the first roads entering the Territory.

If anybody has been ransacking it for testimony from house to house and through the length and breadth of that Territory in support of a certain declared policy, it seems to me the writer of this letter lays himself liable to that imputation. But further in the letter I imagine the gentleman who wrote it is correcting his statement that he was at South McAlester, because he says:

Rev. J. S. Murrow, who protested so earnestly at the McAlester sitting of the Indian Committee, had less of culture, perhaps, than some of the refined scoundrels who sought to decry his statements.

Mr. President, the only men of the committee at South Mc-Alester who sought to decry the statements of this clergyman were members of that select committee. The only decrying statements made at that sitting at South McAlester to the statement of Rev. J. S. Murrow were made by individual members of that committee of five appointed by this body. "Refined scoundrels!" I am willing to tell the Senate what the statement of the Rev. J. S. Murrow that they found fault with was. De-liberately making the statement before that committee he expressed the opinion that it was the deliberate purpose of the twelve hundred thousand white inhabitants of the magnificent State of Oklahoma to rob the Indians of that land, of their heritage, and of their money.

The chairman of the committee said, "Mr. Murrow, do you make that statement deliberately and do you believe it?" He said, "I make it deliberately and I do believe it." Then the chairman of the committee and others decried his statement; not for one moment would they believe such a statement or accept it as to the whole citizenship of that country. That is the statement of the Rev. J. S. Murrow which was decried, and the only one, and the only people finding fault with that statement were the members of the committee.

Mr. President, I will pass on to another of these communications; and I want the Senator from Wisconsin not to think for one moment that I believe he was conscious of these facts when these letters were introduced. It was quite proper for him to place the letters upon the record, and I am willing they shall remain there, but I am unwilling that they shall remain without some explanation of these most extraordinary statements in the letters. The next letter is from Mr. T. H. Witthome. It is a reasonable and proper letter in the discussion. But the next purports to be a letter written by Carlton Weaver, a member of the constitutional convention now sitting at Guthrie, Okla., with reference to the action or the nonaction of that convention upon this very question of restrictions. I desire to read it, if the Senate will bear with me. It is headed "The convention to form a constitution for the State of Oklahoma." written on the official paper of that convention:

DEAR SIR: Since you have in the past demonstrated an interest in fair play for the Five Civilized Tribes in the Indian Territory, I take the liberty of sending you a copy of a resolution which was introduced in the constitutional convention last week—

This was written January 25. "Last week" would have brought it to January 18, at the latest-

brought it to January 18, at the latest—
and which was referred to a committee the chairman of which is not in sympathy with its purpose. It is destined to die there or be reported after it is too late to accomplish the desired result. Please consider same and bear in mind that every citizen of the Indian Territory—except land sharks—is anxious to see Congress fix a just and equitable limitation on the sale of Indian surplus. There is a single firm in the Chickasaw Nation who have 30,000 acres of Indian surplus under lease, who are waiting for the removal of restrictions, when they expect to make a wholesale purchase at insignificant prices. Land monopolies and a hellish system of tenantry will result unless Congress does not prohibit the wholesale purchase by these land companies and grafters. See to this, Senator, and the whole of the Indian Territory citizenship will thank you.

Please hand the additional copy inclosed to the chairman of Committee on Indian Affairs.

I am, very truly,

Carlton Weaver.

I assume that Mr. Weaver is a member of the constitutional

I assume that Mr. Weaver is a member of the constitutional convention; and then follows a copy of a memorial, or what purports to be a memorial. Mr. Weaver was probably ignorant of the fact that the constitutional convention of Oklahoma had already by memorial to this Congress passed on this very question, and before he wrote this letter, ten days before he wrote it, there had been presented in this body a memorial, duly considered and passed by the constitutional convention of the State of Oklahoma, sitting at Guthrie, certified to by the officers of the convention, asking for far greater legislation along the line of the removal of restrictions than is embodied in this amendment. Upon the files of the Indian Committee, referred to it after reading and going into the RECORD here, is the following memorial:

Memorial by the constitutional convention of the proposed State of Oklahoma concerning removal of restrictions upon Indian lands, introduced by Hon. O. P. Brewer, district 77, on the 8th day of January, A. D. 1907, and adopted by unanimous vote of the convention. MEMORIAL.

MEMORIAL

To the President of the United States and to the Senate and House of Representatives in Congress assembled:

We, the representative delegates of the people of Oklahoma and Indian Territory in constitutional convention assembled, respectfully request that the restrictions imposed upon the sale and lease of lands allotted to and held by citizens of the United States in the proposed State of Oklahoma, whether of Indian blood or not, full-blood homesteads excepted, be removed without delay, as a necessary means to the development of our State and the development and welfare of our citizens of Indian blood. citizens of Indian blood.

WM. H. MURRAY, President.

Attest:

JNO. M. YOUNG, Secretary.

CERTIFICATE.

I hereby certify that the within memorial was introduced and passed y the constitutional convention on the date and in the manner above

JNO. M. YOUNG, Secretary.

It was passed on the 8th day of January. There could have been no purpose in the writer of this letter, he being a member of the constitutional convention, in forwarding the letter except for the effect it might have upon the Senate of the United States and upon others who are not aware that the convention had acted, and with a view of creating the impression that the convention had not considered this matter and that a memorial had been presented there protesting against such action and that the chairman of the committee or the convention was smothering it in committee

Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. CLARK of Wyoming. Certainly.
Mr. SPOONER. I did not understand what the Senator said. Did the Senator say that the constitutional convention had memorialized Congress for the removal of these restrictions?

Mr. CLARK of Wyoming. The constitutional convention has memorialized Congress. The memorial was sent to me. The memorial was passed by the constitutional convention on the 8th day of January, 1907, was sent to me, and was presented by me on the 16th day of January, 1907, ten days before the letter was dated which comes from the gentleman who, I suppose, is a member of that convention.

I will say that the memorial of the constitutional convention of Oklahoma goes further than the provision reported by the committee, in that the memorial asks that restrictions be removed upon all lands except the full-blood homestead lands. The committee amendment proposes to remove the restrictions only from the surplus lands, whether of full bloods or mixed bloods, retaining the homesteads of the mixed bloods as well as

the homesteads of the full bloods.

I wanted to make that explanation, Mr. President, in regard to these matters merely because I felt that the writers of these letters had reflected in a measure upon the work of the commit-

tee in the Territory.

I will say, further, that if the writer of the letter was a member of that convention he failed to attempt to impress the convention with his views, because the memorial shows that it was adopted by the unanimous vote of the convention, and in that convention, of course, are Indians from the eastern half of the proposed new State; how many of them I do not know.

Mr. SPOONER. Mr. President, is there a point of order pending against the amendment?

Mr. CLARK of Wyoming. The Senator from Kansas [Mr. Curis] interposed a point of order.

The VICE-PRESIDENT. A point of order was interposed

at a former session.

Mr. SPOONER. I will not take any of the time of the Senate in discussing this matter, if the amendment is to be held by the Chair out of order

The VICE-PRESIDENT. The Chair will submit to the Senate, under subdivision 2 of Rule XX, the question whether the amendment is in order.

Mr. LA FOLLETTE. The proposed amendment is still open to discussion, I understand. I am in order, am I not?

The VICE-PRESIDENT. The Senator from Wisconsin is in

Mr. LA FOLLETTE. I desire to occupy just a moment in making brief response to the remarks of the Senator from Wyoming [Mr. CLARK].

by Mr. Cook, I will say that the writer of that letter is a residen of Mondovi, Wis. He has written me occasionally with respect to matters in the Indian Territory, where he has spent a considerable period of time within the last year. I think the Senator from Wyoming has put an entirely forced construction upon that portion of his letter in which he speaks of having traversed up and down the Indian Territory. It is clear that the writer simply uses that form of expression to indicate his thorough acquaintance with the Territory. It does not mean that he was in search of witnesses. Indeed I do not think that Mr. Cook offered his testimony as a witness or that his testimony was taken at all.

I supposed, of course, that the reference made in the letter later to the testimony of Rev. J. S. Murrow and to those who sought to decry his testimony was as to witnesses who presented themselves before the committee. As the testimony has not yet been printed, excepting the committee no one has had oppor-

tunity to know what is contained in that testimony.

Now, with reference to the letter from Mr. Weaver, transmitting the memorial introduced in the constitutional convention now in session in Oklahoma. That memorial is not at all in conflict with the one heretofore passed by that convention and presented by the Senator from Wyoming.

The memorial transmitted by Mr. Weaver is one that may well have been introduced in the constitutional convention, after the memorial was passed which the Senator from Wyo-ming has read into the RECORD. The memorial inclosed in the letter from Mr. Weaver and printed in the RECORD immediately following it is as follows:

To the Congress of the United States, to the President, Theodore Roosevelt:

Rooscvett:

Whereas the special Senate Committee on Indian Affairs has recommended the removal of the restrictions upon the alienation of surplus allotments and other lands in the Indian Territory; and Whereas the material interest of all the people of the Indian Territory, as well as the State at large, depends upon a broad and equitable distribution of the landed interest; and Whereas a great amount of said lands are at present controlled by land companies and speculators under an obnoxious lease system; and Whereas unless prohibited by the Congress said land companies and speculators will gain control of a vast amount of Indian lands, which will result in large holdings and land monopolies: Therefore, be it Resolved, That we, the representatives of the people of the Indian Territory and Oklahoma, in convention assembled, do respectfully pray that the sale of all said alienated lands be restricted so as to prohibit land or lease monopolies and to permit only natural persons to become purchasers or lessees thereof, and then only of such limited amounts as will guarantee a broad and equitable distribution.

Resolved, That a copy of this memorial be forwarded to both Houses of Congress and the President of the United States.

Mr. CLARK of Wyoming. Will the Senator from Wisconsin

Mr. CLARK of Wyoming. Will the Senator from Wisconsin

permit me for a moment? Mr. LA FOLLETTE. Certainly.

Mr. CLARK of Wyoming. I think the Senator is entirely correct as to the subject-matter of that memorial, and probably of the letter also, except that, making its appearance on the discussion of this particular amendment, I assumed that it was thought to refer to the removal of restrictions as well as to the sale of the lands afterwards.

Mr. LA FOLLETTE. I think it may well have reference to just exactly what is proposed in this amendment. I think that members of this body might well entertain the view that if the restrictions are to be entirely removed there might be added a prevision that this land when purchased should be purchased by natural persons, and, furthermore, that it should be purchased by natural persons in limited areas, thus preventing the land from passing into the hands and under the control of those who would hold in large bodies. That is all I have

to say.

Mr. SPOONER. Mr. President, I think the point of order is well taken. To carry out existing law the House incorporated a provision in the bill appropriating money to conduct an investigation which had for its object, as I recollect-

Mr. CLARK of Wyoming. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. CLARK of Wyoming. I should like to ask a question before the Senator from Wisconsin enters upon his discussion. Mr. SPOONER. I shall be but a moment.

Mr. CLARK of Wyoming. Just what was the point of order made against the amendment?

Mr. CURTIS. I made the point of order that the amendment proposes general legislation and repeals existing law. I understand that under the rules of the Senate, after the point of order is made, the matter can be debated generally.

Mr. CLARK of Wyoming. What I wanted to get at is what is the particular and distinct point of order made against the amendment.

Mr. SPOONER. I did not make the point of order. I sup-With respect to the letter which I offered last night, signed posed the point of order is that it proposes general legislation.

Mr. CLARK of Wyoming. I beg the Senator's pardon.

That is all right.

Mr. SPOONER. That is all right.
Mr. CLARK of Wyoming. I interrupted him for the purpose of asking the Senator from Kansas or the Chair what exactly the point of order is.

Mr. SPOONER. It was entirely agreeable.
Mr. CLARK of Wyoming. I am still unaware what it is.
Mr. CURTIS. It is that the amendment proposes general

legislation and repeals existing law.

Mr. SPOONER. The provision made by the House was "to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, \$25,000."

That was an act which gave authority to the Secretary of the Interior to remove restrictions where upon investigation he found that the Indians were competent to attend to their own affairs and could without improvidence be intrusted to manage their own affairs and to dispose of their lands, except the homesteads. The amendment proposed by the Senate committee is to strike out the House provision and to insert in lieu thereof the following:

On and after July 1, 1907, all restrictions upon the alienation, leasing, or encumbering of the lands, except homesteads, of all allottees of Indian blood in the Indian Territory, and all restrictions upon the alienation, leasing, or encumbering of all the lands of allottees not of Indian blood are hereby removed.

It changes absolutely a general law. I will not say absolutely, but it changes it sufficiently, I think, to make the amendment obnoxious to the point of order that it is general legislation.

Mr. President, I wish to say a few words, and only a few words, upon the merits of the proposition, for which I can not I am embarrassed and I suppose other Senators are embarrassed by the fact that it is recommended by a committee whose province it is to investigate these questions, and which has, through a special committee or a subcommittee that visited the Indian Territory for the purpose, made an investigation which leads to this recommendation. The good faith of either the subcommittee or the main committee no one can with propriety or any warrant whatever impugn. I take it for granted that the committee is fully convinced that these restrictions ought all to be removed. But, Mr. President, this is getting along toward the end of Indian legislation, and I have noticed that within the last few years whenever there has been a debate upon the Indian appropriation bill it has been to a considerable

extent a confession of former blunders.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. SPOONER. Certainly.
Mr. ALDRICH. I have for the past ten or twelve years heard similar statements to the one the Senator from Wisconsin has just made in regard to Indian legislation, and each succeeding year brings a larger volume of legislation in regard to the The Senator may see the end of it, but I do not.

Mr. SPOONER. I can see the end of the Indian-Mr. ALDRICH. Well, that may be.

Mr. CLARK of Wyoming. If we adopt some of these amend-

And of all Federal protection of the Indian: Mr. SPOONER. and if we have made blunders—and there is no question whatever that colossal blunders have been made, terrific almost in their detriment to the well-being of the Indian-I think we

should be particularly careful not to make any more.

Mr. President, I do not intend to discuss the constitutionality of the McCumber amendment. That amendment, as I remember, was passed after pretty full debate in the Senate. It is the law, unless it is unconstitutional. I have very grave doubts about its constitutionality; but this is not the tribunal, really, Mr. President, to determine whether the McCumber amendment is or is not constitutional. I prefer to resolve the doubt, so far as this proposition is concerned, in favor of the constitutionality of the statute; and that is what the Supreme Court will do if it can. That is what all courts do if they can, for courts with reluctance overthrow legislation of Congress upon constitutional They do not do it unless the unconstitutionality is quite clear.

So assuming that it is a constitutional act, ought it to be repealed? I have no doubt that the members of the constitutional convention in Oklahoma are in favor of its repeal. I heard the Senator from Wyoming [Mr. CLARK] read their memorial, they gave what, from the standpoint of the white man, is always an adequate condition for such a repeal. They do not wish to have the prosperity and development of the new State of Oklahoma retarded by withholding from sale-and therefore from settlement—this body of Indian land. That is

natural enough. But an appeal from the constitutional convention of Oklahoma ought not to reach this body with peculiar force in a matter of this kind. When the act was passed admitting Oklahoma into the Union this was the law. Cumber amendment was upon the statute book. We all wanted Oklahoma admitted as a State into the Union—1,200,000 people, millions of acres of arable land, splendid climate, everything which goes to build up a State fit to take her place with the original States. I want to see Oklahoma progress. see her move forward to the place which will rightfully belong to her in the sisterhood of the States. But I think it is the duty of the Senate now not to think of Oklahoma upon this question, not to legislate with reference to the white men of Oklahoma, not with a view to furnishing homes out of Indian lands to white home seekers. I think this legislation ought to be enacted or it ought to be rejected with reference to the interest of the Indians. They have lived there longer than any white men have lived there. They lived there long before the name "Oklahoma" almost was known.

Mr. CLARK of Wyoming. Will the Senator from Wisconsin permit a question?

Mr. SPOONER. Yes.
Mr. CLARK of Wyoming. Does the Senator think that
the interests of the white citizens of the State of Oklahoma necessarily are opposed to the interests of the Indian citizens of that State?

Mr. SPOONER. I do not propose to discuss that question. They put it in this memorial, as I heard it read, upon the ground, which is undoubtedly true, that without the removal of these restrictions the development of Oklahoma will be more That is obviously true, but that has nothing or less retarded. whatever to do with the question whether these restrictions should or should not be removed.

Mr. CLARK of Wyoming. No; but the Senator evades my

question.

Mr. SPOONER, I did not intend to.
Mr. CLARK of Wyoming, I do not think he understood the

Mr. SPOONER. What is the question?
Mr. CLARK of Wyoming. I asked the Senator whether
he assumed that this forward movement in Oklahoma, this disposition to rise and go forward and take advantage of all of the opportunities, was necessarily to the detriment of the Indians?

Mr. SPOONER. I think that this proposition from Oklahoma, in the interest of the growth and development of Oklahoma, in the interest of the growth and development of homa, is necessarily, so far as the full bloods are concerned, antagonistic to the interests of the Indians. You can not by law change an Indian into a white man. These full blooks were no better qualified to manage, without improvidence, their own affairs the day after they became, under the operation of law, citizens of the United States than they were the day before. Racial characteristics can not be changed by any act of man. That is a matter of growth, and it takes a long, long time.

The Senator from Kansas yesterday brought to the attention of the Senate two instances which ought to rivet the attention of every man and woman in this country who has any care for the Indians. In the days to come if there is any one thing in our history of which intelligent men and women will not feel proud it is the trusteeship of the United States of the Indian

and its observance.

Let me call attention to a case, if I may, for just one moment. I do not know whether the Senator from Maine [Mr. Hale] heard it. There have been thousands of such instances, and if these restrictions are removed there will be thousands and thousands to come. This was the case of two women; and the Indian woman, so far as I know anything about Indians—and I knew something about them once from being among them-is as bright in the transaction of business and bargain making as her husband.

After very careful consideration, a year ago Congress removed the restrictions upon certain members of the Cherokee tribe of Indians; and I want to call your attention to two cases to show the result. One was the case of Betsey Gallicatcher. She owned 130 acres of land. The restrictions were removed and she sold that land for \$2,350. There were twenty-eight producing wells on it. Eight of them were flowing and twenty were being pumped. Her income from the royalty on those oil wells amounted to \$39 a day, or \$14,245 a year, and yet she sold that land for \$2,350.

And yet she sold that land and gave that income, so long as those oil wells shall produce, to white men for \$2,350. A white woman who would do that would be put under guardianship. A white man who would so improvidently dispose of his property would be held by a court to be unfit to manage his own Take the case of an Indian woman, pleased with tinsel and baubles, wanting a little money-money in hand, not the money to come in hand.

Mr. President, it looks to me to be a wicked thing to remove the protection which the law has attempted to throw around the improvidence, natural and from habit, not of all Indians, but of the great majority of Indians, especially of the full blood. -The Senator from Kansas [Mr. Curtis] called attention to

another specific case.

Mr. ALDRICH rose The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. SPOONER. I do. Mr. ALDRICH. I should like to know what are the restrictions under existing law? I am asking for information, in the utmost good faith.

Mr. SPOONER. They are made by the McCumber amend-

ment twenty-five years.

Mr. ALDRICH. What consent would be necessary for this woman to alienate her property?

Mr. SPOONER. That of the Secretary of the Interior, after

investigation.

Mr. ALDRICH. The House provision provides for making an inquiry as to whether the Indian woman in this case was able to transact her own business?

Mr. CLARK of Wyoming. No; I beg leave to interrupt. Under the McCumber amendment the Secretary of the Interior is debarred from removing restrictions.

Mr. SPOONER. But another law was passed which author-

Mr. STONE. What law was it?

Mr. SPOONER. Not as to full bloods, but as to mixed bloods.
Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. SPOONER. Certainly.

Mr. LONG. I understood the Senator to say there is another law authorizing the Secretary to remove restrictions from fullblood Indians.

Mr. SPOONER. No; I did not mean to say that. This proposed bill removes restrictions from full-blood Indians.

As to surplus lands? Mr. LONG.

Mr. BPOONER. Oh, yes; as to surplus lands, lands which are increasing in value every day, and which will increase in value as that State progresses and develops. Why should not the Indian have the increase? Why should the restriction be removed and the Indian be left a prey of the white man, to part with his land at unreasonably low prices, having little money in hand? Why not continue to guard him? Why not continue to remember that, although he has been made a citizen of the United States, he is still an Indian just as much as he ever was?

Mr. BURKETT. May I ask the Senator a question which oc-

curs to me?

Mr. SPOONER. Certainly.

Mr. BURKETT. As I have followed this debate, it seems to be developed that a great majority of the people down there can take care of themselves and can handle their lands. The question I desire to ask the Senator is, whether he would by pursuing this policy tie up the possibilities and the hopes of the twothirds or the three-fourths who can handle their property, rather than tie up the comparatively few who can not handle

their property

Mr. SPOONER. Mr. President, I am making no objection to the removal of restrictions, under proper safeguards, as to the mixed bloods. This is a proposition to remove the restrictions as to all the lands except the homesteads of the 24,000 fullblood Indians, and one of the arguments which all through this debate has been made in support of the proposition is an argument which is absolutely fatal to it. I will say to the Senator from Nebraska I have not heard any definite information which enables me to say that the proportion of full-blood Indians especially who are capable of managing their own affairs has been determined.

I asked the Senator from Kansas [Mr. Long], who has had much to do with this subject, and I got the impression from what he told me that as to the full-blood Indians they are, so far as business capacity is concerned, about like our own full-

blood Indians in Wisconsin.

The argument which has been made here over and over again was made by the Senator from Kansas, and it has been made by other Senators, that this proposition ought to be enacted into law in order to protect the Indians. Protect them from what? Protect them from selling their lands, because of the apparent cloud which the McCumber amendment throws upon the title, at sacrificial prices vastly below their present market value. That argument, Mr. President, is simply an assertion of the necessity of what I am contending for, that these people still

ought to have, as far as the Constitution permits it, the guard-

ianship of wise, just laws.

It is said that they have made contracts of lease and contracts of sales. One Senator said that they did that in order to get the money to enable them to improve their homesteads. when questions were asked to get at the facts in regard to it, it turned out that the payments are only nominal payments of \$5 or \$10, enough to bind the bargain, practically. They could not utilize that money to any great extent in improving their homesteads.

The assertion that they are selling their lands so much below their present value because of the cloud upon the title, and therefore the cloud ought to be removed, establishes beyond any question, even from the standpoint of the Senators who are pressing this proposition, that these Indians are not fit to be intrusted with the management of their own affairs.

Mr. ALDRICH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. SPOONER. Of course.

I am still seeking for information upon this Mr. ALDRICH. subject, which is very abstruse to myself. I should like to ask the Senator from Wisconsin whether he thinks the question of blood, which he seems to dwell upon, is the only question to be raised as to the guardianship of the Indians.

Mr. SPOONER. Not at all, but the half-breeds have transacted business to a much greater extent than the full bloods. It is so in my own State. It is so generally. But the restrictions are not absolutely removed from them. They are only removed from them, and can only be removed, on investigation and in individual cases. But this proposition sweeps them

Mr. ALDRICH. It seems to me there are very great difficul-ties about the question of indefinite guardianship in any event. It does not appear to be very clear as to who should be put un-der guardianship, and the character of the guardianship, as to whether it should be located in some executive officer of the Government or some court or some other power, which should take up the matter in a different relation. I imagine that the Secretary of the Interior can have little knowledge as to whether a woman ought to sell her property in the Indian Territory or It seems to me that the guardianship is pretty remote; and the reason upon which the guardianship is based is perhaps even more remote and indefinite.

Mr. SPOONER. Then the argument would be that because it is troublesome and difficult to ascertain whether a given In-dian is competent to transact his or her business without improvidence all restrictions upon Indian right of alienation should be removed. That means the destruction of the Indian.

That means the pauperization of the Indian.

Mr. DEPEW. Mr. President

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. SPOONER. Yes, I will yield to anyone. I am about

through.

Mr. DEPEW. In reference to the question as to the proportionate number who are in favor of or opposed to the removal of these restrictions, here is a letter signed by P. Porter, principal chief; G. W. Grayson, and S. J. Haynes, delegates of the Creek Nation, saying that the Creek Nation is unanimously opposed to the removal of the restrictions.

Mr. CLARK of Wyoming. I do not know whether the letter

says that. If it does, it does not state the fact.
Mr. DEPEW. It precisely says that.
Mr. SPOONER. There are not many Indian voices here asking for the removal of these restrictions.

Mr. CLARK of Wyoming. There are more Indian voices here asking for the removal of the restrictions than there are any other voice

Mr. SPOONER. I do not know that.

Mr. McCUMBER. I should like to ask the Senator if he means by Indians full-blood Indians?

Mr. CLARK of Wyoming. No; I mean Indians like Pleasant Porter, who is not a full-blood Indian.

Mr. McCUMBER. As has been admitted, most of them are from a sixteenth to a thirty-second Indian. Mr. CLARK of Wyoming. It is not admitted. The Senator does not state an admitted fact.

Mr. SPOONER. Mr. President, I was about to call attention to another case, mentioned by the Senator from Kansas [Mr. Curris]; and there are a great many others, he said, which he could bring to the attention of the Senate. An Indian woman—I can not pronounce her name—after the restrictions were removed had 50 acres of land. There were eight flowing wells on the 50 acres. Her income was \$2,847 a year from the royalty alone, and yet, as I have said, she sold the land for \$1,500.

Mr. STONE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. SPOONER. Certainly.

Mr. STONE. I should like to find out, if I can, where that

information came from. Does the Senator from Wisconsin

Mr. SPOONER. No. I did tell where it came from. It came from the Senator from Kansas [Mr. Curtis].

Mr. CLARK of Wyoming. I can tell the Senator where it came from exactly.

Mr. STONE. I should like to know about the reliability.
Mr. CLARK of Wyoming. There is no question as to its reliability. The Congress of the United States last year by direct act removed the restrictions from 1,600 of these Indians.

Mr. LONG. On the recommendation of the Department of

the Interior.

Mr. CLARK of Wyoming. The Secretary of the Interior directed the inspector of Indian affairs in the Territory to investigate sixteen cases—as to what they had done with their property. The record of that investigation is in part what the There was Senator from Kansas gave as to these two cases. no investigation made as to any case upon which the restrictions had been removed by the Secretary of the Interior. I am sorry to say that in very many instances it will be found that where restrictions have been removed the property has been There is no question about that

Mr. SPOONER. This is also a proposition to remove restrictions by law. I am curious to know how many of the six-

teen wasted their property.

Mr. CLARK of Wyoming. A
Mr. CURTIS. Mr. President-All of them, I think, did.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas? Mr. SPOONER. Certainly.

Mr. CURTIS. I have a list here. I made the statement and it appears in the RECORD. It shows that in fourteen of these cases the Indians had sold their land at from one-third to about one-tenth of what it was worth.

Mr. SPOONER. Men and women. CURTIS. Men and women. Men and women?

Mr. SPOONER. That is, fourteen out of sixteen? Mr. CURTIS. Fourteen out of sixteen. Mr. STONE. Will the Senator allow me to ask

Will the Senator allow me to ask him how it was known that the land was sold at from one-third to onetenth of its value?

Mr. CURTIS. Inspectors were sent down and had the land appraised. A full report was made showing the cases where oil wells were on the land, how many oil wells, how much oil was produced, what the royalty was on each barrel, and how much it amounted to in a day or week and in a year. shown that in one case there were twenty-eight producing wells; that the income was \$39 a day, or \$14,000 a year, and she sold the land for \$2,387.

Mr. CLARK of Wyoming. Will the Senator allow me?

Mr. SPOONER. Certainly. Mr. CLARK of Wyoming. As to the value, I think it must be understood that annual computations are made, when the fact of the matter is that not one-third or probably one-tenth of that revenue could be derived. The amount which could be derived for one day is multiplied by 300 or 365. But aside from that fact, in the case mentioned, I think it may reasonably be said there was sufficient evidence from the report of the inspector to

show that the property was substantially dissipated.

Mr. DEPEW. I will ask the Senator from Wyoming if \$14,200 a year capitalized would not make that property worth

in the neighborhood of \$300,000?

Mr. CLARK of Wyoming. I am not a financier. Mr. DEPEW. It would make it worth \$300,000 instead of

\$2,300, for which it was sold.

Mr. SPOONER. There the restrictions were removed by law; and it is proposed here to remove the restrictions from the power of alienation of a great many thousand Indians by law. In that case fourteen out of sixteen were found to have been turned adrift, including these two women, by a Government resting under a duty to safeguard them against such improvidence as solemn as the father holds toward his son, a minor, and unfit to transact business. What good ground is there for supposing that the proportion, 14 to 2, as to the 24,000 or the 50,000 from whose power of alienation it is proposed here to remove all restrictions, will be much less?

Mr. CLARK of Wyoming. I can give the Senator my reply; but, of course, I do not know whether it is along his line.

Mr. SPOONER. I have no line.
Mr. CLARK of Wyoming. The Senator's argument seems to assume that these sixteen are the only ones from whom restrictions were removed. The sixteen were special cases in which inquiry was made by the Department of the Interior. No inquiry was made as to the hundreds of cases from which the restrictions were removed by the Secretary of the Interior himself. suppose, was to show the iniquity of Congress in acting in individual cases, thereby changing the general course, which allowed the Secretary of the Interior to act in individual cases.

I will say to the Senator I am as much opposed as the Secretary of the Interior or anybody else to Congress legislating off restrictions in individual cases, because in those cases it will be found that the removal of restrictions is asked for, as was developed in these cases, not by the Indians themselves, but by somebody who is particularly interested in the special piece of ground from which it is sought to remove the restrictions.

Mr. SPOONER. I think the Senator is quite right, that it is improper to remove restrictions in individual cases by law. think he would be quite right if he went further and said that it is improper to remove restrictions by law en masse, without investigation, because it ignores the nature of the Indian and the racial weakness of the Indians, and it can bring nothing but harm to the Indian.

Now, Mr. President, I do not wish to take the time of the Senate further.

Mr. STONE. Will the Senator permit me before he concludes?

Mr. SPOONER. Certainly.

Mr. STONE. He is familiar with the legislation relating to these tribes, the legislation under which they hold title to land. I should like to ask his opinion as a lawyer, if he has not expressed it already, before I came into the Chamber, as to whether what is known as the McCumber amendment and laws of that kind imposing additional or extended restrictions on the right of alienation are valid laws?

Mr. SPOONER. I propose to refer that to the Supreme Court. I ask the opinion of the Senator from Wisconsin. Mr. STONE. Mr. SPOONER. I said before the Senator came in that I have very grave doubt about it. I have not examined it with great care. It is disputed in this Chamber. Some lawyers here think it is constitutional; others think it is not; others think it is doubtful. Mr. President, I do not think we ought to predicate such legislation as this upon the conclusion that it is unconstitutional and therefore should be repealed.

Mr. STONE. Will the Senator permit me further?

Mr. SPOONER. Surely.
Mr. STONE. I have heard several lawyers, and lawyers of recognized ability, express their decided opinion that such legislation is unconstitutional; I have heard lawyers like the Senator from Wisconsin [Mr. Spooner], the Senator from North Dakota [Mr. McCumber], and perhaps others on the other side of this question express their doubts as to the constitutionality of the law; but I have not yet heard a lawyer here say he believed it constitutional.

Mr. SPOONER. Perhaps no lawyer has said that

Mr. McCUMBER. The Senator from Kansas said it. Mr. SPOONER. The Senator from Kansas, I believe, announced his opinion that it was constitutional. At any rate it was solemnly enacted by Congress, and very many of the Senators now here, I presume nearly all of them, voted upon it. I think it ought to be left to the Supreme Court to pass upon it. With all my heart I hope if it is left to the Supreme Court to pass upon it that court will be able conscientiously to sustain it, because it is my conviction that this will be the last of many body blows struck by the Congress of the United States at the Indian. If it is unconstitutional, all these Indians will be left free to become the prey of the white man's unquenchable hunger for the Indian's land. I am not reflecting upon the white man generally when I say that. I think that it is a vanishing race. We are pretty near through with them, except to take care of them after their lands shall have been taken from them. I sincerely hope, myself, that we will make a little pause on this practically last step.

The VICE-PRESIDENT. Is the amendment in order? [Put-

ting the question.] In the opinion of the Chair— Mr. McCUMBER. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I wish to say I understand that, as is usual in cases of such votes, really in this case the vote is on the merits of the proposition, and not upon the parliamentary question. I wish to say that, in order that I may not

be committed on any parliamentary view.

Mr. ALDRICH. I wish to say that I shall vote in this case upon the question of whether this proposition is in order or not

without any regard to the merits of the case at all, and I hope every other Senator will do the same.

Mr. BACON. I do not think that has been the usual custom in such cases; and I want to say that I intend to vote according to the merits of the case.

Mr. ALDRICH. I suppose every Senator will vote as he pleases

Mr. BACON. The merits of the case, I presume, will decide the question of the adoption of the amendment.

Mr. CULBERSON. What is the amendment on which the question arises?

The VICE-PRESIDENT. The Secretary will state the proposed amendment on which the question of order has been raised.

The Secretary. On page 34, beginning with line 17 of the bill, it is proposed to strike out the following words:

To enable the Secretary of the Interior to carry out the provisions of the act approved April 21, 1904, for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes, \$25,000: Provided, That so much as may be necessary may be used in the employment of clerical force in the office of Commissioner of Indian Affairs.

And to insert:

On and after July 1, 1907, all restrictions upon the alienation, leasing, or encumbering of the lands, except homesteads, of all allottees of Indian blood in the Indian Territory, and all restrictions upon the alienation, leasing, or encumbering of all the lands of allottees not of Indian blood are hereby removed.

Mr. BACON. I understand that the effect of the amendment is to remove the present restrictions under existing law, and that the effect of voting against that amendment is to retain the present restrictions of existing law against the alienation of land by the Indians.

Mr. CLAY. And to impose additional restrictions.
Mr. BACON. If stricken out the law remains as it now is; that is, if the amendment does not prevail the law will remain

Mr. CULBERSON. The question is not whether this shall be stricken out, but whether the amendment is in order, as I understand.

The VICE-PRESIDENT. The question is, Is the amendment in order? If the Senate shall decide that the amendment is in order, the question will then be upon agreeing to the amendment.

Mr. CULBERSON. And those voting "nay" on the question of order would be in favor of retaining the present restrictions. Mr. McCUMBER. Mr. President, will the Chair please state the point of order again, so that the Senate may fully under-

The VICE-PRESIDENT. The Senator from Kansas [Mr. Curris] raised the point of order that the proposed amendment

was general legislation, and changed existing law.

Mr. ALDRICH. I shall vote "nay" upon the proposition, because I believe that this amendment is general legislation and is therefore in violation of the sixteenth rule. How I shall vote if this amendment be declared in order I do not know, and I think that is not pertinent to this question.

I think that is not pertinent to this question.

Mr. BACON. Mr. President—

Mr. McCUMBER. Do I understand the Senator aright that he said he would vote "nay" because he believed the amendment was general legislation?

Mr. ALDRICH. I do so believe, and I believe that it is not in order. The proposition as put by the Vice-President is, Is this amendment in order? I shall vote that it is not in order, as I believe it is a clear violation of the sixteenth rule.

The VICE-PRESIDENT. If the Senate holds that the amendment is in order, then the question will follow, Will the Senate agree to the amendment? If the Senate votes that the amendment is not in order it will go out on the point of order.

Mr. McCUMBER. I thought it was before stated that the question was whether the point of order be well taken. That is presented in one form. In the other form it is presented in the opposite shape

The VICE-PRESIDENT. The usual form is, Is the amend-

ment in order?

Mr. PATTERSON. Mr. President, I should like the opinion of the Chair on the effect of a vote sustaining the point of order against the committee amendment commencing on line 24, page 34, and ending with line 4, on page 35, upon the previous paragraph that was part of the bill as it came from the other House and has been stricken out by the committee. In other words, I understand the committee amendment to have been

to strike out from line 17 to line 23, on page 34.

Mr. CLAPP. I do not think that has been yet stricken out.

That was passed over because the committee amendment inserting new language was not adopted.

Mr. PATTERSON. The committee amendment was not adopted? Then what becomes of the preceding paragraph?

Mr. SPOONER. It is retained.
Mr. CLAPP. We should then reject the committee amendment, commencing on line 17.
The VICE-PRESIDENT. The question is, Is the amendment

in order? on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.
Mr. CULLOM (when his name was called). pair with the junior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. GAMBLE (when his name was called). I have a general pair with the Senator from Nevada [Mr. Newlands]. He does not appear to be in the Chamber, and I therefore withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. Carmack], who is absent, but I transfer that pair to the Senator from New York [Mr. Platt] and vote. I vote "nay."

Mr. PATTERSON (when Mr. Teller's name was called).

I desire to state that my colleague [Mr. Teller] has been sick now for nearly a week and is liable to be detained by sickness at his hotel for several days yet to come. I make this statement at his request, and desire that it shall stand for subsequent votes on the Indian appropriation bill.

Mr. HALE (after having voted in the negative). I have been requested on this vote to pair with the Senator from Colorado [Mr. Teller], but I transfer that pair to the Senator from New Jersey [Mr. Dryden], leaving the Senator from Colorado and the Senator from New Jersey paired on this vote. I will

let my vote stand.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], who is not in the Chamber. I do not know how he would vote, if present, and I do not like to leave him unprotected, though I think he would vote with me on this issue. I will therefore transfer my pair to the Senator from Mississippi [Mr. Money], if he is not paired with some other Senator, and vote. I vote yea.'

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. Money], but as that pair has been transferred to the Senator from Vermont [Mr. DILLINGHAM], with whom the Senator from South Carolina [Mr. TILLMAN] has a general pair, I am at liberty to vote.

vote "yea."
The roll call was concluded.

Mr. PERKINS (after having voted in the negative). I have general pair with the Senator from North Carolina [Mr. OVERMAN], who is absent from the Chamber. I will therefore transfer my pair with that Senator to the Senator from New

Hampshire [Mr. Gallinger] and let my vote stand.

The result was announced—yeas 22, nays 31, as follows:

	YI	EAS-22.		
Berry Brandegee Burkett Burnham Carter Clapp Kittredge		Long McCreary McLaurin Piles Proctor Rayner	Stone Sutherland Tillman Warren	
	N.	AYS-31.		
Aldrich Allee Ankeny Bacon Burrows Culberson Curtis Daniel	Depew Dick Dubois Du Pont Flint Frye Hale Hansbrough	Heyburn Hopkins Kean La Follette Latimer Lodge McCumber Mallory	Mulkey Nelson - Patterson Perkins Pettus Simmons Spooner	
	NOT V	OTING-36.		
Allison Bailey Beveridge Blackburn Bulkeley Carmack Crane Cullom Dillingham	Dolliver Dryden Elkins Foraker Foster Frazier Gallinger Gamble Hemenway	Knox McEnery Martin Millard Money Morgan Newlands Nixon Overman	Penrose Platt Scott Smoot Tallaferro Teller Warner Wetmore Whyte	

The VICE-PRESIDENT. The Senate has decided that the amendment is not in order.

Mr. CLAPP. In view of that decision of the Senate, I desire to ask that the Senate reject the committee amendment from line 17 to line 23, inclusive, on page 34.

The VICE-PRESIDENT. The Chair understands that the

effect of the vote just taken is to restore the House provision.

The amendment of the committee was to strike out and insert.

The Senate has decided that the amendment is not in order.

Mr. CLAPP. Now, if the Senate will bear with me, I wish

to say that in the Indian Territory there is a tribe of Indians

known as the "Quapaws." The Commissioner of Indian Afrairs feels that there ought to be authority granted to the Interior Department to relieve restrictions as to individual members of the Quapaw tribe. Last year we passed a general law giving the Interior Department authority to remove restrictions, but it does not apply to any Indians in the Indian Territory, and so I offer the amendment which I send to the desk, to come in on page 34, after line 23.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The Secretary. On page 34, after line 23, it is proposed to insert the following:

That the act of May 8, 1906 (34 Stat. L., pp. 182, 183), entitled "An act to amend section 6 of an act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," be, and the same is hereby, amended by inserting the words "of the Five Civilized Tribes" between the word "Indians" and the word "in" in the last line of the third proviso; so that this provise shall read: "And provided further, That the provisions of this act shall not extend to any Indians of the Five Civilized Tribes in the Indian Territory."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CLARK of Wyoming. I should like to ascertain what is the purpose of the amendment.

Mr. LODGE. Where does the amendment come in?
Mr. CLAPP. To the Senator from Massachusetts [Mr. Lodge] I will state that the amendment comes in after line 23 on page 34, and to the Senator from Wyoming [Mr. Clark] I would state again that last year we passed a law known as the "Burke law," which authorizes the Secretary of the Interior, when he finds any Indian competent to manage his affairs, to release his restrictions. But under the phraseology of the law and the construction of legislation in regard to the Indian Territory it would not be applicable to the Quapaws of the Indian Territory. The amendment desired by the Commissioner of Indian Affairs, which I have submitted, inserts the words "of the Five Civilized Tribes;" so that the Burke bill will read that it will not apply to any Indian of the Five Civilized Tribes.

Mr. CLARK of Wyoming. That, then, would apply to the

Indians of the Quapaw Agency?

Mr. CLAPP. It would allow the Quapaws to be released by

the Department.

Mr. CLARK of Wyoming. Mr. President, for the reasonwhile I do not want to create any discussion-that the Indians under the Quapaw Agency have no homesteads and that this amendment would allow the Secretary of the Interior to release them so that they can sell their lands, homesteads and all, I make the point of order against the amendment.

Mr. CLAPP. Just a moment, if the Senator please, before the point of order is made. I should like to insert in the

RECORD a communication from the Department.

The VICE-PRESIDENT. Without objection, the communication will be printed in the RECORD.

Mr. McCUMBER. I ask that is may be read. Mr. CLAPP. Very well; let it be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, January 30, 1907.

Dear Senator Clapp: The inclosed amendment I should be glad to have you put into your pocket, when the appropriation bill comes up in the Senate, for use in case the fight upon the removal of restrictions clause should prove strong enough to knock that clause out. If it went out, the amendments which I had suggested to it would, of course, go by the board, but in that case I should be glad if you would propose the amendment inclosed. The Quapaw Indians ought to have been provided for in what we know as the Burke law, but everybody doubtless had his mind so fixed upon the Five Civilized Tribes that no one thought of the Quapaw Agency, which includes all the other fragments of tribes now in the Indian Territory. If anyone had thought of it in time the Indians tributary to the Quapaw Agency would undoubtedly have been excepted from the sweeping provision excepting all Indian Territory Indians. My amendment will confine the exception to the Five Civilized Tribes. The Indians tributary to the Quapaw Agency are in just the same condition to all intents and purposes as the reservation Indians in South Dakota and other parts of the country, except that there is a very much larger percentage of them who are entirely capable of taking care of themselves; and it seems especially hard that, when all the other similar tribes and parts of tribes in the country have the privilege of getting their lands in fee on proving satisfactorily their capacity to care for their affairs, this one little group should be left out in the cold.

Sincerely, yours,

Hon, Moses E. Clapp,

Hon. Moses E. Clapp, United States Senate, Washington, D. C.

The VICE-PRESIDENT. The point of order has been made against the amendment; and the Chair sustains the point of ment, that it is a private claim.

order. The Secretary will read the next amendment passed over.

The next amendment passed over was, on page 37, beginning in line 13, to insert the following:

That no election for city, town, or municipal officers authorized by the laws now in force in the Indian Territory shall be held under and in pursuance of said laws in the year 1907; and all persons heretofore elected to any of said offices now serving and performing the duties thereof shall continue to serve in their respective offices and perform all the duties thereof, with all the power and authority conferred upon them by the laws now in force in said Territory, until such offices are terminated by the laws of the State of Oklahoma or until the officers provided for under the constitution of said State are duly elected and qualified: Provided, That in case no constitution is adopted and ratified in accordance with the provisions of an act for the admission of Oklahoma and Indian Territory into the Union as a State, approved June 16, 1906, then said officers shall continue to discharge the duties of their respective offices until their successors are duly elected and qualified.

The amendment was agreed to.

The amendment was agreed to.

The next amendment passed over was, on page 38, after line 22, to insert the following:

An act of Congress approved April 26, 1906 (34 Stat. L., p. 137), entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in Indian Territory, and for other purposes," is hereby amended by striking out on line 13 the words "And the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date" and inserting the words "And the Secretary of the Interior shall have jurisdiction after said date to adjudicate any and all cases then pending" in lieu thereof.

Mr. LONG. I make the point of order against that amend-

ment that it is general legislation.

Mr. McCUMBER. Will the Senator withhold the point of order until I can have read a very short communication in opposition to the amendment?

Mr. LONG. Certainly.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from North Dakota, if there be no ob-VICE-PRESIDENT. jection.

The Secretary read as follows:

Washington, D. C., February 7, 1907.

Washington, D. C., February 7, 1907.

Dear Sir: Representing the Cherokee Nation, through its principal chief. I desire to most earnestly protest against the provision in the Indian appropriation bill, now pending before Congress, beginning in line 23 on page 38 and ending with line 8 on page 39, providing for the amending of an act of Congress approved 26th day of April, 1906 (34 Stat. L., p. 137), entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the reason being, if this amendment prevails, it will open up the question of the application for citizenship and prolong the completion of the rolls of the Cherokee tribe of Indians and necessitate the tribe incurring a great expense and hardship unjustly. There should be no provision of law which would allow additional applications to citizenship to be heard, as all have had ample opportunity to present their applications. As we have no representative on the floor of the Senate, I appeal to you to raise an objection to this provision and see if you can not defeat its passage.

Very respectfully,

James S. Davenport,

JAMES S. DAVENPORT, Special Representative of the Cherokee Nation.

Hon. PORTER J. McCumber, United States Senator, Senate Chamber.

Mr. CLAPP. Mr. President, that simply illustrates how easy it is for people to make mistakes when they talk of things about which they do not know anything. There is nothing in this provision that would open up any roll or allow any application to be made. In justice to the committee I want to state that last year we passed a law which terminates on the 4th of March the jurisdiction of the Commissioner and the Department in the Indian Territory. Not knowing whether they could complete their work, the committee took it up with the Commissioner, who said he could complete his work, but, at the suggestion of the Department of the Interior, it was thought best to extend the time within which to decide pending cases. However, upon a further consideration of the matter, it would appear if cases have been decided by the Commissioner by the 4th of March the decisions will stand without any further ac-Consequently, there is no necessity for the amendment.

The VICE-PRESIDENT. The Chair sustains the point of order. The next amendment passed over will be stated.

The next amendment passed over was, under the heading "Choctaws," beginning in line 16, page 39, to insert the follow-

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased, and to render judgment thereon in such amounts, if any, as may appear to be equitably due. Said judgment, if any, in favor of the heirs of Garland, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.

The VICE-PRESIDENT. The Chair thinks that the amendment is repugnant to the provisions of the rule.

Mr. LODGE. It provides for a claim.
Mr. KEAN. Yes; it provides for a private claim.
Mr. CLAPP. While I do not care to contest the point of order, I desire to remind the Senate that the Senate has decided several times, through its presiding officer, that where a claim is not against the Federal Government, but against an Indian tribe, the point of order was not well taken.

Mr. LODGE. That was decided, if the Senator will allow me, where it was in regard to a treaty set forth in the amendment,

as the rule provides.

and unestimated for.

Mr. KEAN. The Senator from North Dakota has the ruling

Mr. LODGE. Moreover, I will call the Senator's attention to the fact that this is a charge against the United States Treasury

Mr. McCUMBER. I desire to read at this point, and call the Chair's attention to the holding of the Chair three years in 1904, upon a claim somewhat similar to this. I will cite It is the Sypher claim. I read from page 3548 of part 4, ago, in 1904, upon a claim somewhat similar to this. volume 38, of the Congressional Record, Fifty-eighth Congress, second session. It reads as follows:

Mr. Stewart. I now ask that the reading of the bill be continued.

That was the Indian appropriation bill.

That was the Indian appropriation bill.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the item on page 53 of this bill, beginning in line 10 and ending with line 19, for payment to J. Hale Sypher of \$50,000. The point of order was made by the Senator from New Jersey [Mr. Kean]. The Chair is of opinion that the private claim, under Rule XVI barred from appropriation bills, must necessarily be a claim against the Government of the United States which would take money from the United States Treasury. This item is not such a claim. It is neither against the Government nor does it take Government money from the Treasury. In the opinion of the Chair, the committee having jurisdiction of the subject had a right to report this item favorably and thus make it in order. So the Chair overrules the point of order raised by the Senator from New Jersey.

Of course, that simply covers the one proposition, that where it is a private claim and the money is not to be taken from the Treasury of the United States, but out of funds belonging to Indian tribes, it is not subject to this rule. I have not looked into the case to see whether the other rule will apply.

Mr. CLAPP. I think it was when the Senator from Maine [Mr. FRYE] was in the chair that it was held that the rule as to estimates did not apply when the charge was against some Indian tribe and not against the Treasury of the United States.

I am not particular about this matter.

The VICE-PRESIDENT. The Chair will submit to the Senate the question, Is the amendment in order? [Putting the question.] The noes seem to have it; the noes have it, and the amendment is decided to be out of order. The next passed-over amendment will be stated.

Mr. McCUMBER. Before we go to the next amendment, my attention has been called to the amendment on page 40, commencing with line 3. I do not know whether objection has been

made to it.

Mr. CLAPP. It went out.

The VICE-PRESIDENT. The amendment went out on a

point of order.

Mr. McCUMBER. I was requested to call the attention of the Chair to the fact that this is one of those cases coming within the rule that should not go out on a point of order on the ground that it appropriates money out of the Treasury, be-cause it does not so appropriate; and also that it is in order on the further ground that it is carrying out the provisions of a treaty. However, the same objection, I suppose, would apply to this amendment that applied to the one which has just been ruled out, and so I do not feel like pressing it further.

Mr. HALE. If the Senator from Minnesota does not object, as I am called from the Chamber, I should like to have the amendment on page 52 considered, all the more because it is precisely such an amendment as the Senate has just decided to be not in order. I refer to the amendment on page 52, beginning

in line 10.

Mr. CLAPP. We may just as well take it up now. Mr. HALE. Yes.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 52, after line 9, it is proposed to insert:

For the balance and final payment due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, said award being made in pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee, or Creek, tribe of Indians, and for other purposes, approved March 1, 1901, the sum of \$600,000; such payment to be made in accordance with the terms and provisions of said award as the same appears on page 2252 of the CONGRESSIONAL RECORD, volume 36, part 3, Fifty-seventh Congress, second session. And the Secretary of the Treasury is hereby authorized

to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek nation of Indians of June 14, 1806, the said sum of \$600,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list: Provided, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims: Provided, however, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: And provided further, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, as provided by said contracts, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants, in pursuance of said contract: And provided further, That said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or

Mr. HALE. I make the same point of order that the Senator from Kansas did on the other amendment.

The VICE-PRESIDENT. The Chair sustains the point of der. The next passed-over amendment will be stated.

The Secretary. At the top of page 43 it is proposed to in-

The Secretarry. At the top of page 43 it is proposed to insert:

That the value of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw nations, whether leased or unleased, shall be ascertained, under such rules and regulations as may be prescribed by the Secretary of the Interior and approved by the Persident, by a board of three appraisers to be appointed by the Secretary of the Interior, subject to the approval of the President of the United States. Said appraisers shall return to the Secretary of the Interior a report sworn to by them, showing the value of the surface of the lands embraced within said segregations; and such appraisal shall be subject to the approval of the Secretary of the Interior.

The Secretary of the Interior, under rules and regulations to be approved by the President of the United States, may sell the surface of said segregated lands, after six months' notice of said sale, in tracts of not more than 160 acres to each purchaser, but at not less than the appraised value. Such land shall be sold on such terms as may be fixed by regulations as above provided for, but all such lands as are unleased at the date of the approval of this act shall be sold subject to the right of any purchasers of the mineral right to mine thereunder, together with the right of ingress and egress and with immunity from damages occasioned by subsidence, and to the right of said mineral owner to acquire a sufficient amount of the surface, not exceeding 20 per cent of the said surface area, for the necessary surface works and operation of said mine, the value of said surface area for said mining purposes to be fixed by agreement between the parties in interest, or in case of disagreement said price to be fixed by three persons, one of whom shall be chosen by the owner of the surface, one by the owner of the mineral right, and the third by the two so chosen, and if they do not agree as to a third, then such third appraiser to be appointed by the judge of the Value of said surface area f

Mr. TILLMAN. The amendment clearly changes existing law, and as we are making points of order on all of these amendments, I think this had better go out. At least I make the point of order.

Mr. CLARK of Wyoming. I hope the Senator from South Carolina with withdraw the point of order for a moment until an explanation can be made in regard to the amendment. Of course I understand that the purpose of points of order under the rule is to prevent legislation which ought not to be made or that all legislation generally shall be conducted in due form and regular order. But it is oftentimes the case that pressing needs require that legislation be had, even if not in strict conformity

with the rules of the Senate. I hope the Senator will withdraw his point of order on this amendment.

The Senate, I think, very well understands to what this mendment refers. It refers to the great area of segregated amendment refers. coal lands in the Indian Territory, about which there was very much discussion a year ago, as the Senator will remember. The amendment proposes, in accordance with the recommendation of the committee, that the surface of the land which is not subject to allotment, being the only part of the Indian Territory that is reserved from allotment, may be sold in single tracts of 160 acres each, reserving the mineral under the land. The city of South McAlester, of thirteen to fifteen thousand people, and numerous other cities and towns are located on these segrega-

tions. Towns have grown up around the coal mines.

Mr. TILLMAN. Right here I call the Senator's attention to the provision which permits the surface to be bought by the mine owner to the extent of 20 per cent.

Mr. CLARK of Wyoming. That, of course, is to protect the

Mr. TILLMAN. Did the Senator ever see a coal mine where the buildings and the entry to the mine would take a fifth of

that-4 per cent even? Mr. CLARK of Wyoming. If the Senator will read the text he will discover that it establishes a maximum of 20 per cent. It says not to exceed 20 per cent. I have no desire, of course, to have in here any more than would be needed for the operation of the mine, and if the Senator thinks 10 per cent is better-that is, 16 acres in any 160 upon which the mine is located-I, of

course, would have no objection to that amendment.

Mr. LA FOLLETTE. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. With pleasure.
Mr. LA FOLLETTE. If I remember rightly, the average lease in the Indian Territory comprises something like 3,000 acres of land.

Mr. CLARK of Wyoming. How much?

Mr. LA FOLLETTE. Something like 3,000 acres.

Mr. CLARK of Wyoming. Nine hundred and sixty acres, I

Mr. LA FOLLETTE. Nine hundred and sixty acres?

Mr. CLARK of Wyoming. Yes.
Mr. LA FOLLETTE. And are not several of those leases consolidated, so that there is considerably more than 960 acres under the control of one operating company?

Mr. CLARK of Wyoming. Oh, yes; an operating company is

not limited to one lease-with the approval of the Secretary of

Mr. LA FOLLETTE. Twenty per cent would make it possible to acquire quite a body of the surface of this land.

Mr. CLARK of Wyoming. It would make it possible to acquire a body of the surface if the Secretary of the Interior fails entirely in his discretion and duty. Of course there is no possi-bility of selling the surface of this land over these leased mines without protecting the lessee. The only question is how he can best be protected.

Mr. TILLMAN. My main reason for interposing the point of order is that the State of Oklahoma will have here some representatives when we meet again, and they will be more widely interested in the proper disposition of the lands and the care and statesmanship which shall be displayed in connection with those lands than anybody else. We may just as well await the arrival of the two Senators from that State, who will come here representing all of its interests and necessarily better informed as to the conditions there than any of us possibly can be. I think this can very well wait.

Mr. CLARK of Wyoming. Of course, if the Senator insists

upon his point of order——
Mr. TILLMAN. I do not want to insist upon it if it can be

Mr. CLARK of Wyoming. I want to say to the Senator that am particularly anxious about this amendment, because I think it is the only one in the whole bill which the committee that visited the Indian Territory, the Indian Committee as a committee, the Secretary of the Interior, and the President of the United States all approve. The situation is such that this legislation ought to be had in regard to the surface of this land, in my opinion.

Mr. STONE. I should like to ask the Senator from Wyoming

a question, if he will permit me.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. TILLMAN. With pleasure.
Mr. STONE. Is it not a fact that the prices which probably will be received for the surface of these lands will be very

much below their real value because of the easement right which would obtain to the miner when the land was finally opened?

Mr. CLARK of Wyoming. Giving my individual opinion, I think not. I will say to the Senator from South Carolina and to the Senator from Missouri that it was the insistent claim of the Indian tribes, the Choctaws and Chickasaws, through their tribal authorities, that this land by every rule of right and equity ought to be sold to the highest bidder for cash.

Mr. TILLMAN. Including the mineral? Mr. CLARK of Wyoming. Including the mineral. The committee could not bring themselves to that view of the matter. The Indian tribes thought it would bring more money that way. The Indian Committee thought it would not. We believed that whatever can be secured for the surface of this land will be substantially velvet to the Indians, and that a larger amount will be secured by selling the surface and the mineral sepa-We thought that the time was ripe and that the necessity existed for the disposal and utilization of the surface at this time. We thought that so many questions of value and public policy and good to the Indians and good to the new State intervened that it was not the proper thing for Congress at this time to take up any question connected with the disposal of the mineral under the surface.

So we prepared this amendment for the disposition of the surface rights under what we considered thorough supervision and safeguards by the terms of the amendment, and cerely hope that this legislation will be enacted at this time. Those concerned near the land, the necessities of the cities and towns, and the advisability of putting the land in cultivation has appealed to everyone, I think, who has investigated the matter with any degree of care. With that statement, I am willing to submit the matter.

Mr. STONE. Will the Senator permit me for a moment?

Mr. CLARK of Wyoming. Certainly. Mr. STONE. I should like to ask the Senator a question. It has been represented to me in the last few days that the Indians who own these lands are very much opposed to this disposition of the surface. Is that a fact?

Mr. CLARK of Wyoming. It is a fact that the Choctaw and Chickasaw nations, acting through their tribal authorities, Governor Johnson and Governor McCurtain, and others, are opposed to this disposition of the land. They maintain their right to dispose of these 500,000 acres, which are segregated, in any way that they choose. Abstractly speaking, I am frank to say I believe they are right. If they own this land they should be allowed to go into the market and sell it to whomsoever they please, whether it be one man or ten men or a corporation or any aggregation of capital that is willing to purchase it. But the committee could not bring itself to the conclusion that that was for the best interest of the Indian or of the country, or that it would bring more money into the Indian treasury. Consequently the committee have recommended the plan which appears in this amendment.

Mr. STONE. One other question. The Senator may have answered it. I was out of the Chamber for a few minutes, and the matter about which I inquire may have been answered already. Is it not a fact that the convention now in session in Oklahoma has provided for a committee to confer with the Indians with a view to the purchase of these lands by the State of Oklahoma?

Mr. CLARK of Wyoming. It has. I think I have also that memorial, which was presented here by me on January 16. It is a memorial passed by the constitutional convention of the proposed State of Oklahoms. proposed State of Oklahoma. [A pause.] No; this is not it. I have not the memorial with me. But, as I understand, there was a resolution passed by the constitutional convention providing for a committee to investigate the question of these coal lands, with a view to reporting to their first legislature as to the advisability and possibility of the State of Oklahoma acquiring these lands by purchase from the Indians, to be used as a basis for a school fund or for other matters. I thought I had the memorial with me, but I see this one is relative to another matter

Mr. TILLMAN. In view of the importance of this matter, and in view of the fact that it has been brought to the attention of the Senate recently that the railroads and capitalists have monopolized the coal fields and have already a monopoly of the anthracite field and a large portion of the bituminous field, I feel that I must insist on the point of order and wait until Oklahoma's representatives get a chance to come here and

speak. No harm will be done by waiting six months or a year.

Mr. CLARK of Wyoming. I will say to the Senator, in leaving the subject, that one motive that the committee had in mind-

Mr. TILLMAN. I am not impugning the motive of anybody. Mr. CLARK of Wyoming. No; that is not it. The Senator Mr. TILLMAN. will hear me for a moment.

Mr. CLAPP (to Mr. CLARK of Wyoming). Use the word

"reason" instead of "motive."

Mr. CLARK of Wyoming. I will accept the suggestion. One reason why the committee make this recommendation for the disposition of the surface of the land in tracts of not more than 160 acres was to prevent fastening upon the new State the possibility of monopoly in the lands in that locality. Here are 500,000 acres of this land in the open, not subject to allotment to the individual Indian. The committee believed that unless some step was taken now the entering wedge would be made between now and the next session of Congress whereby a monopoly would be created and enter upon the purchase and possession of those lands.

Mr. TILLMAN. If the Senator can indicate how a monopoly can work when there is no law under which anything can be

done, I should like to hear it.

Mr. CLARK of Wyoming. A monopoly sometimes begins to

work unknown to anyone.

Mr. TILLMAN. I am willing myself to wait until Oklahoma has two Senators here and Representatives in the other end of the Capitol who come from the field and know all about it and are more interested than anybody else. In view of the fact that last spring it was brought out that coal within 150 miles of these very coal fields was being sold at \$8 a ton, by reason of the manipulations and monopolies and one thing or another in vogue out there, I insist upon the point of order.

Mr. CLARK of Wyoming. I am perfectly content, and I shall only hope that the wish of the Senator from South Carolina to avoid monopoly will not be defeated by the rejection of

this amendment.

The VICE-PRESIDENT. The Chair sustains the point of The next passed-over amendment will be stated.

The Secretary. On page 45, after line 16, it is proposed to insert:

That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law the Secretary of the Interior may segregate and survey, within that part of the Choctaw and Chickasaw nations, Indian Territory, heretofore segregated as coal and asphalt land, such other towns as are now in existence or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., p. 495), under regulations to be prescribed by him: Provided further, That the provisions of section 13 of the act of Congress approved April 26, 1906 (34 Stat. L., p. 137), shall not apply to town lots: And provided further, That the Secretary of the Interior may, in his discretion, cause the lots in any town within the boundaries of the Five Civilized Tribes to be reappraised as of the date of the original appraisement made by the Choctaw town-site commission, that payments already made on lots therein shall be credited on the basis of the reappraisement, and that payments not heretofore made on installments due or past due under the original appraisement shall be superseded by the amounts fixed under the new appraisement shall be superseded by the amounts fixed under the new appraisement, and payments shall begin and date from thirty days after the service of notice of the appraisement: And provided further, That the Secretary of the Interior may also survey, appraise, and sell as town lots areas hereforore segregated as additions to towns within the boundaries of any of the Five Civilized Tribes, but which have not heretofore been surveyed, appraised, or sold, the manner of scheduling and the rates at which sold to conform to existing law concerning those subjects in the respective nations; and the sum of \$15,000, to be immediately available, is hereby appropriated for the expenses incident to the completion

The VICE-PRESIDENT. Without objection, the amendment

is agreed to.

Mr. STONE. Mr. President, while I was necessarily absent from the Chamber an amendment on page 37, relating to elections, was taken up and agreed to. Is that correct?

The VICE-PRESIDENT. It was agreed to.

Mr. STONE. I do not think I want to make a point of order against the amendment, but I should like to call the attention of the Senate to the fact that there are some rather vigorous protests against this clause, coming from the Indian Territory to me at least. I am not sure but that they are well founded.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. I do.

Mr. LONG. I myself have heard no objections to this provision from the Indian Territory. I should like to have the Senator state what the objections are that are made to it.

Mr. STONE. I will ask the Secretary to read a short statement from the Morning Democrat, of Ardmore, which expresses very well the objections against this provision that have been

sent to me in letters and telegrams.

The VICE-PRESIDENT. Without objection, the Secretary The VICE-PRESIDENT. will read as requested.

The Secretary read as follows:

[From the Ardmore, Ind. T., Morning Democrat, January 29, 1907.] In order to defeat the wishes of the people and fasten themselves upon an unwilling public, an organization of municipal officeholders has been perfected in Oklahoma and Indian Territory and have hired attorneys lobbying a bill through Congress to continue them in office until 1908, and longer if the constitution should be defeated or turned down by the President. Below we reproduce a letter and a copy of the bill sent Chief of Police Buck Garrett. Judge Galt and Chief Garrett are the only Ardmore officials seen by the Democrat on the subject, and they are in favor of an election and say they do not want office except by the votes of the Democratic party and the people who know their records as officials:

"Muscogee. Ind. T., January 22, 1907.

"Muscogee, Ind. T., January 22, 1907.

"Muscogee, Ind. T., January 22, 1907.

"Dear Sir: We are desirous of having the inclosed provision inserted in some bill now before Congress, so that those now holding city offices in Indian Territory may hold over until the election under the constitution of the State of Oklahoma.

"It will be necessary to have help from other towns to meet the expense of paying the fees of the attorneys already employed and now in Washington working on this matter. The larger cities should bear most of this expense. A bill containing the inclosed provision has been introduced and referred to the Committee on the Territories. We must watch it and not let it die in the committee room.

"We feel that your town should help defray the expense in this matter to the amount of \$25. It is requested that you make the collection and remit this sum at once to

"J. B. Campbell,

"J. B. CAMPBELL, "City Recorder, Muscogce, Ind. T."

Mr. STONE. I can not see why there could not be an election in the spring and let the people of the towns select their own officers, instead of continuing by a legislative act those who are now in the possession of the offices.

Mr. LONG. Is the Senator aware of the fact that legislation similar to this was enacted last year as to county officers in Oklahoma, in order to avoid the expense of an election there, when the constitutional convention was about to be held? This amendment will be only operative if a constitution is adopted. If the constitution should for any reason fail, then the successors to the officers can be elected.

Mr. STONE. Elected when? At the next regular election

as provided by law?

Mr. LONG. They are to hold until their successors are duly elected and qualified.

Mr. STONE. But they can not be duly elected and qualified until the time shall come for a regular election under the law. If for any reason the constitution should fail and the State should not be admitted, the persons now in office would continue to exercise the functions of their offices under the operation of this provision without any reference to the wishes of the people

Mr. LONG. I think it is not open to that construction, but can not the Senator suggest an amendment that will make more

definite that provision?

Mr. STONE. The only amendment I could suggest would be to eliminate it, to take it out, and let the officers be elected this spring.

Mr. LONG. The election for the approval or rejection of the constitution will be held sometime this spring, shortly after the

city officers are to be elected.

The constitution, if adopted, will go into force by the middle of the summer, and then municipal officers and county officers must be elected. This will require two elections for municipal officers within the next six months if this amendment is not adopted.

Mr. STONE. I move to reconsider the vote by which the mendment was agreed to. We will then see what is the sense amendment was agreed to. of the Senate in regard to it.

The motion to reconsider was agreed to.

Mr. TILLMAN. I do not want to interfere, but I wish to call the attention of the Senator from Missouri to line 16. There is a direct and positive statement or prohibition here:

That no election for city, town, or municipal officers authorized by the laws now in force in the Indian Territory shall be held under and in pursuance of said laws in the year 1907.

That forbids any election to be held. If the constitutional convention should want to change the condition and provide for an election all along the line for county officers, municipal officers, and everything else when the new constitution goes into effect, why should they not do it?

Mr. LONG. It is to avoid the expense of an election in April of this year, when the constitution will possibly be voted upon and approved a month or two later, and then the officers provided for under that constitution will be elected. It is to avoid the expense of two elections for city officers within the next few months that this amendment has been reported.

Mr. STONE. There is no doubt of the purpose the committee

had in view

Mr. TILLMAN. Nobody is impugning the motive of the committee or saying anything about that. It is just a question as

to whether, after the statement read from the desk of this lobby of municipal officeholders, and all that, we will allow them to hold over until year after next or not.

Mr. STONE. As a member of the committee supporting the bill, I do not feel disposed to make any point of order against the amendment.

Mr. BERRY. Will the Senator from Missouri yield to me?

Mr. STONE. Certainly.

Mr. BERRY. I make the point of order against it that it is

legislation and not in order.

The VICE-PRESIDENT. The Chair is of opinion that the amendment is in contravention of the rule, and sustains the point of order. The next amendment passed over will be read.

The Secretary. The next amendment of the Committee on Indian Affairs passed over is on page 48 of the bill, beginning at line 5, and reads as follows:

That the Secretary of the Interior is hereby authorized and directed to transfer from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations the name of any person who is of Choctaw or Chickasaw Indian blood on the side of either parent, as appears from the examination records prepared by the Commission to the Five Civilized Tribes under the act approved June 28, 1898, or any tribal roll, or any field card prepared by the Commission or the Commissioner to the Five Civilized Tribes, and other evidence shall be taken only in cases where the identity or Indian blood of such person is denied by the tribal authorities.

Mr. TILLMAN. Mr. President, I make the point of order on

Mr. McCUMBER. Mr. President, I do not know whether a point of order is to be made upon this amendment, but-

Mr. TILLMAN. I have just made it.

Mr. McCUMBER. If the Senator wants to have the amendment discussed it is a question that may require considerable discussion.

Mr. TILLMAN. I would prefer not to discuss it. am getting very tired of this Indian appropriation bill and would like to get through with it. Where a point of order will clearly lie I do not see why we should discuss it.

Mr. McCUMBER. I am not certain that the point of order

will lie against it.

Mr. TILLMAN. Let the Chair rule, and if he says it does

not then we will discuss it on its merits.

Mr. McCUMBER. My question was directed to the Senator in charge of the bill, and I was about to suggest to him if there is going to be any discussion on this amendment he allow it to go over until to-morrow.

Mr. CLAPP. I presume the Senator from South Carolina is going to press his point of order, and if he is going to do that we may as well dispose of it now as at any other time.

Mr. TILLMAN. I make the point of order, Mr. President, and I should like to have the ruling of the Chair.

Mr. BERRY. That it is general legislation.
Mr. TILLMAN. That it is general legislation. It changes existing law

The VICE-PRESIDENT. The Chair sustains the point of der. The next amendment passed over will be stated.

The Secretary. On page 48, beginning at line 17, the Com-

mittee on Indian Affairs reported to insert the following:

The Secretary. On page 48, beginning at line 17, the Committee on Indian Affairs reported to insert the following:

That Laura Secondine and William Brown and David Muskrat, and others, Cherokee citizens, who have brought three several suits in the supreme court of the District of Columbia, which are now pending there, to test the validity of certain acts of Congress affecting the allotment of the lands and the distribution of the tribal funds and other property of the Cherokee Nation, or restricting the right of alienation or other disposition of lands allotted to them and other Cherokee citizens, be, and they are hereby, authorized and empowered to institute their several suits in the Court of Claims to question the validity of said acts, making the United States defendant thereto, which said suits shall be prosecuted by them for and on behalf of all Cherokee citizens entitled to the allotment of lands and the distribution of funds under the act of July 1, 1902, entitled "An act to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes."

And jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, to hear, determine, and adjudicate each of said actions; and said court shall not be limited to the consideration of questions as now presented in the said suits filed in the District of Columbia, but shall consider all questions which may be presented in said suits affecting the validity of said acts.

All suits brought hereunder shall be brought within ninety days from the date of the approval of this act; and for the speedy disposition of the questions involved, preference shall be given to the same in said courts and by the Attorney-General, who is charged with the defense of said suits.

Upon the rendition of final judgment in any of said cases, the Court of Claims shall determine the amount to be paid the attorneys employed in the prosecution thereof for s

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. I think it is general legislation.

Mr. CLARK of Wyoming. I see indications that the Senator from New Jersey is going to interpose a point of order. I should like to make a statement before that is done.

Mr. KEAN. Certainly; I withhold the point of order. Mr. CLARK of Wyoming. Mr. President, by way of explanation I will say that this amendment could perhaps if adopted go a long way toward settling some of the vexed questions of law about which we have been having some difficulty within the last two or three days, to wit, the constitutionality of the McCumber amendment and certain other provisions of the law which we passed to which the McCumber amendment was attached.

Laura Secondine, William Brown, David Muskrat, and others, brought three suits which are now pending in the District of Columbia, testing the validity of these acts. To these suits demurrers were interposed by the Government of the United States. The condition of those suits now is that by stipulation further action is delayed until Congress shall have an opportunity to act upon this proposition. If this matter be referred to the Court of Claims, with instructions for speedy action and with opportunity for appeal to the Supreme Court of the United States, it is more than likely that very early action will be had upon those legal propositions.

In that view of the case, I think perhaps that while the amendment might be subject to a point of order as intimated, the benefit to be derived from it would so far outweigh that it ought to remain in the bill, and the suits proceed along the line of this

amendment.

Mr. McCumber. Will the Senator state wherein the amendment, which he designates as the McCumber amendment, will be questioned in this proceeding? How can it possibly arise

in the three cases referred to?

Mr. CLARK of Wyoming. It arises in the Laura Secondine case, as I remember it, by reason of the fact that she is upon the full-blood roll. There are two questions in her case. tion in the case is directed against the McCumber amendment, by which her right to alienate was thrown over twenty-five years. Just the particular point in each of the three cases I am unable to state. It is all in the memorial which was presented by the Senator from Kansas [Mr. Long]. All of the cases go to the particular point we have had so much difficulty about, and which I should be glad to have settled.

The VICE-PRESIDENT. Does the Senator from New Jersey

insist upon his point of order?

Mr. KEAN. He does not.

The VICE-PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 47 of the bill-

Mr. LODGE. Did the Secretary read the amendment on page

The VICE-PRESIDENT. The amendment about to be read is one that was offered on the floor. It does not appear in the

printed bill. The amendment will be read.

The Secretary. On page 47 the Senator from Minnesota [Mr. Clapp] proposed an amendment to come in after line 18. It reads as follows:

That all restrictions as to the sale and incumbrance of the south-ist quarter of the northwest quarter of section 13, township 11, range east, in the Indian Territory, the same being the homestead hereto-re allotted to Nocus Fixico, Creek allottee No. 603, are hereby re-

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LONG. Mr. President, as I remember, the senior Senator from Wisconsin [Mr. Spooner] made a point of order against this amendment, and in the light of his very interesting and instructive remarks this afternoon I call his attention to it.

Mr. SPOONER. I do not know whether my remarks were interesting; I can not imagine that they were instructive, and I do not know what point of order the Senator refers to.

Mr. LONG. The point of order in which it is proposed to remove the restrictions on the homestead of an Indian in the In-

dian Territory by special legislation.

Mr. SPOONER. Unless there is some explanation of it, I

make the point of order against it.

Mr. CLAPP. Mr. President, the only explanation is that last year this was on the bill and the name was misspelled. It is simply for the purpose of making that correction that I made the formal offer of the amendment.

Mr. SPOONER. I have received a letter this afternoon from, I think, the husband of the lady who bought the land of the Indian. It is now a part of a town site. The Indian was paid a couple of thousand dollars or thereabouts for it. It is said by her husband that that was enough and that the Indian got the money. Of course that is not an entirely disinterested source of information. He wants his wife's title perfected, and that is

the object of this legislation.

I think Congress ought to be very careful about removing restrictions, especially about removing restrictions on homesteads; but it may be in truth that this matter ought to be corrected. I really do not know enough about it to say whether it should be done or not; and in order that it may be investigated a little further I will make the point of order. Time will not hurt it

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER.

Mr. SPOONER. Certainly. Mr. CULBERSON. The Senator from Minnesota stated that this same provision was in the bill of last year. I do not know whether he meant to imply that it was passed in the bill and became a law

Mr. SPOONER. The name was wrong in the last bill. Mr. CLAPP. It was spelled "N-o-c-o-s," when it should be " N-o-c-u-s.

Mr. CULBERSON. This is merely to correct a previous law

already existing?

Mr. CLAPP. Yes; and under that law they sold the land. When they came to look the matter up they found the deed in this name, and some one down there sent it up here for correc-

Mr. SPOONER. Congress attempted to do it and failed.
Mr. CLAPP. I simply introduced the amendment to make the correction.

The VICE-PRESIDENT. Does the Senator from Wisconsin

insist upon his point of order?

Mr. SPOONER. The Chair puts that question to me in rather a peculiar tone of voice, and I do not know but that I ought to withdraw it. I withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARK of Wyoming. I desire to ask the chairman of the committee a question. I have understood that, with the exception of this case, which is a mere correction, there is no individual restriction to be removed by this bill.

There is one restriction which the Department Mr. CLAPP.

Mr. CLART. There is one restriction which the repartment recommended and which we adopted the other day.

Mr. CLARK of Wyoming. I asked the question because I have replied to certain people who have written to me asking me to propose amendments that I thought it was inadvisable to propose them; that I did not think those things ought to be put

on a general appropriation bill.

Mr. CLAPP. That has been the attitude of the chairman personally as to such applications, and he has not favored any

special restriction by individual name.

The VICE-PRESIDENT. The next amendment passed over

The Secretary. The next amendment passed over begins on

line 5, page 50, and reads as follows:

line 5, page 50, and reads as follows:

That David Muskrat, Frank J. Boudinot, and J. Henry Dick, the executive committee of the Eastern Cherokees, through attorneys employed by them, shall have the right on behalf of the Eastern Cherokees to bring a suit in the Court of Claims and prosecute on behalf of said Eastern Cherokees their claim, if any they have, against the United States for money alleged by them to have been erroneously paid to the attorneys for the Cherokee Nation out of a fund of the Eastern Cherokees, the same being the fund created by appropriation made by act of Congress approved June 30, 1906, to pay the judgment of the Court of Claims, rendered May 28, 1906, in the consolidated cases of the Cherokee Nation, the Eastern Cherokees, and the Eastern and Emigrant Cherokees against the United States, numbered, respectively, 23199, 23214, and 23212, and either the said executive committee, on behalf of the Eastern Cherokees, or the United States shall have the right to appeal to the Supreme Court of the United States from any judgment rendered by the Court of Claims in said suit. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, any judgment which may be rendered in favor of the said Eastern Cherokees in said suit.

Said suit shall be filed within thirty days from the date of the passage of this act, and shall be prosecuted on behalf of the Eastern Cherokees in the name of their executive committee, as aforesaid, through attorneys employed by them, the compensation for expenses and services rendered in relation to said claim by the said attorneys to be fixed by the Court of Claims upon the termination of said suit.

Mr. WARNER. Mr. President, I interpose a point of order

Mr. WARNER. Mr. President, I interpose a point of order as to that amendment, first, that it is a private claim and that it is also obnoxious to the fourth subdivision of Rule XVI, which says that "No amendment * * * shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation."

The VICE-PRESIDENT. The Chair sustains the point of

order. The next amendment passed over will be stated.

The Secretary. The next amendment passed over is on page 51, beginning with line 13, and reads as follows:

That the Court of Claims is hereby authorized and empowered in the suit involving the claim of the intermarried white persons in the Cherokee Nation to share in the common property of the Cherokee people, and to be enrolled for such purpose (being Nos. 419, 420, 421, and 422 on the United States Supreme Court docket for October term, 1905) to hear and report to Congress its findings of fact as to the amount which should be paid the attorney and counsel of record for the Cherokee Indians by blood in said suit, in reimbursement of necessary expenses incurred in such proceedings and as reasonable compensation for services rendered in said proceedings, said compensation not to exceed 10 per cent of the values in land and money saved to said Cherokee Indians, said values to be determined by said court. Such court shall further designate the persons, class, or body of persons by whom such payment should equitably be made, and the fund or funds held by the United States out of which the same shall be paid, and enter a decree for the amount so found.

Mr. KEAN. I think from the vote of the Senate this after-

Mr. KEAN. I think from the vote of the Senate this after-

noon that amendment had better go out on a point of order.

The VICE-PRESIDENT. The Senator from New Jersey raises a point of order against the amendment which has been read. The Chair sustains the point of order. The next amendment passed over will be stated.

The Secretary. The next amendment passed over is on page 52, beginning with line 10.

Mr. CLAPP. That has gone out.

The VICE-PRESIDENT. That went out on a point of order raised by the Senator from Maine [Mr. Hale]. The next amendment passed over will be stated.

The Secretary. The next amendment passed over begins on

page 70, beginning with line 20. It reads as follows

Mr. CARTER. It has been read. Mr. LODGE. That amendment has been read, and I withheld the point of order on it which I will not make. I offer an amendment to the amendment.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment to the amendment, which will be stated

by the Secretary.

The SECRETARY. Strike out all after the word "That," in line 15, page 71, down to and including the word "thereto," in line 19, and insert:

The Indians, and the settlers on the surplus land, in the order named, shall have a preference right for one year from the date of the President's preclamation opening the reservation to settlement to appropriate the waters of the reservation, which shall be filed on and appropriated under the laws of the State of Montana by the Commissioner of Indian Affairs on behalf of the Indians taking irrigable allotments and by the settlers under the same law. At the expiration of the one year aforesaid the irrigation system constructed and to be constructed shall be operated under the laws of the State of Montana, and the title to such systems as may be constructed under this act.

Mr. CLARK of Montana. Mr. President, I have no objection to the amendment offered by the Senator from Massachuetts. My colleague will propose an amendment to it.

The VICE-PRESIDENT. The question is on agreeing to the

amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CARTER: I offer an amendment to make it conform to the rule of appropriations for reclamation.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The Secretary. On page 72, line 9, after the word "aforesaid," the last word in the line, insert:

Provided. That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment passed over was, on page 70, to insert after line 19 the following:

after line 19 the following:

That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation. In the State of Montana.

That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation. That there shall be allotted to each member 40 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes; or, at the option of the allottee, the entire 320 acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, \$300,000, \$100,000 of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation: Provided, That such irrigation system shall be constructed and completed, and held and operated, and water therefor appropriated under the laws of the State of Montana, and the title thereto, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: And provided further, That the ditches and canals of such irrigation systems may be used, extended, or, enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance

with the provisions of the laws of the State of Montana: And provided further, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid: Provided further, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding 280 acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: Provided, That there is hereby granted 280 acres each to the Holy Family Mission on Two Medicine Creek and the mission of the Methodist Episcopal Church near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon.

That upon the completion of said allotments the President of the

sions, respectively, embracing the mission buildings and improvements thereon.

That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one representative of the Indian Bureau, and one resident citizen of the State of Montana.

That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed \$5 per day.

That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, the mineral land not to be appraised.

That said commissioners shall be paid a salary of not to exceed \$10 per day each while acreally.

praised.

That said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commis-

rate said commissioners shall be paid a salary of not to exceed \$10 per day each while actually employed in the inspection and classification of said lands; such inspection and classification of said commission. The provided within inlie months from the date of the organization of said commission. The provided within inlie months from the date of the organization of said commission. The provided within the same shall have been approved by the Secretary of the Interior, the lands shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said sections for parts thereof, the content is a said section of the Section of the Indians of the Sections of the Indians of the Sections of the Indians of the Sections in any one township, which selections shall be made prior to the opening of the lands to settlement: Provided, That the United States shall pay to the said Indians for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of \$1.25 per acre.

That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, or the lands in the same are opened to settlement and entry? Provided, That the rights of honorably discharged Uni

reclamation act, said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians: Provided, however, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than \$1.25 per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without regard to the minimum limit above stated: Provided, That not more than 640 acres of land shall be sold to any one person or company.

That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

That lands classified and returned by said commission as timber lands

That the lands within sald reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral screen provisions of the United States mineral and ceal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an ITARI ands classified and returned by sald commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under scaled bids to the highest bidder for cash at not less than \$5 per acre, which is a state of the sald timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottes realding in the vicinity, at the highest bid.

The said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottes realding in the vicinity, at the highest bid.

The said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottes realding in the vicinity, at the highest bid.

The said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to said lands and the said in the contract of the co

That no lot shall be sold for less than \$10: And provided further, That said lots when surveyed shall approximate 50 by 150 feet in size.

The amendment was agreed to.

The next amendment passed over was, on page 83, after line 9. to insert:

The next amendment passed over was, on page S3, after line 9, to insert:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount due said Omaha tribe from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of said Omaha tribe, or for the failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said Omaha tribe against the United States and to enter judgment thereon, and to enter judgment in favor of the attorneys of said Indians for proper attorneys' fees, which said award shall be paid by a separate warrant. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitations, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of said act, and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendent, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians, under the contract filed in the Indian Office on the 4th day of March, 1898, and reported upon to the Secretary of the Interior on the 1st day of May, 1901, upon information and belief as to t

Mr. KEAN. That amendment is evidently of the same class of legislation which we have been ruling out all day, and I make the point of order against it.

Mr. CLAPP. I will ask the Senator to withhold his point of order for a moment.

Mr. KEAN. Certainly. Mr. CLAPP. The que The question of the Confederated Utes is to come up, and as both of the Senators from Nebraska are temporarily out of the Chamber and we can take this question up later, I suggest that the Senator from New Jersey withhold the point of order.

Certainly, I will withhold the point of order.

What is the amendment referred to? Mr. KEAN.

Mr. LODGE.

Mr. KEAN. The amendment in regard to the Confederated

The VICE-PRESIDENT. The Senator from New Jersey [Mr. KEAN] withholds the point of order, and the amendment will be passed over for the present.

The next amendment passed over was, on page 98, after line

The next amendment passed over was, on page 98, after line 4, to insert:

That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$215,239, the same being the difference between 32½ cents per acre heretofore paid to the Mexican Kickapoo Indians in the Territory of Oklahoma and the amount realized by the United States for their surplus land in Oklahoma, the said sum to be paid by the Secretary of the Treasury to Pah ke tah and Martin J. Bentley, the authorized representatives of said Indians, through any national bank by them designated; the said sum to be immediately available and the indorsements of the warrant issued in payment thereof to be deemed to be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States, and said payment shall be considered and deemed a final settlement of all claims of every kind whatsoever of said Indians against the United States.

That the Attorney-General of the United States be, and he hereby is, authorized and directed to Immediately investigate any and all conveyances purporting to have been executed and acknowledged in the Republic of Mexico or elsewhere, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances or any of them appear to have been procured by fraud or fraudulently executed, he shall, by his assistant specially employed, appear and defray the costs of proceedings in the proper courts on behalf of said Indians and their trustees to said land from any and all cloud thereon, the result of such fraudulent conveyances. He is further directed to prosecute in the proper courts any and all parties to said frauds, and he is authorized to employ for said purposes some suitable attorney as his assistant who has the confidence of said Indians. For said purposes and the payment of costs in suits to set aside said fraudulent conveyances there be, and hereby is, appro

Mr. ALDRICH. That is a very complicated provision, and clearly subject to the point of order. It appropriates \$25,000 out of the Treasury, an appropriation for which there is no estimate. I make the point of order against it, in order to save the time of the Senate

The VICE-PRESIDENT. The Chair sustains the point of or-

Mr. SPOONER. There is one provision of the amendment which, if I am correctly informed, ought to be permitted to re-I have read the report from one of the Amerimain in the bill. can consuls in Mexico, an official, which showed that there had been very bad treatment of the Indians over there by certain parties claiming to represent the United States Government. That is a matter which ought to be looked into. I have been told that some of those Indians were induced to sign, without knowing anything about what they were signing, a large number of deeds, which have been recorded, to land in this country be-longing to the Indians.

Mr. CLARK of Wyoming. I will say to the Senator that a large number of those which appear to be signed it is claimed

were not signed.

Mr. SPOONER. Yes; I say a large number of deeds have been recorded which appear to have been signed by the Indians which it is claimed were not signed at all, and I think there ought to be an investigation of it.

Mr. LONG. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. SPOONER. Certainly.

Mr. LONG. If I am not mistaken, the Senate recently authorized the Committee on Indian Affairs to investigate these transactions, giving it power to send for persons and papers.

Mr. SPOONER. I think that is better, Mr. President. Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. SPOONER. Certainly.

Mr. CLAPP. One moment, or we will be getting confused The Senate passed a resolution authorizing the Committee on Indian Affairs to investigate this matter generally, but the committee can not bring any suit to set aside these alleged fraudulent conveyances. This provision applies more particularly to alleged fraudulent conveyances; and, whatever the Senate does with the appropriation, I would suggest the propriety of retaining that part of the amendment which authorizes the Attorney-General to investigate as to the validity of those conveyances and bring suits to set them aside if he finds them to be fraudulent.

Mr. LONG. I ask the Senator from Minnesota why we should have two investigations proceeding at the same time? Why not defer this investigation until the investigation to be made by

the Committee on Indian Affairs has been made?

Mr. SPOONER. If there is to be an investigation with reference to bringing suit to set aside fraudulent deeds constituting a doubt as to title, or anything of that kind, the investigation ought to be made by the Department that will be charged with the duty of bringing suit and that will have the preparation of the case for trial. It would be very much better that that particular matter should be investigated by the Department of

Mr. LONG. It would certainly be better if it is to bring suits, but the Committee on Indian Affairs should make and complete its investigation before this is ordered. That committee has been authorized to investigate the affairs of this tribe of Indians with the United States—

Mr. SPOONER. That is a different thing.
Mr. LONG. And I think that investigation should be com-

pleted before this is begun.

Mr. SPOONER. I think it is all right for the Committee on Indian Affairs to investigate generally the relation of these Indians to the United States; but as to the particular matter concerning suits that will have to be brought by the Government to set aside fraudulent deeds, I think the Department of Justice is the proper Department to make that investigation.

Mr. CLAPP. I had not understood that there had been any

investigation particularly by the committee in relation to the subject which might touch upon the matter of these deeds; but my understanding was that that investigation was limited to the general relation of the Government to these Indians, and not to these transactions in Mexico, whereas this amendment is designed to clothe the Department of Justice with authority to investigate as to the validity of these deeds, and I really think the Senate will make a mistake if it strikes out the provision.

Mr. ALDRICH. Mr. President, I am not able to segregate this matter from the other matters which are clearly objectionable in this bill. If anybody else is able to do so, I should be

very glad to listen to his suggestion.

The VICE-PRESIDENT. The Chair has sustained the point

of order against the amendment.

Mr. SPOONER. Do I understand the point of order is sustained?

The VICE-PRESIDENT. The point of order is sustained.

Mr. CLAPP. I hope the Chair will reconsider his decision.

Mr. SPOONER. Is it too late for the Senator from Rhode Island to withdraw his point of order?

Decidedly. Mr. ALDRICH.

Mr. CLAPP. Then I offer as an amendment the portion of the bill beginning on line 23, on page 98, and continuing down to and including line 19, on page 99. That will separate the

Mr. LONG. That includes the appropriation on lines 18 and 19, to which the Senator from Rhode Island [Mr. Aldrich]

objected.

Mr. TILLMAN. That is the appropriation of \$25,000 for the prosecution of the suit; and on page 98, in line 7, there is an

appropriation of \$215,239.

Mr. CLAPP. I beg the Senator's pardon. My amendment does not include the appropriation to which I understood the Senator from Rhode Island to object, which was the appropria-

tion of \$215,239.

Mr. ALDRICH. My objection was to the appropriation of \$25,000 out of the Treasury of the United States that was not estimated for. I think this matter ought to go into a separate We certainly can not, I will say to the Senator from Wisconsin, undertake by this bill to redress all the grievances that exist in the United States or in Mexico; or, if we do, we certainly shall depart very far from what should be the scope of a general appropriation bill.

Mr. SPOONER. But we ought to investigate grievances which are brought about by people representing the United

States Government.

Mr. ALDRICH. At the proper place and in the proper way, certainly; but this is not the place or the way to do it.
Mr. SPOONER. Did the Senator ever see an estimate for

an item in an appropriation bill for such a thing as this?

Mr. ALDRICH. The law provides and the rules of the Senate provide that no amendment shall be made to a general appropriation bill unless it is estimated for through the regular channels

Mr. SPOONER. That may be true, but it is done all the

Mr. CLAPP. If the Senator from Rhode Island will withdraw his point of order

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. I do not withdraw my point of order with

reference to that appropriation.

Mr. CLAPP. Then I will renew the motion and offer the amendment to consist of the language found on page 98, commencing with line 23 on page 98 and extending to and including the word "Indians," in line 15, page 99. That will exclude the appropriation of \$25,000.

The VICE-PRESIDENT. The Secretary will state the

amendment proposed by the Senator from Minnesota.

The Secretary. It is proposed to leave in the bill the language found in the amendment beginning in line 23, page 98, down to and including the words "said Indians," in line 15, page 99.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

Mr. ALDRICH. Let it be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read the proposed amendment, as follows:

The Secretary read the proposed amendment, as follows:

That the Attorney-General of the United States be, and he hereby is, authorized and directed to immediately investigate any and all conveyances purporting to have been executed and acknowledged in the Republic of Mexico, or elsewhere, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances or any of them appear to have been procured by f.aud or fraudulently executed he shall, by his assistant specially employed, appear and defray the costs of proceedings in the proper courts on behalf of said Indians and their trustees to cancel and to set aside said conveyances and to clear the title of said Indians and their trustees to said land from any and all cloud thereon, the result of such fraudulent conveyances. He is further directed to prosecute in the proper courts any and all parties to said frauds, and he is authorized to employ for said purposes some suitable attorney as his assistant who has the confidence of said Indians.

Mr. SPOONER. I move to strike out, after the word "Attor-

Mr. SPOONER. I move to strike out, after the word "Attorney-General," the words "of the United States."

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment to the amendment offered by the Senator from Minnesota, which will be stated.

The SECRETARY. On page 98, line 23, after the word "Attorit is proposed to strike out the words "of the ney-General,"

The amendment to the amendment was agreed to.

Mr. LONG. I ask the Senator from Minnesota what is the object of lines 13, 14, and 15, which direct the Attorney-General to employ an assistant with certain peculiar qualifications?

Mr. CLAPP. That is a matter I do not care to discuss. think if the Sepator were as familiar with this as some of us perhaps he would not raise the point. But all after the word conveyances," in line 11, can be stricken out, and I make that motion

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. It is proposed to strike out all after the word "conveyances," in line 11, page 99; so that the amendment will begin in line 23, on page 98, and end with the word "conveyances," line 11, page 99.

The VICE-PRESIDENT. The question is on agreeing to the

amendment as amended.

Mr. CLARK of Wyoming. I should like to ask the Senator if he expects an investigation can be made in matters like this by the Attorney-General without an appropriation?

Mr. CLAPP. When we get to the deficiency bill there will be no objection, if the Senate sees fit, to make an appropriation for the purpose.

Mr. CLARK of Wyoming. While I am very anxious for this provision to go in the bill, I make the prediction right now that the Attorney-General will do no investigating under it.

Mr. CLAPP. That may be, but we will have discharged our duty to these people in getting what we could for them. is my only answer to that.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. LONG. I make the point of order against this amendment that it is general legislation, that it adds a new item of appropriation not estimated for, and that it is not made to carry out the provisions of some existing law.

Mr. CLAPP. I should like to ask the Senator, in the present emasculated condition of the amendment, what appropriation it

makes?

Mr. LONG. It is to be made the basis of an appropriation, as the Senator himself has just stated. If the proposed amendment is enacted into law, the appropriation is to be made in the deficiency appropriation bill.

Mr. CLAPP. I submit, Mr. President, that it would hardly be sufficient ground for a point of order that an appropriation

may be made in another appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment is in contravention of the rule, and sustains the point of order. This completes the bill with the exception of the amendment passed over on page 83.

Mr. LODGE. Mr. President, what became of the amendment beginning in line 17, on page 110, from which, at the request of the Senator from North Dakota, I withheld the point of order. He says he does not desire me to withhold it any longer.

VICE-PRESIDENT. That amendment went out on a The

point of order.

Mr. LODGE. I made the point of order and the Chair sustained it, but the Senator from North Dakota asked that I with-He has just advised me that he has no desire that it should be withheld any longer, and therefore, of course, the

ruling of the Chair stands, and the amendment goes out.

The VICE-PRESIDENT. The point of order is sustained.

Mr. CLAPP. Mr. President, in the amendment already agreed to, on page 118, line 10, the designation "Secretary of the Interior" appears. It should be "Secretary of the Treas-I move to reconsider the vote by which that amendment was agreed to and then to amend it by substituting the word "Treasury" for the word "Interior."

The VICE-PRESIDENT. The Senator from Minnesota moves that the vote by which the amendment beginning in line 10, page 118, was agreed to be reconsidered. In the absence of objection, the motion is agreed to. The Senator from Minnesota proposes an amendment to the amendment, which will be stated.

The Secretary. On page 118, in the amendment beginning in line 10, it is proposed to strike out the word "Interior" and insert the word "Treasury;" so as to read "That the Secretary of the Treasury," etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, yesterday I offered an amendment on page 68, relating to restrictions which were removed last year from the mixed bloods of the White Earth Reservation, Minn. On the third line of the amendment as offeredcan only refer to it as the line of the amendment—the word "now" appears. It should be "heretofore." I move to strike out the word "now" and substitute the word "heretofore."

The VICE-PRESIDENT. The amendment will be regarded as open to amendment, and the amendment to the amendment proposed by the Senator from Minnesota will be stated.

The Secretary. In the amendment already agreed to on page 69, line 11 of the bill, after the word "Minnesota," it is proposed to strike out the word "now" and insert the word "heretofore."

The amendment to the amendment was agreed to. The amendment as amended was agreed to.

Mr. CLAPP. I call attention now to the amendment on page 83, which we passed over a few moments ago in the absence of

the Senator from Nebraska [Mr. BURKETT], who is now here.
The VICE-PRESIDENT. The question is on agreeing to the amendment on page 83.

Mr. LODGE. The point of order was made on that. Mr. KEAN. I made a point of order on that amendment, but withheld it for the Senator from Nebraska, who wishes to make some explanation in regard to it.

Mr. LODGE. I should like to ask what has become of the Colorado amendment, which I suppose will provoke considerable debate. It will be ruled out, but we shall have to discuss it just

Mr. PATTERSON. I am not so certain about it being ruled out. It is quite an assumption on the part of the Senator from Massachusetts to say so.

Mr. LODGE. Under the rulings made to-day by the Senate itself, it must go out. It is out of order in any event.

Mr. PATTERSON. My colleague [Mr. Teller] is very clearly of the impression that it is not subject to the point of order.

Mr. LODGE. If we have got to debate it on the merits, it will take some time.

Mr. PATTERSON. I can not-

Mr. LODGE. I make that prediction now. I have looked into it thoroughly, and I can assure the Senator that if a point of order is not sustained there will be very thorough debate

upon it before it passes. Mr. CLAPP. In view of the cheerful information given by the Senator from Massachusetts [Mr. Lodge], and asking that we resume the consideration of this bill at the close of the routine business to-morrow morning, I move that the Senate

adjourn. Mr. PENROSE. I ask the Senator to withhold his motion. We ought to have a short executive session to dispose of a large number of nominations.

Mr. CLAPP. Very well; I withdraw my motion.

EXECUTIVE SESSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 8, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 7, 1907. UNITED STATES ATTORNEY.

John J. Boyce, of California, to be United States attorney for Division No. 1, district of Alaska. A reappointment, his term expiring February 17, 1907.

UNITED STATES MARSHAL,

Harry A. Wiel, of Wisconsin, to be United States marshal for the eastern district of Wisconsin, in the place of Thomas B. Reid, whose term has expired.

BRIGADIER-GENERAL ON THE RETIRED LIST OF THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. George E. Pond, assistant quartermastergeneral, to be placed on the retired list of the Army, with the rank of brigadier-general, from the date on which he shall be retired from active service.

PROMOTIONS IN THE ARMY-CAVALRY ARM.

To be captains.

First Lieut, John McClintock, Ninth Cavalry, from October 22, 1906, vice Dallam, Fifth Cavalry, detailed as paymaster.
First Lieut. Paul T. Hayne, jr., Fourteenth Cavalry, from

October 28, 1906, vice Dugan, Twelfth Cavalry, promoted.

First Lieut. Fred E. Buchan, Third Cavalry, from January 19. 1907, vice Fuller, Ninth Cavalry, retired from active service.
 First Lieut, Edward A. Sturges, Fifth Cavalry, from January
 1907, vice Lindsley, First Cavalry, detailed as quartermaster.

To be first lieutenants.

Second Lieut. Irvin L. Hunsaker, Third Cavalry, from October 22, 1906, vice McClintock, Ninth Cavalry, promoted.

Second Lieut. Clifton R. Norton, Fifteenth Cavalry, from October 28, 1906, vice Hayne, Fourteenth Cavalry, promoted.

Second Lieut. Eugene J. Ely, Fifteenth Cavalry, from January 21, 1907, vice Sturges, Fifth Cavalry, promoted.

POSTMASTERS.

CALIFORNIA.

Thomas E. Byrnes to be postmaster at San Mateo, in the county of San Mateo and State of California, in place of Thomas E. Byrnes. Incumbent's commission expires February 9, 1907.

Felix L. Grauss to be postmaster at Calistoga, in the county of Napa and State of California, in place of Felix L. Grauss. Incumbent's commission expires February 9, 1907.

Eri Huggins to be postmaster at Fort Bragg, in the county of Mendocino and State of California, in place of Eri Huggins.

Incumbent's commission expires February 26, 1907.

M. M. Scoon to be postmaster at Rocklin, in the county of Placer and State of California, in place of John H. Gregory. Incumbent's commission expired January 22, 1907.

Renaldo E. Taylor to be postmaster at Gridley, in the county of Butte and State of California, in place of Renaldo E. Taylor. Incumbent's commission expired December 10, 1906.

William L. Williams to be postmaster at Madera, in the county of Madera and State of California, in place of William L. Williams. Incumbent's commission expires February 16,

COLORADO.

Maude E. McLean to be postmaster at Breckenridge, in the county of Summit and State of Colorado, in place of Maude E. McLean. Incumbent's commission expired January 22, 1907.

IDAHO.

C. D. McEachron to be postmaster at Lewiston, in the county of Nez Perce and State of Idaho, in place of John L. Chapman. Incumbent's commission expires March 2, 1907.

ILLINOIS.

Edward E. Gott to be postmaster at Norris City, in the county of White and State of Illinois. Office became Presidential January 1, 1907.

Clark J. McManis to be postmaster at Princeton, in the county of Bureau and State of Illinois, in place of Clark J. McManis. Incumbent's commission expires February 9, 1907.

Frank G. Robinson to be postmaster at El Paso, in the county of Woodford and State of Illinois, in place of Silas D. Patton. Incumbent's commission expired January 23, 1907.

Otis E. Stumpf to be postmaster at Findlay, in the county of Shelby and State of Illinois. Office became Presidential January 1, 1907.

Thomas H. White to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois, in place of Thomas H. White. Incumbent's commission expired January

INDIANA.

Joseph C. Andrew to be postmaster at Redkey, in the county of Jay and State of Indiana, in place of John W. Hill. Incumbent's commission expired February 3, 1907.

Cash M. Graham to be postmaster at South Whitley, in the county of Whitley and State of Indiana, in place of Cash M. Graham. Incumbent's commission expired December 20, 1906. IOWA.

Louis H. Schulte to be postmaster at Remsen, in the county of Plymouth and State of Iowa, in place of Moses D. Mosier, removed.

Eunice A. Underhill to be postmaster at Ocheyedan, in the county of Osceola and State of Iowa. Office became Presidential October 1, 1906.

KENTUCKY.

Marcus L. Kincheloe to be postmaster at Hardinsburg, in the county of Breckinridge and State of Kentucky. Office became Presidential January 1, 1907.

MARYLAND.

George C. Riggin to be postmaster at Crisfield, in the county of Somerset and State of Maryland, in place of William R. Reese, removed.

MASSACHUSETTS.

Stanley B. Dearborn to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts, in place of Stanley B. Dearborn. Incumbent's commission expires February 13, 1907.

Harry D. Hunt to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts, in place of Harry

D. Hunt. Incumbent's commission expires February 13, 1907.
Samuel L. Wheaton to be postmaster at Manchester, in the county of Essex and State of Massachusetts, in place of Samuel L. Wheaton. Incumbent's commission expired February 4, 1907.

MICHIGAN.

Earl B. Hammond to be postmaster at Vermontville, in the county of Eaton and State of Michigan, in place of Earl B. Incumbent's commission expires February 11, 1907.

Newton E. Tower to be postmaster at Union City, in the county of Branch and State of Michigan, in place of Newton E. Tower. Incumbent's commission expired February 2, 1907.

MINNESOTA.

Andrew J. Davis to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota, in place of Edgar F. Gould. Incumbent's commission expired December 20, 1906.

MISSOURI.

Troy L. Crane to be postmaster at Lees Summit, in the county of Jackson and State of Missouri, in place of Troy L. Crane. Incumbent's commission expires February 24, 1907.

MONTANA.

John C. Sorenson to be postmaster at Glendive, in the county of Dawson and State of Montana, in place of John R. Stout, resigned.

NEW YORK.

John R. Costello to be postmaster at Chittenango, in the county of Madison and State of New York, in place of W. Scott Siver. Incumbent's commission expired February 4, 1907.

George H. Keeler to be postmaster at Hammondsport, in the county of Steuben and State of New York, in place of George H. Incumbent's commission expired February 4, 1907.

Charles E. Morgan to be postmaster at West Winfield, in the county of Herkimer and State of New York, in place of Charles

E. Morgan. Incumbent's commission expired January 22, 1907.
William J. H. Parker to be postmaster at Moravia, in the county of Cayuga and State of New York, in place of William J. H. Parker. Incumbent's commission expired February 4,

NORTH CAROLINA.

Daniel J. Currie to be postmaster at Raeford, in the county of Cumberland and State of North Carolina. Office became Presidential January 1, 1907.

NORTH DAKOTA.

Duncan C. McLeod to be postmaster at Crary, in the county of Ramsey and State of North Dakota. Office became Presidential January 1, 1907.

OHIO.

J. A. Donnelly to be postmaster at New Lexington, in the county of Perry and State of Ohio, in place of John A. Birkimer. Incumbent's commission expired January 26, 1907.

Homer S. Kent to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio, in place of Homer S. Kent. Incumbent's commission expires February 19, 1907.

PENNSYLVANIA.

William E. Champaign to be postmaster at Wellsboro, in the county of Tioga and State of Pennsylvania, in place of Arthur M. Roy. Incumbent's commission expired January 31, 1907.

William T. Dantz to be postmaster at Westgrove, in the county of Chester and State of Pennsylvania, in place of William T. Dantz. Incumbent's commission expires February 23,

John B. Griffiths to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania, in place of John B. Griffiths. Incumbent's commission expires February 11, 1907.

Frederick T. Gelder to be postmaster at Forest City, in the county of Susquehanna and State of Pennsylvania, in place of

Truman C. Manzer, removed.

Ferdinand K. Hill to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania, in place of Ferdinand K. Hill. Incumbent's commission expired February 7,

Robert E. Hopkins to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania, in place of

Jacob G. Geltz, deceased. Louis F. Hoyt to be postmaster at Athens, in the county of Bradford and State of Pennsylvania, in place of Frank G. Sairs. Incumbent's commission expires March 2, 1907.

Frank H. McCully to be postmaster at Osceola Mills, in the county of Clearfield and State of Pennsylvania, in place of Frank H. McCully. Incumbent's commission expires February 26, 1907.

WISCONSIN.

George H. Dodge to be postmaster at Arcadia, in the county of Trempealeau and State of Wisconsin, in place of George H. Dodge. Incumbent's commission expired February 4, 1907.

Christ Legreid to be postmaster at Cambridge, in the county of Dane and State of Wisconsin. Office became Presidential October 1, 1905.

Frank H. Marshall to be postmaster at Kilbourn, in the county of Columbia and State of Wisconsin, in place of Frank H. Mar-Incumbent's commission expires February 26, 1907.

Albert H. Tarnutzer to be postmaster at Prairie du Sac, in the county of Sauk and State of Wisconsin. Office became Presidential January 1, 1907.

Earl S. Welch to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin, in place of George W. Smith. Incumbent's commission expired February 4, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 7, 1907.

POSTMASTERS.

CALIFORNIA.

Orlando J. Lincoln to be postmaster at Santa Cruz, in the county of Santa Cruz and State of California.

COLORADO.

Moses E. Lewis to be postmaster at Florence, in the county of Fremont and State of Colorado.

William L. Williams to be postmaster at Fowler, in the county of Otero and State of Colorado.

CONNECTICUT.

Frank G. Letters to be postmaster at Putnam, in the county of Windham and State of Connecticut.

ILLINOIS.

Y. M. Herzog to be postmaster at Blandinsville, in the county of McDonough and State of Illinois.

INDIANA.

Samuel A. Connelly to be postmaster at Upland, in the county of Grant and State of Indiana.

Morris A. Jones to be postmaster at Brook, in the county of Newton and State of Indiana.

J. F. Martin to be postmaster at Bourbon, in the county of Marshall and State of Indiana,

Calvin Myers to be postmaster at Francesville, in the county of Pulaski and State of Indiana.

KENTUCKY.

William M. Anderson to be postmaster at Nicholasville, in the

county of Jessamine and State of Kentucky.

Virgil L. Bacon to be postmaster at Madisonville, in the county of Hopkins and State of Kentucky.

Albert Browning to be postmaster at Providence, in the county of Webster and State of Kentucky.

Joseph W. Demombrom to be postmaster at Horse Cave, in the county of Hart and State of Kentucky.

James H. Ford to be postmaster at Benton, in the county of Marshall and State of Kentucky.

Edwin B. Linney to be postmaster at Danville, in the county of Boyle and State of Kentucky.

James P. Spilman to be postmaster at Harrodsburg, in the county of Mercer and State of Kentucky.

Jesse D. Tuggle to be postmaster at Barbourville (late Barboursville), in the county of Knox and State of Kentucky.

L. Walker to be postmaster at Lexington, in the Thomas county of Fayette and State of Kentucky.

LOUISIANA.

George W. Whitworth to be postmaster at Jeanerette, in the parish of Iberia and State of Louisiana.

MAINE.

Charles H. Hooper to be postmaster at Castine, in the county of Hancock and State of Maine.

Charles H. White to be postmaster at Orono, in the county of Penobscot and State of Maine.

MASSACHUSETTS.

Kate E. Hazen to be postmaster at Shirley, in the county of Middlesex and State of Massachusetts.

Harry D. Hunt to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts.

MICHIGAN.

Thomas E. Mitchell to be postmaster at Trimountain, in the county of Houghton and State of Michigan.

MINNESOTA.

Isaac I. Bargen to be postmaster at Mountain Lake, in the county of Cottonwood and State of Minnesota.

James C. Poole to be postmaster at Eveleth, in the county of St. Louis and State of Minnesota.

MONTANA.

William E. Baggs to be postmaster at Stevensville, in the county of Ravalli and State of Montana.

Charles F. Littrell to be postmaster at Austin, in the county of Lander and State of Nevada.

Judson Field to be postmaster at Canastota, in the county of Madison and State of New York.

James E. Peck to be postmaster at Jordan, in the county of Onondaga and State of New York.

Jonas M. Preston to be postmaster at Delhi, in the county of Delaware and State of New York.

Edward J. Lewis to be postmaster at Girard, in the county of Trumbull and State of Ohio.

John A. Lowrie to be postmaster at Seville, in the county of Medina and State of Ohio.

John C. Rock to be postmaster at West Liberty, in the county of Logan and State of Ohio.

OKLAHOMA.

Marshall A. Younkman to be postmaster at McLoud, in the county of Pottawatomie and Territory of Oklahoma.

OREGON.

John M. Parry to be postmaster at Moro, in the county of Sherman and State of Oregon.

Andreas L. Sproul to be postmaster at Ontario, in the county of Malheur and State of Oregon.

PENNSYLVANIA.

Louis F. Hoyt to be postmaster at Athens, in the county of Bradford and State of Pennsylvania.

SOUTH CAROLINA.

Dudley P. McLaurin to be postmaster at Clio, in the county of Marlboro and State of South Carolina.

TEXAS.

J. Allen Myers to be postmaster at Bryan, in the county of Brazos and State of Texas.

VERMONT.

Ezra H. Allen to be postmaster at Fowler, in the county of Rutland and State of Vermont.

WASHINGTON.

Nelson J. Bostwick to be postmaster at Hillyard, in the county of Spokane and State of Washington.

WISCONSIN.

Henry E. Blair to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin,

HOUSE OF REPRESENTATIVES.

THURSDAY, February 7, 1907.

The House was called to order at 12 m. by Mr. DALZELL, who directed the Clerk to read the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES.

February 7, 1907.

I hereby designate Hon. John Dalzell, of Pennsylvania, to act as Speaker pro tempore to-day.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of yesterday's proceedings was read and ap-

ADDITIONAL FOLDERS.

Mr. CASSEL. Mr. Speaker, I desire to present the following privileged report from the Committee on Accounts, and move its

The Clerk read as follows:

House resolution No. 675.

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to employ five additional folders in the folding room, for the purpose of folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, to be paid out of the contingent fund of the House, during the present session of Congress.

The question was taken; and the resolution was agreed to.

DISPOSITION OF ACCUMULATED FILES.

Mr. CASSEL. Also the following. The Clerk read as follows:

House resolution No. 615.

Resolved, That the Clerk of the House is hereby authorized to expend, with the approval of the Committee on Accounts, not exceeding \$1,500 to further carry out the purpose of House resolution adopted February 9, 1906, and the provisions of the act of June 6, 1900, relating to the proper disposition of the accumulated files of the House.

The question was taken; and the resolution was agreed to.

STENOGRAPHER TO COMMITTEE ON ACCOUNTS.

Mr. CASSEL. Also the following. The Clerk read as follows:

House resolution No. 800.

Resolved, That there shall be paid, out of the contingent fund of the House, for the services of a stenographer to the Committee on Accounts during the remainder of the session, the sum of \$100.

The question was taken; and the resolution was agreed to.

PAY OF ASSISTANT CLERK TO COMMITTEE ON PENSIONS.

Mr. CASSEL, from the Committee on Accounts, reported in lieu of House resolution 666 the following resolution:

The Clerk read as follows:

House resolution No. 821.

Resolved, That the assistant clerk of the Committee on Pensions, whose appointment was authorized by resolution of the House adopted January 25, 1906, is hereby continued, to be paid out of the contingent fund of the House until otherwise provided for by law, at the rate of \$1,600 per annum.

The question was taken; and the substitute resolution was

On motion of Mr. Cassel, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

RIVER AND HARBOR APPROPRIATION RILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991. the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Currier in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24991, the river and harbor appropriation bill.

Mr. BURTON of Ohio. Mr. Chairman, I would like to know if any gentleman from Missouri or elsewhere would like to be heard further in support of the pending amendment.

Mr. ELLIS. I should like to be heard.

Mr. BURTON of Ohio. How much time does the gentleman desire?

Mr. ELLIS. In view of the fact that I have not occupied any time during the general debate on the bill, I should like to have fifteen minutes.

Mr. BURTON of Ohio. I make the request to the committee that the gentleman from Missouri may have fifteen minutes

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Missouri may have fifteen min-

Mr. BURTON of Ohio. Pending that, and before the gentleman begins, I desire to know if anyone else desires to be heard?

Mr. BARTHOLDT. I should like to suggest, inasmuch as my

time was partly taken up by questions asked by the gentleman from Ohio, who himself kindly had my time extended, it may become necessary for me to say a word or two in reply; and I should like to have an opportunity at least to answer them, if I can, if the time can be granted.

Mr. BURTON of Ohio. I will try to give the gentleman an What time does the gentleman desire?

opportunity. What time does the gentleman desire?

Mr. BARTHOLDT. I suppose about five minutes.

Mr. BURTON of Ohio. I move that debate upon the paragraph and all amendment thereto be closed in thirty-five min-

The CHAIRMAN. The gentleman from Ohio moves that all debate upon the paragraph and amendment be closed in thirtyfive minutes.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The gentleman from Missouri is recognized for fifteen minues.

Mr. ELLIS. Mr. Chairman, I have so far refrained from any participation in the debate on this bill. As a member of the committee reporting the measure I have been under some sense of embarrassment. The storm center of opposition to the bill happens to be in Missouri. As a rule nothing is more discreet than silence, and yet I have feared a little lest if I should fail to speak at all some might misunderstand me, might even consider me recreant to the interests of the great Mississippi Val-So upon reflection this morning I have decided that it is due to myself that my attitude in relation to these projects which have been so assertive in this discussion should be plainly defined.

One does not have to be a member of the Rivers and Harbors Committee of this House very long to learn that that committee can not always do what it would. At best it is subject to limitations—limitations of public sentiment (though I am happy to say in passing that this is not so circumscribed as formerly), limitations of revenues and resources available for this class of internal improvements, and under the further limitation which inheres in the manifest inability of the Government to expend more than a given amount of money wisely and economically or to do more than a given amount of work well and thoroughly in a fixed period of time. Appeals—persistent, meritorious appeals—for aid of worthy projects come up from all sections of the country. They are so multiplied that it is not only impossible to grant them all, but it is absolutely necessary to deny much the greater part of them. It becomes necessary, therefore, to adopt a policy of elimination and selection, dropping out here a project, retaining there a project, postponing this, reducing that, until the aggregate shall be within the limitations fixed upon the committee

Now, I believe nothing is more important to this House or to the country than that this committee should reach conclusions upon these matters. The committee deliberations should be earnest and thorough, and they are earnest and thorough; but decisions should be made and a verdict be found and returned to this body. Otherwise there would be no river and harbor bills reported. Otherwise there could be no legislation in behalf of our great harbors and waterways. We all know how important it is, in the administration of justice in our courts, that juries agree; that they strive earnestly to harmonize their views and reconcile their opinions. The interest of litigants demand this. I think the parallel is readily observable. But it is of even greater importance that in the work of this committee, dealing with these multiplied projects affecting localities all over the country, findings should be made upon the issues submitted that will express the harmonized views and reconciled opinions of the members of the committee. If mistakes are made or injustice is inadvertently done, the wrong can be righted in another bill. I go one step further; I assert that the interests of this House and the interests of the country at large demand that when the several members of this committee have agreed and brought in their verdict every Member should be expected to respond to the poll in this House, not only with reference to projects in other sections and other districts than his own, but with reference to projects in his own section or district—"this is my verdict." [Applause.] Otherwise no river and harbor bill would ever pass this House. I do not, of course, contend that there may not be exceptional instances where a Member may dissent in committee and reserve his right to urge that dissent on the floor of this House; but I do insist that such instances should be most exceptional, because the very nature of this legislation demands that the rule of conduct for members of the committee should be as I have stated it.

I am particularly interested that my attitude should be understood for another reason. It is no accident in the distribution of favors or responsibilities of this House that I find myself upon this committee. I sought this place. In procuri it I brought to bear all the influences that I could marshal. In procuring sought the opportunity to do during my career of service in this House, in the most advantageous place, all in my power to promote the great waterway interests of the Mississippi Valley. To be false to a single stream or a single deserving project in that great system of waterways would be to be false to myself, to my dearest purposes and ambitions. I believe in the Missis-sippi River. I have an unfaltering faith in that great stream. Whatever may be done or fail to be done in this bill, the Mississippi River will soon become a great channel of commerce. I unfeignedly rejoice that so much has been done for that river in this bill. The upper river, from the mouth of the Missouri to St. Paul, has been so well cared for and so generously treated that those interests are well content. The river below Cairo has been so well cared for and so generously treated that none of the interests there will complain at all. As to the middle reach now under consideration, it is true that a halt has been called. Assign whatever reason—whether to reconnoiter, to spy out a little ahead, to await new orders, or whatever you may-I think the action of the committee should be construed as a halt in the development of that reach of the river. I would that this were not so. I find myself in the position of a member of court constrained to announce the result of its deliberations while yielding a most reluctant concurrence. But, Mr. Chairman, the decision upon this project has not been without due deliberations. It is only fair to the committee that the considerations which have influenced their decision to materially reduce the appropriations for this middle reach during the next two years be fairly and clearly presented. The considerations are threefold. In the first place, the almost unexplainable loss in tonnage upon that stretch of the river in recent years has been a matter of great weight with the committee.

I confess that for myself, as I have gone into these facts during the consideration of this bill, I have been greatly sur-Understanding some conditions which prevailed in the West and which prevail there to-day, I am disposed to be considerate, but I can not shut my eyes to the fact that little freight is moving upon that important stretch of that great river. The business interests of the city of St. Louis, members of that great organization there—the Business Men's League—can not afford to shut their eyes to this fact or fail to appreciate the significance of it. I say I am disposed to be considerate. I know something of the problem that pertains to every interior river in this country when tonnage is to be maintained upon its waters. You can launch a ship upon the Great Lakes and you will incur no very serious opposition from railways; you are not even likely to create real competition with the railways. To the contrary, the chances are that you will be contributing directly to the business of some railway as you increase the tonnage in any direction on one of the Great Lakes. Many of the great projects up there that are receiving liberal aid in this bill are really supplemental to railway operations and not in competition with them at all. But you launch your boat on the Mississippi, on the Ohio, or upon the Missouri and you meet competition and you meet it quick. You meet competition that organizes for opposition and prepares to give battle. Let me illustrate by an instance: A dozen years ago it became perfectly apparent to the commercial and industrial interests along the Missouri River that the great stream should be utilized again as a waterway. There had been in the past a splendid commerce upon it. It appeared to investors that it would be profitable to restore boats to the river and resume navigation of it. A company was organized for the purpose, and three splendid boats were built and launched upon the stretch between Kansas City and St. Louis.

No business enterprise was ever entered upon which gave greater promise of profit to its promoters. That stretch of the Missouri River between Kansas City and St. Louis then paralleled a magnificent railway tonnage. To-day it parallels a larger tonnage of freight per twenty-four hours than any other equal stretch of river in the United States. What was the re-The boats began to get business and to earn profits for their owners. But no sooner were those boats in operation than the railways paralleling that river organized a determined opposition, highly resolved to put them out of business and drive them from the stream. They acted concertedly, of course. They immediately reduced their regular tariff rates along that stretch to less than one-third the schedule which had formerly prevailed. They did not stop even there. They went out and deliberately underbid the boats and carried the freight at any price the shippers were willing to pay to keep the traffic off the water. The result need hardly be told. The stock in the boat line passed from the promoters, the boats were sold down the river, competition ceased, and the schedules were restored. I say I am considerate in relation to this charge of reduced tonnage. I have no doubt that the experience upon the Missouri River which I have related has been duplicated between St. Louis and Cairo. I have not the slightest doubt that to combinations and to methods of this character can in large part be attributed the dissolution of the St. Louis boat line to which reference has been made in this debate. I have even less doubt that another cause and another condition has contributed not a little to the loss of freight for boats and the disappearance of the boats themselves along the Mississippi between St. Louis and Cairo. That cause and condition has been the rebate system until recently in vogue between large shippers of freight and the railroad companies. The system of rebates has kept boats from the Missouri, and I have not the slightest doubt it has kept boats from the Mississippi. In all kindness I would ask the business concerns of St. Louis which have been receiving rebates to the prejudice of river traffic, would it not be well. would it not be profitable to themselves and fair to the public right there at home, to employ the period which shall intervene between this and 'the preparation of another river and harbor bill in undoing the mischief they have deliberately done in their cupidity by restoring the tonnage they have diverted from their great waterway and given to the railroads? If we are to restore navigation, if we are to have the benefit of that rate regulation which river navigation will afford, our shipping interests must cease relations of intrigue with the railroads to destroy waterway competition. [Applause.] So much for the loss of traffic proposition.

The second consideration to which I would refer is the failure of engineering authorities to agree upon the proper plan of development for this reach of the river. No one will deny that the Rivers and Harbors Committee and this House must look somewhere for authority on these great engineering questions. The simple fact is that the engineers are at loggerheads. It is not enough to assert, as asserts my colleague from St. Louis [Mr. Bartholdt], that the engineers who have heretofore been in charge of that stretch of river have held certain views or that a majority of engineers heretofore in charge have expressed views and adhered to plans which would justify larger appropriations. I confess to much sympathy with the attitude of my colleague, but it is not unnatural that the committee should be influenced by the opinion which is expressed by those in authority to-day. The engineers should get together. This House will not be disposed to complain, nor do I believe the business This House interests of St. Louis should much complain because the committee has decided to leave matters in statu quo-simply holding and preserving what has been accomplished-until the engineers do get together and determine upon a definite, fixed plan of development for that stretch of river. This leads me to the general observation that something should be done to prevent the recurrence of conditions of this kind. Something should be done to afford greater stability of plans and purposes in the development of our rivers and waterways the country over. Changes of engineers are too frequent. There is not continuity enough to make work effective, economic, and satisfactory. I am happy to say that the Rivers and Harbors Committee have taken up this matter, have started an investigation into ways and means of improving conditions. It is nothing short of a shame that after millions have been spent, as in this case we are now considering, in pursuit of plans deliberately prepared and recommended by the engineers and adopted by Congress, the work should be brought to a standstill; that discontinuance should be threatened because of a change of engineers or a conflict of opinion between engineers. [Applause.]

But the third important consideration taken into account by the committee has been the proposed deep waterway from the Lakes to the Gulf. Nothing could be wider of the mark, noth-ing unfairer to the committee nor unfairer to the great interests of the West, which approve and look forward to the construction of this great waterway, than the contention of Members in this debate that the action of this committee should be interpreted as opposition to that great project. I deny that the committee have displayed opposition. On the contrary, I assert that the action taken, the appropriation of \$190,000 for a further survey, disproves this contention. Even the halt called in the work upon this stretch of river to which I have been adverting demonstrates a friendly disposition toward that splendid undertaking. I believe I betray no confidences when I pro-claim as my opinion that a majority of the members of the River and Harbor Committee of this House believe that the commercial, industrial interests of the country will soon demand the construction of the deep waterway from the Lakes to the Gulf. I believe I may with like propriety declare that, in my opinion, such minority of the committee as are not prepared to assent to that proposition in its entirety at least believe that the time is very likely to come, and to come soon, when the people of this country will clamor for the construction of that waterway almost irrespective of cost.

For my part I have not abated one jot or tittle of my zeal for that magnificent enterprise. I believe in it. As I said in the great convention held in its interest at St. Louis last November, I esteem it the grandest conception which has challenged American industrialism in half a century. The great State of New York is constructing an eastern extension, an eastern arm, of the Great Lake system to the Atlantic Ocean by deepening the Erie canal to 12 feet, at a cost of \$100,000,000. The people of the State of Illinois have begun the construction of a southwestern extension or arm of that same Great Lake system down into the very heart and center of the Mississippi Valley. The people of Illinois will soon have put \$75,000,000 into the work and the General Government, at the instance of the people of the West, and upon the merits of the proposition, will supplement this munificent contribution to a great public work, and the waterway from Lake Michigan to the mouth of the Missouri will be built. When that is done, and concurrent with it, will come the deepened channel from the mouth of the Missouri to Cairo, and then will be realized in this country a combined system of inland waterways comparable with which there is nothing in the round world. [Applause.]

If a mistake has been made in the verdict of the committee

If a mistake has been made in the verdict of the committee as to this great project in which the people of St. Louis are so much concerned, the mistake may soon be corrected. The halt that has been called can only be temporary. While I confess that it would have been much more agreeable to myself and to

my views if at least the appropriations in the last preceding bill for this stretch of the river might have been continued in this one so that the plan heretofore prevailing might be carried forward until it should be definitely changed, still I have been much constrained and reconciled by the reflection that the action denying such larger appropriations is not final and, as I have said, the effect can only be temporary.

have said, the effect can only be temporary.

I realize that we have crossed the threshold of a new area in waterway development in this country, I sincerely hope that the sentiment which I believe prevails in this country demanding annual appropriations for waterways will find response in a declaration of policy in the Sixtieth Congress. I trust there will be a river and harbor bill next year and I am comforted by an abiding faith that if there is one, not only these vexing questions—these engineering problems—but also these doubts in relation to tonnage and the use of the river will also have been settled and the winter of discontent now afflicting my colleagues of St. Louis can be made glorious summer. [Applause.]

Mr. BURTON of Ohio. Mr. Chairman, I regard this amendment as the most objectionable one which has been presented in the consideration of this bill. There was some justification for that one providing for the deep waterway. Some six years ago I said in Chicago that it was an argument for a navigable channel to the Mississippi that the drainage board at local cost had provided navigation for some 30 miles, and having said so at Chicago I am perfectly willing to say it here. But this amendment would involve a degree of wastefulness and extravagance unparalleled.

Before going on with the specific amendment under consideration I want to offer a few general considerations to the committee. The great need of the country as regards river and harbor improvements is more intelligent consideration of the subject. When any improvement is advocated there is a uniform succession of events. Whether objectionable or unobjectionable, there is, in the first place, an agitation for it in the community, sometimes started by a single promoter. If it is objectionable or of doubtful expediency, the conservative element at first looks with disfavor upon it; but it soon appears that if the improvement is adopted by Congress, it will involve the spending of money from the National Treasury in that locality, and all will begin to say: "We will be so much ahead anyway by the money which will be expended here, and we can not afford to oppose it. Maybe it will be of benefit anyway."

Then the boards of trade, the commercial bodies, and the press take it up, and the moment anyone opposes or questions the project they begin to abuse him. It is a common thing to begin by saying that all the money of the river and harbor bill is expended upon creeks and insignificant streams. That exploded falsehood is still living, and very common in some of the communities in the United States which have been very much favored in the way of appropriations. However unworthy their proposed improvement may be, they will no doubt adopt a campaign of attack upon the Committee on Rivers and Harbors, and especially upon its chairman. The promoters will accuse the members on the ground that they are partial to their own localities. They overlook the fact, as I stated yesterday, that in this expenditure of less than \$25,000,000 a year we are struggling along against \$400,000,000 or \$600,000,000 of demands urgently pressed upon us. I have said this much because what is most needed is more accurate information and a more temperate advocacy of projects.

There are three cities in the country where a perfect carnival of misrepresentation, of abuse, and of villification has been indulged in, and I regret to say that I have to mention one of them. That is the city of St. Louis. This has originated for the most part from a few officers and members of a body known as the "Business Men's League." One of them is now, or has been, going through the South prosecuting a campaign of misrepresentation. The other gives his activities to St. Louis and that locality, and sends resolutions containing untruthful and abusive matter to the Illinois legislature and to the Missouri legislature, asking these bodies to pass them. They have adopted a plan of campaign in which the chairman is accused of partiality to his own locality. They sent out a map with the misstatement that it is issued by the Geological Survey, and which designates a canal as extending from Cleveland to Pittsburg, intimating or alleging that I am interested in that canal, and thus opposed to the deep waterway from Chicago to St. Louis. Why, Mr. Chairman, that proposed canal starts from a point on Lake Erie 54 miles east from Cleveland. In that city we look upon it somewhat coldly. If I had followed the prevailing sentiment in my own locality, I should have voted.

against it, but I can not afford to stand up against a great improvement of that kind, in which a near-by city, that of Pitts-

burg, is so greatly interested.

But this is made a hook for the false accusation, for the unscrupulous misrepresentation, that the chairman of the Committee on Rivers and Harbors is interested in another waterway from the Lakes to the Gulf. I say not this so much to defend myself, because it has appeared in this House, within a few days past, that the membership will not tolerate a campaign of falsehood and vilification. [Applause.] It is not for myself I am speaking, but for orderly, decent advocacy of public improvements.

Well, now let us come to this specific project. Why, I really think the gentleman from Missouri [Mr. BARTHOLDT] and those who have advocated \$1,000,000 a year for this stretch of the stream lack the sense of humor, and when they attack the chairman and say that he has a personal, open interest in the Detroit River and the Lakes let us make a comparison. Up to date the Government of the United States has expended \$12,-417,000 on that portion of the Mississippi between the mouth of the Missouri and the mouth of the Ohio. It has expended from the lower part of Lake Huron, on the channels in St. Clair River and Lake and in Detroit River to Lake Erie, \$7,100,000. Let us compare their tonnage. The tonnage here in this stretch of the Mississippi is 440,000 tons. I leave out the ferriage at St. Louis, for that no more depends on this improvement than does the ferry between New Orleans and Algiers depend upon

the completion of the Panama Canal—not a bit.

There is a tonnage of 440,000 tons in this stretch of the river as against a tonnage of 55,000,000 tons in the Detroit River. One hundred and twenty-five times as much tonnage, and yet there has been expended \$5,300,000 more on this stretch of the Mississippi than on this portion of the Detroit Mississippi than on this portion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriations to tonnage is as 200 to 1, and yet peoportion of appropriation of app ple come in here as if wrong had been done them. Why, I should think when they had made their arguments and made their pitiful pleas for justice, as they call it, they would have gone out into Statuary Hall and there performed a cake walk in which their sides would shake and they would bend double with laughter. But they did not see the absurdity of their position at all. It is sometimes said that the owl has the unique distinction of being the most solemn of all birds and of all bipeds, but when I listened to one of the gentlemen from Missouri I thought the owl must lose that poor, paltry distinction, because in describing the wrongs of this stretch of the Mississippi River he was even more solemn than the familiar bird. [Laughter and applause.]

What has been the history of that improvement? In 1896 there were 1,200,000 tons, now 440,000—reduced to one-third; and I want to admit to this House that one of the mistakes that I have made as chairman of this committee was in allowing \$650,000 a year for four years to be put into the bill in 1902. I thought we ought to deal generously with that stretch of the river; that we ought to make it possible to have the best possible navigation from St. Louis to New Orleans. There was a great exposition that was soon to occur at the former city, but the tonnage dropped down year by year, and the bald misstatement has been made that it was because of less appropriations that the traffic fell off at that place. Let us see what the facts are about that. In the second year of this expenditure of \$650,000 a year, which was to continue for four years, the barge company of St. Louis sold their barges and went out of business. It was when we were expending \$650,000 a year that the traffic fell off, and when it came to the bill of 1905, \$915,000 had been left on hand at the close of the preceding The engineers simply could not spend the money.

The CHAIRMAN pro tempore (Mr. WATSON). The time of

the gentleman has expired.

Mr. BURTON of Ohio. How much time have I taken?

The CHAIRMAN pro tempore. Five minutes and a little

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for ten minutes.

Mr. BURTON of Ohio. I do not think I shall want all of

The CHAIRMAN pro tempore. Is that within the thirty-five minutes, is the Chair to understand? Debate on this para-

graph has been limited to thirty-five minutes.

Mr. BURTON of Ohio. I could have ten minutes, and that would allow the gentleman from Missouri [Mr. BARTHOLDT] five minutes.

Mr. SHERMAN. I ask to extend the time so that the gentleman from Ohio may have ten minutes.

The CHAIRMAN pro tempore. Exclusive of the thirty-five minutes?

Mr. SHERMAN. Yes.
The CHAIRMAN pro tempore. The gentleman from New York asks unanimous consent that the gentleman from Ohio proceed for ten minutes, which time is not to be included within the thirty-five minutes. Is there objection?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio is

recognized for ten minutes.

Mr. BURTON of Ohio. Going down all the while, traffic dropping off. Now, there is another feature of this to which nobody has called attention which I think should receive the attention of the House. The rate on grain from St. Louis to New Orleans, according to the statements made by the Merchants' Exchange of St. Louis, is only one-third more per tonmile to-day than it is from Duluth to Buffalo by the connecting channels and waters of the Great Lakes. The difference of a third can very largely be explained by the superior facilities, especially loading and unloading machinery, which are in existence on the Great Lakes. Nevertheless, with this low rate they do not use the waterway. They practically ship no grain at all. What does that show? It shows that St. Louis is not a terminal point for the shipment of grain. It shows that the shippers of St. Louis do not intend to use this channel for the ordinary class of shipments.

Now, let us look at the estimates of the cost of this proposed improvement. In 1881 it was estimated that it would cost \$16,000,000 to carry out the improvement of this stretch of the river and secure 8 feet of water. In 1903, I believe, after \$11,000,000 had been expended, leaving apparently a balance of \$5,000,000 to be appropriated, they looked over the ground again and computed that at that time to get the 8 feet would cost \$20,000,000 more, a cost of over \$30,000,000 instead of \$16,000,000, as at first estimated. That is, they estimated it would cost \$4,000,000 more to finish than they did before work was commenced in 1881 and after \$11,000,000 had been expended.

The phantom of completion was further and further away-\$16,000,000 in 1881, \$20,000,000 in 1903, after spending \$11,-000,000. It was reported also that it would cost \$400,000 a year to maintain it, and the Board of Engineers made recommendation that we abandon that expensive plan and resort to That recommendation was followed in the bill of 1905. Why did we do this? It was because of its insignificant commerce, less than that of the Thames River of Connecticut, on which we are appropriating in this bill \$30,000; almost less than that of Raccoon Creek, on which we have spent in all \$20,000 or \$30,000; far less than on Bayou Teche, on which we have expended about \$100,000. We could not continue the ab-surd and extravagant wastefulness of money that was there involved. Now, there is another feature about this. a plan for an inland waterway. I have no confidence, and I do not believe any engineer of any standing has any confidence, that an open channel on the Mississippi River from St. Louis to Cairo can be improved so as to provide this 14 feet. other plan besides the present one must be resorted to in order to accomplish that result. Now, just see the inconsistency. Gentlemen come in here and with one breath advocate a million dollars a year, and with another breath they advocate a 14-foot waterway, the construction of which will probably necessitate the entire or partial abandonment of the plan under which we are asked to work and spend that million dollars a year. I want to say just one word more about the depth. After \$11,000,000 had been expended, it was estimated that it would cost \$20,000,000 more to get 8 feet.

Now, what are the facts? For three years past they have had 8 feet right along. "Oh," but they say, "it is true we have had this 8-foot depth, but what we want is confidence." My fellow-Members, confidence comes too high when it costs \$20,000,000 to give it, or even a million dollars a year. I think we had betto give it, or even a minion donars a year. I think we had better spend our money where they already have confidence and where they are doing business. Now, it is said, it is true, we can construct this inland waterway inside the channel of the river. I want to put these people of the Business Men's League They say that it is a coinage of my brain that a to the test. lateral canal is necessary part of the way. Now, if that is so, let them consent that there be a provision in the survey provided for in the next paragraph to the effect that the survey shall not be made if the lateral canal is necessary, and if they will not consent that such a reservation go in I trust they will have the manliness to correct the misstatements they have been making and with which they have been filling the newspapers for the last few weeks. Either do what you say is right and consent to it, or else in manly fashion admit you are wrong.

Mr. Chairman, I reserve the balance of my time and ask that the gentleman from Missouri [Mr. BARTHOLDT] may have five

minutes if he desires it. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, the distinguished gentleman from Ohio [Mr. Burton] finds fault with the attitude of the people of St. Louis and the Business Men's League, the largest business organization of that city. If the members of the committee will remember what is proposed in this bill, they will certainly not be surprised at the state of feeling which prevails in the city of St. Louis to-day. At a time when there was no agitation with respect to large appropriations for the Mississippi River, the Committee on Rivers and Harbors made an annual appropriation of \$650,000 for that section of the river which we regard as the most important section, because it is the weakest link in the chain of water transportation along the Mississippi River—\$650,000 for four years, at a time when there was no agitation at all. Since that time the people have been aroused to the necessity and the importance of navigation along that reach. Organizations have been formed in St. Louis, in Missouri, in Illinois, along the whole stretch of the Mississippi, for the purpose of prevailing upon the Congress to increase that amount of \$650,000 if possible. Instead of that, gentlemen, the amount which has usually been awarded to us has been cut down from \$650,000 to \$250,000. This reduction of our appropriation simply means that the general plan of systematic and permanent improvement has been completely abandoned. In fact, the river has been abandoned and the mere system of dredging has been resorted to. Is it a wonder, then, if the people of St. Louis feel keenly the disregard and the slight that is involved in this reduction of what they believe themselves en-Their feeling to-day borders on indignation on actitled to? count of the action of the committee. But I am not responsible, nor are other friends here of the amendment I have offered responsible, for what construction the newspapers may have put upon the action of the committee. We have never made an assault upon the chairman. I have never questioned his integrity or knowledge of river matters, but I have questioned his judgment in this respect, and I have protested against his official action, and I have asked that the judgment of the House be substituted for the judgment of the chairman and of the committee in this respect.

The main argument of the gentleman from Ohio [Mr. Burton] is that we have had 8 feet and have not made use of it. I have printed into to-day's Record a statement from one of the oldest steamboat men on the Mississippi River, which goes to show that the claim of the Army engineers that we had 8 feet the year round is absolutely erroneous; that at many places we never had more than 4½, 5, and 6 feet.

The CHAIRMAN. The time of the gentleman has expired. Mr. BARTHOLDT. Mr. Chairman, may I have a few minutes more

Mr. BURTON of Ohio. How much more time is there?

The CHAIRMAN. Four minutes.

Mr. BURTON of Ohio. The gentleman may take two, and I

Mr. BARTHOLDT. That is one reason, Mr. Chairman, why navigation has not been revived. It is because we did not have the 8 feet which the Army engineers claimed we had, and another reason is that one of the barge lines mentioned by my friend from Ohio went out of business. Why did they go out of business? Because of an alliance they made with the rail-It is true our railroad rates are low to the Gulf. It is true that most freight is sent by rail on that account; but if the very existence of the river has had the effect of holding the rates down and reducing them to a reasonable and low level, what would be the effect on railroad rates if a systematic and permanent improvement of the river will be entered upon?

The chairman is correct when he says that if his theory is right the money heretofore expended on this stretch has been entirely wasted; but that means an indictment of the committee, and indictment of the Congresses who voted these appropriations, and an indictment of the Army engineers who made the plans for that improvement. And if it is impossible, Mr. Chairman, to improve the Mississippi River on that reach, then the Mississippi River is a different proposition from all the river propositions in the whole country or in the world, or we stand here confessing—making the humiliating confession—that our engineers are incompetent to make improvements that engineers in other countries are making in other rivers.

I revert just for one moment, Mr. Chairman, to the criticism the distinguished gentleman from Ohio [Mr. Burron] has passed upon the Business Men's League. That organization has made it its main purpose to secure some improvement of the Mississippi River according to the permanent plans of the en-

The CHAIRMAN. The time of the gentleman has expired. Mr. BURTON of Ohio. Mr. Chairman, very briefly I will

answer several statements of the gentleman-the only ones

that I regard as necessary to be answered.

First, in regard to the depth of 8 feet. The Government engineer, Colonel Sears, in charge writes me this under date of January 16, 1907. After stating that there was 8 feet of depth except for a very few days of the years 1904 and 1906, he says:

One or two cranky pilots have disputed the above, but our official records, based on frequent and accurate soundings along the axis of the navigable channel, show that 8 feet had been maintained except for very short periods, each of a few days only.

I will accept his statement rather than the statement of anyone else. I add all of his letter, which gives information upon tonnage as well.

ENGINEER OFFICE, U. S. ARMY,
CUSTOM-HOUSE,
St. Louis, Mo., January 16, 1907.

Hon. T. E. Burton, M. C..
Chairman River and Harbor Committee,
Washington, D. C.

Washington, D. C.

Dear Sir: In reply to your telegram of yesterday, received in the afternoon, I have this morning sent you the telegram, copy herewith. I send you herewith more of details.

Fall, 1904. (Chief of Engineers, 1905, p. 1602.) "Eight feet depth maintained except for short periods (until a dredge could reach the shoal), when a least depth of 7 feet was found."

Fall, 1905. (Chief Engineers, 1906, p. 1406.) "At no time during the navigable season of low water, which closed in December on account of ice and cold weather, was there less than 8 feet depth in the channel."

Fall, 1906. (Dredge reports, uppublished). "Exception of the control of the channel."

count of ree and cold weather, was there less than 8 feet depth in the channel.

Fall, 1906. (Dredge reports, unpublished.) "Eight feet depth maintained throughout season except in September, 7 feet, and October, 6½ feet, each on one bar only, and but for a short time until a dredge could be placed for the deepening."

The river stages during the low-water seasons 1904 and 1906 were almost typical, conforming to the average for about forty-five years. The stage in 1905 was unusually high.

One or two cranky pilots have disputed the above, but our official records, based on frequent and accurate soundings along the axis of the navigable channel, show that 8 feet has been maintained, excepting for very short periods, each of a few days only.

As to tonnage, we have to rely on reports of the Merchants' Exchange, that for 1906 not having yet been made up.

The following table gives details for ten years, 1896 to 1905, both inclusive.

The tonnage is cargo tonnage, not registered tonnage.

River tonnage.

River tonnage.

[Annual Reports of Chief of Engineers, taken from reports of St. Louis Merchants' Exchange.]

Year.	Receipts and ship- ments.	St. Louis ferries.	Other landings.	Totals, cargo ton nage.
1896 1897 1898 1899 1900 1901 1902 1903 1904 1904 1905		2,530,000 3,043,000 4,034,000 5,037,000 5,219,000 5,861,000 6,328,000 6,080,000 6,685,000	76,000 70,000 54,000 51,000 53,000 31,000 17,000 44,000 -70,000 (a)	3, 850, 000 4, 159, 000 4, 995, 000 5, 738, 000 6, 030, 000 5, 564, 000 6, 390, 000 6, 925, 000 6, 502, 000 7, 125, 000
Total	7, 239, 000	50, 549, 000	490,000	58, 278, 000

" Amounts not yet available.

Ferries at Little Rock, Mo. (Illinois and Missouri Southern Railroad), at Chester, Ill. (two railroads and one wagon ferry), at Cape Girardeau, Mo. (wagon ferry), Birds Point, Mo. (Iron Mountain Railroad and wagon ferry), and wagon ferries at several other points are not included in above tabular statement.

It will be noted that the river tonnage proper, in and out of St. Louis, has fallen off from 1,244,000 tons in 1896 to 370,000 tons in 1905; that the ferry tonnage—i. e., across the river, east and west—has increased from 2,530,000 tons in 1896 to 6,685,000 tons in 1905, and that the local or way tonnage between St. Louis and Cairo has fluctuated within the limits of 76,000 tons in 1896 to 17,000 tons in 1902 and up to 70,000 tons in 1905.

Very respectfully,

CLINTON B. SEARS,

Lt. Col., Corps of Engineers, U. S. A.

CLINTON B. SEARS, Lt. Col., Corps of Engineers, U. S. A.

And as regards the amount we are providing, \$250,000 a year, I want to say to the House it is without a single exception the most generous appropriation that is given to any river or channel in the United States in this bill in proportion to its tonnage, except, of course, where we are beginning the work and no results have yet been obtained. That is the situation. They are complaining of an appropriation which is the largest given to any river, lake, channel, or harbor in the United States in proportion to its tonnage.

The \$250,000 will be disbursed, as it is estimated, in the manner I stated a short time ago—\$150,000 for dredging, \$85,000 for maintenance of the contraction works in existence, and \$15,000 will be available for any emergency work they may require. The still further absurdity of this demand for larger appropriations will become apparent when I say to the committee that the amount expended in twenty years on the Mississippi River be-tween the mouth of the Missouri and the mouth of the Ohio is larger than the amount that in an equal period Germany expended on the Rhine, on all that portion of the river within the Empire of Germany, both for maintenance and for new construction, yet the Rhine has a tonnage of 30,000,000 to 40,000,000 to the 440,000 of this stretch.

Mr. RODENBERG. You will admit, however, that in making this report you disregarded the recommendation of the en-

gineers

Mr. BURTON of Ohio. It follows the report of the board of engineers of 1903

Mr. RODENBERG. He estimated for \$650,000.

Mr. BURTON of Ohio. The Chief of Engineers gave that

Mr. RODENBERG. Upon the suggestion of the local engineers. Their report made a recommendation of \$650,000, and you give \$250,000.

Mr. BURTON of Ohio. That is the manner in which the gentleman reads it; but this estimate was based, no doubt, on

one appropriation for two years.

Mr. RODENBERG. In one year he says in his report.

Mr. BURTON of Ohio. The gentleman merely needs information upon that subject.

Mr. RODENBERG. The chairman of the committee had better read the reports of the engineers.

Mr. BURTON of Ohio. The information is perfectly open to anyone, and while this phraseology may say for a year, it is perfectly well known that it is regarded as for a period of two years

Mr. Chairman, I ask for a vote.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTHOLDT. Division!

The committee divided; and there were-ayes 17, noes 95. So the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

The Secretary of War may appoint a board of five members, to be composed of three members of the Mississippi River Commission, one of whom shall be the president of such Commission, and two engineer officers of the United States Army, to examine the Mississippi River below St. Louis and report, at the earliest date by which a thorough examination can be made, upon the practicability and desirability of constructing and maintaining a navigable channel 14 feet deep and of suitable width from St. Louis to the mouth of the river, either by the improvement of said river or by a canal or canals for part of said route. In its report the board shall cover the probable cost of such improvement, the probable cost of maintenance, and the present and prospective commerce of said waterway, both local and general, upstream as well as downstream, and the said board may consider in connection with the examination herein provided for the survey of a proposed waterway from Chicago to St. Louis, heretofore reported; it shall also report whether other plans of improvement can be devised by which the probable demands of traffic, present and prospective, can be adequately met, and the sum of \$190,000, or so much thereof as may be necessary, is hereby appropriated for the making of such survey, of which amount only \$100,000 shall be available, unless in presenting a plan for such waterway it shall be necessary, in the judgment of said board, to make a survey for a lateral canal or canals; and the force, plant, and records of the Mississippi River Commission shall be available for the use of said board in making said examination.

Mr. BURTON of Ohio. I suggest an amendment which

Mr. BURTON of Ohio. I suggest an amendment which should come in at the close of line 9, "Provided, That no survey shall be made if, on preliminary examination, it shall appear that a lateral canal shall be required over any part of such route." I understood the gentleman from Missouri was to receive a telegram from his Business Men's League.

Mr. SHACKLEFORD. May I interrupt the gentleman? The CHAIRMAN. There is nothing now before the House to consider

Mr. BURTON of Ohio. I have offered an amendment.

The CHAIRMAN. The gentleman will please repeat his amendment.

Mr. BURTON of Ohio. "Provided, That no survey shall be made if, upon preliminary examination, it shall appear that a lateral canal or canals will be required for any portion of the such route."

The Clerk read as follows:

Provided, That no survey shall be made if, upon preliminary examination, it shall appear that a lateral canal or canals will be required on any portion of such route."

Mr. BURTON of Ohio. It has been said so repeatedly that any suggestion of a lateral canal was a subterfuge to defeat this project that I think at least we should have an expression from the House; and if there is no necessity for any lateral canal let us have this provision.

Mr. SHACKLEFORD and Mr. LORIMER rose.

Mr. SHACKLEFORD. I would like to interrupt the gentle-

The CHAIRMAN. The Chair recognizes the gentleman from Illinois, a member of the committee.

Mr. LORIMER. Mr. Chairman, I hope the amendment will

not prevail. While it may be possible to construct a waterway

capable of carrying 14-foot ships between Cairo and St. Louis in the bed of the Mississippi River, the Engineering Department may discover that, in order to construct and maintain permanently a 14-foot waterway between St. Louis and Cairo, it will be necessary in part to construct a lateral canal. The survey between Chicago and the city of St. Louis has demonstrated the necessity of a canal between Alton and St. Louis Bay. Every person in the Mississippi Valley with whom I have discussed the subject, and I have discussed it with thousands upon thousands of people within the last twelve years, are in favor of constructing a canal as reported and recommended by the Engineer Board. Those who are interested in the Mississippi Valley care very little whether they go to the sea partially by way of a lateral canal or go down all the way in the bed of the Mississippi River; and if we are to have a waterway from the Lakes to the Gulf, we have evidence now that we must have lateral canals on part of the route. But what man, Mr. Chairman, believes there is any possibility of ever having a waterway between the city of Chicago and the city of New Orleans capable of bearing boats drawing 14 feet of water if we are to abandon the lateral-canal project or canal feature of this project? And I know that the chairman of the committee understands the condition, and I know that every man who favors the waterway from the Lakes to the Gulf is in favor of getting to the Gulf the best way he can, whether it be by way of the Mississippi River from the town of Grafton all the way, or by the way of lateral canals part of the way and the Mississippi River the balance of the route.

Mr. BARTHOLDT. Mr. Chairman, I do not know whether it will be possible for me within five minutes to explain to the House the peculiar position which the chairman of the committee [Mr. Burton of Ohio] assumes in offering this amendment.

Mr. BURTON of Ohio. Will the gentleman yield for an interruntion?

Mr. BARTHOLDT. Pardon me; no, not now. Mr. BURTON of Ohio. I want to ask a question.

Mr. BARTHOLDT. Because I have not made my statement By the defeat of my amendment just five minutes ago we have been turned down—that is, our appropriation has been reduced to \$250,000, upon the theory that if that deep waterway is to be built, it might be necessary to build a lateral canal along the middle reach of the Mississippi; hence any amount of money spent on the river between St. Louis and Cairo might be money thrown away. Now, the chairman takes the position that a lateral canal shall not be built, or that surveys shall not be made if a lateral canal is necessary. Hence, in order to be logical, if we should consent to his amendment, he would have to consent to a reconsideration of the last item and an increase of the appropriation for that stretch of the river. [Applause.] Now, is it logical or not?

Mr. BURTON of Ohio. If the gentleman will allow me, I did not state that as the main reason. I stated it as a reason, and I may now state to the gentleman that the organization for which the gentleman has vouched has widely scattered the statement that it was a mere evasion or subterfuge, this suggestion that

a lateral canal might be needed.

The gentleman himself has vouched for the statement that no lateral canal will be required. I want to know whether that statement is based upon truth and good faith or not. If it is based on truth and good faith, you will consent to this amendment going in. If it is not, why then the statements that

have been made should be promptly contradicted.

Mr. BARTHOLDT. In other words, Mr. Chairman, the dis-tinguished gentleman from Ohio states here on the floor that he will yield his judgment and the judgment of the committee to a request of the Business Men's League of St. Louis. If the Business Men's League of St. Louis says that no lateral canal is necessary and that they do not want a lateral canal-that they want a channel in the Mississippi River-then the chairman and his committee respectfully bow to the judgment of the Business Men's League. That is the position assumed in this

amendment, and you can not put any other construction on it.

Mr. BURTON of Ohio. Oh, no.

Mr. BARTHOLDT. I want to say that I have wired the
Business Men's League last night. Up to this moment I have not received a reply, and I consider it of very little importance, because I do not for one moment think that the chairman of the committee, an expert in matters of that kind, would place any

reliance upon the judgment of a civic organization in the city Or would he?

Mr. BURTON of Ohio. If the gentleman will allow me, I think, in view of my experience with them, I am very much justified in saying that I should not place any reliance.

Mr. BARTHOLDT. Mr. Chairman, in this regard I ought

to make another statement.

Mr. FOSTER of Vermont. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Vermont?

Mr. BARTHOLDT. If my time can be extended.

The CHAIRMAN. The Chair can not answer as to that.

The CHAIRMAN. The Chair can not answer as to that.

Mr. FOSTER of Vermont. I was going to follow the gentleman from St. Louis on this matter, and I want to know which way he is going to vote. Is he going to vote for the amendment or not?

Mr. BARTHOLDT. No; I shall be guided in this instance as the committee and the House have been guided—by the judgment of the Committee on Rivers and Harbors. [Laughter.]

Mr. FOSTER of Vermont. For one I think the gentleman from St. Louis is absolutely right in his position.

[The time of Mr. Bartholdt having expired, by unanimous

consent it was extended five minutes.]

Mr. BARTHOLDT. I want to make this amendment plain to the House in as little time as I possibly can. We want a deep waterway to the Gulf. It may be necessary that in some parts of the river a lateral canal must be constructed. The engineers have already reported that for a distance of 14 miles

above St. Louis, and not below——
Mr. BURTON of Ohio. What does the gentleman say is the

distance from Alton to St. Louis?

Mr. BARTHOLDT. Fourteen miles. By railroad it is 14

Mr. BURTON of Ohio. The railroad guide does not agree

with the gentleman. It says 24 miles.

Mr. BARTHOLDT. Whether 14 or 24 makes no difference; but the engineers have reported that along that part of the proposed deep waterway a lateral canal might become necessary. Now, if that is the case, this amendment would defeat the survey absolutely, because it has already been established that along that short distance a lateral canal is necessary.

Hence, as you will see, if we want a survey, and if that is all we can get, we must content ourselves with it, and we must vote down this amendment. If you vote the amendment up, there will be no survey, because it is already established that a lateral canal for a part of the way is necessary. But my statements with respect to the necessity of a lateral canal related to that part below St. Louis, and my statements were based upon the judgment of the engineers, who stated that no canal was necessary there, that the river could be deepened sufficiently, and that the channel could be placed in the river itself. It is for these reasons, Mr. Chairman, that I insist that this amendment should be withdrawn or voted down.

Mr. ELLIS. Mr. Chairman—

Mr. BURTON of Ohio. The gentleman from Missouri was to have some more time.

Mr. ELLIS. With reference to another matter which has been passed upon, I do not know that I care to make any posthumous observations on that subject.

Mr. BURTON of Ohio. I think I can bring this discussion

speedily to a close.

Mr. ELLIS. I rise, Mr. Chairman, to ask the chairman of the committee to withdraw this amendment. I hope I need not suggest that it will hardly be considered a committee amend-I have consulted with my colleagues of the committee around me here, the gentleman from Louisiana [Mr. RANSDELL] and the gentleman from Mississippi [Mr. Humphreys]. They join with me in expressing the hope that, however great he deems the provocation to press it, the chairman will withdraw the amendment.

Mr. BURTON of Ohio. Mr. Chairman, I have no doubt the committee in acting upon this amendment will remember the story of King Solomon and his decision. Two claimants for a child were brought before him and he made the suggestion that the child be cut in two and half given to one and half to the other. One of the claimants agreed to that, but the other demurred, and he decided very promptly in favor of the claimant

who wanted the child to be left entire and alive.

Now, there are persons in the Mississippi Valley who I think would be willing to have this canal end at St. Louis, and thus cut it in two. They ridicule the idea that a lateral canal would be necessary for any part of the country between St. Louis and Cairo. There are others who favor a waterway from the Lakes to the Gulf, and I am inclined to think we should respect their wishes. Consequently I withdraw this amendment. [Applause.]

Mr. RODENBERG. Mr. Chairman, I ask unanimous consent

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for two minutes' time. Is there objection? There was no objection.

Mr. RODENBERG. Mr. Chairman, a moment ago the chairman of the committee questioned the accuracy of my statement

that the Board of Engineers had recommended an annual appropriation of \$650,000 for improvement work between the mouth of the Ohio and the mouth of the Missouri. On page 463 of the report of the Chief of Engineers I find this statement:

The new appropriation asked for is the estimated expenditure for one year only and should be increased by authorization under continuing contracts for other years by at least the same sum annually.

On page 464 I find this:

Amount that can be profitably expended in fiscal year ending June 30, 1908, for works of improvement and for maintenance, in addition to the balance unexpended July 1, 1906, \$650,000.

The gentleman accused me a moment ago of not being informed on this subject. I submit the report of the Chief of Engineers for his consideration.

Mr. BURTON of Ohio. In a moment I will answer the gentleman. I did not question his statement; I said he should, however, be informed in reference to all our estimates.

Mr. RODENBERG. But the gentleman said that this appro-

priation was for two years.

Mr. BURTON of Ohio. I will explain that. The formal recommendation is for one year-that is, the amount reported is for the fiscal year ending June 30 of such and such a year-but it is perfectly well understood that every recommendation must be considered in connection with the fact that our river and harbor bills are biennial, and hence the habit of recommending for one fiscal year an amount which will be sufficient for two years.

Mr. RODENBERG. But the engineer specifically states that the same amount should be increased annually \$650,000, and the gentleman from Ohio made the statement a moment ago that his recommendation covered two years. The gentleman will

find it on page 463.

Mr. BURTON of Ohio. The gentleman must also recollect that we are providing here for four years, and that I distinctly stated that we took the responsibility of lowering the amount recommended by the Chief of Engineers.

Mr. RODENBERG. And the gentleman will also remember that the engineer said that these continuing contracts for other years should be increased by at least the same sum annually,

whether it is four years or ten years.

Mr. BURTON of Ohio. The gentleman knows very well that if we were to adopt all the recommendations of the engineers, The gentleman knows very well that for maintenance as well as for new work, we would have hundreds of millions on our hands. We are not following their recommendations in every case. We can not do so. We are doing the best we can, and we thought when we had appropriated and authorized more for this stretch of the river, in proportion to its tonnage, than for any other navigable channel in the United States we had done our full duty.

Mr. RODENBERG. I simply desired to satisfy the gentle-man that he had not read this report with that degree of thoroughness with which he pretends to scan everything relating to river and harbors.

Mr. BURTON of Ohio. I must decline to yield further.

The time of the gentleman has expired. The CHAIRMAN.

The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Improving the Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement, \$500,000: Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,500,000, exclusive of the amounts herein and heretofore appropriated: Provided further, That the authorized sum last named shall be used in prosecuting the improvement for not less than three years beginning July I, 1908, the work thus done each year to cost approximately \$500,000: And provided further, That of the sums herein appropriated and authorized for this improvement a portion not to exceed \$50,000 may, in the discretion of the Secretary of War, be expended annually for the first two years for dredging for the benefit of through navigation, giving preference to localities in which the communities interested shall thereafter maintain such dredging without cost to the United States.

Mr. BURTON of Ohio. Mr. Chairman, I have two amendments to offer here, which I will send to the desk and ask to

ments to offer here, which I will send to the desk and ask to have read.

The Clerk read as follows:

Page 74, line 23, after the words "five hundred thousand dollars," insert the following: "And the Secretary of War is authorized, in his discretion, to prosecute this work in accordance with the report submitted in House Document No. 341. Fifty-ninth Congress, second session, by methods looking toward an increase in depth.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The question was taken; and the amendment was agreed to. The CHAIRMAN. The Clerk will report the next amend-

The Clerk read as follows:

Page 75, after the word "navigation," strike out the comma and insert "in harbors and at landing places."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. Mr. GARRETT. Mr. Chairman, I move to strike out the last I do that for the purpose of asking the chairman of the committee this question: I want to ask the gentleman from Ohio [Mr. Burron] what control, if any, the Government exercises over landings?

Mr. BURTON of Ohio. As landings, none,

Mr. GARRETT. It is within the power of a line of steamers to rent the landings along the various rivers, the Mississippi and all others, and to exercise practically a monopoly as regards

Mr. BURTON of Ohio. I take it so, unless some State railway commission or other body should interfere. That is, so far as the improvement of river and harbor works is concerned, there would be no power to prevent. I will state to the gentleman that we frequently make appropriations conditional with some provision that the wharfage charge shall be subject to review by the Secretary of War. There is at least one such provision in this bill and there were several in the bill of 1905 and several in the bill of 1902. But that is a very drastic method, and we do not like to resort to it unless it seems imperatively

Mr. GARRETT. I recognize the fact, of course, that that is very drastic. I am not prepared to say that that ought to be done here, because I think the States can control that. I have this information, though not in such form as that any strong statements can be presented on the basis of it; but I understand that along some parts of the Mississippi River there is a par-ticular line of steamers that has all the landing places rented and that no other steamers land there; that no freight is carried there except by that particular line that has those landings rented, and it results in a monopoly as great as any of the monopolies that have been complained about with reference to railroad rates. I wanted to ask the gentleman whether, in his opinion, it lies within the power of the Congress of the United

States to deal with that sort of a situation?

Mr. BURTON of Ohio. That is rather a difficult problem to answer offhand, but I should question whether we could, except in an indirect way. I would state to the gentleman that there is a query whether, under the common law as enforced in all the States, there would not be a remedy for such a condition as that—a condition which is certainly a very objectionable one. It creates a monopoly, and one which is especially offensive because it has to do with navigation, which should be free and afford opportunities to all alike.

Mr. GARRETT. I will state to the gentleman that, in view of the complaints that have been made respecting that, I desired to have some notice called to it in the RECORD here now, and for that purpose I moved to strike out the last word. I think the States can and ought to control that. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BARTHOLDT. Mr. Chairman, I renew the amendment merely for the purpose of asking the chairman a question on a matter which escaped my attention when we were discussing the other proposition. On page 73, in lines 8 and 9, after the word "Commission," it reads: "One of whom shall be the president of such Commission." Do I understand this to be the president of the Mississippi River Commission or the president of the new board to be appointed?

Mr. BURTON of Ohio. President of the Mississippi River

Commission.

Mr. BARTHOLDT. That is satisfactory. Mr. Chairman, I withdraw the pro forma amendment.

Mr. SIBLEY. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Pennsylvania is recognized in opposition to the amendment proposed by the gentleman from Missouri.

Mr. SIBLEY. Mr. Chairman, I have been one of those who have believed in a much greater development of our internal waterway system. I have believed that Mr. James J. Hill was right when he said that it was necessary, because with all our railway development it was an impossibility to construct railroads as fast as the demands of our increased industries would compel us to do if those products are to be moved. I believe that in the development of our waterways is the solution of the congested traffic conditions of to-day. I believe it is the controlling factor in fair rates of transportation, and have deeply regretted that the chairman of this great committee has not seen fit to follow the recommendations and suggestions made especially by those Members who hail from Pennsylvania; but it is not for

that purpose or to go into the question of waterways that I have arisen. It is simply to do a simple act of justice to myself. Two years ago, while the river and harbor bill was pending, in the heat of the debate and disappointment because Pennsylvania did not receive from that committee that consideration which we thought we were clearly entitled to receive, I used some words reflecting upon the chairman of this committee, which certainly were unworthy of me and entirely unjustifiable when used against that chairman, for whom I entertain, in common with all gentlemen in this House, a high respect. But while he has disappointed us who represent Pennsylvania who have appeared before that committee, I have seen from all sections of the country a determined effort to secure for their immediate local project some appropriation in his bill, of greater or less magnitude, and, listening to their insistence for consideration, was thankful that I was not a member of that committee, and of all positions that I would least like to have thrust upon me would be the chairmanship of that committee. I know of no other gentleman who has made so deep a study, who has brought to the question of the development of our American waterways a greater or more studious consideration of their needs than the gentleman from Ohio, and while he has disappointed us grievously in Pennsylvania, looking at the nation as a whole, I sincerely hope that he may reconsider his determination to retire from the chairmanship of that committee, and through the many years to come the country will have the advantage of his research and profound knowledge of this subject. [Loud applause. l

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Improving reservoirs at headwaters of the Mississippi River, in the State of Minnesota: Continuing improvement, \$145,000: Provided, That the land required for further construction or rehabilitation of reservoirs, together with any flowage rights which may be necessary, shall be ceded to the United States without charge.

Mr. SHACKLEFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers the following amendment, which the Clerk will report.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Dalzell having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bills of the following titles

H. R. 24928. An act authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company;

H. R. 8685. An act for the relief of Charles E. Danner & Co.;

H. R. 25123. An act providing for the construction of a bridge across the Mississippi River.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House

of Representatives was requested: S. 8065. An act to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The Clerk read as follows:

Amend by inserting between lines 11 and 12, on page 75, the following:

"The Gasconade and Osage rivers and the Missouri River from its mouth to the mouth of Kaw River shall be known and designated as 'Missouri River, Reach No. 1.' The Missouri River, from the mouth of Kaw River to Sioux City, shall be known and designated as 'Missouri River, Reach No. 2.' and the Missouri River from Sioux City to Fort Benton shall be known and designated as 'Missouri River, Reach No. 3.'

"There is hereby created a commission, to consist of four members, to be called 'Missouri River Commission No. 1.'

"Two of said commissioners shall be from the Corps of Engineers of the Army and two shall be selected from civil life. The Secretary of War shall detail two engineers from the Corps of Engineers to serve as such commissioners, each of whom shall continue to be a member of said commissioners, each of whom shall continue to be a member of said commission until the Secretary of War shall detail another from the Corps of Engineers to be his successor. They shall receive no other compensation than that allowed them by law.

"The President of the United States shall nominate and appoint, by and with the advice and consent of the Senate, two eminent civil engineers from civil life to be members of said commission. No person shall be eligible to such appointment who is at the time above the age of 50 years. Said commissioners appointed from civil life shall be appointed for a term of six years, but shall be subject to removal by the President at any time. They shall receive for their services a salary of \$7,500 per annum each and shall devote their whole time to the active duties of the commission.

"No member of said commission shall accept any other service or

employment while he is such commissioner, nor shall he be either directly or indirectly an employee, agent, or officer of any railway company or of any other corporation or firm engaged in the transportation of freight.

"It shall be the duty of said commission to superintend and direct such improvement of the rivers comprising said Missouri River, Reach No. 1, and to carry into execution such plans for the improvement of the navigation thereof, as may be devised and in progress, and to continue and complete such surveys thereof as may now be in progress, and to make such additional surveys, investigations, plans, and estimates as may be deemed necessary to maintain a channel and depth of water for the purposes of commerce and navigation.

"The Secretary of War is hereby authorized and directed to transfer to said commission all such vessels, barges, machinery, instruments, and plants as may now be provided or in use on said rivers; and when thereto requested by said commission to detail from the Corps of Engineers such officers and men as may be deemed necessary, and place in the charge of said commission any such vessels, machinery, and instruments under his control as may be deemed necessary.

"Said commission may, with the approval of the Secretary of War, employ such additional force and assistance and provide by purchase or otherwise such additional vessels, boats, machinery, and instruments as may be deemed necessary, to be paid for out of appropriations made or to be made for said rivers embraced in said Missouri River, Reach No. 1.

"Said commission shall, under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purposes of this act all appropriations or unexpended balances heretofore made and which may hereafter be made for said rivers embraced in said Missouri River, Reach No. 1, or so much thereof as may be necessary, and shall prepare and submit through the Chief of the Engineer or other screen and submit and of all such plans and systems of work a

Mr. BURTON of Ohio. Mr. Chairman, we had one Missouri River commission some years ago, and I do not think the results of their supervision were altogether satisfactory, and we abolished it by the act of 1902. This seeks to creat three Missouri souri River commissions, as I understand it, each of four mem-

Mr. SHACKLEFORD. Only one.

Mr. BURTON of Ohio. I understand there are three reaches

Mr. SHACKLEFORD. There are three reaches, but this only provides a commission for the lower reach.

Mr. BURTON of Ohio. In any event, it is objectionable. I do not know what they would do with the appropriations which we have made and with the work that is to be done under the present projects adopted.

The question was taken; and the amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Grosvenor having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 29:

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company; and

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company. On January 30:

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress.

On February 1:

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine. On February 4:

H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri; and

H. R. 714. An act for the relief of Charles B. Bentley.

On February 5:
H. R. 2088. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the W. Bliss, alias James Warren;

Monongahela River, in the State of Pennsylvania," approved February 21, 1903;
H. R. 21402. An act permitting the building of a dam across

the Savannah River at Gregg Shoals;

H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa;
H. R. 22135. An act authorizing the construction of a bridge

across the Ashley River, in the counties of Charleston and Col-

leton, S. C.;

H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana;

H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana; H. R. 24047. An act to authorize Chapter No. 376 of the

Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky. :

H. R. 24111. An act to authorize the Norfolk and Western Rallway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.; and H. R. 24275. An act permitting the building of a dam across

the Flint River at Porter Shoals.

On February 6: H. R. 1185. An act granting a pension to Josiah C. Hancock; H. R. 7211. An act granting a pension to James C. Southerland :

H. R. 7551. An act granting a pension to Daniel Robb;

H. R. 8732. An act granting a pension to Ellen S. Gifford; H. R. 9100. An act granting a pension to Nancy C. Paine;

H. R. 9113. An act granting a pension to Elizabeth Cleaver; H. R. 9673. An act granting a pension to Oliver H. Griffin;

H. R. 9921. An act granting a pension to Ann Lytle;

H. R. 10760. An act granting a pension to Libbie A. Merrill;

H. R. 13201. An act granting a pension to Sarah A. Jones H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton

H. R. 14046. An act granting a pension to Jimison F. Skeens; H. R. 14263. An act granting a pension to Fidelia Sellers

H. R. 15202. An act granting a pension to Henry Peetsch;

H. R. 15630. An act granting a pension to Sarah Kizer H. R. 16002. An act granting a pension to Theodore T. Bruce;

H. R. 17988. An act granting a pension to Edward G. Hausen; H. R. 18791. An act granting a pension to Michael Bocoskey;

H. R. 19490. An act granting a pension to Estelle I. Reed;

H. R. 20292. An act granting a pension to Howard William Archer

H. R. 20327. An act granting a pension to Elizabeth A. Downie:

H. R. 20725. An act granting a pension to Hope Martin;

H. R. 637. An act granting an increase of pension to William H. Bone

H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor;

H. R. 725. An act granting an increase of pension to George E. Smith;

H. R. 742. An act granting an increase of pension to James Wintersteen;

H. R. 1144. An act granting an increase of pension to Franklin McFalls:

H. R. 1150. An act granting an increase of pension to Emma J. Turner ; H. R. 1252. An act granting an increase of pension to Mary E.

H. R. 1337. An act granting an increase of pension to James

B. Evans; H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds

H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;

H. R. 1717. An act granting an increase of pension to George M. Fowler

H. R. 1723. An act granting an increase of pension to Rutson J. Bullock ;

H. R. 1937. An act granting an increase of pension to Joseph B. Williams

H. R. 2055. An act granting an increase of pension to Joanna

H. R. 2056. An act granting an increase of pension to Lucas

H. R. 2175. An act granting an increase of pension to James

H. R. 2286. An act granting an increase of pension to Jacob Miller:

H. R. 2399. An act granting an increase of pension to Charles F. Sancrainte:

H. R. 2421. An act granting an increase of pension to Daniel S. Mevis;

H. R. 2726. An act granting an increase of pension to John C. Keach;

H. R. 2764. An act granting an increase of pension to George L. Robinson:

H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;

H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;

H. R. 2826. An act granting an increase of pension to Samuel Prochel:

H. R. 3226. An act granting an increase of pension to John E. Leahy;

H. R. 3740. An act granting an increase of pension to John G. H. Armistead;

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;

H. R. 4149. An act granting an increase of pension to Thompson Wall;

H. R. 4151. An act granting an increase of pension to John W.

Howard;
H. R. 4166. An act granting an increase of pension to John G. V. Herndon;

H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling;

H. R. 4351. An act granting an increase of pension to George
A. Johnson:

A. Johnson; H. R. 4670. An act granting an increase of pension to Edward

B. Tanner; H. R. 4673. An act granting an increase of pension to Samuel

Rowe; H. R. 4692. An act granting an increase of pension to Levi Welch;

H. R. 4719. An act granting an increase of pension to Mary J. Trumbuli:

J. Trumbull; H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;

H. R. 5063. An act granting an increase of pension to William G. Miller:

H. R. 5172. An act granting an increase of pension to Milton Stratton;

H. R. 5173. An act granting an increase of pension to Jacob Henninger:

H. R. 5174. An act granting an increase of pension to Patrick Turney;

H. R. 5187. An act granting an increase of pension to Robert John:

H. R. 5200. An act granting an increase of pension to John F. McBride;

H. R. 5209. An act granting an increase of pension to Edward R. Dunbar;

H. R. 5595. An act granting an increase of pension to Elisha Brown:

H. R. 5648. An act granting an increase of pension to William Hand;

H. R. 5729. An act granting an increase of pension to Norman H. Cole;

H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell;

cilla A. Campbell;
H. R. 5801. An act granting an increase of pension to Al-

gernon E. Castner; H. R. 5803. An act granting an increase of pension to Edwin

L. Roberts; H. R. 5829. An act granting an increase of pension to George Anderson:

H. R. 6057. An act granting an increase of pension to Emery Crawford

Crawford;
H. R. 6060. An act granting an increase of pension to Lorenzo

H. R. 6088. An act granting an increase of pension to James R. Chapman;

H. R. 6145. An act granting an increase of pension to Parris J. Latham;

H. R. 6165. An act granting an increase of pension to Nelson

H. R. 6189. An act granting an increase of pension to Arthur

H. R. 6424. An act granting an increase of pension to George Price;

H.R. 6493, An act granting an increase of pension to Eli Boynton;

H. R. 6519. An act granting an increase of pension to Samuel W. Whyback:

H. R. 6524. An act granting an increase of penton to Amos Snyder;

H. R. 6537. An act granting an increase of pension to William Jackson;

H. R. 6705. An act granting an increase of pension to William H. Zachery;

H. R. 6894. An act granting an increase of pension to Daniel O. Corbin;

H.R. 6920. An act granting an increase of pension to Simon Millison;

H. R. 7247. An act granting an increase of pension to Lorenzo Sink;
 H. R. 7378. An act granting an increase of pension to John L.

Brown;
H. R. 7393. An act granting an increase of pension to Fer-

dinand David;

H. R. 7411. An act granting an increase of pension to Tobias

Fisher; H. R. 7417. An act granting an increase of pension to Gibson

Helms; H. R. 7544. An act granting an increase of pension to Gus-

tavus F. E. Raschig;
H. R. 7555. An act granting an increase of pension to John S. Roseberry:

H.R. 7581. An act granting an increase of pension to Emile Cloe:

H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey;

H. R. 7804. An act granting an increase of pension to John Frett, jr.;

H. R. 7834. An act granting an increase of pension to Joseph Amos;

H. R. 7912. An act granting an increase of pension to James
M. Lawder;
H. R. 8136. An act granting an increase of pension to Joseph

A. Scroggs;
H. R. 8159. An act granting an increase of pension to Charles

Leathers; H. R. 8247. An act granting an increase of pension to Sarah

J. Littleton; H. R. 8312. An act granting an increase of pension to Abram

Sours; H. R. 8335. An act granting an increase of pension to John T.

Harvey; H. R. 8338. An act granting an increase of pension to Isaac S.

Doan; H. R. 8373. An act granting an increase of pension to Patrick

Weir;
H. R. 8553. An act granting an increase of pension to Thomas
E. Avlsworth:

H. R. 8667. An act granting an increase of pension to Andrew Larick:

H. R. 8668. An act granting an increase of pension to Stephen H. Rogers;

H. R. 8683. An act granting an increase of pension to William D. Voris;

H. R. 8915. An act granting an increase of pension to Susan Woolley;

H. R. 8925. An act granting an increase of pension to Chester Simpson;
 H. R. 8958. An act granting an increase of pension to David

Bowen; H. R. 9024. An act granting an increase of pension to Lewis

Lennox;
H. R. 9090. An act granting an increase of pension to Amasa
B. Saxton;

H. R. 9218. An act granting an increase of pension to William T. Blanchard;

H. R. 9250. An act granting an increase of pension to Obediah B. Nations:

H. R. 9278. An act granting an increase of pension to Melville A. Nichols:

H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst;

H. R. 9403. An act granting an increase of pension to Kate E. Hanna;

H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle;

H. R. 10032. An act granting an increase of pension to Octavo Barker;

H. R. 10033. An act granting an increase of pension to Samuel

C. Roe; H. R. 10219. An act granting an increase of pension to George S. Boyd

H. R. 10240. An act granting an increase of pension to John H. Curnutt

H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick :

H. R. 10400. An act granting an increase of pension to Thomas

H. R. 10402. An act granting an increase of pension to Albert

H. R. 10403. An act granting an increase of pension to James H. Odell:

H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;

H. R. 10721. An act granting an increase of pension to Harriett I. Levis:

H. R. 10738. An act granting an increase of pension to Thomas

H. R. 10773. An act granting an increase of pension to George

H. R. 10916. An act granting an increase of pension to Charles H. Shreeve

H. R. 11141. An act granting an increase of pension to Jesse S. Miller

H. R. 11169. An act granting an increase of pension to Robert

P. Call: H. R. 11174. An act granting an increase of pension to Isaac

Richards H. R. 11232. An act granting an increase of pension to Aaron

H. R. 11307. An act granting an increase of pension to Joseph

H. R. 11322. An act granting an increase of pension to Luther H. Starkey

H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee

H. R. 11562. An act granting an increase of pension to Adam Wiles

H. R. 11564. An act granting an increase of pension to James Morrow

H. R. 11636. An act granting an increase of pension to Lawrence Hagan;

H. R. 11701. An act granting an increase of pension to Marvin

H. R. 11708. An act granting an increase of pension to Jesse A. Ask;

H. R. 11869. An act granting an increase of pension to Henry A. Geduldig

H. R. 11959. An act granting an increase of pension to Henry J. Rice

H. R. 12106. An act granting an increase of pension to George W. Reagan

H. R. 12124. An act granting an increase of pension to Howard Brown

H. R. 12152. An act granting an increase of pension to Leon-

H. R. 12370. An act granting an increase of pension to Mary E. Randolph

H. R. 12497. An act granting an increase of pension to Allen M. Haight:

H. R. 12523. An act granting an increase of pension to Gancelo Leighton

H. R. 12554. An act granting an increase of pension to William Larraby

H. R. 12557. An act granting an increase of pension to John C. Berry

H. R. 12574. An act granting an increase of pension to Jacob R. Burkhardt;

H. R. 12676. An act granting an increase of pension to Francis M. Morrison

H. R. 13053. An act granting an increase of pension to Eli Bunting

H. R. 13054. An act granting an increase of pension to James M. Brown

H. R. 13253. An act granting an increase of pension to Robert M. C. Hill;

H. R. 13740. An act granting an increase of pension to Jere-

H. R. 13805. An act granting an increase of pension to Isaac

Gordon; H. R. 13806. An act granting an increase of pension to John

H. R. 13813. An act granting an increase of pension to Samuel

H. R. 13815. An act granting an increase of pension to Christian M. Good;

H. R. 13956. An act granting an increase of pension to Alfred Fetheringill:

H. R. 13975. An act granting an increase of pension to Thomas H. Primrose

H. R. 14238. An act granting an increase of pension to William H. Van Tassell;

H. R. 14378. An act granting an increase of pension to Charles

H. R. 14673. An act granting an increase of pension to David H. Semans

H. R. 14675. An act granting an increase of pension to James

H. R. 14689. An act granting an increase of pension to Herman G. Weller

H. R. 14690. An act granting an increase of pension to Henrietta Hull;

H. R. 14715. An act granting an increase of pension to Har-

mon W. McDonald; H. R. 14767. An act granting an increase of pension to Henry

Simon; H. R. 14860. An act granting an increase of pension to William D. Campbell;

H. R. 14862. An act granting an increase of pension to Ann E. White

H. R. 14884. An act granting an increase of pension to Henry Stauffer;

H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;

H. R. 14985. An act granting an increase of pension to Mary Grambers

H. R. 14995. An act granting an increase of pension to James H. Bell

H. R. 15017. An act granting an increase of pension to Joseph Strone

H. R. 15139. An act granting an increase of pension to James P. Mullen ;

H. R. 15150. An act granting an increase of pension to John O'Connor:

H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford;

H. R. 15297. An act granting an increase of pension to Nelson Hanson;

H. R. 15317. An act granting an increase of pension to James B. F. Callon H. R. 15421. An act granting an increase of pension to Paul

Diedrich H. R. 15430. An act granting an increase of pension to Oliver

Lawrence H. R. 15455. An act granting an increase of pension to John

D. Brooks H. R. 15463. An act granting an increase of pension to John

H. R. 15580. An act granting an increase of pension to James P. Hudkins

H. R. 15631. An act granting an increase of pension to Henry C. Worley

H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel:

H. R. 15839. An act granting an increase of pension to Mary J. Burroughs :

H. R. 15860. An act granting an increase of pension to Sarah C. Morris;

H. R. 15868. An act granting an increase of pension to William H. Scullen; H. R. 15874. An act granting an increase of pension to Ben-

jamin B. Ream ; H. R. 15890. An act granting an increase of pension to Hiram

C. Barney

H. R. 15980. An act granting an increase of pension to John

H. R. 16087. An act granting an increase of pension to Charles W. Foster;
H. R. 16222. An act granting an increase of pension to Napo-

leon B. Ferrell

H. R. 16249. An act granting an increase of pension to Thomas Miller

H. R. 16488. An act granting an increase of pension to Charles Hopkins:

H. R. 16493. An act granting an increase of pension to William T. Sallee;

H. R. 16546. An act granting an increase of pension to Louis F.

H. R. 16895. An act granting an increase of pension to William M. Baker

H. R. 17094. An act granting an increase of pension to James H. Sperry

H. R. 17172. An act granting an increase of pension to John Short:

H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;

H. R. 17486. An act granting an increase of pension to Rudolph Papst;

H. R. 17539. An act granting an increase of pension to Am-

brose D. Albertson; H. R. 17646. An act granting an increase of pension to James M. Sheak

H. R. 17770. An act granting an increase of pension to Julia P.

H. R. 17773. An act granting an increase of pension to Carel

H. R. 17810. An act granting an increase of pension to Saul Coulson

H. R. 17864. An act granting an increase of pension to Mary E. Austin : H. R. 17958. An act granting an increase of pension to Alex-

ander Dixon; H. R. 17969. An act granting an increase of pension to Charles

H. R. 18031. An act granting an increase of pension to Daniel H. Toothaker

H. R. 18089. An act granting an increase of pension to Daniel J. Harte

H. R. 18114. An act granting an increase of pension to Henry B. Parker

H. R. 18155. An act granting an increase of pension to Frank S. Hastings

H. R. 18179. An act granting an increase of pension to William G. Baity

H. R. 18218. An act granting an increase of pension to Joseph

H. R. 18242. An act granting an increase of pension to Francis Anderson:

H. R. 18247. An act granting an increase of pension to William Baird

H. R. 18248. An act granting an increase of pension to John D. Evans;

H. R. 18261. An act granting an increase of pension to John T. Mitchell

H. R. 18295. An act granting an increase of pension to Joshua

H. R. 18410. An act granting an increase of pension to Andrew

J. Cushing H. R. 18474. An act granting an increase of pension to Robert

Sturgeon; H. R. 18494. An act granting an increase of pension to Emmagene Bronson;

H. R. 18574. An act granting an increase of pension to Levi

H. R. 18582. An act granting an increase of pension to Sarah

H. R. 18608. An act granting an increase of pension to Mary E. Strickland:

H. R. 18634. An act granting an increase of pension to Mary Sullivan

H. R. 18637. An act granting an increase of pension to Henry L. Sparks

H. R. 18758. An act granting an increase of pension to Mary A. Daniel;

H. R. 18761. An act granting an increase of pension to Benjamin Bolinger;

H. R. 18771. An act granting an increase of pension to William G. Bailey

H. R. 18797. An act granting an increase of pension to John M. Defoe:

H. R. 18871. An act granting an increase of pension to Eman-

uel Raudabaugh; H. R. 18884. An act granting an increase of pension to Wey-

H. R. 19023. An act granting an increase of pension to John

T. Lester H. R. 19044. An act granting an increase of pension to Samuel

C. McCormick :

H. R. 19045. An act granting an increase of pension to Mary A. Agey;

H. R. 19048. An act granting an increase of pension to Alfred Branson

H. R. 19105. An act granting an increase of pension to William H. Moser

H. R. 19117. An act granting an increase of pension to Mary E. Higgins:

H. R. 19216. An act granting an increase of pension to Theophil Brodowski;

H. R. 19237. An act granting an increase of pension to James

H. R. 19280. An act granting an increase of pension to Peter J. Williamson;

H. R. 19281. An act granting an increase of pension to Mary J. Gillem:

H. R. 19363. An act granting an increase of pension to Theodore Bland:

H. R. 19386. An act granting an increase of pension to Robert Stewart:

H. R. 19412. An act granting an increase of pension to Jefferson K. Smith;

H. R. 19420. An act granting an increase of pension to Eliza A. McKean

H. R. 19426. An act granting an increase of pension to George N. Griffin : H. R. 19448. An act granting an increase of pension to Abiram

P. McConnell;

H. R. 19479. An act granting an increase of pension to George W. Savage

H. R. 19510. An act granting an increase of pension to Richard B. West: H. R. 19541. An act granting an increase of pension to Job F.

Martin; H. R. 19553. An act granting an increase of pension to James

Robertson H. R. 19577. An act granting an increase of pension to Mary

L. Patton: H. R. 19579. An act granting an increase of pension to Robert

F. Mayfield : H. R. 19584. An act granting an increase of pension to Joseph

H. R. 19603. An act granting an increase of pension to Jacob

H. R. 19629. An act granting an increase of pension to Oliver Morton:

H. R. 19639. An act granting an increase of pension to Lucy A. Kephart

H. R. 19648. An act granting an increase of pension to Sarah A. Wilson

H. R. 19651. An act granting an increase of pension to Joseph H. Pendergast;

H. R. 19661. An act granting an increase of pension to Jacob McWilliams:

H. R. 19672. An act granting an increase of pension to Thomas

H. R. 19703. An act granting an increase of pension to Seth Chase H. R. 19708. An act granting an increase of pension to Wil-

liam A. Lefler; H. R. 19713. An act granting an increase of pension to Mary

B. Mason H. R. 19715. An act granting an increase of pension to Susan

M. Brunson H. R. 19716. An act granting an increase of pension to Mary

H. R. 19722. An act granting an increase of pension to Wil-

liam H. Burns; H. R. 19738. An act granting an increase of pension to Ben-

jamin St. Clair; H. R. 19758. An act granting an increase of pension to Jo-

sefita Montano H. R. 19762. An act granting an increase of pension to Clara

C. Edsall: H. R. 19807. An act granting an increase of pension to John

W. Marean H. R. 19818. An act granting an increase of pension to Wil-

liam F. Clinkscales; H. R. 19858. An act granting an increase of pension to Rich-

ard E. Clapper H. R. 19871. An act granting an increase of pension to John

G. Kean, alias Cain; H. R. 19872. An act granting an increase of pension to Rich-

ard E. Hassett: H. R. 19873. An act granting an increase of pension to Robert Webb:

H. R. 19885. An act granting an increase of pension to Frank Scherer

H. R. 19891. An act granting an increase of pension to Edwin

H. R. 19907. An act granting an increase of pension to James

H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman

H. R. 19923. An act granting an increase of pension to Bettie

H. R. 19949. An act granting an increase of pension to Charles Van Ostrand:

H. R. 19963. An act granting an increase of pension to Charles

Carter H. R. 19967. An act granting an increase of pension to Martin

L. Ohr; H. R. 19990. An act granting an increase of pension to Susan

F. Christie H. R. 19998. An act granting an increase of pension to Eunice Cook

H. R. 20029. An act granting an increase of pension to John B. Maison;

H. R. 20061. An act granting an increase of pension to Caswell York

H. R. 20064. An act granting an increase of pension to William C. Arnold :

H. R. 20078. An act granting an increase of pension to Walter M. English;

H. R. 20085. An act granting an increase of pension to Robert

H. R. 20087. An act granting an increase of pension to Cassia C. Tyler :

H. R. 20088. An act granting an increase of pension to Mary J. Thurmond:

H. R. 20096. An act granting an increase of pension to Theresia Bell:

H. R. 20117. An act granting an increase of pension to Preston

J. Michener H. R. 20129. An act granting an increase of pension to John

Lemly; H. R. 20146. An act granting an increase of pension to Har-

riet C. Kenney H. R. 20154. An act granting an increase of pension to George

H. Dyer H. R. 20166. An act granting an increase of pension to Sarah

Salmon H. R. 20198. An act granting an increase of pension to Mary

E. Maddox

H. R. 20199. An act granting an increase of pension to Joseph N. Cadieux H. R. 20219. An act granting an increase of pension to Ellen

H. R. 20222. An act granting an increase of pension to Henry

C. Joseph; H. R. 20229. An act granting an increase of pension to Jehu

F. Wotring :

H. R. 20250. An act granting an increase of pension to Thomas McBride:

H. R. 20269. An act granting an increase of pension to Sarah A. Galloway H. R. 20272. An act granting an increase of pension to James

L. House

H. R. 20279. An act granting an increase of pension to Edmund Hostetter;

H. R. 20286. An act granting an increase of pension to Bartholomew Holmes

H. R. 20303. An act granting an increase of pension to John Crowley H. R. 20350. An act granting an increase of pension to Theo-

dore F. Reighter; H. R. 20351. An act granting an increase of pension to Peter

M. Simon ; H. R. 20357. An act granting an increase of pension to Jane

Auldridge: H. R. 20363. An act granting an increase of pension to Otis

H. R. 20384. An act granting an increase of pension to Mary

Wilson; H. R. 20391. An act granting an increase of pension to Mary

Jane Meldrim;

H. R. 20415. An act granting an increase of pension to John H. Krom;

H. R. 20424. An act granting an increase of pension to George W. Wheeler;

H. R. 20431. An act granting an increase of pension to John Neumann:

H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny; H. R. 20571. An act granting an increase of pension to Fred-

erick J. Dowland;

H. R. 20581. An act granting an increase of pension to Nettle

H. R. 20586. An act granting an increase of pension to Calvin

Judson; H. R. 20587. An act granting an increase of pension to Francis McMahon

H. R. 20613. An act granting an increase of pension to Hiram

H. R. 20614. An act granting an increase of pension to James Howardson:

H. R. 20683. An act granting an increase of pension to James

H. R. 20712. An act granting an increase of pension to Samuel W. Searles

H. R. 20715. An act granting an increase of pension to Charles Ballantyne:

H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;

H. R. 20721. An act granting an increase of pension to James

H. R. 20724. An act granting an increase of pension to Rhoda

H. R. 20726. An act granting an increase of pension to Mary J. Smith

H. R. 20735. An act granting an increase of pension to Berge Larsen

H. R. 20829. An act granting an increase of pension to David M. Watkins

H. R. 20844. An act granting an increase of pension to Milton Russell

H. R. 20851. An act granting an increase of pension to Henry Hamme: H. R. 20852. An act granting an increase of pension to Theo-

dore T. Tate; H. R. 20896. An act granting an increase of pension to James

F. Henninger H. R. 20899. An act granting an increase of pension to Charles

W. Carpenter;
H. R. 20955. An act granting an increase of pension to Edward L. Carpenter:

H. R. 20958. An act granting an increase of pension to Darius E. Garland :

H. R. 20962. An act granting an increase of pension to Franklin H. Bailey

H. R. 20964. An act granting an increase of pension to John Fox;

H. R. 20965. An act granting an increase of pension to Harvey Sine

H. R. 21001. An act granting an increase of pension to George Rhodes H. R. 21015. An act granting an increase of pension to Evan

H. Baker H. R. 21019. An act granting an increase of pension to Ben-

jamin F. Fell; H. R. 21033. An act granting an increase of pension to Wil-

liam P. Huff;
H. R. 21043. An act granting an increase of pension to Robert

J. Dewey H. R. 21045. An act granting an increase of pension to Unity A. Steel:

H. R. 21054. An act granting an increase of pension to William G. Wilson:

H. R. 21058. An act granting an increase of pension to William H. Isbell;

H. R. 21086. An act granting an increase of pension to Jerry Johnson

H. R. 21119. An act granting an increase of pension to Alexander Boshea;
H. R. 21124. An act granting an increase of pension to Wil-

H. R. 21142. An act granting an increase of pension to Joseph

H. R. 21148. An act granting an increase of pension to Jacob

A. Graham;
H. R. 21162. An act granting an increase of pension to John W. Humphrey

H. R. 21179. An act granting an increase of pension to Charles

H. R. 21185. An act granting an increase of pension to Mary

M. Goble; H. R. 21216. An act granting an increase of pension to Eliza J. McCardel:

H. R. 21228. An act granting an increase of pension to Pleasant Crissin: H. R. 21302. An act granting an increase of pension to Nico-

laus Kirsch;

H. R. 21304. An act granting an increase of pension to Jacob Kohl:

H. R. 21307. An act granting an increase of pension to Samuel Fauver:

H. R. 21519. An act granting an increase of pension to Montezuma St. John ;

H. R. 21575. An act granting an increase of pension to Calvin E. Morley;

H. R. 21641. An act granting an increase of pension to Levi

H. R. 21749. An act granting an increase of pension to Annie

H. R. 21828. An act granting an increase of pension to Noah

H. R. 21849. An act granting an increase of pension to John P. Dix

H. R. 21859. An act granting an increase of pension to Simon Stone:

H. R. 22052. An act granting an increase of pension to James

H. R. 22207. An act granting an increase of pension to William A. Harlan;

H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher;

H. R. 22280. An act granting an increase of pension to Emily V. Ackley :

H. R. 22281. An act granting an increase of pension to Leonard Tyler :

H. R. 22416. An act granting an increase of pension to Bar-bara E. Schwab;

H. R. 22424. An act granting an increase of pension to William Faulkner;

H. R. 22566. An act granting an increase of pension to Joseph L. Six;

H. R. 22568. An act granting an increase of pension to John H. Christman;

H. R. 22607. An act granting an increase of pension to John T. Hetherlin: H. R. 22684. An act granting an increase of pension to Wil-

liam Sherk;

H. R. 22717. An act granting an increase of pension to Mary A. Brick : H. R. 22932. An act granting an increase of pension to Bryn-

H. R. 22937. An act granting an increase of pension to Edward

Murphy H. R. 22997. An act granting an increase of pension to Ed-

mond D. Doud; H. R. 23307. An act granting an increase of pension to Andrew

Casev

H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased:

H. R. 9577. An act for the relief of Charles H. Stockley:

H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels Sotie R., Mathilda R., and Helen R.; H. R. 19749. An act to prescribe the duties of deputy collectors

H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.

On February 7:

of customs; and

H. R. 5651. An act for the relief of William H. Beall;

H. R. 13895. An act to correct the naval record of Michael

H. R. 14634. An act for the relief of George H. Chase:

H. R. 18380. An act to complete the naval record of Charles W. Held;

H. R. 22362. An act for the relief of Esther Rousseau;

H. R. 9131. An act for the relief of the legal representatives

of Charles D. Southerlin; and H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session. The Clerk read as follows:

Improving Missouri River from the mouth of Fort Benton: For maintenance, \$300,000, of which amount \$150,000 may be expended between the mouth and Kansas City, \$100,000 between Kansas City and Sioux City, and \$50,000 between Sioux City and Fort Benton: Provided, That these amounts shall be applied in the first instance for the purpose of clearing the river of snags with a view to navigation, and no part of such amount shall be applied for revetment or the protection of banks of the stream unless such revetment or protection is directly and necessarily required for purposes of navigation, and the Secretary of War may cause a survey to be made of said river from its mouth to Kansas City, and from Kansas City to Sioux City, such examination to be made, in his discretion, without further general instrumental survey.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out in that paragraph all in line 9, after the word "navigation," and also lines 10, 11, 12, and 13.

The object of that is to transfer the provision for a survey to the section relating to surveys, and I give notice when that section is reached I shall offer this provision in a slightly modified form.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. Burton].

The question was taken; and the amendment was agreed to.
Mr. SHACKLEFORD. Mr. Chairman, I desire to offer an amendment

The CHAIRMAN. The gentleman from Missouri SHACKLEFORD] offers an amendment, which the Clerk will re-

The Clerk read as follows:

Amend by striking out on page 75, in line 24, the words "three hundred thousand" and insert in lieu thereof the following: "one million one hundred and fifty thousand;" and by striking out of line 25, on page 75, the words "one hundred and fifty thousand" and inserting in lieu thereof the words "one million."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURTON of Ohio. I am willing to have that go to a vote right away without discussion.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The question was taken; and the amendment was rejected. Mr. SCOTT. Mr. Chairman, I wish to offer the following amendment, to be inserted at the close of the section.

The CHAIRMAN. The gentleman offers an amendment which the Clerk will report.

The Clerk read as follows:

Improving the Missouri River at the city of Elwood, Doniphan County, Kans., \$75,000.

Mr. SCOTT. Mr. Chairman, in explanation and support of the amendment I have offered, I would like to ask permission that the Clerk may read the concurrent resolution adopted by the legislature of Kansas, which I have sent to the desk

The CHAIRMAN. The paper will be read in the time of the gentleman from Kansas.

The Clerk read as follows:

House concurrent resolution No. 11.

Whereas the Missouri River at a point bordering on the city of Elwood, in Doniphan County, Kans., is washing and cutting away the land within said city and endangering the homes of the people residing there; and

Whereas said city is in danger of being washed entirely away and the inhabitants of said city are in danger of great loss of property and of much suffering; and

Whereas no steps have ever been taken or means employed by the General Government to protect the banks along said river at said place; and

General Government to protect the banks along said river at said place, and
Whereas the sums of money heretofore appropriated by the Congress of the United States, and intended by Congress to be used in protecting the banks on both sides of said river at said place, have been used exclusively to protect the banks and property on the Missouri side only:

Therefore be it resolved by the house of representatives (the senate concurring therein), That the Senators and Representatives from Kansas in Congress be instructed to use every honorable effort to secure an appropriation by Congress of not less than \$75,000 to be used exclusively on the Kansas side of said river to protect the banks thereof at the point where said river borders upon said city of Elwood. And that a copy of this resolution be sent by the secretary of state to each Senator and Representative in Congress from this State.

I hereby certify that the above concurrent resolution originated in the house, and passed that body January 30, 1907.

J. S. SIMMONS,

Speaker of the House.

Speaker of the House.
D. Y. WILSON,
Chief Clerk of the House.

Passed the senate January 31, 1907.

W. J. FITZGERALD, President of the Senate. W. J. KRETSINGER, Secretary of the Senate.

Approved February 1, 1907.

E. W. Hoch, Governor.

Mr. BURTON of Ohio. Mr. Chairman, I raise the point of There is no project looking to it. At the same order on that. time I reserve the point of order in order to let the gentleman

The CHAIRMAN. The Chair would think the point of order

came too late.

Mr. SCOTT. Mr. Chairman, the resolution which has just been read describes a condition which must appeal very strongly to the sympathies of every member of this committee. It appears from these resolutions, which come here with the authority of both houses of our State legislature and the approval of the governor, that by reason of the ravages of the Missouri this little town of Elwood is threatened with absolute destruction, destruction which would mean total loss to the property owners of the town, which can not be recouped by any sort of insurance, and which would bring a great many people to bankruptcy and probably to actual want.

Mr. GARRETT rose.

The CHAIRMAN. Does the gentleman from Kansas [Mr. Scorr] yield to the gentleman from Tennessee? Mr. SCOTT. For a question.

Mr. GARRETT. Are there any levees there? Mr. SCOTT. Oh, no. There are no levees on the Missouri at that point.

Mr. GARRETT. The gentleman's request here is for an ap-

propriation to build a levee?

Mr. SCOTT. Not for a levee. It is for an appropriation to build what they call a "revetment," with which to protect the banks from being washed by the current of the river. I understand, Mr. Chairman, that this amendment will probably be opposed because of the provision in the section preceding, to the effect that-

No part of the money hereby appropriated shall be applied for revet-ment or the protection of the banks of the stream, unless such revet-ment or protection is directly or necessarily required for the purposes of

But I believe this improvement could be made under that rule without being obnoxious to it, for the reason that it would con-

tribute directly to the navigation of the stream.

As I understand the geography of that locality, the town of Elwood is situated at the head of a peninsula which has been formed by a bend in the Missouri River. At the extremity, of this peninsula, across the river on the Missouri side, is the city of St. Joseph, and I am told that the people of that city are very greatly exercised for fear that the river may change its channel by sweeping across the neck of the peninsula at Elwood, and thus leave St. Joseph many miles from any channel that will be available for navigation. It needs no argument, of course, to show that if the river should in this way start to change its bed it would destroy, for many years at least, any hope of navigation in either the old or new channel, and I believe, therefore, that this amendment should be adopted in the interest of navigation of the river as well as for the protection of the people of the city of Elwood.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. I yield to the gentleman from Iowa,

Mr. Chairman, as far as I have any right.

Mr. HUBBARD. Mr. Chairman, I had prepared several

amendments which I desired to offer to this paragraph of the bill. I am admonished, however, by the fate of various gentlemen who have run into collision with the machine that there men who have run into collision with the machine that there is but little to be gained by offering any amendments to this bill. I shall not, therefore, cast myself before the wheels of the car. Let us be duly thankful, brethren of the Missouri Valley, that the committee has left to us our place on the map. I wish especially to call attention to this, that the one quality which is considered as entitling any river to any appropriation to the special of the temporal carried by it. The Missouri River is the question of the tonnage carried by it. The Missouri River is navigable, and has been since Lewis and Clark pursued its pathway across the continent for two thousand four hundredodd miles. It has in the past carried a great commerce. will in the future carry a great commerce. The cause of the present diminution of commerce is not any lack of navigable quality in the Missouri River. It is the result of the diversion of commerce from north to south, along the natural line of flow, to eastward, along the great lines of railway

But to this hour, at this very moment, the existence of the Missouri and the existence of the Mississippi River as navigable streams and their maintenance as navigable streams is the best possible regulator of charges upon commerce for all that region. The Missouri River and the Mississippi River mark the base lines for freight charges. As the gentleman from Missouri only a short time ago showed, the mere threat of commerce on the Missouri River resulted in a substantial reduction of freight rates. Iowa in this year of grace has, it is estimated,

tion of freight of 1 cent per bushel upon that corn and its products means a reduction of \$4,000,000 in the cost of marketing.

Yet it is apparently proposed, in all seriousness, to expend the munificent sum of \$300,000 upon the 2,400 miles of river from the mouth to Fort Benton, coupling this gift with the admonition that unless we at once get busy running steamboats, care for the river will cease.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUBBARD. I should like a minute or two more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for two minutes. Is there objection? After a pause.] The Chair hears none.

Mr. HUBBARD. Mr. Chairman, this appropriation is intended especially for dredging; for the removal of snags; for improvements which will scarcely last until the boat passes by that makes them. Dredging the channel of the Missouri River You might as well undertake to dredge a channel for the north wind and expect it to be permanent. You never can improve the channel of the Missouri River in that way or improve its navigability. The one way of improvement is by the protection of the banks, and that is expressly denied in this bill. The only method is to hold the stream within such limits as may prevent the vast destruction now involved in its unrestrained flow and at once save the fertile fields and fix the channel.

It is true that but few tons of freight are now carried, but it is also true that down that stream annually goes freight as precious as the coal of Pennsylvania. Our acres are carried, millions of tons, worth millions of dollars, every year. I stood on the bank of the Missouri this fall and looked out over a desolate and barren sand bar which had replaced 1,700 acres of ground as fertile as the sun shines upon. In my district alone thousands upon thousands of dollars' worth of real estate are freighted down that river every year. And we are told that it it is well worth the while to spend \$63,000,000 upon dams and locks to slack-water the Ohio to move Pennsylvania coal, but it is no concern of the United States to spend a cent to hold fast and preserve our acres. It is a matter of grave public concern to see that John Smith carries his corn to market by the river, but it is of no public concern that the river should sweep away the land that bears the corn. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. ELLIS. Mr. Chairman, at the risk of seeming to lack sympathy for those people at Elwood in the dire straits de-picted by the gentleman from Kansas [Mr. Scorr], I must suggest to the committee the utter impossibility of this proposition. In justice to other communities along the Missouri River not only, but to other communities as well on other rivers that are provided for in this bill, this provision for the protection and relief of these people can not be made. If it is true that revetment is necessary there to save private property, at a cost of \$75,000, it is equally true that like work of like cost would be required at Parkville, 40 or 50 miles below, and at other points on the river which I might name. Now, we are trying to make a new start along rational lines, to restore commerce on the Missouri River. We want the moderate amounts appropriated by this bill to be applied primarily and directly to improving navigable conditions. I think that ought to be satisfactory to all of us on this floor. Those of us who, without any doubt or misgiving, are for improving and using the channel of the Missouri River surely must be glad and satisfied that the money appropriated is to be so devoted and expended. Those, if any, who have misgivings about that certainly will be better satisfied if they know the amounts carried in the bill will be so expended,

Mr. Chairman, efforts heretofore made by Congress to develop this great river have resulted in disappointments both here and out there. It has been suggested in this debate that for the large sums appropriated we have little to show. There is too much truth in this charge. We have something left, however, in view of the mistakes that have been made-a good deal, in Wherever money has been spent systematically, rationally, and for the primary purpose of permanent improvement of the channel, results have been lasting and, to a high degree, satisfactory. I hope we have learned from our mistakes. It satisfactory. I hope we have learned from our mistakes. It will be a part of the purpose of the surveys provided for in this bill to bring to the Congress a showing of what has been done that is permanent and lasting. The chairman, in his opening statement, said in effect that we were to be given a new trial out there. We expect to make good. In view of these considera-tions, and in view of the policy of the committee, which under the circumstances and conditions as they exist I approve, I

trust that this amendment will be voted down.

Mr. BURTON of Ohio. Mr. Chairman, just a word on this amendment. I think it deserves somewhat extended reference. I indorse every word of what my colleague from Missouri [Mr. in the neighborhood of 400,000,000 bushels of corn. A diminu- ELLIS has said in reference to it. No one can avoid sympathizing with the claims of the community, such as have been presented with reference to this town of Elwood. But this question of the protection of the banks of streams, navigable and nonnavigable, for the mere saving of abutting property, has been under consideration by the committee and by Congress for a number of years. We have at last established the policy that for all streams under the control of the Army engineers we would not recommend appropriations unless directly and immediately required in the interest of navigation. Now, it is not any desire to shut out the claims of any community or State that brings us to that conclusion. I want to say for the Committee on Rivers and Harbors that they are the best friends of the real improvement of harbors and rivers. What would happen if we threw the door wide open and let in all these extraneous matters of protection against floods and protection of banks against erosion? What would happen if we allowed undeserving claims to find a place in our bill? Why, there would be so large an amount in one of these measures, such extravagance, that the bill would become a public scandal. It would be a pork barrel, as it has been sometimes termed, and as it is sometimes termed even now.

Occasionally, I have no doubt, we make mistakes, and items are included here which should not be, but we are striving to follow certain general rules. The first to be observed is the promotion of navigation, and, I may add, with a preference for those channels and harbors where navigation already exists and increased facilities are required. We are seeking to frame our appropriation according to the prospective benefits which will acrue. We are seeking to rigidly exclude matters which do not belong to the promotion of navigation. Now, this in one. I do not want the members of the committee to omit to consider what would happen if we should consent to this item. It would mean that we must do the same on every navigable stream in the United States; and, indeed, there is no difference in principle in this regard between a navigable and a nonnavigable stream. It would mean that ultimately we must protect the banks and private property abutting on all streams in the United States, and in a very few years the provisions made for navigation would be entirely eclipsed by the much larger amounts required for the protection of property. It is for this reason that we object, and object strenuously, to this item.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Kansas [Mr. Scott].

The question being taken, the amendment of Mr. Scorr was

rejected.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last word. I do not rise to oppose any of the provisions in this bill. I am heartly in favor of river and harbor improvements, and I hope that in due time the gentlemen from Missouri and the gentlemen from Illinois will have their hearts gladdened by a deep waterway from the Lakes to the Gulf. My objection to the last paragraph read is not to what it does, but to what it does *not* do. We have a provision in this paragraph for \$100,000 for the Missouri River from Kansas City to Sioux City. As a matter of fact, it ought to be \$2,000,000. We have in the cities of Omaha and South Omaha a large amount of freight to handle. Last year our jobbing trade was \$85,000,000. The aggregate value of the stock received at South Omaha was We handled at Omaha last year over 45,000,over \$90,000,000. 000 bushels of grain, and we have for the reception and storage of grain an elevator capacity of 6,000,000 bushels. Our manufactures, including the output of the South Omaha packing houses, are about \$200,000,000 per annum.

Mr. Chairman, we have the freight, and we have the Missouri River, and, notwithstanding all statements to the contrary, the Missouri River is more easily navigable to-day than it was in the early days when constantly used for freight transportation I base that statement not only upon my own knowledge, but upon the opinion of the engineers who are familiar with the river and who have had charge of that work. issue with some of the gentlemen with reference to the result of dredging the Missouri River, although I believe that the most effective method of dredging that river is by contracting the channel and letting the water do the work. That is a prac-tical plan. It is so practicable that it will be tried, and it will

prove to be a success.

During the summer months we had pleasure boats on the Missouri plying to the north and to the south. We have organized in the city of Omaha a company which is now arranging to place on the river during the coming season boats and barges for the carrying of freight. When we have demonstrated that those boats and barges can ply on the river, that freight can be carried on the Missouri, we will be back here asking from you a liberal appropriation for river improvements, and will then be satisfied not with thousands, but with millions, to restore the Missouri to the map for commercial purposes,

Now just another thought.

[The time of Mr. Kennedy of Nebraska having expired, by unanimous consent his time was extended five minutes.]

Mr. KENNEDY of Nebraska. The question has been suggested in various forms on this floor, and in fact was asked me the other day by the distinguished chairman of the Rivers and Harbors Committee, why the Missouri and Mississippi rivers are not used to a larger extent for the transportation of freight. My answer to that question was then and is now that these rivers would have been used more largely for the transportation of freight had it not been for the common custom of railroads in paying rebates to the large shippers throughout the land. The large shippers in the cities of the United States have not been interested in the years gone by in reducing the rates; they have not been interested in cheap transportation; they have been interested solely in getting an advantage over their competitors. Large shippers, therefore, have had nothing to gain by opening up the rivers to navigation. The small shippers have not had the financial power or influence to do it.

I went up, Mr. Chairman, to the irrigation congress which was held in this city last December, and sat for nearly two days listening to the speeches and noting the proceedings. The large business interests of the land were there represented, urging liberal appropriations for rivers and harbors. I say to you and to this House that had it not been for the passage of the rate bill those powerful influences would not have been in that congress, and you would not now have behind this bill the united business interests of the country. If we should repeal the rate bill, passed at the last session, we would withdraw from this project of improving the rivers and harbors of the country the most potent

influences behind it to-day.

Now, Mr. Chairman, I make these remarks because in that system of rebates I believe lie the most reasonable excuse and explanation for the fact that these rivers have not been more largely employed for transportation purposes. I believe that the future will justify me in the statement I make that, with rebates prohibited, the large shippers of the country bestir themselves to obtain not advantages over their legitimate competitors, but cheaper rates, which will work to their advan-tage and to the advantage of the whole country. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

The Clerk read as follows:

Improving harbor at Oakland, Cal.: Continuing improvement, \$68, 203: Provided, That the adopted project may be extended as recommended by the Board of Review on Rivers and Harbors in a report dated January 11, 1907, so as to include the following work: Extension of South Jetty, 500 feet; widening to 500 feet the channel 25 feet deep from San Francisco Bay to Fallon street; deepening to 25 feet the channel 300 feet wide from Fallon street to the tidal basin; deepening to 17 feet the channel 300 feet wide around the north side of the tidal basin to the tidal canal, and from the tidal canal along the Alameda shore to Tenth avenue: Provided further, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said improvement as herein adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$300,000, in addition to the amounts herein and heretofore appropriated or authorized for said harbor.

Mr. RURTON of Ohio. Mr. Chairman, I desire to offer the

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 77, after the word "avenue," in line 14, insert "axd any balance remaining on appropriations or authorizations heretofore made for the improvement of the harbor at Oakland may be applied to the project as so extended."

The amendment was considered, and agreed to.

The Clerk read as follows:

Improving the waterway connecting Puget Sound with Lakes Union and Washington, Washington: For maintenance of improvement, \$10,000; and the Secretary of War may make a survey and estimate of cost of said waterway or canal with one lock, with a view to the construction of the same, in conjunction with the county authorities of King County or other agency, of sufficient size to accommodate the largest commercial or naval vessels afloat; or, if deemed more advisable, with a view to the construction of a canal of less dimensions, and to submit dimensions and estimate of cost of same, together with a report upon what portion of said work will be done or contribution to be made by said county or other agency.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

The Cierk read as ioliows:

After the word "agency," in line 23, page 82 of House bill, add the following:

"And the provisions of the act approved June 11, 1906, authorizing James A. Moore, or his assigns, to construct a canal, with suitable timber lock, are hereby so modified as to permit the said James A. Moore, or his assigns, subject to the conditions and stipulations of the act, to excavate a channel 75 feet wide and 25 feet deep at mean low water from deep water in Puget Sound to deep water in Lake Washington, in lieu of constructing the canal and timber lock specified in the said act,

the location of the said channel and work of excavation to be subject to the direction of the Secretary of War, and when completed and accepted by the Secretary of War the channel to be and remain a free public waterway of the United States."

Mr. BURTON of Ohio. Mr. Chairman, just a word in explanation. The county of King, in which Seattle is located, has endeavored to cooperate with the General Government in the creation of a waterway from Puget Sound to Lake Union and Lake Washington. These are fresh-water lakes located at an elevation above the level of the sea, and a very large amount of anchorage would be afforded in each of them. the last session of this Congress an act was passed authorizing the construction by private parties of a wooden lock in the passageway between Puget Sound and Lake Union, with a view to providing a navigable passageway between the two. It has been decided that such construction is not best, and the request comes from the locality that the money which might have been used upon the wooden lock may be used for dredging, with the thought that the Government would cooperate in constructing a substantial structure of masonry in place of the wooden lock which was contemplated.

I desire it to be distinctly understood that this provision does not commit the Government to the construction of a lock and dam there. When I have said that, however, I should say that, so far as my own personal opinion or wish is concerned, I hope the time may come when the Government may cooperate in completing this waterway between the Sound and the lakes, because I recognize that this community has grown as rapidly as any in the United States; that its shipping is increasing enormously; that it has received only very small appropriations from the Government, and, last of all, that it has shown a disposition to do for itself in the way of cooperation and paying part of the expense.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Ohio.

The question was taken; and the amendment was agreed to. Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I simply want to say this with reference to the amendment just adopted. As the chairman has stated, the people of King County and Seattle are very anxious about the construction of this canal. They are not only anxious to have it done, but they have been willing to contribute toward the construction of this work. They have donated the right of way in the first instance at a cost of \$250,000. That right of way now in itself is worth over \$1,000,000. Last session of Congress we passed a bill here granting to James A. Moore and his assigns permission to construct this canal with a wooden lock. The facts are in regard to that, that the county of King was to turn over to Mr. Moore \$500,000 in bonds to assist him in the construction of that canal, and the people of King County actually voted those bonds four to one. When an official estimate was made, however, as to the cost of the lock, it was found that the lock would cost in itself \$400,000 instead of \$100,000, as Mr. Moore had estimated, so that it was found to be impossible for him to carry out the proposition. After Congress met at this session, after most of the bill had been framed, the people of King County came to the committee with the proposition for the Government to take up the proposition with their help. It was imossible, however, for the committee, under the principles it was following in the framing of the bill, to take a proposition on that would carry probably a million and a half upon the part of the Government. These people are ready and willing and have simply asked that they may be allowed to go on and spend \$500,000 and possibly more in the dredging of a channel along this right of way. They recognize that it does not obligate the Government to take up this proposition, but they do feel that when they do that they will make such a showing in the construction of this canal with the increase in population and business that when we frame another river and harbor bill the Government will feel fully justified in taking on this work. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

In all cases in which appropriations or authorizations have hereto-fore been made, or are herein made, for the completion of river and harbor works, and the amounts appropriated or authorized shall prove insufficient for completion, the Secretary of War may, in his discre-tion, on the recommendation of the Chief of Engineers, apply such amounts appropriated or authorized for the prosecution of such work.

Mr. BURTON of Ohio. Mr. Chairman, I would call attention to the fact that we have passed three or four paragraphs that were passed without prejudice until the completion of the readsing of section 1. The first is on page 11, where I ask, as a substitute for lines 4 to 7, the adoption of the following amendment, which I send to the desk and ask to have read. I would say after consultation with the Chief of Engineers and his first assistant, with the gentlemen from New York, Mr. Waldo, Mr.

FITZGERALD, and Mr. Towne, this paragraph has been agreed upon.

The Clerk read as follows:

Page 11, instead of lines 4 to 7, inclusive, insert the following: "Improving Bay Ridge and Red Hook channels in the harbor of New York: The Secretary of War is authorized, in his discretion, to prosecute the improvement in said channel with a view to obtaining, first, a depth of 35 feet, and subsequently increasing said depth to the full depth allowed in the adopted project, as the available depth in the entrance channel to said harbor shall require."

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Ohio.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise merely for the purpose of obtaining information. I do not envy my colleagues from New York for having made this agreeable arrangement looking to a 40-foot survey, but I desire to ask the chairman of the Committee on Rivers and Harbors whether the authorization for a survey to 40 feet, as apparently is contemplated by this amendment, was made before or after the policy of the committee was settled that there should be no surveys for work in anticipation of work appropriated for, but not completed?

Mr. BURTON of Ohio. Mr. Chairman, if I may answer the question of the gentleman directly, I may say that this provision is not a survey at all; but to answer the spirit of his question, rather than the letter, I would say that the survey under which they are now at work in the New York Harbor was made in the month of December, 1898. There were half a dozen separate resolutions brought in. Under that resolution a report was made during that month giving estimates, respectively, for a channel 35 and 40 feet deep through what is now known as "Ambrose channel" to the sea. This provision inserted here is with a view to a limitation of the subsidiary project in New York Harbor, which was adopted to a depth of 40 feet in 1899. This looks toward a limitation of the depth until the deep channel out to the sea is completed. I take it that answers the gentleman's question. The gentleman wants, I understand, an explanation as to how that 40-foot channel for New York Harbor was adopted, and I shall be very glad to tell him.

Mr. MOORE of Pennsylvania. I am not rising in any con-

tentious spirit at all.

Mr. BURTON of Ohio. Certainly not.

Mr. MOORE of Pennsylvania. But it is apparent, inasmuch as provision seems here to be made for an ultimate depth of 40 feet for a port along the Atlantic coast, that, a depth of more than 30 feet having been refused the Delaware, there is a disparity that may very easily be misunderstood by the lay mind. I am endeavoring to get information as to whether the authorization in this instance was made before the committee adopted the policy which has been explained to the House by the chairman of the committee.

Mr. BURTON of Ohio. It was made in 1898-99-that ses-Further answering the gentleman's question, I think he will find that since the days of boats of even moderate draft there has always been a difference of 7 to 10 feet between the channels leading to New York and leading to Philadelphia. There have been exceptional years when Philadelphia would want more, but the general condition has been about that. have to say, further, that the House adopted a provision for the 35 feet only, and the Senate placed on the addition.

Mr. MOORE of Pennsylvania. They have a 35-foot channel

Mr. BURTON of Ohio. No; they have only a 32-foot channel

by way of Sandy Hook.

Mr. MOORE of Pennsylvania. I would like also to ask whether in the bill now drawing to a close there is provision made for any survey in anticipation of work appropriated for and not completed?

Mr. BURTON of Ohio. How do I understand the gentle-man's question—"work appropriated for and not completed?"

Mr. MOORE of Pennsylvania. That is correct.

Mr. BURTON of Ohio. I could not answer that question absolutely by saying "no" to it, but that is the general rule we have pursued.

Mr. MOORE of Pennsylvania. I was led to believe, as the result of the discussion relative to the Delaware the other day, that there had been no other instance in which a survey had been permitted for work in advance of work appropriated for.

Mr. BURTON of Ohio. I would say that there is no exception to that practice. There may be a case where work is so nearly finished, or different conditions have arisen, or where we find the larger project would be the cheaper in the long run, but the general principle remains.

Mr. MOORE of Pennsylvania. Then, it can be fairly stated that there is no discrimination in favor of this port so far as

the committee is concerned?

Mr. BURTON of Ohio. No; there is no discrimination.

Mr. MOORE of Pennsylvania. I am looking to the future, as my colleagues from New York are, and am simply going back to the good old mother-taught suggestion, "If at first we do not succeed, try, try again." I have no objection to the amend-

The question was taken; and the amendment was agreed to.
Mr. BURTON of Ohio. Mr. Chairman, the next paragraph
which was passed without prejudice was on page 20, lines 10

and 12, inclusive, and I desire to offer an amendment there.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

On page 20 strike out all of line 11 after the word "Pennsylvania;" also line 12, and insert in lieu thereof the following: "For the repair and construction of Dam No. 3 and for the completion of Dam No. 2, \$235,000."

Mr. BURTON of Ohio. It should be said, Mr. Chairman, that this adds to the bill \$35,000, an amount made necessary by a report which was received within a very few days and on which the information was not absolutely complete until after we commenced the consideration of this bill. I think that we should provide the additional sum as set forth in the amend-

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. Burton].

The question was taken; and the amendment was agreed to. Mr. BURTON of Ohio. The next is on page 69, line 5. yield to my colleague on the committee [Mr. LORIMER] to offer an amendment.

Mr. LORIMER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. LORIMER] offers an amendment, which the Clerk will report.

The Clerk read as follows

On page 69, line 5, strike out the words "for maintenance" and all of line 6 and insert in lieu thereof: "Continuing improvement and for maintenance, \$200,000."

Mr. BURTON of Ohio. Mr. Chairman, I want to say in regard to this that my attention has been called to the project since the return of my colleague [Mr. LORIMER], who was detained by illness during the larger part of the time the River and Harbor Committee had the bill under consideration. I regard the amendment as a proper one, and trust the committee will sustain it.

Mr. MANN. Mr. Chairman, in this connection the improvement of the Chicago River by the General Government for years has been delayed in a way on account of the tunnels which were an obstruction to navigation there. Under the law that was passed several years ago progress has been made for the removal of those tunnels, and within the last three or four or five days, I think, the contract either has been signed or the matter has been arranged so that the final removal of the tunnels is now considered as a practically established fact within a short time. And I hope when that is accomplished that in addition to the sum that is appropriated here we may have the further attention of the committee, because what has stood in the way heretofore will now be out of the way.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Illinois [Mr. LORIMER].

The question was taken; and the amendment was agreed to. Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment as a substitute for the following paragraph—the one immediately following the one just now considered. This is an additional amount for which provision is made under continuing contract. It was not brought to the attention of the committee at the time the bill was framed.

The CHAIRMAN. The gentleman from Ohio offers an amend-

ment, which the Clerk will report.

The Clerk read as follows:

On page 69, after the word "dollars," in line 9, strike out the period and insert a semicolon and "Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$170,000, exclusive of the amounts herein or heretofore appropriated."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. Mr. BURTON of Ohio. Now, Mr. Chairman, I desire to ask unanimous consent to recur to paragraph on pages 72 and 73 relating to the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio for unanimous consent to recur? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. Now, Mr. Chairman, I do not wish to

press this amendment, which is suggested by a letter received from the engineer in charge since this bill began to be considered, if there is any objection from the Members from that part of the river. I would like to inquire, first, in whose district is the town of Wittenberg, in Missouri?

Mr. KLEPPER. That must be off the map.
Mr. BURTON of Ohio. The gentleman says that is off the Then I will offer the amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. Burton] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 73, after line 5, insert "and the amount of \$10,000, hereto-fore appropriated for Wittenberg Harbor, shall be made available for the general improvement of the river."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Sec. 2. For preliminary examinations and surveys (other than those mentioned in section 1), contingencies, and for incidental repairs for which there is no special appropriation for rivers and harbors, \$300,006: Provided, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: Provided further, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless ordered by a concurrent resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law: Provided further, That all expenses heretofore and hereafter incurred by the War Department for examinations, reports, inspections, superintendence, or any other action necessary in executing the provisions of the act of Congress approved June 11, 1906, entitled "An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," shall be payable from funds herein and hereafter appropriated for examinations, surveys, and contingencies of rivers and harbors, the allotments for such expenses to be made by the Chief of Engineers.

Mr. MANN. Mr. Chairman, I reserve the point of order

Mr. MANN. Mr. Chairman, I reserve the point of order against that in order to make an inquiry of the gentleman from Ohio [Mr. Burron]. What is the object in saying here that no preliminary examinations shall be made unless under some prior act or joint resolution? Of course

Mr. BURTON of Ohio. This is the case: That phraseology has been carried along from bill to bill. There is usually a small number of surveys or preliminary examinations ordered in prior resolutions or acts which have not yet been made.

Mr. MANN. This was the point that struck my mind: Of course this is merely a limitation on this appropriation where there can be no possible objection to it; but if it is in the enactment of permanent law, it attempts to say that Congress can not do something by act of Congress hereafter.

Mr. BURTON of Ohio. I do not think that there will be any

trouble because of that.

Mr. MANN. The same is true as to that part of the bill in reference to reports: "No supplemental or additional report or estimate shall be made unless ordered by a concurrent resolution of Congress." Now, of course, that could be put in the bill, but you could not prevent Congress passing an act saying this shall be.

Mr. BURTON of Ohio. Certainly not.

Mr. MANN. Why do you say "unless ordered by Congress?" Mr. BURTON of Ohio. That is practically explained in the next clause, where it provides that surveys or estimates shall be ordered by concurrent resolution.

Mr. MANN. But suppose we should pass a joint resolution? Mr. BURTON of Ohio. The greater includes the less.

would order a survey.

Mr. MANN. I take it would be provided for, notwithstanding the fact that it would be in the teeth of the provision; but as you say that this is an old thing in the bill I do not know that it makes any difference.

Mr. BURTON of Ohio. That form was adopted quite a period of time before I was on the committee, and partly out of

respect for our predecessors we have retained it.

Mr. MANN. I commend to the gentleman hereafter the remodeling of the form as to that, because it is certainly very

Mr. BURTON of Ohio. It has worked very well, and the best test of legislation is that it is effective.

Mr. MANN. It will be effective until a case arises to test the question of its effectiveness. We can not tell whether legislation is effective or not until an occasion arises to test the legis-You have had no case to arise.

Mr. BURTON of Ohio. There will be no trouble about that. Mr. MANN. This seems to require the War Department to

construe which one of the courses they shall pursue, where there

Mr. BURTON of Ohio. They would read the two together. We have had no trouble with this.

Mr. MANN. I withdraw the point of order.

Mr. GROSVENOR. I move to strike out the last word. do this, Mr. Chairman, with the purpose of making a suggestion or two in regard to the grounds upon which general appropriations for the development of waterways have been supported here, from which I respectfully dissent. If I caught the drift of the argument, the proposition was that appropriations should be based upon the commerce or tonnage upon the particular waterway that was sought to be improved. In other words, the amount of appropriation should be measured by the existing tonnage upon the particular way to be improved. I think there can be no more erroneous proposition than that put forward as the underlying principle in the matter of appropriations for This is an old battle that has been fought here many years ago, and I am only going to point out one or two illustrations, first stating, however, my own proposition. If anybody who has intelligently studied the situation believes that a great commerce will grow up by reason of the improvement the measure of appropriation ought to be the measure of benefits that are to come in the future and by no means limited or measured by the conditions in the past or present.

Now, I have two illustrations in my own State. When I was first a member of the Committee on Rivers and Harbors the port of Black River and the port of Ashtabula had a depth of water of about 7 to 9 feet, and when estimates were made and the attempt was made to improve those harbors by dredging to a greater depth we were met exactly with this antiquated argument, and I was challenged over and over again on this floor with the question, "What is the commerce of Black River?" Well, there was practically no commerce at all, and the same was in a measure true of Ashtabula. But we plodded ahead with the prospect of the development of commerce at those two At last we succeeded in getting estimates and appropriations, and we have now a channel of something like 18 or 19 feet at each one of those ports, and the result of it is that the harbor of Ashtabula handles more of the lake trade from the upper lakes by far than the great harbor of Cleveland does.

Mr. BURTON of Ohio. Will the gentleman permit an inter-

ruption?

Mr. GROSVENOR. Certainly.
Mr. BURTON of Ohio. The commerce of Cleveland is still considerably larger than that of Ashtabula, by the proportion of about 9 to 12

Mr. GROSVENOR. Now, the gentleman does not hear what I say, and makes a statement that does not answer my statement. The commerce of Ashtabula is with the upper of the main chain of lakes. That is what I said and what I say. It has a far greater amount of commerce with Duluth and the upper lakes than does Cleveland. Cleveland has more general commerce, that is doubtless true.

But take this revolution that has taken place at Black

The CHAIRMAN. The time of the gentleman has expired.
Mr. GROSVENOR. I would like to finish the sentence. I ask for two minutes more time.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none.

Mr. GROSVENOR. There was a village, and now it is a place of 20,000 inhabitants. Where there was a country village there are some of the largest iron and steel manufactories in the world, and a commerce that is almost equal, so far as iron and steel is concerned, to any other harbor in the whole chain of the upper lakes.

So I say that there must be some estimation, something that brings the judgment of Congress to bear upon the future of a project, or you will waste your time in many of the appropria-I am not complaining about anything in this bill, I want that to be distinctly understood; but I am talking of the practice about which many hours of discussion were had in the earlier days of my experience in Congress. [Applause.]

Mr. BURTON of Ohio. Mr. Chairman, just a word. Of course the committee does not, in making up this bill, consider alone the present tonnage. Indeed tonnage is not altogether a conclusive test, because the value of the freight carried, and the number of passengers, etc., must be taken into account. But I will state to my colleague that after all the best test is existing commerce, in connection with which we must consider prospective benefits in the way of commerce to be developed in the future. It would seem to me that the principle he advocates would cause us to leave the solid ground of reality and disregard existing conditions. We would be giving our at-

tention to conjectures about what might result in the future. That certainly would not be a safe principle.

Mr. Chairman, the so-called "Gallinger shipsubsidy bill" is dead-dead as a door nail-and now lies a corpse in the Committee on Merchant Marine and Fisheries,

with no one to do it honor.
Public opinion killed it, but I think I contributed somewhat to its early demise by the speech I made in this House on Thursday, April 26, 1906, when I said in regard to it:

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible—it is unrepublican, undemocratic, and un-American—and no man who understands the question can justify the steal in the face of the facts. If we had continued the policy of the fathers we would to-day be the greatest maritime nation in the world, and our flag would be on every sea, and our ships would be carrying the commerce not alone of our own country, but perhaps half of that of all the other great nations of the world.

Now, Mr. Chairman, in order that the record regarding the legislation proposed to restore the American merchant marine may be complete, I want to send to the Clerk's desk and have read in my time the so-called "Gallinger ship-subsidy bill" as it passed the Senate, and as it died in the committee of the House.

The Clerk read as follows:

An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce.

An act to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to to establish American ocean mail lines to foreign markets, and to the line of the line of

4347 of the Revised Statutes as amended by the acts of February 15, 1893, and February 17, 1898.

(b) A vessel while exclusively employed in carrying between foreign

(c) A vessel while exclusively employed in carrying between foreign ports.

(c) A vessel for a voyage extending only to a foreign port less than 150 nautical miles from her last port of departure in the United States or from a foreign port less than 150 nautical miles from her first port of arrival in the United States.

Sections 1 and 2 of an act approved April 15, 1904, entitled "An act to regulate shipping in trade between perts of the United States and ports or places in the Philippine Archipelago, and for other purposes," shall not take effect until July 1, 1909, and until that date a vessel of the United States employed in trade between the United States and the Philippines shall receive for the period of its employment in such trade an additional subvention of 30 per cent of the rates provided in this section. After that date a vessel of the United States so engaged shall receive no subvention under this section.

A vessel receiving a subvention under this section shall not receive any other subvention, subsidy, or bounty from the Treasury of the United States.

A vessel receiving a subvention under this section shall not receive any other subvention, subsidy, or bounty from the Treasury of the United States.

SEC. 3. That before receiving any subvention under the provisions of section 2 of this act the owner or owners of any vessel shall contract, in writing, with sufficient sureties, with the Secretary of Commerce and Labor to fulfill each and all of the following obligations:

First. That said vessel may be taken and used by the United States, for the national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair actual value of the same at the time of the taking, or a fair rate of hire to be agreed upon. And if there shall be a disagreement as to such fair actual value or fair rate of hire between the United States and the owner or owners of such vessel, the United States is hereby authorized and empowered to take the vessel at once, leaving the fair actual value or fair rate of hire be determined thereafter by two impartial appraisers, one to be appointed by each of said parties, they to select a third, who shall act in such appraisement in case the two shall fail to agree and the provisions of this subdivision shall be embodied in every contract between the vessel owner or owners and the United States.

Second. That said vessel shall carry, free of charge, the mails of the United States, when the Postmaster-General shall so require, for the whole of any part of a voyage for which subvention shall be claimed. Third. That until July 1, 1912, upon each departure of said vessel from the United States at least one-sixth, and after July 1, 1912, one-fourth of the crew shall be clizens of the United States, or men who have had two years or more experience on deck at sea or on the Great Lakes.

Fourth. That a vessel employed in the foreign trade shall maintain, during the period so employed, at least class A1 if a steam vessel and at least class A1 if a sail vessel, as such classes are now established by either the Record of Amer

by either the Record of American and Foreign Shipping or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any register of shipping of at least equal merit.

Fifth. That all ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

Sixth. A vessel shall not be entitled to the subvention above provided for, unless during the period of employment in the foreign trade or deep-sea fisheries the following proportions of the crew of the vessel after the dates specified shall have been enrolled in the naval reserve: After July 1, 1917, one-fourth: Provided, That if the foreign path of the July 1, 1917, one-fourth: Provided, That if the foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the subvention.

Sec. 4. That the contracts provided for in section 3 shall be for a period of one year, and shall be renewed from time to time. At the expiration of each annual contract the owner of the vessel shall be required to prove to the satisfaction of the Secretary of Commerce and Labor, in such manner as the said Secretary shall prescribe, that its obligations, each and all, have been satisfactorily complied with. The Secretary of Commerce and Labor shall thereupon certify to the Secretary of Commerce and Labor shall thereupon certify to the Secretary of Commerce and Labor shall thereupon certify to the Secretary of Commerce and Labor shall thereupon certify to the Secretary be entitled in fulfillment of said contract and of the provisions of this act, and the Secretary of the Treasury upon proper audit shall thereupon pay the subvention due.

Sec. 5. That the Postmaster-General is hereby authorized and directed to enter into

than 14 knots speed, for a monthly service at a maximum compensation not exceeding \$187,500 a year, or for a fortnightly service at a maximum compensation not exceeding \$375,000 a year.

Third. From a port of the Atlantic coast of the United States to South Africa, on steamships of the United States of not less than 12 knots speed, for a monthly service at a maximum compensation not exceeding \$187,500 a year, or for a fortnightly service at a maximum compensation not exceeding \$375,000 a year.

Fourth. From a port of the United States on the Gulf of Mexico to Brazil, on steamships of the United States on the Gulf of Mexico to Brazil, on steamships of the United States on to less than 12 knots speed, for a monthly service at a maximum compensation not exceeding \$137,500 a year, or for a fortnightly service at a maximum compensation not exceeding \$137,500 a year, or for a fortnightly service at a maximum compensation not exceeding \$125,000 a year.

Fifth. From a port of the United States on the Atlantic coast south of Cape Hatteras and from a port on the Gulf of Mexico to Cuba, on steamships of the United States of not less than 14 knots speed, for a weekly service, at a maximum compensation not exceeding \$125,000 a year.

Sixth. From each of two ports of the United States on the Gulf of Mexico and from New Orleans to Central America and to the port of Cristobal on the Isthmus of Panama, on steamships of the United States of not less than 12 knots speed, for a weekly service at a maximum compensation not exceeding \$75,000 a year.

Seventh. From a port of the United States on the Gulf of Mexico to Mexico, on steamships of the United States of not less than 12 knots speed, for a weekly service at a maximum compensation not exceeding \$75,000 a year.

Eighth. From a port of the Pacific coast of the United States via Hawaii to Japan, China, and the Philippines, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding \$800,000 a year, or for a for

on the States of not less than 10 knots speed, for a monthly service at a maximum compensation not exceeding \$300,000 a year, or for a fortnightly service at a maximum compensation not exceeding \$600,000 a year.

Ninth. From each of two ports, namely, Puget Sound and the Columbia River, of the North Pacific coast of the United States of not less than 13 knots speed, for a monthly service at a maximum compensation not exceeding \$210,000 a year, or for a fortnightly service at a maximum compensation not exceeding \$20,000 a year.

Tenth. From a port of the Pacific coast of the United States via Hawaii and the Samoan Islands to Australasia, on steamships of the United States of not less than 16 knots speed, for a service once in three weeks at a maximum compensation not exceeding \$217,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Eleventh. From a port of the Pacific coast of the United States to Mexico, Central America, and Port La Boca on the Isthmus of Panama, on steamships of the United States of not less than 12 knots speed, for a pear: Provided, That the requirements of this section as to the rate of speed shall be deemed to be complied with if said rates are developed during a trial of four hours' continuous steaming at sea in ordinary weather in water of sufficient depth to make the test a fair and just one, and if the vessels are maintained in a condition to develop such speed at any time while at sea in ordinary weather. This trial shall be made under the direction and supervision of a board of naval efficers which the Secretary of the Navy shall appoint upon the application of the owner or owners of the vessel to be tested.

Sec. 7. That all contracts hereafter made pursuant to the act of March 3, 1891, before mentioned, or pursuant to sections 5 and 6 of this act, shall provide that on each voyage the following proportion

return of said vessel to the United States, without forfeiture of the compensation.

SEC. S. That on proof to the satisfaction of the Commissioner of Navigation that a vessel of the United States has on any foreign voyage carried a boy or boys, a citizen or citizens of the United States, under 21 years of age, suitably trained during that voyage in steamship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registering tonnage, there shall be paid to the owner or owners of the vessel, out of any money in the Treasury not otherwise appropriated, an allowance equivalent to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage: *Provided*, That such payment shall not be made after July 1, 1908, except in respect of any boy who is enrolled as seaman, third class, in the Naval Reserve, or is an apprentice indentured in accordance with law.

SEC. 9. That this act shall take effect on July 1, 1906.

SEC. 10. That Congress reserves the right to alter, amend, or repeal this act, in whole or in part, whenever in its judgment the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of sections 2, 3, 5, and 6 of this act.

Mr. SULZER. Now let us see for a moment just what this

Mr. SULZER. Now let us see for a moment just what this so-called "Gallinger ship-subsidy bill"—the bric-a-brac work of the Merchant Marine Commission—attempted to do, so that we will understand what we are considering. I want to read the subsidy part of it again:

the subsidy part of it again:

That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury, to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates, to the owner or owners of any steam vessel of over 1,000 gross tons, and of any sail vessel of over 200 gross tons, and fishing vessel of over 20 gross tons hereafter built and registered in the United States or now duly registered by a clitzen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), engaged exclusively as a common carrier for the service of the public, subventions (that is, subsidies; they both mean the same thing) as hereinafter provided—that is to say, (a) the sum of \$5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve

months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of \$4 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of nine months or over, but less than twelve months, including the time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs; (c) the sum of \$2.50 per gross registered ton for each vessel which during any twelve consecutive months has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months, including time necessarily consumed in receiving or discharging cargo or not to exceed one month in making extraordinary repairs.

This is the salient subsidy feature of the Gallinger bill and

This is the salient subsidy feature of the Gallinger bill, and it is all I desire to read to the House at the present time for the

purpose of this discussion.

Mr. Chairman, in place of the Gallinger bill the gentleman from Ohio [Mr. GROSVENOR] and his colleagues on the committee struck out all of the Gallinger bill and inserted in its place a new subsidy by way of amendment. This new ship-subsidy new subsidy by way of amendment. This new snip-subsidy proposition is the same old foe of the people. It is the same old effort to get something from all the people for somebody for nothing. It has been pending in either one branch or the other of the Congress, in one form or another, for the last ten years. At one time it was the Hanna-Payne ship-subsidy bill, and Senator Hanna succeeded in passing it through the Senate, only to have it ignomificusty defeated in the House of Representatives. In another Congress Senator Hanna did his very best to pass it again through the Senate, but failed, and in this session of Congress we have the old foe with a new face in the Grosvenor new ship-subsidy bill, reported by the Committee on Merchant Marine and Fisheries at the beginning of this session of Congress.

This new ship-subsidy bill differs but little in principle from its predecessors, and its fate should be the same. It is essentially a subsidy bill, and by subsidy I mean that the Government is compelled by law to take a part of its money, paid in taxes by all the people for the support of the Government, and give the money to a special interest to aid that interest in its special line of business. This is the scheme in a putchell and This is the scheme in a nutshell, and any line of business. policy of this character is inherently wrong in principle, constitutionally indefensible, and can not be justified by any theory of our system of government. Subsidies are monarchical and not republican; they have no place in a government of the

people and by the people.

The Gallinger ship-subsidy bill was cleverly manipulated through the Senate on the 14th day of February last year by a vote of 38 to 27. Not a Democratic Senator, I am glad to voted for the bill, and to their eternal fame be it said that five Republican Senators voted against it. These Republican Senators, in my opinion, are entitled to the commendation of the people, and I take great pleasure in giving their names. They were: Messrs. Burkett, Dolliver, La Follette, Spooner, and WARNER. The American people should remember these

Now, Mr. Chairman, I want to put in the Record the new ship-subsidy bill, which is a substitute for the Gallinger bill, and is proposed by the gentleman from Ohio and his colleagues on the Committee on Merchant Marine and Fisheries as a remedy for our shipping evils, and I send the same to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

A COPY OF THE GROSVENOR SUBSIDY BILL.

That the act entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," approved March 3, 1891, be, and hereby is, amended by adding thereto the following section:

"SEC. 10. That the Postmaster-General is hereby authorized and directed to enter into contracts for a term of ten years, with citizens of the United States, for the carrying of mails on steamships hereafter built in the United States and registered in the United States, or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof, a majority of the stock of which shall be and shall continue to be owned by citizens of the United States), between ports of the United States and ports on the routes and for amounts hereinafter prescribed.

"First. From a port or ports of the Atlantic coast of the United States to Brazil, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding \$300,000 a year, or for a fortnightly service at a maximum compensation not exceeding \$600,000 a year.

"Second. From a port or ports of the Atlantic coast of the United States to Argentina, on steamships of the United States of not less than 16 knots speed, for a monthly service at a monthly compensation not exceeding \$400,000 a year, or for a fortnightly service at a maximum compensation not exceeding \$70,000 a year: Provided, That a vessel receiving compensation for mail service pursuant to contract on a voyage on this route shall not also receive compensation for mail service pursuant to contract on a sid voyage on the first route as described above.

"Third. From a port or ports of the United States on the Gulf of Mexico to the Isthmus of Panama, on steamships of the United States of not less than 14 knots

"Fourth. From a port or ports of the Pacific coast of the United States to the Isthmus of Panama, Peru, and Chile, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding \$600,000 a year.

"Fifth. From a port or ports on the Pacific coast of the United States vin Hawaii to Japan, China, and the Philippines on steamships States vin Hawaii to Japan, China, and the Philippines on steamships for a fortinightly service at a maximum compensation not exceeding \$700,000 a year.

"Fifth. From a port or ports on the Pacific coast of the United States vin Hawaii to Japan, China, and the Philippines on steamships of the United States of Japan, China, and the Philippines on steamships of the United States of Japan, China, and the Philippines on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding \$850,000 a year or for a fortnightly service at a maximum compensation not exceeding \$850,000 a year or for a fortnightly service at a maximum compensation not exceeding \$850,000 a year or for a fortnightly service at a maximum compensation not exceeding \$80,000 a year or for a fortnightly service at a maximum compensation not exceeding \$80,000 a year or for a fortnightly service at a maximum compensation not exceeding \$200,000 a year or for a fortnightly service at a maximum compensation of a service once in three weeks at a maximum compensation not exceeding \$200,000 are year or for a fortnightly service and the property of the States, via Hawaii and the Samoan Islands, to Australasia, on steamships of the United States of not less than 16 knots speed for a service once in three weeks at a maximum compensation not exceeding \$200,000 are year or for a fortnightly service at a maximum compensation and the result of the provision of this section as to the rates of speed shall be deemed to be compiled with if said rates are developed during a trial of four hours tract under this section a

Mr. SULZER. The amendment offered by the gentleman from Ohio to the so-called "Gallinger ship-subsidy bill" will not cure the evils of which the people complain, and especially will it not aid those engaged in the shipping industry. It is only an entering wedge, and those most conversant with the subject are more opposed to the amendment of the gentleman from Ohio than they are to the original Gallinger ship-subsidy bill.

It is not my purpose to-day, Mr. Chairman, to discuss at length the cause of the decline of our deep-sea carrying trade. or my own views, if I could have my way in the matter, concerning the speedlest remedy to restore our merchant marine. I have not the time at my disposal to do so, even if I wanted I have not the time at my disposal to do so, even if I wanted to go into an exhaustive examination of the intricate question. I want to speak to the House at this time briefly on this shipsubsidy question and frankly point out the evils incident to subsidies and sure to follow their adoption.

My position regarding this subject I believe is well known, but I want to say again to the Members of this House that I

have always been, am now, and always hope to be opposed to every effort to place upon the statute books of our country a

ship-subsidy law, I have given considerable study to this question and I think I know something about it. I agree substantially with the gentleman from Ohio regarding the deplorable condition of our merchant marine, but I differ with him absolutely respecting the cause of the decline of our over-seas carrying trade; and we are as far apart as the poles respecting the best and most practical remedy for the rehabilitation of our shipping industries and the carrying of our ocean trade in American ships, built by American workmen, manned by American

sailors, and flying the American flag.

Mr. Chairman, it is a fact, and a most deplorable fact, and every man who has investigated the subject knows it, that we have less registered tonnage for ocean carrying trade to-day than we had one hundred years ago. In 1806 the United States, with a population of less than 7,000,000 inhabitants, owned more registered tonnage for ocean carrying trade than the United States in 1906, with a population of over 85,000,000. The American tonnage in 1806 was over 900,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1806 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world. More than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations throng our ports and monopolize more than nine-tenths of all our import and export commerce.

our import and export commerce.

In 1806 over 92 per cent of our export and import trade was carried in American bottoms; in 1906 less than 8 per cent of our imports and exports are carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freights and passengers over \$200,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant cruiser lists of European governments, manned by naval reserve officers and sailors, and available for immediate service against us in case of war. The British Empire has 14,800,000 tons of merchant shipping; Germany has 4,960,000 tons; France, 1,680,000; Norway, 1,460,000, and Italy, 1,280,000. The larger part of all these great deep-sea fleets is engaged in the ocean carrying trade, but the Government of the United States, which produces and exports more merchandise than any other nation on earth, has a fleet registry of deep-sea commerce of less than

I agree with the gentleman from Ohio that this statement of the facts exhibits a most deplorable condition of our merchant marine affairs, but I say to him, and I say to the country, that it is all our own fault, and due entirely to our own shortsighted maritime policy, and especially to our failure to enact proper navigation legislation.

The gentleman from Ohio seeks to remedy the situation by ship subsidies, and hence earnestly favors and eloquently advocates this new ship-subsidy bill, which is no remedy at all, but a mere temporary makeshift to rob the many for the benefit of the few, by taking money out of the pockets of the taxpayers generally and giving it to a few favored individuals. I am opposed to this subsidy policy. The taxpayers, when they understand it, will never consent to it. This new bill, a copy of which I shall place in the record, is a subsidy bill pure and simple, and at the very best is only a temporary expedient, and no one who understands this subject believes for a single moment that it will ever accomplish what its advocates so vociferously claim. A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if this new subsidy bill should pass as it is to-day it would not restore our American merchant marine or aid materially our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is absolutely opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat, or a barrel of potatoes, or a bale of cotton, or who makes a wagon, or builds a locomotive, as to pay a subsidy to a man who builds a ship or sails a vessel.

The taxpayers of our country, burdened now almost beyond endurance, are opposed to ship subsidies. They are opposed to this new Grosvenor gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of

doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling or any business on land or sea at the expense of the taxpavers of our country.

But. Mr. Chairman, in my opinion, this new subsidy bill will not materially benefit our shipbuilding industries, and of course if it will not benefit the shipping industries of the country, no new ships will be built, and American tonnage on the high seas will not be increased, and only the ships now in commission will get the benefits of the subsidies. This being so, this new ship-subsidy bill, giving away from four to six millions of dollars a year, will benefit no shipowners except the American shipping trust, the new England fishing smacks, and perhaps a few vessels on the Pacific Ocean.

Mr. Chairman, the people who are clamoring the loudest for the ship-subsidy bill are the bounty beggars who will get the subsidies; but so far as I have been able to find out, I have heard no great demand from the honest folk of the country in favor of this iniquitous measure to take money out of the Treasury of the people and pay it over to the American shipping trust in order that it may get additional gratuities.

It seems to me, sir, that this is an inopportune time to ask for ship subsidies when the people all over the country are de-

It seems to me, sir, that this is an inopportune time to ask for ship subsidies when the people all over the country are demanding a revision of the tariff, especially of those tax schedules which shelter monopoly and give protection to the trusts that sell their manufactured wares cheaper abroad than they do at home. But it seems that the chief argument of these ship-subsidy schemers, reduced to its simplest form and last analysis, amounts to about this: As all other monopolies are protected, therefore the shipping monopoly must be protected; as all other trusts are licensed to rob the many for the benefit of the few, therefore the shipping trust must have an opportunity to pilfer the people and get its share of the spoils. The plea, however, seems to come at a very unfortunate time, because from one end of the land to the other the people are demanding not only the prosecution of the criminal trusts, but the revision of all protective tariff taxes that aid and abet and shelter monopoly.

But the advocates and supporters of this ship-subsidy iniquity, by which all the people of the country are to be compelled to contribute a few millions of dollars a year to the American shipping trust, forget the history of the past and are reckless as to the consequences of the future. They seem to forget that conse-quences are unpitying, and that there is no cause without an effect. Their contention reminds one a good deal of a Chinese almanac in which every other day is labeled, "This is a lucky day to pay taxes." But these ship-subsidy grafters go even day to pay taxes." But these ship-subsidy grafters go even further, and write in their selfish almanac that every day is a lucky day to pay subsidies. If foreign governments grant subsidies, they say we should grant subsidies; and if foreign governments do not grant subsidies, they say that is the very reason we should grant subsidies. If foreign steamship owners raise the price of ocean freight rates, they get up in Congress and demand subsidies. If foreign steamship owners reduce ocean freight rates, they also get up in Congress and demand subsidies. Every wind that blows, in their opinion, evidently blows in favor of the Government giving the American shipping trust subsidies. But I am satisfied that the farmers and the toilers of our country, the men who pay the taxes, understand this subsidy question and are not in favor of putting their hands in their pockets and contributing gratuities to the extent of millions of dollars a year to any shipping trust or to any trustowned steamship line.

Mr. Chairman, I have always been, and always expect to be, a sincere friend of our shipping industries and an enthusiastic advocate of just and proper and honest legislation that will build up and restore our merchant marine. I believe every true American desires the supremacy of American ships in our overseas carrying trade, but I believe they prefer it along the lines of tonnage taxes, and not by subsidies. They see no necessity of taking money out of the Treasury and paying it to the present trust owners of ships for doing what they are already doing; and those most conversant with the subject even go so far as to declare that this new ship-subsidy scheme, if enacted into law, will not lay a new keel in any American shipyard, or secure an additional ton of freight of our over-seas commerce. Practically every dollar granted will go to the ships now affoat owned by the shipping trust.

Ship subsidies do not build ships—they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards—the money will simply go into the capacious pockets of the plutocratic beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible—it is unrepublican, undemocratic, and un-

American, and no man who understands the question can justify the steal in the face of the facts. If the Congress should pass this pilfering, new ship-subsidy bill, I believe the people will demand its repeal in less than five years, but I hope the wisdom of this House will never permit this iniquitous bill to pass.

I am now, always have been, and always will be a friend of

the American merchant marine. I long for the coming of the day when American ships will be on every sea, and our flag gloriously floating on the breeze in every port. I am willing to go as far as any man in this country to legislate for the restoration of the American merchant marine to all its former glory, and to secure for the American people their just share of the over-seas carrying trade of the world.

I know, and every man who has investigated this subject knows, that our loss of deep-sea commerce is due entirely to our own iniquitous legislation and short-sighted policies. the American Congress would legislate intelligently regarding this subject, we could restore our merchant marine and secure nine-tenths of all our commerce on the high seas, exports and imports, without a ship subsidy, or without taking a single imports, without a ship subsidy, or without taking a single dollar from the pockets of the taxpayers to give subsidies to favored shipowners and shipbuilders. This whole subject is a very simple matter when reduced to an intelligent business proposition. We do not need to take a dollar out of the pockets of the taxpayers, or out of the Treasury of the United States, to revive our shipbuilding industries or restore our merchant marine. All we need to do is to legislate intelligently, repeat the injunitous laws against our deep-see shipping now on our the iniquitous laws against our deep-sea shipping now on our statute books, put in their place laws similar to the navigation laws that were enacted by the early statesmen of the country laws that built up our merchant marine in those historic dayslaws that placed our flag on the high seas and gave us ninetenths of our entire over-seas carrying trade. It is a simple matter, and would be done but for the influence of special interests and the tenacious power of monopoly.

Now, sir, I have introduced in several Congresses bills to accomplish this—not subsidy bills, not bills that rob the many for the benefit of the few—not bills that take money out of the pockets of the taxpayers generally and hand the money over specifically to special interests—but bills along intelligent businesslike lines, and in accordance with the policy of the fathers of the Republic and the framers of our Constitution who understood this subject of over-seas shipping trade and commerce and legislated accordingly, and the United States had in those days the finest merchant marine the world had ever seen. we had continued the policy of the fathers, we would to-day be the greatest maritime nation in the world and our flag would be on every sea, and our ships would be carrying the commerce not alone of our own country, but perhaps half of that of all the other great nations of the world.

I introduced at the beginning of this Congress a bill to accomplish this (H. R. 8767), but it has been sleeping the sleep that never awakes in the Committee on Merchant Marine and Fisheries. It will never come out. It will never be reported, simply because it is an honest bill and not a subsidy bill, because it does not rob the many for the benefit of the few, because it will accomplish practically all the people of the country desire—the building up of our merchant marine upon legitimate lines, in a business way, and the restoration of the American

flag to the high seas. My bill is a tonnage-tax bill along discriminating lines in favor of American-built ships and against foreign-built ships— and the foreigner pays the tonnage tax. In other words, the essential difference between my ship tonnage-tax bill and the new ship-subsidy bill is that the new subsidy bill compels the American people to give a bonus, or a subsidy, or a subventionand they are all the same—to the American shipowner, while my bill makes the foreign shipowner pay an additional tonnage if his vessel brings merchandise from countries not under its government. This bill of mine is a most comprehensive measure, covering every phase of this question, and in the judgment of those who know most about the matter it would effectually solve the problem without taking a single dollar from the pockets of the taxpayers of our country. I send this bill of mine to the Clerk's desk and ask to have it read in my time. I want the bill to go into the RECORD, so that a comparison with the other bills can be made and those interested in this subject can read it and judge for themselves.

The Clerk read as follows:

A bill to regulate commerce with foreign nations; to make preference for the use of American freighting vessels; to extend the postal serv-ice by American steamships, and to promote American trade.

Be it enacted, etc., That the law relating to vessels, to the duties of tonnage, and to the ocean mail service in force when this act shall be approved be, and the same is hereby, supplemented and amended, as

PART 1. TONNAGE DUTIES.

PART 1. TONNAGE DUTIES.

SECTION 1. That a discriminating tonnage duty based upon the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive with merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions where the said cargo, in whole or in part, was laden, to which said vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 5,000 tons the additional duty shall be \$1.25 per ton until the 1st day of January, A. D. 1909, after which date it shall be \$1.50 per ton until the 1st day of January, A. D. 1911, after which date it shall be \$2 per ton on the gross admeasurement.

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Clause 1. On all vessels not exceeding 5,000 tons the additional duty shall be \$1.25 per ton until the lat day of January, A. D. 1909, after which date it shall be \$2 per ton on the gross admeasurement.

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has been built in the United States or is owned by citizens of the United States to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

Sec. 6. That a tonnage duty, to be termed light tax, of 5 cents per ton on the gross admeasurement of every merchant vessel, not of the United States, that shall enter a port of the United States, shall be levied and collected, in addition to the duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast or may have made port in distress, or was built in the United States

States. 7. That a tonnage duty, to be termed race tax, of 4 cents per ton, on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States and there discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if said vessel shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to a different race of men from the owners of said vessel. The regular tonnage tax to be paid by all vessels in the foreign trade shall be collected hereafter on every entry; the said tax shall be computed on the gross admeasurement, and the rates shall be increased from 6 cents to 10 cents and from 3 cents to 5 cents, respectively. American mail steamers shall pay tonnage tax but once a year.

PART 2. EXPORT PREMIUMS.

spectively. American mail steamers shall pay tonnage tax but once a year.

PART 2. EXPORT PREMIUMS.

Sec. 8. That all collections of tonnage duties and charges against vessels of every kind, whether regular or additional, light, race, and passenger tax, entrance and clearance fees provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalties, and forfeitures paid into the courts from violations of the navigation laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for American seamen in the foreign trade; and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves.

SEC. 9. That on and after thirteen months from the passage of this act there shall be paid, out of the special export fund in the Treasury provided for by section 8 of this act, to the bona fide owners and exporters of merchandise, the growth, production, and manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States, registered pursuant to law, and not owned in fact by themselves, as follows: A premium of one-fourth of 1 percent on the cash valuation of each shipment direct to a port not less than 65 miles from the tidal boundary of the mainland of the United States; and a premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port not less than 400 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port not less than 2,000 miles from the port of departure in the United States; and a premium of 2½ per cent on the cash valuation of each shipment direct to a port not less than 3,000 miles from the port of departure in the United States; and a premium of 2½ per cent on th

PART 3. MAIL CARRIAGE.

Hydrographic Office of the Navy Department and stated in sea miles.

PART 3. MAIL CARRIAGE.

Sec. 10. That the postal act, approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause 1. The Postmaster-General shall, as often as once in each year, advertise for informal proposals for the carriage of mails by sea in American vessels between such ports of our own and other countries as to exporters may seem advantageous. The advertisements shall be inserted four times weekly in a paper printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promote the postal, commercial, and naval interests of the United States, and to subserve those of their owners as well. Proposers will state the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

Clause 2. Within one month after receipt of informal proposals the Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the Navy, and the needs of the Post-Office, and fix upon a schedule of requirements that will satisfy both services. The Secretary of the Navy will control the plans for the vessels and the Postmaster-General will decide upon the postal programme, and the two together shall advertise formally to let contracts for the running of the vessels required. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly, describing the route, the character of the vessels, the size and speed, the number of trips yearly, the times of sailing, and the time when the service shall begin. The letting of such contracts shall be the same as prescribed by law for the letting of inland mall contracts so far as shall be applicable to vessels. Every contract m

without express consent of Congress; and in cases of need, when private enterprise fails to undertake or carry on the service at reasonable or lawful rates of remuneration, the Secretary of the Navy shall have authority, and it shall be his duty to furnish suitable vessels of the Navy in which to send mails foreign or bring them home, until the further order of Congress.

Clause 4. That all vessels in the postal service and hereafter built for it shall be prepared to receive arms for immediate use as cruisers, scouts, or transports in time of war; and in future their plans and specifications shall be agreed upon by and between the owners and the Secretary of the Navy, the strength and stability to be sufficient to carry armament most useful in naval service, and the materials of hull army and the materials of hull army and the materials of hull army and the materials of hull given by American inspection and rating. And all such vessels hereafter built shall be constructed under the inspection of a naval officer detailed by the Secretary of the Navy, to whom he will report in writing the progress made monthly, whether or not the contract is being well performed, and when the trial trip may be made; and no vessel not approved by the Secretary as fulfilling the contract shall be accepted for the service.

Clause 5. The compensation to be agreed upon and paid for such service as may be contracted for under this act shall be reasonable and as low as responsible bidders will perform the same, having regard to the encouragement to vessels provided by this act, to the commercial circumstances in each case, and to the rate of compensation for similar service to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months, the President may declare it forfelted, and thereupon the route shall be readvertised; payment for service to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months, the President may declare it forfelted, and thereupon t

PART 4. GENERAL PROVISIONS.

passenger brought from such country who shall be landed, with his or her effects.

PART 4. GENERAL PROVISIONS.

Sec. 11. That marine underwriters or insurance companies belonging abroad, in person or through agencies in the ports of the United States, may issue policies, in conformity with State regulations, on shipments of goods, wares, and merchandise to be exported, but any discrimination made by them or their agents in the clauses of policies, in the premium rates, or effected through inspection of hulls or otherwise, which shall tend to favor the employment of foreign vessels, or tend to distavor the engagement of vessels of the United States, shall be deemed a misdemeanor, punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed \$5,000 nor be less than \$3,000; for a second offense said fine shall not be less than \$10,000, and for the third offense and each one afterwards said fine shall be not less than \$15,000 nor more than \$25,000 and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation brought to his notice. In any such suit it shall be no defense that the orders or directions of any person, or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, not citizens of the United States, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint. In a time of peace it shall not be lawful for any officer of the Government to receive tenders of service to be performed by vessels not of the United States.

Sec. 12. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, citizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the

of distress.

SEC. 13. That where it may become known to the collector that re-

bates of freight are paid in the commerce of any port of the United States, either by citizens or foreigners, he shall bring the facts to the attention of the United States district attorney, who shall bring sult to break up the practice. And for the prevention of frauds under this act, in indirect voyaging, foreign vessels not built in the country of registry shall undergo a probation of three years before being adjudged by the collector as belonging in good faith to the country of registration. Sec. 14. That, coincident with the passage and approval of this act, section 4136 of the Revised Statutes of the United States shall stand repenled, and it shall not be lawful longer for any officer of the Government to issue a register, enrollment, or license for any vessel built abroad except such as have been captured in war and condemned as prize, and such as have been forfeited for a violation of the laws and bought at public sale, or admitted by an act.

Sec. 15. That the regular duties of tonnage computed on the gross admeasurement shall be paid alke by American and foreign vessels on each and every arrival when entry of vessel is made. Entrance or passenger tax shall be paid when permit is given for the landing of passengers from vessels not of the United States brought from countries to which said vessels do not belong. All additional tonnage duties and the light and race tax to be paid before lading permit is issued, but if loading be delayed, then, at latest, at the end of two months from date or entrance. American vessels carrying crews of which one-eighth the number are citizens or owe allegiance to the United States shall have rebate of tonnage tax to the extent of 20 per cent; if one-fourth of the crew be citizens, the rebate shall be 30 per cent; if one-fourth of the crew be citizens, the rebate shall be 40 per cent; if one-fourth of the crew be citizens, the rebate shall be 50 per cent; if one-fourth of the crew be citizens, the rebate shall be 50 per cent; if one-fourth of the crew be citizens, the re

Mr. SULZER. Now, Mr. Chairman, that bill speaks for itself, and I have had it read at the Clerk's desk for the purpose of getting it in the Record, so that the people who are interested in this great shipping question can read the bill, make comparisons, and judge accordingly. I place this tonnage-tax bill by the side of the Gallinger ship-subsidy bill and the new Grosvenor subsidy bill, and submit the merits of the two measures to the impartial judgment of the taxpayers of the country, confident that the general principles of my bill will be accepted by them in preference to those of the Gallinger or any other shipsubsidy bill. My bill is a practicable, honest, businesslike measure, and, in the opinion of those most competent to testify regarding this matter, its enactment into law will go far to solve the shipping problem, restore our merchant marine, place our flag on the high seas, and give us at least nine-tenths of our ocean-going commerce. There is a difference as wide as the poles between the principle of my bill and the principle of the other bills. My bill is a tonnage-tax bill, and the foreigner pays the tax. In other words, all goods brought to this country in foreign ships from countries not their own would have to pay a heavy tonnage tax. This being the case, foreign shipowners would have to charge higher freight rates than American shipowners, with the consequence that the American shipowners would get their share of employment. This would create a would get their share of employment. demand for American-built ships, and the demand would revive our languishing shipbuilding industries and the revival of those industries would give employment to thousands and thousands of workmen on both the Atlantic and Pacific coasts. Of course no foreign shipowner will commend my bill. No subsidy grabber advocates it. No shipowners' trust favors it. No marine monopoly likes it. Naturally every foreign shipowner is absolutely opposed to it, because every foreign shipowner knows that if a bill like this should become a law in this country in less than ten years the United States might be the mistress of the seas and do a large part of the deep-sea carrying trade of the world. I do not expect foreign shipowners to favor my bill, but I know when the question is understood by the taxpayers of our country every patriotic American will be in favor of my bill in preference to the Gallinger ship-subsidy bill, which takes money out of the pockets of the people of this country and pays it over in the nature of a gratuity to a special business interest. There is no graft in my bill; no private gain at public expense; it is

just a plain, simple, practical, business, maritime measure for a tax on the tonnage of the gross admeasurement of foreign ships.

Mr. Chairman, I see my time is nearly consumed and I must conclude; and in doing so I want to say that my bill is not a makeshift. It is not a temporary expedient. It is a permanent remedy, and once adopted and upon the statute books it would continue in favor for years and years to come, until the American people possessed the greatest merchant marine in all the world; and I therefore say, in conclusion, that from a careful study of the whole subject-matter I sincerely believe that the adoption of such a measure as this, in my opinion, will speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on ships on every ocean and in every port, and make the American sailor what he was in the historic days of the Republic-the pride of the people, the master of the seas, and the arbiter of the ocean high-ways of the world. [Loud applause.]

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to print in connection with my speech some data bearing on the subject that I believe will be of interest to the members of this

House and the country.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none and it is granted.

Mr. SULZER. Now, I desire to offer and have printed in the RECORD as part of my remarks an explanatory statement of the contents of my bill for the restoration of the American merchant marine, giving a complete history of shipping legislation in the United States and also other valuable data in connection with the bill and the subject-matter, which I trust will be interesting not only to the Members of the House of Representatives, but to the people generally of the country. It is as follows:

NATIONAL IMPROVEMENT.

THE RECOVERY OF NAVIGATION.

[Explanatory statement to accompany H. R. 21196, introduced by Mr. Sulzer December 5, 1906.]

Sulzer December 5, 1906.]

Agriculture, manufactures, and commerce have always been regarded as interests of high national concern. Commerce includes navigation, without which it could not be carried on, These two factors being of equal importance, it is inconsistent that one should be cherished by the Government and the other suffered to be ruined. Though not intentional, such a course, to great national disadvantage and loss, has long been pursued in the United States.

The necessity existing that every independent maritime country shall have its own shipping for the carriage of its own commerce is a fact so evident that thoughtful men concede its truth. Commercial independence is a strong security for political freedom, and is based upon this relationship of the merchant to the carrier—the same flag for both. The prosperity of every people depends in great degree on freedom for industrial development, on equal opportunity with others, and on equitable relations with their neighbors. A dependent nation lacks in freedom, opportunity, and power, holds inferior rank, puts up with impositions, and submits necessarily to the rapacity of rivals and the spoliation of enemies. As seen in our own experience, lack of shipping power creates such dependency, with its evil consequences. Since our marine in foreign trade has disappeared our nation has been taking a post-graduate course as a British colony. We can carry on neither commerce nor war upon the ocean without the service of foreign shipping. This unfortunate exigency has brought in the foreign merchant and allen underwriter, the capitalistic workers for their country's flag, and these cooperate to prevent, if possible, any effort of Congress to recover our lost freedom, equality, and rank through the means of a merchant marine. With the lapse of time these evils, with others of the situation, have become intolerable.

OUR COMMERCIAL SITUATION INSECURE.

Such is now the predicament existing in our foreign trade relations. Foreigners now carry and conduct our commerce to the extent of 90 per cent. Our people have little to do with it, except to provide wharves, docks, and warehouses, furnish pilots and tugs, deepen harbors and channels, equip the coast with lights, and maintain hospitals. With a sweeping control of our foreign trade its alien managers are able to pass most of its immense volume through their own markets at their own prices. But for our tariff system they would do our manufacturing as they do our carrying, and put excessive prices on our imports. Through their commercial services, which would be better done by our own people, they absorb several hundreds of millions of export value every year, or accumulate adverse balances of commerce against us to be paid in gold. It is the want of shipping of our own that allows and favors this adverse action of our rivals, and causes our precious metals to be taken out of our mines so largely for foreign benefit and advantage. To continue a policy having such a fruitage can not be wise and good government.

The present generation of Americans has had scarcely any experience of the signal advantages of shipping of our own in foreign trade. We may dwell on one to which we have already alluded. Before the civil war, when import duties were moderate, it was our shipping trade mainly that carried our country through successfully year after year, with a balanced foreign commerce. Since the loss of our marine we have had to trust to the tariff alone—fortunately high enough to be of some assistance. It was a wonder to some why "hard times" continued under the tariff of 1894, and why "times" improved and the country became prosperous under the tariff of 1897. The difference in these cases is accounted for, partly, in the fact that we have not now the help of shipping in balancing our foreign trade as in former times,

and must depend wholly on tariff regulations. While this remains the case our prosperity will be supersensitive.

"Times" can not be "good" while crushing debts, demanding the exportation of gold, are payable abroad. It is the function of the merchants and the shipping of a country to accomplish the balancing of its commerce and to make its prosperity steady and secure. Allen merchants and shipowners have the interest of their own countries to conserve, and though they conduct our trade they let our national good alone. As we are situated now—the carriage and conduct of our commerce in foreign hands—we stand defenseless, liable at any time, whenever the shipping nations of Europe may be engaged in warfare, to experience panies and years of adversity, solely on account of our commerce.

dependence upon them to carry and conduct over 90 per cent of our commerce.

Our danger is growing with time. We require now to have a balance of exports over imports of not less than four to five hundred millions of dollars per annum to continue prosperity. With a marine of our own, half of this might be sufficient. In fifty years we shall be a nation of 150,000,000 souls, and be obliged, no doubt, if without a marine, to export in excess of imports from eight to nine hundred—perhaps little short of a billion—dollars annually, with a tariff as high as the present, to maintain balanced foreign accounts with a fair degree of prosperity. Whence will come these extraordinary exports? Long before then our own population will be consuming so much of our eathable products as to leave, perhaps, very little for the sustenance of foreign nations, while our importations of foreign goods may continue without abatement, and, possibly, may be increased per capita. It is not the part of thoughtful citizens to let our country, through shipping dependency, drift into difficulty and bad circumstances, wretched and disgraced, for want of wise and adequate action for shipping restoration. It is already forty years since the close of the civil war, when Congress should have taken steps to improve the condition of our shipping trade, then plainly so impaired as never likely to recover without its judicious action. Delay has made bad matters well-nigh irreparable. So many hindrances now appear that the most efficient of remedies must be administered. Mere alleviations will be of no avail whatever. To do "something" for shipping is to do "nothing of consequence."

THE QUESTION OF REMEDY.

its judicious action. Body his care that the most efficient of 'remedies on many hindrances. Mee alteriations will be of no avail whatever. To do "something" for shipping is to do "nothing of consequence." The constraint of the property of the property of the property. The constraint of the property o

voted for the high tariff of 1828. His error was in thinking that ship protection need only be given for a little while. All nations that once gave it up have returned to it in one or another form, even England now having a most effective system of devices, besides her subsidy nolicy.

ORIGIN OF OUR EARLY SHIPPING POLICY.

gave it up have returned to it in one or another form, even England now having a most effective system of devices, besides her subsidy policy.

ORIGIN OF OUE EARTH SHIPPING POLICY.

It has been supposed by many that our shipping policy was copied from the famous negistion acts of England—1021—1600—Int that Is a mistaken presumption. It had a native origin, and differed in principle from the British, under which only British vessels could import cargoes from Asia, Africa, or America, or carry between the colonies. In Europe the different nations might trade direct to England from their own countries on payment of discriminating duties. Our system thomacy and tariff duties being discriminating. British law had eight distinct prohibitions, while ours had none before 1817, when two were enacted, one confining foreign vessels to direct trade and another excluding them from the domestic.

While the younger marktime nations have ever found It difficult to the younger marktime nations have ever found It difficult to grow the younger marktime nations have ever found to the convinced of its propriety, most of them being familiar with the shipping laws of their own States, many of these having provided such encouragement as covered to the propriety of the propriety of the being familiar with the shipping laws of their own States, many of these having provided such encouragement as covered to the propriety of the propriety of these having provided such encouragement as shippwing, a business reaching back to the youth of the colonies; and to extend commerce, an ambition that had been cherished for one hundred and fitty years, should be as general and as strong as to advance agriculture and establish manufactures, since these three in fortifying the Independence of the country.

In most colonial charters discriminating duties were authorized. That of Virginia allowed a duty of 2½ per cent on all imported by foreigners (of course, in foreign vessels). Even produced the propriety of the propriety of the propriety of the propri

THE GERM OF NATIONAL SHIP PROTECTION.

While the American mind was shaping itself for this course the British were pursuing a policy of discouragement and hindrance, lest possibly the "States" might become in time active rivals in navigation. They had a maxim that the control of trade and transportation was a sure means of ruling the world. They made a treety of peace with us, but refused to make one of commerce and navigation such as other countries cheerfully conceded, and down to the present time have not done so. They meant to recover the carriage of our commerce, regain the control of our foreign trade, and be in position to resume political rule. This policy was initiated by a proclamation of the King (1783) opening to our vessels the home ports, but closing all in the loyal provinces and the West Indies. Had they not opened the home ports we might have directed our trade elsewhere. As it was, we could make only direct voyages, with cargo outward and ballast homeward, while they could come direct and return indirect, carrying cargo both ways. John Adams, as our minister to London, endeavored in vain for the third time to move the British to give our shipping fair play in the trade between the ports of the two countries, but no proposals would be entertained. In his letter of October 21, 1785, to our Secretary of Foreign Affairs Mr. Adams wrote thus:

"This being the state of things, you may depend upon it the commerce of America will have no relief at present, nor, in my opinion, ever, until the United States shall have generally passed navigation acts. If this measure is not adopted we shall be divided, and the more we suffer the more will our calamities be laughed at. My most earnest

exhortations to the States, then, are, and ought to be, to lose no time in passing such acts."

A year previous the Confederate Congress had appointed a committee, with Thomas Jefferson chairman, to consider and report suitable action in view of the situation. It was recommended to make application to each State for a grant of power for fifteen years to enact and enforce regulations of commerce—"navigation laws"—adapted to encourage and protect the shipping of all the States. (This is the measure referred to by Mr. Adams.) This request not being fully complied with, the measure failed, and the States each for itself set about the work. Discriminating duties of tonnage and of tariff were the means employed. Results, a dozen different sets of "navigation laws," all alming to protect against foreign shipping, but acting also against the vessels of sister States. The measures were too moderate. Mr. Jefferson's plan, if carried out, would probably have been better.

It may be well to show, briefly, the chief provisions of the navigation laws of the several States, which were in force until superseded by acts of Congress, 1789, and afterwards—according to compact.

SHIP PROTECTION OF THE STATES, 1784-1789.

New Hampshire, Massachusetts, Rhode Island, Connecticut: Extraordinary tonnage duties on all foreign vessels; in first two States, American vessels free.

New York: Double duties on goods by British ships, whether brought

New York: Double duties on goods by British ships, whether brought directly or through other States.

New Jersey: Tonnage duties, no other charges.

Pennsylvania: Tonnage duties on ships of "treaty nations," 5. 8d. per ton; on those of other nations, 7s. 6d. per ton. Discriminating tariff duties on Asiatic goods, foreign merchants to pay 2 per cent extra; citizens to have a rebate of 5 per cent; teas direct from China in American vessels free, but dutied heavily if brought indirect or by foreign vessels.

Maryland: Tonnage duty on British vessels, \$1 per ton; upon French or Dutch, 66 cents per ton. American vessels free.

Delaware: Tonnage dutles.

Virginia: Discriminating tonnage duties on French or Dutch vessels, 50 cents per ton; on British vessels \$1 per ton; American vessels free. Brandy by American or French vessels free; rum by British ships taxed.

free. Brandy by American of State St

ships taxed.

North Carolina: Discriminating tonnage and tariff duties favoring American vessels.

South Carolina: Tonnage duty, 1s. 3d. per ton; 2 per cent ad valorem extra duty on goods in foreign bottoms.

Georgia: Tonnage duty, 1s. 8d. per ton on foreign vessels.

It was stated in Congress, 1789, that the discriminating duties of all the States averaged nearly 60 cents per ton. A Virginia Member said: "One dollar per ton did not prevent British vessels from thronging the ports for cargoes." As British vessels carried both ways, the dollar differential was too small. Pennsylvania seems to have had the most considerate and effective system. Mr. Fitzsimons, of that State, a merchant, said in 1789 that "the British had established among us merchants, agents, and factors of their own, taking possession of our trade and furnishing vessels for its carriage. In some States the whole of their commerce was thus carried on." (This is our predicament to-day.) The discrimination against British merchants, amounting to 7 per cent of tariff duties, aimed to correct this condition. Necessarily, it was up to the founders of the General Government, in convention, to devise a method of protection, which in due time should Americanize both our trade and transportation. Manifestly, the method adopted by the States would have to be taken over, revised, and made effective, or some better way be discovered.

The shipping acts of the States served as monitors to the Constitutional Convention. They caused the protection of shipping by regulations of commerce to be taken over by the General Government—no other procedure appearing wise. Confirmatory of this fact is General Washington's letter transmitting the Constitution to the Federal Congress, in which he remarked:

"The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the corresponding executive and judicial authorities should be fully and effectually vested in the General Govern

SHIP PROTECTION AN OBJECT OF THE CONSTITUTION.

ship protection an object of the Constitution thus declared to be the regulation of our foreign and domestic trade, in other words, the establishment of a system of protective "navigation laws." It was natural that in the convention this sentiment should be general. Some have supposed that the extreme Southern States, having but a scanty shipping, took no interest in providing for a merchant marine. This is a mistake. Mr. Charles Pinckney's plan for a constitution had a clause for the regulation of commerce; and Mr. Rutledge, in a speech, "reminded the House of the necessity of securing the West India trade to this country, * * * and a navigation act was necessary for obtaining it." These delegates were from South Carolina. The only question raised and settled was whether or not a two-thirds vote should be required for the passage of shipping acts, which was a manner of voting on certain subjects in the Federal Congress. The matter was thus brought up:

In the plan of the constitution reported to the convention by a committee appointed therefor August 6, 1787, section 2 of Article VII provided for the "regulation of commerce with foreign nations and between the States." General Pinckney, of South Carolina, desired that all laws regulating commerce "shall require the assent of two-thirds of the members present in each House." The delegates from South Carolina and Georgia wanted for a while the continuance of imports of African labor, and they argued that this was necessary to 'g'uce their States to adopt the constitution. The convention finding it difficult to agree on the migration proposition, the matter was referred to a committee of eleven. Mr. Gouverneur Morris, of Pennsylvania, "wished the whole subject to be committed, including the clause relating to taxes on exports and to a navigation act." Finally, Mr. Pinckney and Mr. Langdon moved to committee, in the order of States, consisted of Langdon, of New Hampshire; King, Johnson, Livingston, Clymer, Dickinson, Martin, Madison, Williamson, C. C. Pinckney, an

"The fifth section to remain as in the report.

"The sixth to be stricken out."

The convention changed the limit of A. D. 1800 to A. D. 1808. Mr. Pinckney moved to change the report as to the two-thirds vote to the following: "That no act of the legislature for the purpose of regulating the commerce of the United States with foreign powers or among the several States shall be passed without the assent of two-thirds of the Members of the House."

EXTRACTS FROM THE SHIPPING DEBATE.

transmerre of the United States with foreign powers or among the several States shall be passed without the assent of two-thirds of the Members of the Homes.

Mr. Pinchner yemarked "that there were five distinct commercial inserts of the States of the Homes."

Mr. Pinchner yemarked "that there were five distinct commercial inserts of the States." It is not to the Members of States pure their interests with less exciple than independent of the Members of the Members of the Members of the Southern States. They did not need the protection of the Northern States at present."

Continuing, Mr. Pinckney said; "It-was the true interest of the Southern States to have no regulation of commerce, but considering the loss brought on, the commerce of the Eastern States by the Revorthern Members of the Me

ing the foundation for a great empire, we ought to take a permanent view of the subject, and not look at the present moment only. He reminded the House of the necessity of securing the West Indian trade to this country. That was the great object, and a navigation act was necessary for obtaining it."

Mr. Randolph, of Virginia, said that there were features so odious in the Constitution as it now stands that he doubted whether he should be able to agree to it. A rejection of the motion would complete the deformity of the system. He took notice of the argument in favor of giving the power over trade to a majority, drawn from the opportunity foreign powers would have of obstructing retaliatory measures, if two-thirds were made requisite. He did not think there was weight in that consideration—the difference between a majority and two-thirds did not afford room for such an opportunity. Foreign influence would also be more likely to be exerted on the President, who would require three-fourths by his negative. He did not mean, however, to enter into the merits.

Mr. Gorham, of Massachusetts, replied: "If the Government is to be so fettered as to be unable to relieve the Eastern States, what motive can they have to join it, and thereby tie their own hands from measures which they could otherwise take for themselves? The Eastern States were not led to strengthen the Union by fear for their own safety. He deprecated the consequences of disunion, but if it should take place, it was the southern part of the continent that had the most reason to dread them. He urged the improbability of a combination against the interest of the Southern States; the different situations of the Northern and Middle States being a security against it. It was, moreover, certain that foreign ships would never be altogether excluded, especially those of nations in treaty with us."

THE COMPACT FOR NAVIGATION LAWS.

Mr. Gorham was chairman of the Committee of the Whole. In

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Mr. Gorham was chairman of the Committee of the Whole. In closing the debate as he did he voiced the ultimatum of New England. That settled the question raised by General Pinckney's motion, and the report of the committee of eleven for striking out the "two-thirds" restriction "was agreed to nem. con." In pursuance of this vote clause 3 of section 8 of Article I of the Constitution not only empowers but makes it the duty of Congress—

"To regulate commerce with foreign nations and among the several States and with the Indian tribes."

Thus we have ship protection by navigation laws solemnly guaranteed in the very instrument that established the existence and function of Congress itself. We have even more. From the debate, especially from the closing speech, it is clear that this "enumerated power" was one of the "bonds and conditions" of the Union, just as much as the provision relative to the importation of African labor, or with respect to each State—big or little—having two Senators, or regarding the reservation of certain rights to the States, or any other fundamental proposition. Without the inclusion of ship protection by navigation laws in the Constitution, that instrument would not have been adopted. Massachusetts had most shipping, but Pennsylvania, New York, Maryland, and Virginia had respectable fleets in 1787, under protection of State laws, which would become inconsistent with the objects of the General Government; and if it did not assume the place of that of the States and legislate for shipping, there would have been a speedy end of the marine of "Young America," if the Constitution carried.

The foregoing debate and settlement of the shipping question in the

objects of the General Government; and it is the constitution of that of the States and legislate for shipping, there would have been a speedy end of the marine of "Young America," if the Constitution carried.

The foregoing debate and settlement of the shipping question in the Constitutional Convention has not been a matter of common knowledge, and was not known even to our early Congressmen. The proceedings were kept secret for nearly fifty years. Few libraries to-day contain Madison's private record, first published in 1837 by the Government. But now that certain interests imagine that the Government is "so fettered" as to be "unable to relieve" any of our shipping States from the decay into which this interest is fallen, and, perforce, must adopt "a modern plan" unknown to the fundamental law, supported by taxation, it is high time the American people attained to a true knowledge of the whole subject.

As we have seen, the power to regulate commerce in the interest of our marines was granted by unanimous assent, and was specially intended for this purpose. We may see from the Constitution itself that this grant having been arranged, the States were divested of power to continue laying duties, either of tonnage or of tariff, for the same purpose. (See sec. 10 of Art. I.) Thus was the protection of shipping given up by the States and taken over by the General Government—the whole matter necessarily arranged by the Convention—action which was afterwards ratified by the States and the people through the adoption of the Constitution. By this adoption the States were relieved of their natural duty to protect, and the United States, in virtue of the compact of union, promised and undertook the stipulated duty.

POPULARITY OF THE SHIPPING COMPACT.

POPULARITY OF THE SHIPPING COMPACT.

There is ample evidence that no little of the popularity of the Constitution grew out of the shipping engagement. When its adoption was before the country, an orator of Pennsylvania held this argument:

"Every person must long since have seen the necessity of placing the exclusive power of regulating the commerce of America in the same body; without this it is impossible to regulate their trade. The same imposts, duties, and customs must equally prevail over all. * * * Whence comes it that the trade of this State, which abounds with materials for shipbuilding, is carried on in foreign bottoms? Whence comes it that shoes, boots, made-up clothes, hats, nails, sheet iron, hinges, and all other utensils of iron are of British manufacture? Whence comes it that Spain can regulate our flour market? These evils proceed from a want of one supreme controlling power in these States. They will all be done away with by adopting the present form of government. It will have energy and power to regulate your trade and commerce, to enforce the execution of your imposts, duties, and customs. Instead of the trade of this country being carried on in foreign bottoms, our ports will be crowded with our own ships and we shall become the carriers of Europe. Heavy duties will be paid on all foreign articles which can be manufactured in this country, and bounties will be granted on the exportation (?) of our commodities; the manufactories of our country will flourish, our mechanics will lift up their heads and rise to opulence and wealth."

OBSERVANCE OF THE SHIPPING COMPACT.

History notes the fact that the compact for the regulation of commerce as beneficial to the country as predicted by the advocates of the

History notes the fact that the compact for the regulation of commerce, so beneficial to the country, as predicted by the advocates of the Constitution, was promptly acknowledged by Congress through acts of legislation, and that, for a time, the power confided to their trust—for making and enforcing navigation laws in the interest of our marine in foreign trade—was exercised to the satisfaction of the people.

The General Congress began their work April 8, 1789, James Madison proposing, in Committee of the Whole on the state of the Union, a tariff measure for revenue and trade regulation, and likewise a distinct measure of discriminating tonnage duties for the encouragement and protection of shipping. Actually, however, the first step toward this revenue of the control of the protection of shipping. Actually, however, the first step toward this growth of the control of the protection of shipping. Actually, however, the first step toward this growth of the protection of shipping. Actually, however, the first step toward this growth of the protection of the protection of shipping. Actually, however, the first step toward this growth of the protection of the protection of shipping. Actually, however, the first step toward this good and the General Government would, of course, continue the policy of his State. Soon afterwards Mr. Madison's tonnage resolutions were tries, the matter went ever and a growth of the protection of his State. Soon afterwards Mr. Madison's tonnage resolutions were tries, the matter went ever and a protection of the state of the of the state

OUR NAVIGATION SYSTEM AS ORIGINATED.

Such were the measures comprising the "navigation laws" of the United States, worked out and instituted by the First Congress, using the power of the Constitution given in clause 3 of section 8 of Article I, "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." These laws were purely regulative, and not for revenue, but for the protection of an important national interest—the merchant marine. The tariff system established was also partly regulative for protection of industry, as the preamble of the first act stated, the authority for this being found in the clause above cited. That the President, the Senate, and House understood the intention of this "enumerated power" is indisputable. Washington had been the President of the Constitutional Convention; Senators John Langdon, of New Hampshire; William S. Johnson, of Connecticut; Robert Morris, of Pennsylvania; William Few, of Georgía; Robert Paterson, of New Jersey; Richard Bassett and George Read, of Delaware; Rufus King, of New York, and Pierce Butler, of South Carolina—nine out of twenty-two Members—had been delegates to the Convention; so likewise had been Representatives Abraham Baldwin, of Georgía; George Clymer and Thomas Fitzsimons, of Pennsylvania; Daniel Carroll, of Maryland; Nicholas Gilman, of New Hampshire; Roger Sherman, of Connecticut, and James Madison, of Virginia—the statesman sometimes called "the father of the Constitution." These

men—seventeen of the founders of the Government—knew what was implied in the regulation of commerce, and expressed in terms of "navigation laws" for the encouragement and protection of shipping power. They knew, also, that they were carrying out a compact of the Union with the States and people of the country, as true and honorable legislators they were in duty bound to do. In performing this task no private selfish interests were served. Sound economy and enlightened public policy—the national interest alone—were studied and advanced.

EFFORTS TO FURTHER ENCOURAGE NAVIGATION.

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The protection given shipping by the acts of July 4 and 20 had scarcely been tested for efficacy when petitions for higher duty on foreign tonnage were sent to the Congress at the second session. One dollar per ton instead of 50 cents should be levied, especially on British ships. A report to the House May 10, 1790, caused a spirited debate, started by Mr. Smith, of South Carolina, a gentleman educated in England, while his countrymen were being shot down for demanding independence. He thought the increased duty "would bear hard on the South" and that the shipping people "should wait to learn the effects of the laws passed last session." Mr. Fitzsimons claimed that "notwithstanding the duty on foreign tonnage the produce of the country had never been in greater demand or had sold for a better price * *" He did not favor a prohibitory duty, at the same time it was a great misfortune to have the carrying trade monopolized by foreigners. Mr. Williamson, of North Carolina, favored, and Mr. Jackson, of Georgia, opposed, an increase of duty. Mr. Page, of Virginia, spoke strongly for the increase proposed. "The dollar rate which Virginia actually laid on British bottoms can not be too high, as that experiment was attended with happy effects, British merchants immediately giving that freight to Virginia ships which till then was refused them, and without increasing the freight in British bottoms." A motion to strike out the increase, and another to substitute 75 cents for \$1, was negatived. Then Mr. Smith moved postponement of the resolution. Mr. Madison was willing to grant this if the shipping of France could be excepted from the advance in rate. He moved to this effect. Mr. Hartley, of Pennsylvania, strongly supported Madison, criticising severely the vindictive policy of the British Government. Mr. Sedgwick, of Messachusetts, thought "we ought not to condemn England for maintaining her exclusive and monopolistic navigation act. According to that act, all other nations were

JEFFERSON'S VIEWS AS TO A SHIPPING POLICY.

Mr. Jefferson had a theory of "free commerce" which he thought would be advantageous for all nations to carry out, but if this could not be done, then he favored full protection for American commerce and navigation. He detested especially the rapacious policy of Great Britain for its unfairness towards his country. Said he, in his famous re-

not be done, then he favored full protection for American commerce and navigation. He detested especially the rapacious policy of Great Britain for its unfairness towards his country. Said he, in his famous report:

"If particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States to convert them into aliment for their own strength and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, or it will be disarmed of its defense, its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of its own commodities, if once established in another channel, can not be resumed in the moment we may desire. If we lose the seamen and artists (mechanics) whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others when disgrace or losses shall bring to our feelings the error of having abandoned them."

"I. Where a nation imposes high duties on our productions or prohibits them altogether, it may be proper for us to do the same by theirs; first, burdening or excluding those productions which they bring here in competition with our own of the same kind; selecting, next, such manufactures as we take from them in greatest quantity and which at the same time we could the soonest furnish to ourselves or obtain from other countries, imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties, having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacture to come himself into the States, where a cheaper subsistence, equal laws, and a vent for his wares, free of duty, may insure him the highest profits from his skill and industry. " The propersion

productions.

"4. Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider theirs any vessel not built within their territories.

"5. Where a nation refuses to our vessels the carriage even of our

own productions to certain countries, under their dominion, we might refuse to theirs of every description the carriage of the same productions to the same countries. But as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us should not be victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants and to our own by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion on an advanced tonnage [duty] and for such length of time only as may be supposed necessary to provide against that inconvenience.

"The establishment of some of these principles by Great Britain alone has already lost us in our commerce with that country and its possessions between eight and nine hundred vessels of near 40,000 tons burden, according to the statements from official sources in which they have confidence. This involves a proportional loss of seamen, shipwrights, and shipbuilding, and is too serious a loss to admit forbearance of some effectual remedy.

"It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to t

THE MADISON RESOLUTIONS OF 1794.

When Mr. Jefferson's report was made it was known that our marine was enlarging and our share of carriage increasing with time. Entrances of our tonnage in foreign trade had risen at an average of 50 per cent annually, and our carriage gain averaged about 11 per cent for exports and 15 per cent for imports. This progress was good, but not quite satisfactory. Our utmost encouragement had not been given, and justice to ourselves demanded its full extent. As a sequel to the report, Mr. Madison, in 1794, introduced in the House a set of resolutions looking to further protection of commerce and navigation, remarking that "the commerce of the United States was not at this day on that respectable footing to which, from its nature and importance, it is entitled." He referred to the situation before the adoption of the Constitution, when conflicting systems of encouragement prevailed in the different States. "The then existing state of things gave rise to that convention of delegates from the different States (at Annapolis), who met to deliberate on some general principles for the regulation of commerce which might be conducive, in their operation, to the general welfare. " But what has been the result of the system which has been pursued ever since? What is the present situation of our commerce? From the situation in which we find ourselves after four years' experiment, it appeared incumbent on the United States to see whether they could not now take measures promotive of those objects for which the Government was in a great degree instituted." " Resolved, As the opinion of this committee, that the interest of the United States would be promoted by further restrictions and higher duties in certain cases on the manufactures and navigation of foreign nations employed in the commerce of the United States than those now imposed.

"1. That an additional duty ought to be levied on the following

with the United States. * * *

"2. That an additional duty of — per ton ought to be laid on the vessels belonging to nations having no commercial treaty with the United States.

"3. That the duty on vessels belonging to the nations having treaties with the United States ought to be reduced to — per ton.

"4. That where any nation may refuse to consider as vessels of the United States any vessel not built within the United States, the foreign-built vessels of such nation ought to be subjected to a like refusal, unless built within the United States. (We admitted to registry as American all foreign-built vessels owned by citizens on May 16, 1789. These the British would not recognize as American.)

"5. Where any nation may refuse to admit the produce or manufactures of the United States, unless in vessels belonging to the United States, or to admit them in vessels of the United States if last imported from any place not within the United States, a like restriction ought, after the — day of — , to be extended to the produce and manufactures of such nation, and that, in the meantime, a duty of — per ton extraordinary ought to be imposed on vessels so importing any such produce or manufactures.

"6. That where any nation may refuse to the vessels of the United States a carriage of the produce or manufactures thereof, while such produce or manufactures are admitted by it in its own vessels, it would be just to make the restriction reciprocal; but masmuch as such a measure, if suddenly adopted, might be particularly distressing in cases which merit the benevolent attention of the United States, it is expedient for the present that a tonnage duty extraordinary only of be imposed on the vessels so employed, and that all distilled spirits imported therein shall be subject to an additional duty of one — part of the existing duty.

"That provision ought to be made for liquidating and ascertaining the losses sustained by citizens of the United States from the operation of particular regulations of any country contravening t

rights, without violating the rights or even the equitable pretensions of other nations—by doing no more than most nations do for the protection of their interests, and much less than some—to make her interests respected. For what we receive from other nations are but luxuries to us, which if we choose to throw aside we could deprive part of the manufacturers of those luxuries of even bread if we are forced to the contest of self-denial. This being the case, our country may make her enemies feel the extent of her power. * * *"

In the debate following Mr. Smith, of South Carolina, brought his British training to bear in an effort to protect foreign interests. He contended that "we were not worse off than France," then warred upon by the British.

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Answering Mr. S., Mr. Madison said in part:

"The propositions before the committee turned on the question whether anything ought to be done at this time in the way of commercial regulations toward vindicating and advancing our national interests. " He professed himself "a friend to the theory which gives to industry a free course, under the impulse of Individual interests and the guidance of Individual sagaty." Exceptions, and the rule itself required what did not exist—that it should be general. To illustrate, the British navigation act, not being counterbalanced by any similar acts, had secured to Great Britain eleven-twelfths (91.66 per cent) of the shipping and seamen employed in her trade. " "

"To allow trade to regulate itself is not, therefore, to be admitted as a maxim universally sound. Our own experience has taught us that, in certain cases, it is the same thing with allowing one nation to regulate it for another. " " A small burden only in foreign ports on American vessels and a perfect equality of foreign vessels with our own in our own ports would gradually vanish the latter altogether."

Mr. Madison proved this from our own history, scant as it then was, but, were he living now, what a demonstration he could make. He went on to tell us why the Constitution was adopted. British, which began to be felt in our trade and navigation, excited universal attention and inquietude. The first effort thought of was an application of Congress to the States for a grant of power for a limited time (fifteen years) to regulate our foreign commerce."

This effort failing, the States next endeavored to effect their purpose by separate but concurrent regulations. Massachusetts opened a correspondence with Virginia and other States in order to bring abou

SHIP PROTECTION IN EARLY TREATIES.

It has now been sufficiently shown that Congress, in pursuance of the compact with the States, entered upon the duty of ship protection with a determination on the part of leaders to build up a commerce and navigation commensurate with the interests of the Republic. Indeed, this view of the duty of government to the country obtained from the first day of independence. This fact stands out in our diplomatic efforts as initiated by Benjamin Franklin, a believer in the freedom of trade. The treaties with France, Holland, and Sweden contained preambles admitting the right to protest against inequalities of footing. The following is from the Netherlands treaty, 1783:

"Desiring to ascertain in a permant and equitable manner the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective States, countries, and inhabitants, have judged that the said end can not be better obtained than by establishing the most perfect equality and reciprocity for the basis of their agreements, and by avoiding all those burdensome preferences which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such uiterior regulations as it shall find most convenient to itself and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages."

ATTEMPTS OF ENGLAND TO CHANGE OUR POLICY.

It was after making the above-named treaties that our States enacted their navigation laws already described. From the first Great Britain was alone in her opposition, and has continued alone to antagonize every effort of "America" to become a power at sea. As to commerce, she refused to treat. As early as 1789 Parliament appointed a committee under Lord Liverpool to note and to study the acts of Congress, and to report measures for their counteraction in respect to ship protection. For twenty-five years the British ministry watched and worked to wheedle or coerce our Government into an abandonment of discriminating duties in the trade between the two countries. This course began openly in the making of the "Jay treaty," 1794,

which provided for twelve years that we would not increase our discriminating duties against her vessels and would permit her to countervail those in force. In 1802 Parliament passed an act that it was desired our Congress would reciprocate, providing for perpetual non-protection of shipping. It had no response. In 1806 a treaty was brought over by our commissioners looking to the same policy, but Mr. Jefferson returned it without submission to the Senate, for one-sidedness. In 1804 we had added 50 cents to our tonnage duty, as "lightmoney" tax, which the British ship had to pay because our vessels paid such tax in British ports. It was then determined to provoke a war which should sweep the seas of "Yankee" ships. We were obliged at last to accept this challenge. When peace came to be made a dilemma was presented—to cease ship protection by the means then common or to continue the war. Our Government gave way, making a "convention" for four years for a mutual suspension of discriminating duties in the direct commerce of the two countries, the West Indies remaining closed, as since 1783. In 1818 England insisted on continuing this convention for ten years, and again, in 1827, for ten more or until the expiration of one year from notice of either party. Thus it stands.

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Indies remaining closed, as since 1783. In 1818 England insisted on continuing this convention for ten years, and again, in 1827, for ten more or until the expiration of one year from notice of either party. Thus it stands.

By giving way to Great Britain in 1815, we initiated a change of policy that never should have been made. The change was the worst feature, although a most unfair commerce resulted from if. British shipping brought out such goods as our market would accept; then they took cargo for the West Indies; there they loaded for the United States, discharged here, and loading again they sailed homeward, having paid no duties, for protection of "Yankee" shipping. American vessels could load and sail for a British port in Europe, there discharge, and return home in ballast, there being no discriminating duty to induce merchants to give them freights. They could not load and sail from England to a British West India port under penalty of confiscation of hull and cargo. They paid no discriminating duties, except for lights in British European ports, but neither could they get the carriage of British-owned cargoes, with protective duties off. Such duties never exceeded 25 per cent of the amount of a freight. It paid well to pay them in foreign ports, if by their means foreign merchants were induced to load our ships. Saving the duty lost the load homeward. There was no statesmanship in that for us. Besides, where we were entitled to half the transportation of the commerce with Great Britain, our vessels could get but one-quarter. Entitled to half the transportation of the commerce with Great Britain, our vessels could get but one-quarter. Entitled to half the transportation of the commerce with Great Britain, our vessels could get but one-quarter. Entitled to half the transportation of the commerce with Great Britain, our vessels could get but one-quarter. Entitled to half the transportation of the commerce with Great Britain and the manufacture of the convention minimized. In 1819 if would terminate how

policy might have come down to the present day, and the American marine been now the glory of the Republic, as in early times.

It was argued that our vessels no longer required protection—while our navigation had been "the child of protection." In forty years it had become "a glant." For ten years past its protection had been the greatest of any period. In 1827 our share of carriage in our own commerce was, for imports, 94.3 per cent, and for exports, 87.5 per cent. In the two years preceding our carriage had been even greater. Some of our statesmen thought our ships could carry for all the world, if only protection was stripped off, notwithstanding the protective system of England was then in full operation. This notion was not based on the experience of any country, but was a bit of illusion. It was thought, too, England would see so much advantage in reciprocation that the ministry would jump at the proposition; but not they; they had the virtue of wariness, and avoided a step that might prove perilous for twenty-one years. By 1840 eighteen countries had made reciprocity conventions with us, and our percentage of carriage in our own commerce had fallen, for imports, 12.9 per cent, and for exports, 8.6 per cent, in consequence of our liberality.

From these figures the ultimate loss of at least the greater part of our carriage was plainly indicated. David Ricardo, noting this fact, pointed out in Parliament that the "indirect" voyages of vessels paid the best, and that England was losing much profitable business by not accepting the principle of our act of 1828 and sharing with other nations in the indirect carriage of American commerce. As our law stood, the merchants of England, for generations established in every port of the world, if they made shipments to the United States were obliged to freight American vessels. Why? Because, by a law of 1817, British ships could not enter cargoes from non-British ports. This was the best protection our shipping had ever had. If Ricardo could get it done away, as to

our reckless haste in rushing to ruin. Severe losses of carriage resulted, as statistics show:

Year.	Import car- riage.	Export car- riage.	
1849	Per cent. 81.4 77.8 75.6 74.5 71.5 71.8 60.0	Per cent. 68. 9 65. 5 69. 8 66. 5 67. 1 60. 2 72. 1	

In four years our loss of import carriage was 10 per cent; in twelve ears it was over 21. When the act of May, 1828, was under debate was dubbed "an olive branch" for England—it might have been illed a "treasure chest." Here is its text:

THE RECIPROCITY ACT OF 1828.

"That upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, the President is hereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and import within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation, and the produce, manufactures, and merchandise imported into the United States in the same from the said foreign nation, or from any other foreign country; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer."

United States and their cargoes, as aforesaid, shall be continued, and no longer."

The advantage to British shipping in accepting the terms of this act may be judged from the fact that it now makes use of our ports in proportion to 7 or 8 tons of British to 1 of ours, as shown in the payment of tonnage taxes in foreign trade. Also in the value of commerce brought indirect, which, in 1902, was 30 per cent of our total imports; while it was over 55 per cent of the total brought by British vessels. This indirect carriage is a privilege—it is not a right—granted in violation of the right of our own vessels on the supposition that no hurt to them would follow, but our carrying trade has been ruined, and we receive actually no reciprocation, compensation, or quid pro quo for our transgression. This takes the practical form of a bag of tribute money to a nation that is responsible far beyond all others for our dependence on the ocean—a nation that would rejoice at any misfortune that should cause a sundering of our Union and the downfall of our Republic. For this nation we cast away our own ship and build up its power to monopolize the shipbuilding, navigation, and commerce of the world. Can our statesmen realize all this, and yet do nothing toward repealing this act of 1828 and restoring to the American people the shipping rights guaranteed by the Constitution?

THE PRINCIPLES OF THE ACT OF 1828.

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THE PRINCIPLES OF THE ACT OF 1828.

When this measure was introduced at the instance of John Quincy Adams, then President, it was in charge of Senator Lloyd, of Massachusetts, 1826; but on passage it was managed by Senator Woodbury, of New Hampshire, who, it is evident, delighted in his job. From -1834 to 1840 he was Secretary of the Treasury, in charge of commerce and navigation, and could have studied the fill effects of his act. On the principles of this he thus expatiated:

"These principles embraced the great paramount one of all, that trade shall be free; that all shackles on commerce should be stricken of, and in accordance with the lights and spirit of the present age, that all country which justly boasts of the freedom and superiority of its institutions nothing is to be feared from a rivalship on this subject—free as air and extensive as the widest range of civilization."

This was, therefore, on the part of some, an acknowledged "freetrade" measure, not passed by a free-trade Congress, but by the very same that enacted the extraordinary tariff of 1828. This law is sustained now, as then, by the highest protectionists that we have had making law for last forty years. Such is the strange inconsistency of the human mind. Unfortunately for the credit of "free trade" and the wisdom of Senator Woodbury, this law stands as a memorable of the luman mind. Unfortunately for the credit of "free trade" and the wisdom of Senator Woodbury did not base his argument on facts in our history or any other, or even on the principles of his bill, but appealed to conceit, to vanity and delusion, sentiments in antagonism to the proven value of one ship protection. Here is why he would cast it off:

"We are known to possess a skill and economy in building vessels, a cheapness in fitting them out, an activity in salling them, which without discrimination, would give us an advantage in coping

protection to the employment of our vessels were never discussed in the proposing, advocating, or opposing of any of our ship-reciprocity bills. Only the notions of impractical men were aired. Says Woodbury: "By this bill we now hold out the olive branch to all!" So he sacrificed our marine to placate our rivals and enemies, instead of keeping our ports shut against them forever, should that be necessary. And after all a special act had to be passed, in 1830, to get the West India ports opened, showing that our sacrifice missed its purpose, unless that was to kill off our ship protection and destroy our carrying trade—in British interest. There was never a falser step in the government of any country, and yet that step is retaken day after day, by one administration after another, as a fanatic fights and dies in what seems to him a holy cause. to him a holy cause.

WOODBURY BLIND TO HIS ABERRANCY.

With all his political science, Mr. Woodbury was unacquainted with e uses of a marine in foreign trade. When Secretary of the Treas-y, in 1838, he stumbled on a mystery, which he thus stated and ex-

ury, in 1838, he stumbled on a mystery, which he thus stated and explained:

"The history of our commerce during the twenty years from 1818 to 1838 presents a singular change in the last half of that period, which tends strongly to illustrate the correctness of these suggestions. During the first half of it the excess of imports over exports was only about \$75,000,000, or in the proportion of nearly \$7,500,000 annually. But during the last ten years of it the excess was nearly \$212,000,000 annually, and thus more than 250 per cent greater than it had been. Supposing that the \$7,500,000 were composed principally of the fair profits and difference in valuation, the excess over that rate in the last ten years must constitute a debt, either mercantile, State, or corporate. It equals nearly \$137,000,000 before 1839."

The Secretary thought this debt arose mainly "from importations beyond our wants." We may have required the goods, but the point is that we did not pay for them. Why? Because the falling off in tonnage per capita had been from an average of 5.91 cubic feet for the ten years of 1819–1828 to an average of 4.62 cubic feet for the ten years of 1829–1838, a decrease of 28 per cent in navigation. Also, there was a falling off in our proportion of carriage for the last term as against the first from an average of 92.35 to 90.43 per cent for imports and from 86.39 to 79.17 per cent for exports, an average decline of 5.11 per cent, and this upon a per capita tonnage reduced 28 per cent. Wherefore? As a result of Adams's and Woodbury's openand-free shipping policy. Carriage in the export trade is itself an export. Our loss on this item from one period to the other was 8.35 per cent. The man who ignores the function of shipping in balancing commerce has much to learn before he assumes the role of a statesman.

PRESIDENT MONROE'S ACCOUNT OF RECIPROCITY.

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PRESIDENT MONROE'S ACCOUNT OF RECIPROCITY.

In his message of December 5, 1821, we find a brief sketch of reciprocity, its objects and adoption, by President Monroe, a statesman familiar with all the facts in the history of our marine:

"By an act of the 3d of March, 1815, * * * a proposition was made to all nations to place our commerce with each other on a basis which, it was presumed, would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports and to take the manufactures and productions of the United States back to their ports in their own vessels on the same conditions that they might be transported in vessels of the United States, and in return it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper and on its own conditions.

the United States in the ports of other powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper and on its own conditions.

"When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power.

* * * By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor."

It will be noticed particularly that this reciprocity, unlike that of 1828, applied to direct trade only. British vessels could not bring cargoes from non-British countries. It left the "indirect" trade of all nations to American ships, or to those of the country producing the cargo. Out of more than eighty countries and communities in the world, only about one-quarter sail ships at sea in foreign trade. This reciprocity, therefore, applied to the navigating nations alone. It was devised for us, but with special reference to British interest, which was hard to satisfy. When Congress authorized this reciprocity it was expected that the British would permit its application to their colonies, and thus settle the West India question. In fact, it is believed this assurance was given sub rosâ. Says President Monroe:

"Many considerations of great weight gave us a right to expect that this commerce would be extended to the colonies as well as to the European dominions of other powers. With the latter, especially with the colonies, and with the greater reason, as it was known that the supplies which the colonies derived from us were of the highest importance to them, * and because, likewise, the article

CONGRESSIONAL BREACH OF COMPACT.

After we had surrendered the right to protect our navigation in direct trade under the act of 1815 and by the conventions following, there remained but one other right to give up and abandon—that was the right to protect our navigation in the indirect trade. That right had been effectually exercised in 1817 by restricting foreign vessels to direct trade only from their own country or its colonies and possessions. That law conceded all their rights, but refused privileges, that were incompatible with the survival of our own shipping. But while these reciprocity measures were under consideration, especially that of 1828, what was thought of the compact for ship protection? It was undoubtedly in the mind of President Madison, in that of his Secretary of State, James Monroe, and advised upon by Thomas Jefferson. Monroe tells us the stripping of protection from the "indirect" trade was considered inadmissible in 1815. The reason assigned is the inequality that would arise, but there was doubtless the further reason that the compact of union would be broken. As a matter of equity and good conscience, so far as protection in direct trade was essential to the survival of our marine, it was a violation of the compact to suspend it. Indeed, the act of 1815 repealed our discriminating duties in direct trade, but itself was repealed in 1819, to take effect in 1824, only to be soon after reenacted, the word "suspend" taking the place of the word "repeal." The words in the act of 1828 are "suspended and discontinued." Adams and Clay may not have known Congress was not at liberty to play at ducks and drakes with ship protection—to strip it off and present it as a cast-off robe—a peace offering to our enemies, but we have no evidence that they cared. Had either of these men cared, they were in Congress for years afterwards and would have taken some opportunity to move for a correction of their mistake when they saw from statistics that our carrying trade was gradually passing into foreign hands.

It seems superfluous to argue

OUR SHIPPING EXPERIENCE UNDER OPPOSITE POLICIES.

OUR SHIPPING EXPERIENCE UNDER OFPOSITE POLICIES.

In the table following is given a list of countries under reciprocity, with a condensed statement showing the operation of our shipping policy throughout our history, and the effect produced on transportation. This last is shown by the tonnage employed, but better by the proportion of American carriage, since the tonnage may be large, but not all in use, as in 1858 to 1863. The column of carriage shows distinctly the results of competition for employment. When it has been severe, our percentage falls; when it eases up, our percentage rises, as a general rule, since the navigation laws are constant influences tending to regulate foreign competition, of course wars and the larger events interfere with competition, and may increase or diminish it, but, with their cessation, competition assumes its way.

The periods before reciprocity, 1789-1815; from partial reciprocity to full, 1815-1828, and after full reciprocity, 1828-1906, are plainly designated. The constant and ruinous decline in our carriage is seen to originate after our reciprocity conventions began to take effect, and has continued with the extension of privileges to foreign shipping ever since. This is not only consistent with the principle involved—the survival of the strongest or best protected—but with the logic that would sacrifice any industry needing encouragement. Besides, the demonstration of the folly of our false policy is complete.

Countries under reciprocity, with statement of tonnage and comparative carriage in

Countries under reciprocity, with statement of tonnage and comparative carriage in foreign trade, before and after reciprocity agreements.

Proportion of our carriage in foreign trade. Con-vention trade ship Country. term. ping. BEFORE ADOPTION OF RECI-Years. Tons. * 123, 893 * 346, 254 * 363, 110 * 411, 438 367, 734 438, 863 529, 471 576, 733 597, 777 603, 376 657, 142 P. cent. 40 52 58 67 82 91 92 91 92 91 93 93 93 93 93 93 93 95 71 58 77 61 77 86 88 90 88 87 87 87 87 85 88 89 90 88 89 90 88 84 90 86 51 71 1794 1799 1800 1801 1802 1803 1804 657, 142 657, 107 630, 558 557, 760 585, 910 585, 910 660, 514 744, 224 798, 507 810, 163 765, 252 906, 855 981, 019 763, 607 758, 636 672, 700 674, 633 1805 1806 1807 1808 1809 1810 War with England 674, 633 854, 295 1815 *Tonnage of arrivals.

Countries under reciprocity, with statement of tonnage and comparative carriage in foreign trade, before and after reciprocity agreements—Continued.

No.	Country.	Date of effect.	Con- vention term.	Foreign trade ship ping.	Proportion of our carriage in foreign trade.	
					Im- ports.	Ex- ports.
	PARTIAL RECIPROCITY.				Lineary	ray resu
1	Great Britain 4	July, 1815 1816	Years.	Tons. 854, 295 800, 760 804, 851 589, 954 581, 230 583, 657 593, 825 582, 701 600, 003 636, 807	P. cent.	71
	Netherlands (act)	1816 1817	9Ind.	800, 760 804, 851	73	68 74
2	Sweden and Norway 4 Great Britain 4	1818	8	589, 954 589, 954	85 85	80 80
		1819 1820		581, 230 583, 657	87 90	82 89
3	France	1821 Oct., 1822	62	593, 825 582, 701	92.7 92.4	84. 84.
		Oct., 1822 1823 1824		600, 003 636, 807	92.1 93.4	87. 88.
4	Denmark4.:	1825	710	600, 003 636, 807 665, 409 696, 221 701, 517 757, 998 757, 998 757, 998 592, 859	† 95. 2 951	89. *89.
5	Central America 3	Amer 1896	812 712	696, 221	95	89.
	Sweden and Norway1	Jan., 1828	710	757, 998	94.3 91.4	87. 84.
7	Hanseatic Republic 3 Sweden and Norway 1 Great Britain 1 Brazil 2	Dec., 1827 Jan., 1828 Oct., 1828 Dec., 1828 Mar., 1829	7Ind. 712	757, 998 757, 998	91.4 91.4	84. 84.
8	Prussia	Mar., 1829	712	592, 859	93	86
	FULL RECIPROCITY.		100			12
+= 1	Brit. N. A. & W. I. Colonies	Oct., 1829	gInd.	537, 563	93.6	86.
9	Austria-Hungary Mexico ⁵ Russia	Feb., 1831	710 78	538, 136 614, 121	91 89, 4	80. 75.
11	Russia	Oct., 1829 Feb., 1831 Apr., 1832 May, 1833 1834	76	648, 869	90.7	75.
		(9mo.)1835		788, 173	89 92.2	74.
12	Venezuela 2	May, 1836 1837	712	753, 094 683, 205	90.3 86.5	75. 77.
13 14	GreeceSardinia ³	June, 1838 Mar., 1839	710 710	702, 962 702, 400	90.6 88.7	82. 78.
15 16	Netherlands ⁴ Hanover ⁴ Portugal ²	July, 1839 May 1840	7 1C 7 12	702, 400 762, 838	88.7 86.6	78. 79.
17	Portugal ²	Mar., 1839 July, 1839 May, 1840 Aug., 1840 1841	76	762, 838	86.6 88.4	79. 77.
18	Ecuador 2	1842	7 12	537, 563 538, 136 614, 121 648, 869 749, 378 753, 094 683, 205 702, 400 702, 400 762, 838 762, 838 762, 838 763, 746 856, 930 900, 471 904, 476 943, 307 943, 307	88.5	76.
		1843 1844		900, 471	77.1 86.7	77
19	Two Sicilies 4 Belgium 2	Dec., 1845 Mar., 1846	710 710	904, 476 943, 307	87.3 87.1	75. 76.
21	Belgium ² Hanover ³ Oldenburg ³ Mecklenberg-Schwerin ³	Mar., 1846 June, 1846 Mar., 1847	7 12 7 12	943, 307	87.1 77.2	76. 65.
22	Mecklenberg-Schwerin 3	Dec., 1847 May, 1848	710± 78	1,047,454	77.2 82.9	65. 71.
23	Mexico ¹¹	June, 1040	720	1,047,454 1,047,454 1,168,707 1,168,707 1,258,756	82.9 81.4	71. 68.
24	Hawaiian Islands3		. 10	1,439,694	77.8	65.
25	Guatamala ²	May, 1852	*12	1, 433, 694 1, 544, 663 1, 705, 650 1, 705, 650 1, 705, 650	75.6 74.5	69. 66.
26 27	Guatamala ² Costa Rica Salvador ⁴	June, 1852	77	1,705,650	74.5	66. 66.
28	Peru ²	Feb., 1853	710 72		74.5 71.5	66. 67.
29	Argentine Republic	Dec., 1854 1855	None.	2, 151, 918	71.4 77.3	69. 73.
	Two Sicilies ³	Nov., 1856 1857	710	2,302,190 2,268,196	78.1 71.8	70. 60.
	Denmark ¹ Belgium ²	Jan., 1858	7 Ind. 7 10	2.301.148	72	75
30	Paraguay	Mar., 1860	7 10	2,321,674 2,379,396	63.7	69.
31	Venezuela ² Ottoman Porte ²	Aug., 1861 June, 1862	78	2, 494, 894 2, 173, 537	60 44.8	72. 54.
32	Bolivia Liberia	Nov., 1862 Feb., 1863	1 10	2, 173, 537 1, 926, 886	44.8	54. 40
34	Honduras	1864 May, 1865	17	1,486,749 1,518,350	24.6 29.9	30 26.
35 36	Haiti	May, 1866 Oct., 1867	78 78	1,387,756 1,515,648	25.1 28	37. 39.
37 38	Nicaragua ²	June, 1808	1 10	1, 494, 889 1, 494, 389	33	36.
00	madagascar	1869	None.	1,496,220	31.3	36. 34.
39	Raly	1870 Nov., 1871 1872	7.5	1, 448, 846 1, 363, 652	33.1	37. 32.
		1872		1, 359, 040 1, 378, 533	21	29. 25.
	Salvador ²	May, 1874	710 710	1, 389, 815 1, 389, 815	30.2	24. 24.
	Belgium	June, 1875 1876	7 10	1,515,598	29.2	23.
		1877 1878		1,553,705 1,570,600 1,589,348	31.5	23. 22.
		1879		1, 451, 505 1, 314, 402 1, 207, 635	31.6	17.
	******	1880	20.77	1, 314, 402	19.9	13.
40	Korea	May, 1882 Mar., 1883 1884 1885	None.	1, 259, 492 1, 269, 681	19. 2 20. 7	12. 13.
		1884 1885		1,276,972	22.4	14. 13.
41	Spain (islands 5)	OCL., 1880	None.	988,041	18.6	18.
	Spain ⁵ (an agreement) Peru ²	Sept.,1887 Oct., 1888 1889	710	989, 412 919, 302	18.5	11.7
		1890		999, 619 928, 062	17.08	9.0
		1891 1892		928, 062 988, 719 977, 624	15.85 17.66	9.2 8.1
		1893 1894		883, 199		
	†Carriage climax.	1009		age of arriv		, 0,

Countries under reciprocity, with statement of tonnage and comparative carriage in foreign trade, before and after reciprocity agreements—Continued.

No.	Country.	Date of effect.	Convention term.	Foreign trade ship- ping.	Proportion of our carriage in foreign trade.	
					Im- ports.	Ex- ports.
	FULL RECIPROCITY—cont'd.		Years.	Tons.	P. cent.	P. cent.
42	Spain (as to Philippines) Japan	1895 1896 1897 Dec., 1898 1899 1900 1901 1902 1903 1904 1905 1906	10 712	822, 347 829, 833 792, 870 725, 213 887, 229 816, 795 879, 595 879, 264 888, 628 943, 750 928, 466	15. 49 15. 76 14. 97 15. 97 12. 36 12. 94 11. 99 14. 34 12. 88 14. 33 15. 46 14. 80	8. 22 8. 57 8. 10 5. 87 7. 07 6. 12 6. 44 7. 10 7. 45 9. 59 9. 90

MEANING OF INDICES.

The index figures in second and fourth columns explain some of the conditions of the agreements.

1. Extension or renewal of term.

2. Terminated by foreign country giving notice required.

3. Merged into another country.

4. Superseded by later treaty or convention.

5. Terminated by war.

6. Convention at first protective on both sides; became nonprotective in 1828; terminable after six months' notice.

7. Continuable by its own terms; terminable on one year's notice.

8. As to shipping reciprocity articles only.

9. By act of Congress—repealable by same.

10. To be revised if desired after five years.

11. Abrogated by treaty 1853.

Italics. Countries we now have agreements with.

Ind. Term is indefinite, but terminable after one year's notice.

None. No term stated. Only two of these now valid.

In the course of elighty-four years we made "maritime reciprocity" agreements with forty-two countries, only a dozen of them of any importance—and those prior to 1850—about twenty of no consequence, and the remainder quite moderate in pretensions at sea. We have such agreements now with twenty-two countries, ten of them inconsequential in point of commerce; one now without a port. Fiften agreements have been terminated by twelve countries, presumably for want of utility.

Our damaging competition, under our present free and open policy, has been mostly from the British. No doubt every shipping nation can make the like declaration. Only for the time between 1818 and 1830 did we have the advantage of them in time of peace. They are the nation that makes ship protection necessary to the nations of the world. Their writers have endeavored to make it appear that not their unfair and vicious competition but "economic" cause were to blame for our undoing—for instance, the use of wooden sailing ships to oppose their metal steamers; the "high protective tariff," that increased the wages of shipwrights and seamen; and the greater cost of metal materials, also due to "protection." But iron ships—the steame

The following will illustrate the usual articles of conventions for their termination:

[Convention of 1827 with Great Britain.]

"ART. II. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years—that is, after the 20th of October, 1828—on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention, and it shall, in such case, be accordingly annulled and abrogated after the expiration of the said term of notice."

There is a sentiment indulged in by some that our reciprocity agreements should continue; that we should not regulate our trade, but get ship protection some other way. But there is no authority in the Constitution for shipping reciprocity agreements—agreements to nonprotect our navigation. Nor is there authority to protect our navigation. Nor is there authority to protect our navigation in any other way than through regulations of commerce.

It is also set up by some that it would be discourteous and rude to terminate an agreement by which a rival is worsting us, but they have all agreed beforehand to the propriety of such action, and we have ample precedent in our own history. By an act of Congress July 7, 1798, we abrogated four treaties with France. In 1864 we abrogated at end of term a commercial reciprocity agreement with Great Britain for trade with Canada, and in 1879 we abrogated the "Burlingame" treaty with China. Not one of these agreements can be compared with our "maritime-reciprocity" conventions for their hurtfulness and harm to the country through the consequences of the shipping dependency which they have created.

OUR DOCTRINE OF SHIPPING RIGHTS.

The peculiar course of Great Britain toward the United States in our early history caused a study of the subject of international com-

OUR DOCTRINE OF SHIPPING RIGHTS.

The peculiar course of Great Britain toward the United States in our early history caused a study of the subject of international commerce the world over, especially by American statesmen intent upon securing the natural rights of a young and independent maritime nation. What these rights are became matter for serious thought and considerate, but resolute, action. Considering the question in its broader aspects, as did Doctor Franklin and other of our prominent statesmen, the transportation between two nations is a part of their commerce, and, in direct trading, plainly belongs to each country to do, and not to any third party. If one country has not the vessels and the other has them, then the whole transportation manifestly belongs to that one, and can not be justly claimed by any other. There is, therefore, no ground of right for a monopoly of navigation.

While some nations unskilled in navigation have been content to have no shipping and only a passive commerce, others qualified to build and sail have been alert to the importance of an active commerce carried on by their own vessels for two weighty reasons: First, to avoid dependence on foreign shipping, with its evils; second, to prevent payment of freights to vessels of other nations, which creates or increases adverse balances of commerce. The shipless nation is generally in foreign debt, nonprogressive, and seldom prosperous.

Regarding the true theory of commerce, said Senator Rufus King, of New York, in 1818:

"As all nations have equal rights and each may claim equal advantages in its intercourse with others, the true theory of international commerce is one of equality and reciprocal benefits. This gives to skill and to capital their just and natural advantages; any other scheme is artificial."

and to capital their just and natural advantages; any other scheme is artificial."

It was largely due to denial of equality in the matter of shipping that caused the Revolution of 1776. The colonists were treated as subordinate to their fellow-subjects; their industries and the use of their vessels were placed under inferior regulations—just as in the discriminating insurance policies of the London Lloyds still extant. It is therefore imperative now, as in the beginning, that an American system of commerce should look to protection of some kind that shall even up disadvantages and secure equality in the footing of vessels, whether natural or created by devices of our rivals, and thus conduce to the conduct of "fair commerce" and a just sharing of transportation.

That our natural rights should be protected is self-evident and axiomatic. Said Senator Barbour, of Virginia, in 1818:

"Vain, foolish, your resolutions to build ships, unless you protect your navigation. It is not to the superior fixtures of your vessels or the ampleness of their supplies you are to look for victory, but to the number and experience of your sailors. If you suffer the power who looks with jealousy on your rising commerce and with envy on the glory of your Navy to exclude you from the participation of those advantages which of right, as being derived from nature, belong to you, abandon all thoughts of an efficient marine and withdraw from the ocean."

Mr. Barbour was a Virginia farmer, but he was no less a statesman. He feared it would some time happen that, ceasing to protect our navigation, we would have to retire from the sea in disrepute.

The despotic disposition of England always justified the notion that in navigation, there are no rights her subjects need respect. Might

gation, we would have to retire from the sea in disrepute.

The despotic disposition of England always justified the notion that in navigation there are no rights her subjects need respect. Might makes all the right there is; let him take who can. This being so, American vessels had no right to take cargoes into British West Indian ports, although the articles were much in demand and the trade was open to British and other vessels. Said President Madison, in his special message of 1812:

"It has become sufficiently certain that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain, not as supplying the wants of her enemies, which she herself supplies, but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy—a commerce polluted by the forgeries and perjuries which are for the most part the only passports by which it can succeed."

Felix Grundy, of Tennessee, declared:

can succeed."

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"It is not the carrying trade about which this nation and Great Britain are now contending. The true question is the right of exporting the products of our own soil and industry to foreign markets. Our vessels are captured when destined to ports of France. * * * These depredations on our lawful commerce are not to be traced to any rules or maxims of public law, but to the maritime supremacy and pride of the British nation. * * * What, Mr. Speaker, are we called on to decide? It is whether we will resist by force the attempt made by that Government to subject our maritime rights to the arbitrary and capricious rule of her will. For my part, I am not prepared to say that this country shall submit to have her commerce interdicted or regulated by any foreign nation. Sir, I prefer war to submission."

MAIN POINTS OF OUR SHIPPING RIGHTS.

In short, as may be fully shown, the American doctrine in relation to the vessel-carrying trade, is this: Our shipping has the natural right and is entitled—

right and is entitled—

1. To carry American exports to any country whose ports are open to receive them by other vessels.

2. To carry American commerce, exports or imports, between the United States and other countries, their vessels participating with ours mutually in the carriage required to the extent of one-half the volume

3. To carry all the commerce between the United States and another country, if it has no vessels of its own with which to do its share of

4. In respect to domestic commerce, American vessels are entitled to all—coasting, lake and river—no foreign vessels having any right

to all—coasting, lake and river—no foreign vessels having any right whatever.

5. Further, the Government of the United States has the natural right and is entitled to regulate its foreign trade in a way to secure and protect all our shipping rights against the adverse footing, or protective policies and devices, of foreign countries. Further still, the Government of the United States is under a constitutional compact, as sacred as any other in that instrument, with the maritime States, to perform its duty in the enforcement of proper laws for the encouragement and protection of American navigation and to see that engagements with foreign nations involve no sacrifice of this very important interest.

Such being the principles governing the interest of the American people in the carriage of their own commerce, it can not be too often or too strongly insisted upon that American navigation for American commerce is not merely a just natural sentiment, but an imprescriptible national right, to be enjoyed equally with all other rights. And as this right may, and constitutionally must, be protected by regulations of commerce, the question is up to the Government, Why should one cent of subvention, to conciliate any nation, ever be paid from the Treasury for the partial support of a freighting marine? There is such a thing as overdone conciliation. That has already been the sacrificial altar of our marine. Our moderation on that occasion has but passed for obsequionsness.

FRINCIPLES OF THE MEASURES EMBRACED IN THE BILL.

The difficulties of our shipping situation are now such that the provisions of a measure that two location are now such that the provisions of a measure that the provisions of

The difficulties of our shipping situation are now such that the provisions of a measure that would have been effectual forty years ago would be quite impotent now. The means necessary to-day must be plenary, if not drastic, yet it is not proposed to resort to prohibitions,

but to establish efficacious tonnage duties prohibitive in the course of time. Every helpful expedient will be found necessary and perhaps indispensable. Tariff duties are omitted not because these are unimportant, but because it will be more convenient to consider them whenever the tariff itself may be under revision. Discriminating tariff duties may be considered as held in reserve.

The eternal principles of right—of justice toward other nations as well as duty to ourselves—should prevail throughout the act. Knowing what belongs to our notion by right, we should fearlessly claim it; aware of what belongs to others, we should in justice consider it. The ocean is for the use of all. Its monopoly should be permitted to none. Every convalescence has its time, every wise change of policy its period. Effects are better if gradually produced. It will apparently take many years to create and instate the marine and the merchants sufficient for our commerce with its rapid growth, we are so far behind.

hind.

Any measure to be thoroughly successful must be devised and enacted in view of perpetual application. To think of such protection to American navigation as will do its work as ever to be relaxed or suspended is not to reason from history. The British have to-day, and need it, as complete protection to their navigation as that established two hundred and fifty years ago. Our shipping legislation must, therefore, be persistent in character. Each section of the bill which this discussion refers to will now receive appropriate comment.

COMMENTS UPON THE BILL.

Section 1. A distinct departure is made in this section from our original system of trade regulation. It is desirable that our own vessels in direct trade with other countries, carrying cargoes of more than one-fourth capacity, be not subject to extra tonnage tax; therefore, if we would not wish to pay it we should not charge it; but if another country charges it, then we should do likewise. By this course we waive protection to direct import traffic, but do so to gain protection to export carriage, the more important in our case. At present foreign vessels are importing direct 46 per cent and indirect 54 per cent of what they bring. In early times indirect importing was in our own hands—that is to say, foreign vessels confined their work to direct trade—and from 1817 to 1828 we compelled them to do this. This section, like the others to follow, makes a regulation that we are willing to observe ourselves.

section, like the others to follow, makes a regulation that we are willing to observe ourselves.

Sec. 2. The intention of this section is to confine foreign vessels in our commerce to voyages from the countries to which they belong. Indirect traffic by them violates the rights of our own shipping and might be prohibited entirely, but an ample duty will in time substitute our own vessels for the foreign tonnage now in possession of our trade. The British Cunard Company has recently contracted with the Government of Austria-Hungary to bring all emigrants from that Kingdom to the United States in disregard of our right to reserve this traffic for our own vessels if Austria-Hungary can not furnish her share of this transportation. Our present shipping policy, violative of the rights of our maritime States, enables the Cunard Company thus to infringe the rights of our people. This policy cuts our own throat, for the emigrants constitute the cargo one way, and our exports furnish the cargo the other way. By securing the emigrant carriage our rivals also secure the export carriage, taking it from our own vessels.

rlage our rivals also secure the export carriage, taking it from our own vessels.

It will be noted that in this section and in sections 3, 4, and 5 the discriminating duty is graduated, the smaller sizes of vessels paying the least and the larges rizes more per ton until the largest pays the most, in accordance with a well-known principle of transportation, which may be seen in practice not only in railway carriage, but on river, lake, and ocean. Ships four times the size of others can cut freights in two. On economic principles, therefore, vessels of 2,000 tons need twice the protection of those of 8,000 tons. If it be assumed that \$5 per ton annual subvention will protect 2,000-ton vessels against those of equal or less size, then against those of 8,000 tons the protection should be \$10 per ton, and against those of 16,000 tons the protection should be \$20 per ton to preserve equality. It is believed that the duties need to be as high as set forth in this and following sections to be effectual in operation.

Sec. 3. The duties in this section are made lower than in the preceding section for the reason that it is less injurious to our shipping to come for cargo than to bring it, and the foreign ship can not so well pay the higher rates. There is no distant country that our vessels can afford to go to in ballast for cargo.

Sec. 4. The regulations in this section look to the prevention of such imposition upon our ships as now makes it impossible for them to secure employment in certain of our export trades, notably those of the Pacific coast, on account not only of British underwriting discriminations, but because of the bountied ships of France. These go out in ballast, the bounty being high enough to pay a profit outward whether cargo be taken or not. As we can not bounty our shipping, the only course open is handicapping by tonnage tax, unless we prohibit entrance. Proper mail and passenger steamers would not be affected by this section.

Section. 5. This section is intended to correct a great abuse. It has been a practice of speculators in transportation in British ports, particularly in Liverpool, to engage for months and even years ahead, and to order ships for it "chartered before arrival." No American ship ever got one of these charters, but in consequence of the practice many such have been thrown idle for months, until all the "ready chartered" foreign have arrived and loaded at full rates. This has been a great evil needing regulation in our Pacific ports for twenty-five years past. Sec. 6. With the "aid" of their Government, the French are becoming as bad as the British for violating our rights. Their great sailing ships can now come in ballast to our Atlantic ports and then go "seeking" from one side of the continent to the other, a thing no American ship can do, and this handicapping has become absolutely necessary. Our vessels can not go to a French port and get a pound of freight, and their underwriters discriminate against cargoes in them, following British example.

and their underwriters discriminate against cargoes in them, following British example.

SEC. 7. This regulation may be of use to our shipbuilders as setting a value on the privilege described. The Germans are the chief offenders against this rule, but there are others. This measure aims at making a fair chance to run steamers of our own to various countries, and every right must be justly exercised.

SEC. 8. We have charged no "light dues" for many years, but our vessels go nowhere abroad that they are free from this tax.

SEC. 9. Some of our rivals largely employ labor on their vessels but little above that of slaves, wages being merely nominal, to the great advantage of owners in meeting competition, and in justice to our own shipping this condition of things should have a special handleap.

Sec. 10. The increase in torming tax as proposed enables our shipping to render good seveles to our country in providing season of our own nationality, an object worth accomplishing. Fractically to most of our vessels the tax will be reduced.

Sec. 11. The fund created by this resultation, derivable mainly from 50 our vessels in the export trade. The revenue power is not exercised in raising this fund. The regulation is purely commercial, and the money will be better used for the object mentioned than in applying the money will be better used for the object mentioned than in applying the money will be better used for the object mentioned than in applying the money of directly encouraging this most important object. Vessel owners will receive nothing beyond the preference given, which will be well worth obtaining, since without it ruin may follow the tideness committee the cost of marine insurance and no doubt will be appreciated by exercised the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and no doubt will be appreciated by exercise the cost of marine insurance and the cost of the exercise of t

ployed.

11. In war time, and such times will come for many a year yet, it will always be advantageous to have at command of the Government a sufficiency of vessels for all purposes. In all our history there never was a time when we had such sufficiency, but had always to suffer for it. At all times we should be able to protect our interests on the sea, as on land, and for this the marine is only a little less useful than the Navy.

as on land, and for this the marine is only a little.

Navy.

12. There appears to be no reason why the passenger business should not contribute its element of power to the protection of our steam mail lines. It will be no hardship for a German, for instance, to come to

the United States on a ship of his own fatherland, instead of taking passage on a French liner. Every nation should enjoy its own rights, every one should oppose shipping monopoly as dangerous to human freedom.

SEC. 14. The provisions of this section look to the possible abatement of the wily warfare of the British Lloyd's and other foreign

the United States on a ship of his own fatherland, instead of taking passage on a French liner. Every nation should enjoy its own rights, every one should oppose shipping monopoly as dangerous to human freedom.

14. The provisions of this section look to the possible abatement of the willy warfare of the British Lloyd's and other foreign underwriters carried on for more than fifty years, to drive our ships from the sea, through a system of inequitable inspection and classification of vessels to prevent their employment. A vessel's employment is her breath of life. It depends very much upon her character in the underwriters' register. If a vessel's character can be depreciated or your rival's vessels, as a means of getting employment for your own, is a trick unworthy of civilized men. For a freight to be obtained at all, the rate must be cut as deep as 40 per cent, in the past, in California trade. The story of the guile, the greed, and ambition of our despoller is a long one. She has been the underwriter of the commerce of the world to the extent of three-fourths, and in such capacity rivals, she has gone far toward monopolizing, shipbuilding, navigation, and commerce. Underwriting is a branch of commerce, and marine insurance can be regulated as such in the manner provided in this section. Falling in the protection of our shipping against foreign underwriters in our own ports, our marine upbuilding would be like an area of the commerce of the world of the commerce of the commerce of the commerce of the world of the commerce of

crastination, and that every considerate statesman regrets the maction of the past.

Note.—In this bill no provisions are made for the aid that tariff duties would afford to tonnage duties. This matter is left to be considered whenever the tariff may be under revision. The main feature of this measure is the application of discriminating tonnage duties to the recovery of the indirect carrying trade as the best thing to be done first. Should the pending subvention bill be passed, it will still be imperative to enact this measure as constituting more effective, and therefore indispensable, legislation.

[H. R. 21196, Fifty-ninth Congress, second session.]

In the House, December 5, 1906.

In the House, December 5, 1906.

Mr. Sulzer introduced the following bill; which was referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed:

A bill to regulate commerce with foreign nations; to make preference for the use of American freighting vessels; to extend the postal service by American steamships, and to promote American trade by

Be it enacted, etc., That the law relating to vessels, to the duties laid upon tonnage, and to the ocean mail service in force when this act shall be approved, be, and the same is hereby, supplemented and amended as follows:

PART 1 .- TONNAGE DUTIES.

Part 1.—Tonnage Duttes.

Section 1. That no vessel coming direct from her own country, its colony or possession, with merchandise or passengers in excess of one-fourth of her capacity for the same, to be landed in the United States, shall be charged with an additional or extra tonnage duty, except in cases where the country whence she sailed direct charges an additional or extra tonnage duty to vessels of the United States; and in all such cases, if any there be, the extra duty per ton of the vessel's country so charged shall be added to the extra duty per ton of the United States, and the sum so found shall be the full charge per ton for additional or extra duty to be collected; or unless the country whence such vessel so

laden or roming direct shall hold out to its vessels by law the payment of the control of the control of some port in consideration of make the control of the gratuity as aforesaid shall be charged and collected as countervailing duty in addition to the regular and extra duty other and the control of the capacity for the same from a control of the capacity for the same from the control of the capacity for the same from the control of the capacity for the same from the control of the capacity for the same from the control of the capacity for the same from the control of the capacity for the same from the control of the capacity and control of the capacity, as a foresaid, hold of the capacity, as a foresaid, and the control of the capacity, as a foresaid, and the control of the capacity, as a foresaid, to be added to the regular and extra duty and collected as aforesaid, to be added to the regular and extra duty and collected as aforesaid, and the control of the contro

vessel tonnage by law, shall be levied and collected from every vessel not of the United States, that shall arrive from a country not its own, whether with or without cargo, passengers, or mails, for another country than its own, or that shall effect such engagement after arrival at a time and while there shall be one or more vessels of American registry in port listed at the custom-house as ready and offering to engage for the same or a similar voyage, as follows:

Clause 1. On all vessels not exceeding 4,000 tons gross the additional duty shall be \$2.25 per ton until the 1st day of January, 1909, after which date it shall be \$2.25 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons the additional duty shall be \$2.75 per ton until the 1st day of January, 1909, after which date it shall be \$3.25 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons the additional duty shall be \$3.25 per ton until the 1st day of January, 1911, after which date it shall be \$3.25 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons the additional duty shall be \$3.25 per ton until the 1st day of January, 1909, after which date it shall be \$4 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 13,000 tons the additional duty shall be \$3.25 per ton until the 1st day of January, 1909, after which date it shall be \$4.25 per ton.

Clause 5. On all vessels between the size of 16,000 tons, the additional duty shall be \$3.50 per ton until the 1st day of January, 1911, after which date it shall be \$4.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be \$3.50 per ton until the 1st day of January, 1911, after which date it shall be \$4 per ton until the 1st day of January, 1911, after which date it shall be \$6.25 per ton.

Clause 6. But if the addition to coming as aforesaid, under engagement or making it after arrival, as above, a foreign vessel shall have held out to her by law the payment of bounty, subsi

shall not be permitted by the collector to load cargo in a port of the United States.

Sec. 7. That a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from every vessel that shall enter a port of the United States from a port of her own country, either with or without cargo, passengers, or mails, if she has not come direct, but has called or stopped on the way at a port of a country not her own and there, either in or off the port, has received merchandise, passengers, or mails, and the same shall be landed in the United States, unless said vessel has been built in the United States or is owned by citizens of the United States to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

SEC. 8. That a tonnage duty, to be termed "light tax," of 3 cents per ton on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States shall be levied and collected, in addition to the duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast, or may have made port in distress or was built in the United States.

States.

SEC. 9. That a tonnage duty, to be termed "race tax," of 4 cents per ton, on the gross admeasurement of every merchant vessel not of the United States that shall enter a port of the United States and there discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if said vessel shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to a different race of men from the owners of said vessel.

vessel.

Sec. 10. That the regular tonnage tax referred to in preceding sections shall be paid by all vessels in the foreign trade, whether American or foreign, shall be hereafter collected on every entry and computed on the gross admeasurement. The present rates shall be increased from 6 cents to 10 cents and from 3 cents to 5 cents, respectively. American steamers carrying mails shall pay tonnage tax but once a year.

PART 2 .- EXPORT PREMIUMS.

Part 2.—Export Premiums.

Sec. 11. That all collections of tonnage duties and charges of every sort against vessels of every kind, whether regular or additional duties, light, race, and immigrant tax, entrance and clearance fees and permits provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalities, and forfeitures paid into the courts from violations of the navigation and revenue laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for American seamen employed in the foreign trade, and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves. No part of this fund shall ever be covered into the general Treasury, but be carried over.

Sec. 12. That on and after fifteen months from the passage of this act, there shall be paid, out of the special export fund in the Treasury provided for by section 11 of this act, to the bona fide owners and exporters of merchandise, the growth, production, and manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States, registered pursuant to law, and not

owned in fact by themselves, as follows: A premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port, not less than 65 miles from the tidal or national boundary of the mainland of the United States; and a premium of one-half of 1 per cent on the cash valuation of each shipment direct to a port, not less than 400 miles from the port of departure in the United States; and a premium of three-fourths of 1 per cent on the cash valuation of each shipment direct to a port, not less than 1,000 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port, not less than 2,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 3,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 4,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 5,000 miles from the port of departure in the United States; and a premium of 2 per cent on the cash valuation of each shipment direct to a port not less than 6,000 miles and upward from the port of departure in the United States. These premiums to an exporter shall be payable to his order upon report of the clearance of the vessel, with a statement of the collector of the port fixing the value of the shipment, which must be sworn to by an appraiser for the United States, within ten days, according to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

PART 3 .- MAIL CARRIAGE.

cording to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

SEC. 13. That the postal act approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause I. That the Postmaster-General shall, as often as once in each year, advertise for informal proposals for the carriage of malis by sea in American vessels between such ports of our own and otherments shall be inserted four times weekly in papers printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promate and seated of the control of the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

The Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the Navy, and the needs of the postal service, and fix upon a schedule of requirements that will satisfy both interests. The Secretary of the Navy will control the plans for Interests. The Secretary of the Save will control the plans for programme, and the two together shall advertise formally to let contracts for the running of the vessels required for the line. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly describing the route, the character of sailing, and the time when the service shall begin. These requirements shall not be such that bidders can not be found. The Navy Department shall pay the cost of formal advertising. The letting of such contract shall be the same as hall be applicable to vessels. Every contract the same papers of the part of such contract that have the approval of the President, and none shall exceed the limit of thirty y

circumstances in each case, and to the rate of compensation for similar service paid by other countries. Where a bid may be deemed too high the programme may be modified or the route readvertised, payment for services to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months, the President may declare it forfeited, and thereupon the route shall be readvertised and let to another bidder; but on no account shall the service be abandoned to other countries. Readvertising shall be done in a paper printed in Washington, D. C.

Clause 8. That upon each mail vessel the United States shall have transported, free of charge, one messenger, whose duty shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for himself and for the mails.

Clause 9. That officers of the Navy may volunteer for service on mail vessels, and when accepted by the contractors may be assigned to such duty by the Secretary of the Navy whenever, in his opinion, such assignment can be made without harm to the service, and while in said employment they shall receive furlough pay from the Government and such other compensation from the contractors as may be agreed upon: Provided, That they shall be required to perform only such duties as pertain to the service.

Clause 10. That said vessels shall carry as cadets one American boy under 21 years of age for each 2,000 tons gross register, who shall be taught the duties of the service as seamen, rank as petty officers, and receive reasonable remuneration.

Clause 11. That said vessels may be taken and used by the Government as cruisers, scouts, or transports at any time, on payment to the owners of their fair actual value at the time of the taking, either for service by the voyage, by the month or year, or may be purchased outright, and if there shall be a disagreement as to the value, then the same shall be settled by two appraisers, one appointed by each party, they selecting t

PART 4 .- GENERAL PROVISIONS.

PART 4.—GENERAL PROVISIONS.

Sec. 14. That marine underwriters or insurance companies belonging abroad, in person or through acencies in the ports of the United States, may issue policies in conformity with State regulations, on shipments of goods, wares, and merchandise to be exported, but any discrimination made by them or their agents in the clauses of policies, in the premium rates, or effected through inspection of hulls or otherwise, which shall tend to favor the employment of foreign vessels or tend to disfavor the engagement of vessels of the United States, shall be deemed a misdemeanor punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed \$5,000 nor be less than \$10,000, and for the third offense and each one afterwards said fine shall be not less than \$10,000, and for the third offense and each one afterwards said fine shall be not less than \$15,000 nor more than \$25,000, and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation of this section that may be brought to his notice. In any such suit it shall be no defense that the orders or directions of any person or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, not citizens of the United States, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint. A refusal to insure goods, wares, and merchandise under this act, to be carried by American vessels, shall forfeit the privilege of doing business in American ports or make the parties fineable as above, to be decided by the court.

Sec. 15. That in a time of peace it shall not be lawful for any officer of the Government to receive tenders of service to be performed by vessels not of the United States, and merchandise between the United States to import or land anywhere in the United States

being the growth, production, or manufacture of a country contiguous to the United States, shall have been brought across the line from such country.

SEC. 17. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, eftizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the United States, to import and enter at the custom-house, for his or their own use and that of no other person or persons in said trade, and not to be held for sale or sold to others, and not to be employed in the domestic trade more than two months in the year, any vessel or vessels suitable therefor, of size not less than 2,000 tons gross, and of age not more than 5 years, and have the same duly registered as a vessel of the United States, but upon the following conditions, nevertheless, to wit: That all vessels imported in the first six months of the term of thirty months, as aforesaid, shall pay a duty of \$4 per gross ton; those imported in the second six months shall pay a duty of \$5 per gross ton; those imported in the third six months shall pay a duty of \$6 per gross ton; those imported in the fourth six months shall pay a duty of \$7 per gross ton; those imported in the fifth six months shall pay a duty of \$8 per gross ton measurement. The Treasury Department may allow credit on duties for imported tonnage to the extent of six and twelve months' time on secured notes of owners, with interest at 2 per cent per annum. And it shall be unlawful, upon penalty as for a misdemeanor, punishable by fine of not

exceeding \$1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting vessel or yacht not duly registered, enrolled, or licensed to fly the flag of the Union from or abaft of the aftermost mast, spar, or pole, except as a sign of dis-

exceeding \$1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting ressel or yacht mot duly registered, enrolled, or licensed to fly the flag of the Union from a baff of the afternost mast, spar, or pole, except as a sign of distress.

SEC. 18. That the making or offering to make exclusive contracts for the carriage of exports of goods, wares, or merchandise to foreign countries, conditioned partly on the future shipment of same by no except and the conditioned partly on the future shipment of same by no exclusive conditioned partly on the future shipment of same by no exclusive conditioned partly on the future shipment of same by no exclusive conditions of the owner, agent, or master of any such offending line or vessel, and the vessel or vessels of such owner, agent, or master so convicted shall not thereafter be permitted to load cargo in the United States, if under foreign registry. Where it is not contracts are in force and that rebates of freightage are offered, promised, or paid in an endeavor to engross the carriage of export goods, wares, or merchandise, he shall forthwith place the facts before the district attorney, who shall bring suit to break up the practice. And for the prevention of frauds under this act in direct voraging, foreign vessels not built in the country of registry shall undego a probation of three years before being adjudged by the collector as between the condition of the condition of the country of registration, unless built in the foreign and the probability of the collector of the Government to Issue a register, enrollment, or license for any vessel built abroad except such as have been captured in war and condemmed as prizes; such as have been forfelted for a violation of the laws and bought at public s

In addition to what has already been put in the RECORD, I desire, Mr. Chairman, to have printed as part of my remarks a very able article regarding the shipping industry in the United States by Hon. W. W. Bates, former United States Commissioner of Navigation, and president of the Shipping Society of America.

THE JUSTICE OF THE DEMAND FOR PROPER SHIP PROTECTION—CONGRESS WRONG IN CONTINUING THE PRESENT UNPROTECTIVE POLICY—OF BENEFIT TO A FEW FOREIGN NATIONS, BUT RUINOUS TO OUR-

By William W. Bates, ex-United States Commissioner of Navigation; author of American Marine and American Navigation, and president of the Shipping Society of America.

By the adoption of the Constitution the United States of America became a nation. One of the principal objects of this evolution was the development of the shipping trade and the maintenance of a merchant marine for the carriage of American commerce. The several States enjoyed political independence, but that would be greatly increased in consequence by taking on national life. Under wise government commercial independence would follow and prosperity be planted on firm and fertile ground. Unless this movement were made shipbuilding, navigation, and commerce would remain mostly in foreign hands, our political independence be insecure, and our people become a prey to the spoilers of shipless States, the foremost of these our "mother country." In point of fact, the shipping question pioneered the way for all that were solved, first, by the Revolution, then by the Constitutional Convention. Moreover, the earliest renown of our Republic in civil affairs was won by our merchant marine, appreciated and encouraged, as it was, to extend our commerce throughout the world.

OUR COMMERCIAL RIGHTS.

The British would gladly have saved us the trouble of exercising our rights of navigation and of developing commercial power. Their course was shaped to that end long before the Revolution, as ever since. Jefterson's Summary View of the Rights of America, written for the enlightenment of Congress in 1774, sets out the "encroachments and surpations attempted by the legislature of one part of the Empire upon those rights which God and the laws have given equally and in the pendent of the British Government, but the esteem for commerce and navigation cherished by the early mentors of our country:

"Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of His Majesty King Charles I, " " the Parliament for the Commonwealth took the same in high offense, and assumed upon themselves the power of prohibiting their trade with all other parts of the world except the island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty, entered on the 12th day oncres, and the colony of Virginia, by their house of burgesses, it was expressly stipulated by the eighth article of the said treaty that they should have 'free trade as the people of England do enjoy to all places and with all nations, according to the laws of that Commonwealth. But that upon the restoration of His Majesty King Charles II their lights of free commerce fell once more a victim to arbitrary power, and by several acts of his reign, as well as some of his successors, the trade of the colonies was laid under such restrictions as show what its uncontrolled power admitted over these States. " " Besides the duties they imposed on our articles of export and import, they prohibit our going to any markets northward of Cape Finisterre, in the Kingdom of Spain, for the sale of commodities which Great Britain will not take from us and for the purchase of others with which she can not supply us, and that for no other than the arbitrary purposes of our rights and i

AN UNJUST ROYAL PROCLAMATION.

Under British law only British vessels could import merchandise from Asia, Africa, or America, or carry between the colonies. Some relaxation must be made or American vessels of the new flag could not trade with the "mother country," and, consequently, British vessels would have no right in American commerce. Our Government wanted a commercial treaty, but this was refused. A royal proclamation was issued annually, the home ports declared open, but those in the provinces and the West Indies closed—to vessels of the Stars and Stripes. A quintal of fish could not be landed from a boat. All intercourse must be British. Our country had no difficulty in getting desirable treaties with France, Holland, Sweden, and other countries, not only for commerce to home, but colonial ports. The peculiar course of Great Britain caused general study of our natural and international rights as a maritime nation, and determined the people more than ever to contend for their exercise. Only fair and equitable commerce was sought. We had no ambition to rival England in attempting a monopoly of navigation. We could do our own, and no nation should engross it.

The effect of the proclamation was to unite the States anew in the sentiment that American shipping rights must be specially protected against foreign encroachment. The subject was taken up in the Confederate Congress, and Mr. Jefferson headed a committee that reported in favor of asking the States for authority to enact such laws as would meet the policy of England. Full authority not being given to the General Government, each State for itself made such regulations of trade as seemed best, and we soon had a dozen systems of ship protection, necessarily in conflict, except in foreign trade. The need of a general system of navigation law soon became evident; among the motives for reforming the Government none were stronger - than that of securing the full exercise of every right on the sea as on the land.

THE CARRYING TRADE AN ESSENTIAL PART OF COMMERCE.

Our statesmen advanced no pretensions unfounded in reason and justice. They claimed that the carrying trade was an essential part of commerce—transportation going with trade. By prior right it belongs to the party originating the traffic, but the other has secondary right. No parties have rights of carriage where they have no interest in the cargo. American vessels have the right to carry American products to any country whose ports are open to their importation. In domestic commerce the carrying belongs to the vessels of American ownership. Where two nations have intercourse it belongs to their vessels and no

others to do the transportation—"half and half"—others can not claim a just right of interposition. If one country has not the vessels, and the other has, then the whole carriage between them belongs to that one of necessity, and can not be justly claimed by any other. Rights of carriage are not obtainable by underbidding in rates of freight. That principle would justify a monopoly of navigation—a circumstance opposed to the rights and interests of mankind. However, a privilege may be granted the vessels of a country not concerned in the trading between others to carry the cargoes exchanged, but it is historic that if possible the carrying country will abuse its privilege and intercept and gain the trade of one or both. The only preventive is refusal of privilege and shipping of a country's own. A dependence on foreign shipping militates against fair prices for exports and imports not only, but the payment of freight to ships of other countries causes or increases balances of commerce against a country. Alexander Hamilton said: "To preserve the balance of trade (commerce) in favor of a nation ought to be a leading aim of its policy."

Mr. Williamson, of North Carolina, said in 1790: "By permitting foreigners to carry our produce for us, in order to pay for the fine goods they furnish us, we have to raise more from the soil by one-third than if we carried it ourselves. With such views so general, it is no wonder protective regulations were enacted. Those in force at the time of making and adopting the Constitution may be thus set out:

NAVIGATION LAWS OF THE STATES.

NAVIGATION LAWS OF THE STATES.

New Hampshire, Massachusetts, Rhode Island, Connecticut: Extraordinary tonnage duties on all foreign vessels; in first two States. American vessels free.

New York: Double duties on goods by British vessels; whether brought directly or through other States.

New Jersey: Tonnage duties, no other charges.

Pennsylvania: Tonnage duties—on ships of "treaty nations," 5s. 8d. per ton; on those of other nations, 7s. 6d. per ton. Discriminating tariff duties; on Asiatic goods, foreign merchants to pay 2 per cent extra; citizens to have a rebate of 5 per cent; teas direct from China in American vessels free, but dutied if brought indirect or by foreign vessels.

vessels.

Maryland: Tonnage duty on British vessels, \$1 per ton; upon French or Dutch, 66 cents per ton. American vessels, free.

Delaware: Tonnage duties.

Virginia: Discriminating tonnage duties—on French or Dutch vessels, 50 cents per ton; on British vessels, \$1 per ton; American vessels, free. Brandy by American or French vessels, free; rum by British ships taxed. taxed.

North Carolina: Discrimination tonnage and tariff duties favoring

ships, taxed.

North Carolina: Discrimination tonnage and tariff duties favoring American vessels.

South Carolina: Tonnage duty, 1s. 3d. per ton; 2 per cent ad valorem extra duty on goods in foreign bottoms.

Georgia: Tonnage duty, 1s. 8d. per ton on foreign vessels.

The discriminating duties of all the States, it was said in Congress, 1789, averaged nearly 60 cents per ton. A Virginia member said: "One dollar per ton on British vessels did not prevent their thronging the ports for cargoes." As British vessels came laden, the differential was too small for them. New York and Pennsylvania had the most effective systems, because of the differential on goods imported. Mr. Fitzsimons, of Pennsylvania, said in Congress, 1789, that "the British had established among us merchants, agents, and factors of their own, taking possession of our trade and furnishing vessels for its carriage. In some States the whole of their commerce was thus carried bn." Necessarily, in 1787, it was up to the founders of the Federal Government to devise a method of protection, which, in due time, should Americanize both our trade and transportation. Manifestly the method adopted by the States would have to be taken over, revised, and made effective, or some better way discovered.

Ship protection by Trade regulation.

SHIP PROTECTION BY TRADE REGULATION.

SHIP PROTECTION BY TRADE REGULATION.

In the plan of the Constitution reported to the convention by a committee appointed therefor, August 6, 1787, section 2 of Article VII—the second of "enumerated powers" to be granted to Congress—provided for the "regulation of commerce with foreign nations and between the States." This meant the taking over of the method of the States as to foreign nations, no other course appearing practicable. South Carolina and Georgia desiring for a time the continuance of African migration, their Delegates urged that without this stipulation their States would not adopt the Constitution. The convention was unprepared to adopt the idea, and the matter was referred to a special committee of eleven. General Pinckney contending for the passage of "navigation laws" by a two-thirds vote of each House only—this, too, was referred to the same committee, Livingston, of New York, chairman. He reported in favor of African migration until A. D. 1890. In the convention the figure was made 1808. When the report was again taken up Mr. Pinckney moved to postpone it in favor of his proposition—a two-thirds vote on navigation bills. A debate ensued. Mr. Pinckney did not carry his State. Only four States voted to postpone, whereupon the report which favored a majority vote was agreed to nem. con.—none dissenting.

EXTRACTS FROM THE DEBATE.

EXTRACTS FROM THE DEBATE.

General Pinckney conceived: "It was the true interest of the Southern States to have no regulation of commerce, and that the power of regulating commerce was a pure concession on their part," but withal he thought it proper that "no fetters should be imposed on the power of making regulations."

Mr. Clymer, of Pennsylvania, declared: "The Northern and Middle States will be ruined if not enabled to defend themselves against foreign regulations."

States will be ruined if not enabled to defend themselves against foreign regulations."

Mr. Sherman, of Connecticut, observed that "to require more than a majority to decide a question was always embarrassing, as had been experienced in certain cases in Congress."

Mr. Gouverneur Morris, of Pennsylvania, thought the object of the motion "highly Injurious." "Preferences to American ships will multiply them till they can carry the southern produce cheaper than it is now carried. A marine was essential to security, particularly of the Southern States, and can only be had by a navigation act encouraging American bottoms and seamen."

Mr. Williamson, of North Carolina, favored making two-thirds instead of a majority requisite, "as more satisfactory to the southern people."

people. Mr. Spaight, of Virginia, contended that "the Southern States could at any time save themselves from oppression by building ships for their

own use."
Mr. Butler, of South Carolina, for good reasons, "would vote against the two-thirds proposition."
Colonel Mason, of Virginia, thought, as the Southern States were in

the minority of interest, "it would be fair to guard against hasty

regulations."

Mr. Wilson, of Pennsylvania, remarked: "If every peculiar interest was to be secured, unanimity ought to be required. The majority would be no more governed by interest than the minority."

THE STATESMANSHIP OF VIRGINIA

THE STATESMANSHIP OF VIRGINIA.

Mr. Madison, of Virginia, went into a pretty full exposition of the subject: "The disadvantage of the Southern States from a navigation act lay chiefly in a temporary rise of freight, attended, however, with an increase of southern as well as northern shipping; with the emigration of northern seamen and merchants to the Southern States, and with a removal of the existing injurious retallations among the States on each other. The power of foreign nations to obstruct our retallatory measures on them by a corrupt influence would also be less if a majority should be made competent than if two-thirds of each House should be required. * * * An abuse of the power would be qualified with all these good effects. But he thought an abuse was rendered improbable by the provision of two branches, by the independence of the Senate, by the negative of the President, by the interest of Connecticut and New Jersey, which were agricultural, not commercial States; by the interior interest, which was also agricultural in the most commercial States; by the accession of Western States, which would be altogether agricultural. He added that the Southern States would derive an essential advantage in the general security afforded by the increase of our maritime strength. He stated the vulnerable situation of them all, and of Virginia in particular. The increase of the coasting trade and of seamen would be favorable to the Southern States should in a still greater proportion be augmented, that wealth would contribute the more to the public wants and be otherwise a national benefit."

Mr. Rutledge, of South Carolina, opposed the motion of his col-

benefit."

Mr. Rutledge, of South Carolina, opposed the motion of his colleague: "It did not follow from a grant of the power to regulate trade that it would be abused. At the worst, a navigation act could bear hard a little while only on the Southern States. As we are laying the foundation for a great empire, we ought to take a permanent view of the subject, and not look at the present moment only. He reminded the House of the necessity of securing the West India trade to this country. That was the great object, and a navigation act was necessary for obtaining it."

Mr. Randolph, of Virginia, favored the two-thirds proposition, but would not enter into the merits.

THE ULTIMATUM OF NEW ENGLAND.

Mr. Gorham, of Massachusetts, chairman of the committee of the whole, closed the debate as follows:

"If the Government is to be so fettered as to be unable to relieve the Eastern States, what motive can they have to join it, and thereby tie their own hands from measures which they could otherwise take for themselves? The Eastern States were not led to strengthen the Union by fear for their own safety. He deprecated the consequences of disunion, but if it should take place, it was the southern part of the continent that had the most reason to dread them. He urged the improbability of a combination against the interest of the Southern States, the different situations of the Northern and Middle States being a security against it. It was, moreover, certain that foreign ships would never be altogether excluded, especially those of nations in treaty with ds."

THE COMPACT OF NAVIGATION LAWS.

THE COMPACT OF NAVIGATION LAWS.

would never be altogether excluded, especially those of nations in treaty with its."

The foregoing debate has not been a matter of common knowledge. The proceedings of the Convention were kept secret for nearly fifty years. Very few libraries contain Madison's private record, first published in 1887. But now that our Government pretends to think itself 'so fettered" that it can not "relieve" any of our shipping States according to compact, it is high time that the American people understand the meaning in the Constitution of clause 3 of section 8, granting power to Congress in these words: "The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." This power, as we have seen, was granted with unanimous assent, and was specifically intended to enable Congress to develop and maintain an American marine, by means of "navigation laws." Having arranged this grant, the States were divested of power to continue laying duties of tonnage or of tariff for the same purpose. (See sec. 10 of Art. I.) Thus was the protection of shipping given up by the States and taken over by the Federal Government—the whole matter arranged by the Convention—action which was afterwards ratified by the States and the people through the adoption of the Constitution. By this adoption the States were relieved of their natural duty to protect, and the United States, in virtue of the compact of union, promised and undertook the stipulated duty.

History tells us that Congress acknowledged the compact above described; exercised for a time the power confided to their trust; yea, are exercising part of this power to-day, and that the States have never interfered with this bounden duty. There can be no mistaing the nature of this compact and trust, so vital to the rights and interests of the maritime States. The Federal Constitution itself, in its entirety, has been styled "a compact between the States by which it was ratified." The Confederation which the Union supplanted was

All went well with the American marine while the regulations for its encouragement were carried out in good faith—until a faithless change of policy, from protection to unprotection, was made, 1828, the object being to conciliate Great Britain and induce her to open her

West Indian ports, closed to our vessels in 1783. Great Britain always resented our ship protection. She had the best in the world for herself, but it was her conceit that no other nation had any business on the ocean. It was a serious mistake to suppose that any policy whatever would induce her Parliament and people to change their course of imposition with respect to "foreign" shipping. Our sacrifice was in vain—nevertheless Congress continues it.

of imposition with respect to "foreign" shipping. Our sacrifice was in vain—nevertheless Congress continues it.

THE "RECIPROCITY" ACT OF 1815.

In his message of December, 1821, President Monroe sketched the object of the act of 1815, permitting "reciprocity" in direct trade, being the basis for the British convention of that year. Even this first step, so far as it withdrew protection, conflicted with the compact of union. Said President Monroe:

"By an act of the 3d of March, 1815, * * * a proposition was made to all nations to place our commerce with each on a basis which, it was presumed, would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports and to take the manufactures and productions of the United States back to their ports, in their own vessels, on the same conditions that they might be transported in vessels of the United States; and in return it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted or prohibited on either side formed no part of the proposed arrangement. * * *

"When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair and even liberal by every power. * * By placing, then, the navigation precisely on the same ground as the transportation of exports and imports between the United States and evised which would retain even the semblance of equality in our favor."

This act applied to direct trade only. British vessels could not bring goods from France or other foreign countries. As a vital protection, it left the indirect trade closed to foreign shipping. It was devised to appease England, and but for her insistence would not have had existence. If was hurtful in removing discriminating duties—the inducement for foreign merchants to freight our vessels homeward.

Indirect receiprocity. Understable.

In 1822 Norway, then having direct

Inducement for foreign merchants to freight our vessels homeward.

INDIRECT RECIPROCITY UNDESIBABLE.

In 1822 Norway, then having direct "reciprocity," opened her ports to our vessels from whatever place arriving and with whatever articles laden, and requested reciprocation. President Monroe referred the matter to Congress. This would have been a reversion of policy incompatible with the constitutional compact, and had been rejected for inadmissibility in 1815. President Monroe said:

"I have presented thus fully to your view our commercial relations with other powers, that seeing them in detail with each power and knowing the basis on which they rest, Congress may, in its wisdom, decide whether any change ought to be made, and if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable and any change in it will make concessions subversive of equality and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken and supporting it by such further regulations as may appear to be proper should any additional support be found necessary."

In its wisdom, Congress did not touch the subject of indirect reciprocity, but held Monroe's view—until Adams came into office.

THE BUINOUS RECIPROCITY ACT OF 1828.

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This act grew out of an act of Parliament in this way: The idea of the Norwegian proposition was adopted by England in 1825, when a law provided, if the United States would admit to her ports the vessels of Great Britain with cargoes from any country, on the same footing as American vessels—no protection by discriminating duties on either side—then Great Britain would open her West Indian ports to American vessels with American produce. Congress would not accept a proposition so unfair. John Quincy Adams's predecessors would have disapproved a fair proposition for indirect reciprocity, but he unreasonably concluded that if Congress made a return proposition entirely fair it would be accepted and the long controversy would be ended. The act was passed, but England paid no attention to it for twenty-one years. In 1830 the West India ports were opened on other grounds, a special act being passed. Various nations took early advantage of our new policy, which was calculated to help their shipping and hurt our own, as statistics show.

In 1849 England made such changes in her laws as permitted reciprocation on the basis of our act, and in four years' time we lost of our import carriage 10 per cent and in twelve years over 21 per cent. With eighteen other countries benefiting from Adams's policy, we had by 1850 lost 13 per cent of import carriage and of export carriage about 9 per cent. Under this policy, down to the civil war, we lost carriage as shown by this comparison: 1827, import carriage, 72.1.

At this rate of decline we would have been where we are now had the war never come; it destroyed 38 per cent of our carriage; and nothing has been done by Congress toward its restoration. On the contrary, the policy responsible for the extinction of our shipping trade has been maintained as a sacred thing, no more to be disturbed than the foundations of religious belief. This policy, instituted to placate Great Britain, seems to be maintained in a spirit of abject submission, though

cent of what they import for us is brought to be contention of two hundred and fifty years for the carriage of our commerce has been well repaid. We stand defeated and disgraced and appear to feel contented. We have only to repeal our act of 1828 and terminate the conventions under it, now time-expired and equities preterlapsed, to regain our former position as to all foreign shipping. But after forty years of delay there is nothing to show that, if our last ton of shipping in foreign trade was at the bottom of the ocean, Congress would do a thing in the way of protection to cause its replacement—nothing but to reject impracticable propositions for ship subvention, subsidy, or bounty.

The ONLY LOGICAL AND EFFECTUAL REMEDY.

The policy of unprotected transportation was experimental. It was not intended by Congress to sacrifice our marine or to lessen our car-

^aThis reference is to the act of 1819, repealing that of 1815, with a view to dropping the reciprocity policy in 1824 and having no more of it with any nation.

riage, though it was felt that chances were being taken. It was even contended that "free trade" would secure a larger share of proportionate carriage, but if the policy proved detrimental our conventions could be terminated and we could return to protection by giving a year's notice after ten years of trial.

Some European nations under the stress of unprotection having instituted bounty and subsidy systems (contrary to the equities of our conventions), it is proposed to follow their example and make the tax-payers of the United States put up money for the support of our marine. The warrant for this course is not found in the Constitution, and foreign examples can not be recognized as competent authority. It is illogical, being no way related to the cause of our difficulty, which is the suspension of our protective navigation laws, solemnly agreed upon and provided under the Constitution, of which said suspension was a perfidious breach. Our shipowners or others desirous of becoming shipowners, nor any of our maritime States, have any ground to stand on in demanding of the Government and the people that gratuities of any kind be paid for the support of a merchant marine. The shipping trade is but one of a thousand of the employments of our people, not one of them having any right whatever to call upon the Treasury for money wherewith to exist. The protection to industries provided in the Constitution is seated in the regulation of foreign commerce and nowhere else. It is not even in the power to lay duties for revenue. That is one thing, but the regulation of commerce is distinctly another thing, involving the exercise of a different power.

THE CONSTITUTIONAL DEMAND.

distinctly another thing, involving the exercise of a different power.

THE CONSTITUTIONAL DEMAND.

But the maritime States and the people in interest have a ground of demand on the Government, absolutely solid, for protection to shipping. This is the compact for a performance of its accepted duty; the honoring of its special engagement—the execution of the covenant for navigation laws. This and this only can be demanded. This and this only is logical or will prove effectual. Henceforth it will be insisted on and urged as just and expedient. Say nothing of the national interest, the shipping trade, as a very important industry, has a right to bread. Congress does a deep injustice to offer a stone. Unregulated commerce, with any amount of subsidy, subvention, or bounty, is no equivalent whatever for conditions prior to 1828. Those conditions were not only economical but political. Our ports were closed to foreign indirect traffic. Foreign vessels had no more show then for indirect trade in competition with ours than they have now in our domestic trade. Against foreign indirect trade we had protection by prohibition. All subsidy and bounty bills look to keeping this trade open and giving it no protection at all. The donation policy only squints at protection. There are conditions are essential factors in running American vessels. They must be restored or there will never be an American marine adequate for American commerce; but in the interest and for the benefit of foreign nations we shall be forever a dependent on the ocean, virtually in subjection to the shipping powers, who will grow, strengthen, and fatten on the profits of our great and increasing commerce. The shipping society of America, exercising what influence it may have, has but one demand to make, and that, as in duty bound, it will ever urge the observance by Congress of the Constitution in this important matter of ship protection. If Congress will not act its part it should at least acknowledge failure and offer to resign its authority and set the

I also desire to print, Mr. Chairman, in this connection an interview published in the Philadelphia North American a year or so ago which speaks for itself, and proves that I have not changed my opinion regarding the proper kind of legislation to restore the American merchant marine to its former prestige:

Representative William Sulzer, of New York, was seen last night the Stratford-Bellevue Hotel talking to some old friends of this

"I just dropped in on my way home from Washington," said Mr. SULZEE, "to see a few of my old friends in Philadelphia, especially that genial poet, Larry McCormick, who keeps the best hotel in the world."

"I haven't a word to say about politics—wait until the fight begins."

Sulzer, "to see a few of my old friends in Philadelphia, especially that genial poet, Larry McCormick, who keeps the best hotel in the world."

"I haven't a word to say about politics—wait until the fight begins."

"Yes," continued Mr. Sulzer, "I expect the next Congress to be a busy one, and I hope it will meet the expectations of the people and pass some of the bills the people favor. I want to see the next Congress do something for our merchant marine. It is a very important subject, and has been neglected too long. We must do something quickly to regain our oversea carrying trade.

"You remember," continued Mr. Sulzer, "that at the beginning of the first session of the last (the Fifty-eighth) Congress a joint committee was appointed to investigate the cause of the decline of our merchant marine, and instructed to recommend to the next session legislation to restore our former glory in oversea carrying trade. I voted for the resolution to appoint that committee, and when I did so I indulged the hope that the bright day was not far distant when something more than empty words and hollow promises would be done for the shipping interests of the United States.

"At last I thought that now something is going to be done in a businesslike way for our merchant marine. That joint committee met, organized, and held sessions in all the large cities of the country during the summer and fall of 1904. The committee called many witnesses and took a great deal of testimony, which testimony was filed at the beginning of the last session of the Fifty-eighth Congress with the Committee on Merchant Marine and Fisheries. The committee made an elaborate report, but the most luminous mind in the country can not comprehend what it means or recommends. And the bill that was reported with it was a trust bill—a bill that can not be passed, a subsidy bill—to rob the many for the benefit of the few. The whole thing was a farce, and nothing was done for our merchant marine. The time for final adjournment arrived, and legislation for our

posed to subsidies. I am opposed to robbing the many for the benefit of the few. I stand now and have always stood on this question just where President McKinley stood when he said:

"We must encourage our merchant marine. We must have more ships. They must be manned by and owned by Americans. The policy of discriminating duties in favor of our shipping which prevailed in the early years of our history should be again promptly adopted by the Congress and vigorously supported until our prestige and supremacy on the seas are fully attained.

"I have given much study to this subject," continued the Congressman, "and in my opinion a subsidy bill can not pass Congress. It has been tried over and over again, and has always failed. Such a bill, I say, can never pass Congress. I know a bill along the lines of discriminating duties can. It is our old and true policy and the only feasible remedy.

With 7,000,000 inhabitants, owned more registered tonnage for over-sea carrying trade than the United States of 1905, with a population of 80,000,000. In 1810 we had 981,000 tonnage, It is now 873,000, and worse still, the record showed an actual decrease of 6,000 tons last year. In 1810 American ships, manned by American sailors, carried 91.5 per cent of their country's ocean trade, and, moreover, a great share of that of Europe.

"In 1861, though we had already lost our Atlantic steam lines and our shipbuilding was failling off, we still carried 65.2 per cent of our own trade and some of the trade of other nations; but American ships last year conveyed only 8.8 per cent of our own imports and exports. Our registered tonnage in 1861 stood 2,496,000. It stands now at 873,000. More than two-thirds of our once great and powerful deepsea fleet has vanished, and not one new keel for an ocean ship is being laid on either our Atlantic or Pacific coast line; and, meanwhile, an ever-increasing fleet of foreign vessels for conveying our freights and pasengers over \$200,000,000 a year. Much of this vast sum of money goes to steamers whic

"I shall reintroduce my bill on the first day of the next Congress and do all in my power to pass it. If I can get some help from the Republicans, it will pass and become a law; and if it does, the problem will be solved and our merchant marine will be restored and American ships flying the American flag, manned by American sailors, will again be seen on every sea and in every port throughout the world."

Mr. Chairman, I also desire to print in the RECORD, as a part of my remarks, some data in connection with this matter, and referring particularly to the Shipping Society of America.

THE SHIPPING SOCIETY OF AMERICA—CAUSE OF ITS FORMATION AND ACTIVITY, ITS OBJECTS, PRINCIPLES AND ORGANIZATION.

To the people of the United States:

To the people of the United States:

The undersigned promoters, citizens of different States, desirous of securing our rights on the ocean, beg leave to address the public on the subject or our ocean-carrying trade, and to call the attention of Congress to certain facts that should be considered in relation thereto.

First. That this trade, essential to our commercial prosperity and national advancement, has been ruined by the present disadvantageous policy of "maritime reciprocity," and that under it, considering the experience of the past forty years, there is no probability that it will ever recover the ground once held under the fostering policy instituted in 1789, nor unless our Government returns to that policy, which was suspended in 1828, and conventions made since with foreign nations, whereby their shipping has flourished while ours has perished.

Second. That it is undisputed that in the constitutional convention it was declared and acknowledged that an essential condition of the Union then to be formed was the empowering of Congress to regulate our foreign commerce so that we might maintain an American marine. Failing this stipulation, the Constitution would lack advantage to the shipping States and would therefore be rejected. It was then and there agreed that "navigation laws" for the protection of shipping should be enacted by the Federal Government in lieu of those existing in most of the States, which would necessarily be made void. This agreement became a compact between the several States and the United States, which Congress has no right to nullify or set aside in the interest of foreign nations, and which good faith requires shall ever be honestly observed. Thus it was our shipping policy was settled by the Constitution not to be defenseless, but protective in character.

Third. Notwithstanding the express covenant of the convention, ratified and stipulated in clause 3 of section 8 of Article I of the Constitution, concerning the regulation of foreign commerce, in 1815 the Government usurpe

This consequence is not astonishing, but might have been logically expected from the greatly increased competition created by giving foreign vessels in our trade a footing the same precisely as our own, whether they brought goods from their own or other countries. Built up and defended by discriminative regulations, our marine has perished from their suspension. Manifestly it is unjust to the shipping interest and of continuous damage to the country to pursue a policy fraught with such results, and it must be reformed.

Fourth. Our Government had no warrant in law or equity for depriving the shipping States, or their people, of even the least particle of the project of the constitution, proposed for the short period of "ten years."

The rights of our shipping have been ignored, the privileges of foreign shipping continued, and our shippowners, instead of being protected in their rights by navigation laws according to compact, have been made objects of liberality for a short time. Americans it is not project of the Constitution, proposed for the short period of "ten years."

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4. A legislative committee of fifteen shall be chosen from the executive committee.

5. An expert subcommittee of five shall be chosen from the legislative committee to formulate the shipping legislation which the society will support. Three of the five may report it to the legislative committee, and after consideration, nine of the legislative committee may report it to the executive committee for introduction to Congress.

6. The officers shall consist of a president and two vice-presidents; secretary and two assistant secretaries; treasurer, organizer, and assistants as may be necessary. Until the council shall choose permanent officers, those serving will be officers pro tempore, appointed by the promoters of the society. All the pro tempore and permanent officers must be members of the council.

Alva Adams, governor, Denver, Colo.; J. S. Temple, president of the Denver Chamber of Commerce and Board of Trade; W. F. P. Mills, publisher Mining Reporter, Denver, Colo.; Wm. W. Bates, retired builder, ex-United States Commissioner of Navigation, author of works on shipping; E. T. Wheelock, editor Sentinel, Milwaukee, Wis.; Samuel Adams Robinson, M. D., Covesville, Va., and a large number of others of all political parties.

The Clerk read as follows:

The Clerk read as follows:

Coosa River, with a view to locating and constructing Dam No. 5.

Mr. BURTON of Ohio. I desire to offer an amendment to come in after line 21.

The Clerk read as follows:

Page 90, after line 21, insert "Alabama and Coosa rivers between Montgomery and Wetumpka."

The amendment was agreed to.

The Clerk read as follows:

CONNECTICUT.

Branford Harbor and the rocks in Morris Cove.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment there.

The Clerk read as follows:

Page 92, after the word "Harbor," in line 2, strike out the words "and the rocks in Morris Cove."

The amendment was agreed to.

The Clerk read as follows:

New Haven Harbor, with a view to determining whether a greater depth is needed.

Mr. BURTON of Ohio. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Page 92, after the word "Harbor," in line 3, insert "and the rocks in Morris Cove."

The amendment was agreed to.

The Clerk read as follows:

To connect by canal Rehoboth Bay with Delaware Bay at or near Lewes, through Lewes Creek and Gordon Lake.

Mr. BURTON of Ohio. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Page 92, after line 14, insert "St. Johns River, from its mouth to Dover."

The amendment was agreed to.

The Clerk read as follows:

Clearwater Harbor and Boca Ceiga Bay to Tampa Bay. St. Andrews Bay.

Mr. BURTON of Ohio. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Page 92, after line 24, insert "St. Marks River at the mouth."

The amendment was agreed to.

The Clerk read as follows:

Bay surveyed to Pensacola quarantine station, with a view to getting

Mr. BURTON of Ohio. Mr. Chairman, I think there is a slight mistake there, at the top of page 93. It should be "Pensacola Bay to quarantine station" instead of "bay surveyed to Pensacola."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Change line 1, page 93, so that it will read: "Pensacola Bay to quarantine station, with a view to getting 24 feet of water."

The amendment was agreed to. The Clerk read as follows:

Caloosahatchee River, from Lake Okechobee to its mouth, including Orange River

Mr. BURTON of Ohio. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 93, strike out the words "its mouth," in lines 3 and 4, and insert in lieu thereof the words "the Gulf."

The amendment was agreed to.

The Clerk read as follows:

Sabine River from its mouth to Belzoria and Logansport.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 93 strike out the word "Belzoria," in line 24, and insert the word "Belzora."

The amendment was agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I also offer the following amendment.

The Clerk read as follows:

On page 93, after line 25, insert the words "Bayou Plaquemine Brule."

The amendment was considered, and agreed to.

The Clerk read as follows:

Lower Thoroughfare, at or near Wenona, Deals Island, with a view to deepening the channel and constructing a basin.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 95, after line 14, insert "Potomac River, with a view to obtaining greater depth to Lower Cedar Point."

The amendment was considered, and agreed to.

The Clerk read as follows:

Gasconade River, with a view to obtaining 3 feet depth from its mouth to Gasconade.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 97, strike out the word "Gasconade," line 22, and insert the word "Gascondy."

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word for the purpose of asking some gentleman a question. Is this the proper spelling?

Mr. CLARK of Missouri. Yes; there are two towns, one is

Gasconade and the other is Gascondy. I do not know whether it is spelled d-y or d-a.

Mr. SHACKLEFORD. It is spelled d-y.

Mr. CLARK of Missouri. It is a new town just built on a new railroad.

The amendment was considered, and agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

On page 97, after line 32, insert "Missouri River from its mouth to Kansas City, and from Kansas City to Sioux City, provided the Secretary of War may in his discretion cause to be made such further general instrumental survey as may be deemed necessary."

The amendment was considered, and agreed to.

The Clerk read as follows:

Jamaica Bay, with a view to obtaining a channel 100 feet wide and 6 feet deep through Great South Bay to Penconic Bay, including channels to Parsonage and Sumpawams rivers and Freeport and Massapequa creeks.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment at that point.

The Clerk read as follows:

Page 99, after the word "deep," in line 6, insert the words "to and." The amendment was considered, and agreed to.

The Clerk read as follows:

Waterway connecting Sevan Quarter Bay with Deep Bay, with a view to obtaining a depth of 6, 7, and 8 feet, respectively.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word for the purpose of asking some gentleman from North Carolina a question. It has been suggested that there is an error in the spelling of the word Sevan. [After a pause.] I hear of no complaint, and I will withdraw the pro forma amendment.

The Clerk read as follows:

Maumee River, from deep water in Lake Erie to the Toledo railways and terminal bridge at Toledo, with a view to obtaining greater depth and an increased width of approximately 100 feet.

Mr. BURTON of Ohio. Mr. Chairman, I offer the following

amendment.

The Clerk read as follows:

On page 101, line 5, strike out the words "Toledo railways and terminal" and insert the words "Fassett Street."

The amendment was considered, and agreed to

Mr. KEIFER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add after line 7 on page 101 the following paragraph:

"Big Miami River, from the Ohio River, at or near Cincinnati, northward along the line of the Miami and Erie Canal to a connection with Lake Erie, at or near Toledo, and as to its practicability, utility, and with a view to obtaining the cost, if completed, of a ship canal connecting, for the purposes of trade and commerce, the Ohio River and Lake Erie."

Mr. MANN. Mr. Chairman, I reserve the point of order on

Mr. KEIFER. Well, we had better dispose of the point of order first.

Mr. MANN. I am perfectly willing.

Mr. KEIFER. I don't know what the gentleman's point of order is.

Mr. MANN. The point of order is that an amendment of this sort upon this bill is not in order, because it is neither the improvement of a river or a harbor. That matter was settled years ago in the case of the Hennepin Canal. The point of order was sustained by the Chairman at that time, that it was not in order upon a river and harbor bill on the ground that the Hennepin Canal was not an improvement of a river or a harbor, and the item went out on the point of order. I take it this is substantially the same thing. If it were for the improvement of a river, very well; but this is for the improvement of a ship canal to connect two bodies of water, and not an improvement of a river and not an improvement of a harbor.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. MANN. I do.

The CHAIRMAN. The Chair sustains the point of order.

I am perfectly willing to reserve the point of order if the gentleman desires to be heard, but he insisted upon its being disposed of first.

The CHAIRMAN. It is perfectly clear to the Chair that this

is not within the jurisdiction of this committee.

Mr. MANN. I will reserve the point of order in order that the gentleman may be heard.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman, I supposed that as we were dealing with matters that were connected with the building of a ship canal from Chicago to the Mississippi, and thence to the Gulf, that we were dealing with a bill that almost anything relating to water courses and water transportation was proper upon. Mr. Chairman, I offered this amendment in good faith. I want at least to give notice so that we may not hear in the

years to come, as we have heard with reference to some Illinois projects, that this is a new thing. I will remind the committee that the first suggestion with reference to the building of this canal to connect the water of Lake Erie with the water of the Ohio was made by a now obsolete gentleman of the past, Mr. George Washington. The second to advocate this, even before the adoption of the Constitution of the United States, was the adoption of the Constitution of the United States, was the man whose name has been so frequently used, if not abused, called Thomas Jefferson, the father of Democracy. All along down the line it has been insisted that the most important internal improvement was the connection of the Lakes with the Ohio River, so that commerce can pass thence through the Ohio and the Mississippi to the Gulf. If this amendment could have been put in this bill and the surrous reads it reveals because the could be a contraction of the Could be contracted by the could be a contracted by the could be contracted by the country of the could be contracted by the could be contracted by the country of the could be contracted by the country of the count have been put in this bill and the survey made it would be found entirely practicable. There are now reservoirs and work all along the line, and it would be cheap compared to other ship canals that we are building—cheap because it would connect more people who live on the shores of the Lakes with the other parts of the country, and with the world, than there were in this country at the time that the Constitution of the United States was adopted. The great cities of Chicago, Detroit, Cleveland, Buffalo, if you please, and Toledo could sail their vessels through this proposed ship canal to the Ohio, and thence to the Gulf, and thence anywhere in the world.

The CHAIRMAN. The point of order is sustained.

Mr. BURTON of Ohio. Mr. Chairman, if I may have unani-

mous consent to make a statement, I will say to my colleague that the possible routes for a canal from the Ohio River to the Lakes were very elaborately surveyed some years ago and a report made in 1896, which appears in the Engineer's reports for that year. It gives the most complete and accurate data in regard to these prospective routes between the river and the Lakes that is anywhere available.

Mr. KEIFER. That was not an unfavorable report, but it

was merely connected with and applied, I think, to the canal

system.

Mr. BURTON of Ohio. Substantially so. The CHAIRMAN. The Clerk will read, The Clerk read as follows:

RHODE ISLAND.

Wickford Harbor, with a view to obtaining a depth of 15 feet and for the removal of a ledge known as "General Rock."

Mr. GRANGER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Rhode Island offers the amendment which the Clerk will report.

The Clerk read as follows:

Providence River, with a view to extending deep-water area to Kettle

Mr. BURTON of Ohio. Mr. Chairman, I have no objection to that.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

SOUTH CAROLINA.

Broad River, from Granby to Ninety-nine Island shoals.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 101 strike out line 22 and insert the following: "Congaree River, from the present head of navigation to the mouth of Broad River, and Broad River, from its mouth to Ninety-nine Island shoals."

The question was taken; and the amendment was agreed to.
Mr. BURTON of Ohio. It seems to me a section has been
passed there, and I desire to offer an amendment to the preceding item.

The CHAIRMAN. Without objection, the committee will recur to the preceding paragraph; and the gentleman from Ohio offers the amendment which the Clerk will report.

The Clerk read as follows:

Page 101, after the word "North," in line 23, insert the word "Fork." The question was taken; and the amendment was agreed to. The Clerk read as follows:

South Edisto River, from its mouth to Scotts Bridge.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 101, after the word "South," in line 26, insert the word "Fork." The question was taken; and the amendment was agreed to The Clerk read as follows: Shine River.

Mr. DAVIDSON. Mr. Chairman, in line 1, page 102, I move to strike out the word "Shine" and insert the word "Shem." The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 1, page 102, strike out the word "Shine" and insert the word "Shem."

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Shipyard River.

Mr. BURTON of Ohio. Mr. Chairman, I did not hear the item "Shipyard River" read, and I desire to offer an amendment immediately following that.

The CHAIRMAN. The gentleman from Ohio offers the fol-

lowing amendment, which the Clerk will report.

The Clerk read as follows:

Page 102, after line 2, insert: "Great Peedee River from Georgetown to Peedee Station."

The question was taken; and the amendment was agreed to. Mr. GARRETT. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from Tennessee offers the amendment which the Clerk will report.

The Clerk read as follows:

Page 102, after line 10, insert: "Main branch of Forked Deer River from its mouth to the town of Dyersburg, with a view to the construc-tion of locks and dams."

Mr. GARRETT. Mr. Chairman, I would like to ask the chairman of the committee, if I may, what the basis is, if you have any basis that can be announced, to provide for surveys for locks and dams?

Mr. BURTON of Ohio. Not unless there is prospective traffic of some value. The survey already made of this river makes it probable you would not have water enough for slack-water navigation. Then another thing, if we attempt to construct locks and dams to the extent which would be indicated by adopting this, the contracting force of the whole country might as well stop all other classes of work and attend to constructing locks and dams.

Mr. GARRETT. I want to ask if there is any fixed tonnage

you have as a basis?

Mr. BURTON of Ohio. Oh, no.

Mr. GARRETT. There is no fixed tonnage as a basis?

Mr. BURTON of Ohio. No.

Mr. GARRETT. Did you take into consideration the char-

acter of the stream as well as its fixed tonnage?

Mr. BURTON of Ohio. This is a stream which is not at all in a class with those where we have provided for locks and dams, and very few even approaching it have been surveyed. In those cases where surveys have been made the report has been unfavorable.

Mr. GARRETT. Has there been any stream in the United States of this class for which locks and dams have been pro-

Mr. BURTON of Ohio. I should say not. If so, I should say it was a decided mistake. I trust the amendment will not

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Arroyo Colorado, with a view to obtaining a channel 8 feet in depth from Harlingen to deep water at Point Isabel.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 102, after the word "feet" in line 15, insert the words "or

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Bellingham Harbor.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 104, line 7, after the word "Harbor," insert: "Snohomish River from the mouth to Lowell."

Mr. BURTON of Ohio. Mr. Chairman, I desire to have a

modification made, at the request of my colleague, on the item in line 5, with the words "north of Seattle." I ask unanimous consent that those words, in line 5, be stricken out.

The CHAIRMAN. Without objection, they will be stricken

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BURTON].

The question was taken; and the amendment was agreed to.

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment to follow after the amendment just adopted.

The Clerk read as follows:

For ship canal connecting the waters of Puget Sound with Grays Harbor.

Mr. MANN. Mr. Chairman, I reserve the point of order upon

Mr. JONES of Washington. Mr. Chairman, if the gentleman intends to insist on the point of order, I do not care to take up the time of the committee.

The CHAIRMAN. The Chair is ready on the point of order. Mr. JONES of Washington. This has been urged by our people for a good many years, and there never has been any survey made. Our legislature has memorialized Congress, and, while personally I am doubtful that anything will come of it, they would like very much at least to have a survey made. That is all I care to say with reference to it. I hope the gentleman will

withdraw his point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr.

MANN] insist on his point of order?

Mr. MANN. I think so, Mr. Chairman. This is a dangerous proposition.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

WEST VIRGINIA.

Guyandot River.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that we may return to page 93.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to page 93. Is there objection?

There was no objection.

Mr. BURTON of Ohio. I ask for the insertion of the following amendment after line 9 on page 93.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Savannah River for 30 miles below Augusta.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The Clerk read as follows:

All surveys and examinations provided for by this act, and the reports thereon, shall either be completed on or before the first Monday in November, 1908, or else a preliminary report be made in which the reasons for delay shall be stated: Provided, That all reports of preliminary examinations and surveys which may be prepared during the recess of Congress, and be ready for printing, shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the paragraph. I would like to ask the chairman whether this is the paragraph that is in the existing law? How does the Secretary of War print a document of the House of Representa-

tives during the recess?

Mr. BURTON of Ohio. He can do that and have it filed at the beginning of the session. There is a similar provision in the law of 1905, or, perhaps, the same provision. It is extremely desirable for this reason: With many of these reports there is a map or plat. Should the filing of that report, including the map, be delayed until the first of the session, it will not come to the House from the Public Printer in its completed form for thirty days, or even more, so that the delay in the printing of the maps and presentation of the document in its entirety creates a

worked all right, well, I have nothing to say; but it seemed very awkward, unless it has always been in practice, for the Secretary of War to print a document of the next session of Congress, which does not commence until December. have a number; it must be given the indicia of coming through the Speaker; but if it has worked in the past without com-

plication, very well.

Mr. BURTON of Ohio. The transmission is as of the first day. The object of this provision is to enable them to print the maps and have the documents all ready to present on the first day of Congress.

Mr. MANN. Well, they can do that; but, as I said, they print it as a document, and a document has a number.

Mr. HULL. Can not the document room give the number? They know it

Mr. MANN. But we are now entering upon a session of Congress as a new Congress.

Would they not give it a number, No. 1? They can not give the number. I suppose they Mr. HULL. Mr. MANN. could arbitrarily do so.

Mr. HULL. They give the number to all the documents.

Mr. MANN. The President's message is printed as a docu-

ment and various other things come into Congress at the beginning of the session that are ordered printed. These must be the first ones ordered printed. The first document printed is Document No. 1. If this has worked all right, I have nothing

Mr. BURTON of Ohio. It has worked well. I only looked to the essential feature of its operation and not to the nonessential point, relating to the number.

Mr. MANN. But the nonessential is frequently very essen-

tial in so far as the administration feature is concerned. withdraw the point of order.

The Clerk read as follows:

Sec. 4. That the compilation of laws of the United States relating to the improvement of rivers and harbors authorized by section 13 of the river and harbor act of June 13, 1902, and joint resolution of Congress approved February 1, 1905, shall be extended to include all such laws enacted up to the close of the second session of the Fifty-ninth Congress; and 3,000 copies of this compilation shall be printed under the direction of the Secretary of War, of which 600 copies shall be for the use of the Senate, 1,400 copies for the use of the House, and 1,000 copies for the use of the office of the Chief of Engineers, United States Army.

Mr. MANN. I reserve the point of order on that. Who made

this compilation?

Mr. BURTON of Ohio. It is made at the War Department. The work has already been done and a provision was made for it in the act of 1902; but there is, as I understand, a law which provides that unless documents ordered by Congress are filed within a year after the passage of the statute or resolution providing for them they shall not be printed. They did not have this ready until after the expiration of the year, so they brought it down to date and will have it ready for publication. These facts make necessary this provision. The work upon it has substantially all been done.

Mr. MANN. I thought they issued a compilation a little

while ago.

Mr. BURTON of Ohio. It is not the same thing. The one to which the gentleman refers is a list of the surveys, projects, and appropriations, but this proposed compilation gives the statutes relating to rivers and harbors, and I think it will prove very valuable.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Sec. 6. That those members of the International Waterways Commission created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States shall have power, and it shall be their duty, to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, and of waters flowing from the United States into Canada or from Canada into the United States, and of the tributaries of such waters; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon and upon the interests of navigation by reason of the diversion of these waters from c change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of the Secretary of War, locate the boundary line upon international waters between Canada and the United States as heretofore established, wherever the same is not clearly defined or wherever for any other reason a relocation is desirable, and shall prepare a series of modern charts upon which it shall be delineated; they shall also recommend the erection of such monuments as they may deem necessary to enable such boundary line to be accurately ascertained. Nothing in this section shall be deemed to in any manner affect or enlarge the powers of the members of said Commission representing the United States as constituting a part of the International Commission without the duly authorized assent of the members representing the United States shall, in concurrence with the members representing Canada. The members of said Commission representing the United States shall, in concurrence with the members representing the united States as a constituting a part of the International Commission without the duly authorized a

Mr. MANN. I make the point of order against section 6.

Mr. KEIFER. I desire to offer an amendment.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. MANN. I am perfectly willing to reserve the point of

Mr. BURTON of Ohio. I think we had better have a decision of the Chair as to whether it is in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURTON of Ohio. I do not know that I object, but I shall desire to offer an amendment.

The CHAIRMAN. If the Chair can have the attention of the committee

Mr. BURTON of Ohio. The section as it stands is clearly subject to the point of order.

The CHAIRMAN. The Chair has not examined the section very closely, but the Chair feels very certain that a proposition

to give power to a boundary line commission on an international water course is not within the jurisdiction of the committee. If the chairman of the committee desires to offer an amendment, the Chair will first recognize him.

Mr. BURTON of Ohio. I desire to offer as a substitute for that the first four lines of section 6 and the last two and a half lines at the end of the section; so as it will read:

That those members of the International Waterways Commission, created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States shall have power to rent such room or rooms in Washington as shall be necessary for the performance of the duties intrusted to them.

Mr. MANN. I reserve the point of order on that. The CHAIRMAN. The amendment has not yet been read. The Clerk read as follows:

Insert in lieu of the matter stricken out:
"That those members of the International Waterways Commission, created in accordance with section 4 of the river and harbor act of June 13, 1902, who represent the United States, shall have power to rent such room or rooms in Washington as may be necessary for the performance of the duties intrusted to them."

Mr. MANN. I reserve the point of order on that.

Mr. KEIFER. I want to offer an amendment.

The CHAIRMAN. The gentleman can not offer an amendment until the point of order is disposed of.

Mr. MANN. Then I withdraw the point of order.
The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Chair recognizes the gentleman from Ohio [Mr. Keifer] to offer an amendment.

Mr. Keifer. Not to the pending amendment.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Ohio [Mr. Burton].

The amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I offer the following amendment to the bill.

The CHAIRMAN. The gentleman from Ohio [Mr, Keifer] offers an amendment, which the Clerk will report.

The Clerk read as follows:

offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the bill:

"Sec. 7. The several appropriations made by section 1 of this act are made subject to the right of the Secretary of War, with the approval of the President of the United States, to appoint a board of inspection, consisting of three engineer officers of the United States Army not lower in rank than captain, which board shall, if deemed necessary by the Secretary of War, with like approvel, visit any place he may designate which it is proposed by the provisions of this act to improve and there fully investigate the same and report in writing to the Secretary of War as to the public necessity, utility, and practicability of the proposed improvement at the place so designated, and whether or not such improvement will, if made, result in substantial public benefit in promoting interstate or foreign trade or commerce, stating in a summary way the facts, if any, which in its opinion may tend to show such necessity, utility, and practicability and such public benefit, and setting forth as to each place designated its situation and condition in respect to such trade or commerce by water transportation at the time the report is made and what its situation and condition would be, in such respect, should the proposed improvement be made; also showing in what way, if any, the general public, through increased trade or commerce, will be benefited; also showing how the common defense or general welfare will be promoted, if at all, by the proposed expenditure of money at such place, and setting forth such other things relating to such expenditure as the Secretary of War may deem important and require."

"Any such board appointed as aforesaid shall separately investigate and report on each place designated as aforesaid and referred to it for investigation; and more than one such board may be in existence at the same time.

"Upon the receipt of a report from such board the Secretary of War, with the appropriated by this act for such

The CHAIRMAN. The gentleman from South Carolina reserves the point of order on the amendment.

Mr. KEIFER. Mr. Chairman, this is an amendment in the nature of a limitation, and is very usual in some form or other. It is intended to save the money of the United States if the Secretary of War, with the approval of the President of the United States, shall find in his judgment that it is necessary to make examination of places appropriated for under section 1 of this bill. It requires the Secretary to have the approval of the President before he appoints a board to go to investigate and find out whether the proposed improvement will be a public benefit. This has been carried out without such a provision of law, by Presidents of the United States without regard to party, in the past. But such provisions have been offered before. If it should turn out that the Secretary of War discovers that it is wise to spend a few thousand dollars for the purpose of ascertaining the probable benefit of the important things that are proposed in this bill, he is authorized to do so. Take, for ex-

ample, that great river, the Choctawhatchee River in Alabama, where the engineers are directed to go and survey, with a view of getting, for the purposes of national commerce, a depth of water of 3 feet, running up somewhere, with a possibility that when that is found the ships of the world may sail in and engage in national commerce. Or take others. On page 101 is a proposition; the North Edisto River from its mouth to Orange-burg, with a view to obtaining 3 feet of water. Is this national in character? Is this to be that kind of an improvement that the chairman of the Committee on Rivers and Harbors regards as of great public utility? If it is, it is on the theory that we may build anything to a place where we can hope to build up some sort of trade or commerce. I will find a dozen or more places in my district where, if you will build a railroad less than 10 miles long, we will build up more commerce than you will get on some twenty of the projects of this kind contained in this bill. Why should not the Government build railroads, or turnpikes, or something of the kind for the purpose of building up commerce and navigation?

Mr. FINLEY. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. KEIFER. Oh, yes.

Mr. FINLEY. I wish to ask the gentleman if this amend-

ment to the amendment is limited to surveys?

Mr. KEIFER. Oh, no; it is not limited to that at all. It is limited to nothing but those projects that are appropriated for in the bill. It does not affect surveys at all. I only re-ferred to those matters that are mentioned under the head of surveys because I believe the policy of the great committee is to open the way for those great commercial things that are to arise from 3 feet of water in some inlet or little river.

Mr. FINLEY. Mr. Chairman, as I understand the gentleman, his amendment does not affect the surveys only, but goes to

other matters in the bill.

Mr. KEIFER. It does not go to the surveys; only to the appropriations mentioned in section 1 of the bill. The Secretary of War is not obliged to avail himself of the provisions at all. It is wholly left to his discretion, as with about all the original appropriations for rivers and harbors.

Mr. FINLEY. Mr. Chairman, that is a long amendment, but, as I caught the reading, it contains legislation and is much

more than a limitation.

The CHAIRMAN. It is not a limitation; it is legislation.

I insist on my point of order.

The CHAIRMAN. But the gentleman must recollect that the river and harbor bill is not a general appropriation bill within the meaning of clause 2, Rule XXI. Legislation is proper on a river and harbor bill, and the Chair overrules the point of order.

Mr. BURTON of Ohio. Mr. Chairman, I desire to be heard just a moment. In the first place, my colleague is wrong in his understanding of the facts relating to river and harbor im-We already have a board of five members that review all surveys before they are considered by Congress at all, and every precaution which would be accomplished by his measure is obtained through the instrumentality of that board.

This contention is one for the careful consideration of Con-It proposes in a word that a bill shall be introduced here, that Congress shall deliberate upon it and pass it, and then we shall pursue the unprecedented course of creating a board that shall decide whether the law passed, the appropria-tions made by Congress, shall be executed or not. I do not think this House or this committee desires to listen to such a proposition as that. That is all I care to say, and I ask for a

vote.

Mr. KEIFER. Mr. Chairman, it is very easy to set aside a matter by making a general remark about it and saying in effect that we are invading the powers of Congress; but I think there is no river and harbor appropriation bill, or anything relating to one, in the first fifty or sixty years of this country that was not left substantially in the discretion of the Secretary of War and the President as to the mode and manner and probably the final expenditure of the money. Later on, notwith-standing the boards of engineers, such Presidents as Grant and Cleveland looked into the matter, and if they saw what they deemed was a useless expenditure of money they withheld its expenditure altogether in certain instances.

Mr. MANN. Will the gentleman yield for a question? Mr. KEIFER. Yes.

Mr. MANN. From a casual listening to the amendment as read, I judge that it provided that no portion of the money appropriated for improvements should be expended until after a commission or the board appointed by the Secretary of War had examined the project.

Mr. KEIFER. There is no such provision in the amendment at all, and nothing like it.

Mr. MANN. Will the gentleman from Ohio state what his

amendment does cover?

Mr. KEIFER. I will state, if I can, what is plainly written in the amendment, that the amendment leaves it within the discretion of the Secretary of War, with the approval of the President of the United States, to appoint a board and order it to examine any particular place, but there is no limitation unless he chooses to exercise that power on any of the appropriations. There is none whatever, and none is proposed. But if it should turn out that this great commission or board that is followed sometimes by the great Committee on Rivers and Harbors and repudiated in many more instances, if it should turn out that it had made a mistake, and this committee should happen to indorse its action and thousands of dollars were appropriated for the purpose of building up trade and commerce where none existed, and that there could not be any trade and commerce there if the money appropriated for the particular place was expended, then it could order a board, such as the amendment provides for, to examine into it.

Mr. MANN. Will the gentleman yield for another question?

Mr. MANN. Will the gentleman's proposition is this: That the Mr. MANN. The gentleman's proposition is this: That the War Department or the Engineer Department having reported with the project having been brought to against a project and then the project having been brought to Congress, and Congress having adopted the project, Congress proposes to turn it over to the Secretary of War to ascertain whether the Secretary of War will carry out the project adopted by Congress against the recommendation of the Secretary of

Mr. KEIFER. There is absolutely nothing of the kind in

the proposed amendment.

Mr. MANN. Well, I wonder if the gentleman has read his amendment?

Mr. KEIFER. I have read it through, and I drew it, and I know the meaning of the language. There is nothing of the kind in it.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Ohio.

The question was taken; and the amendment was rejected.

Mr. MORRELL. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Add as an additional section the following:
"Sec. 7. That it is the sense and desire of this Congress that hereafter the appropriation bill for the rivers and harbors shall be given the same consideration and shall be on the same scale as those for the Army, Navy, and other large appropriation bills, and constant large appropriations being necessary to enable the United States to keep pace with the other nations of the world, and being for the good of the country at large, that this appropriation shall hereafter be an annual one."

Mr. BURTON of Ohio. Mr. Chairman, I reserve the point of order on that. I don't think it is quite fair to bring in that kind of a proposition here on this bill. Many of us favor that, but to bring it in here and tack it onto an appropriation bill I do not think is proper.

Mr. PAYNE. Mr. Chairman, this has already been debated

by the gentleman from Pennsylvania and others, and there is other business that the House would like to get at this after-

The CHAIRMAN. The gentleman from Pennsylvania has been recognized.

Mr. MORRELL. Mr. Chairman, I insist on my right to be heard.

Mr. PAYNE. Mr. Chairman, then I make the point of order. The CHAIRMAN. The gentleman from Pennsylvania has been recognized to offer an amendment. Who makes the point of order on the amendment?

Mr. PAYNE. I make the point of order. Mr. BURTON of Ohio. I reserve the point of order, Mr. Chairman.

The CHAIRMAN. Will the gentleman state his grounds for the point of order?

Mr. MORRELL. The gentleman from Ohio has reserved his point of order.

The CHAIRMAN. The Chair understood the gentleman from New York to insist upon the point of order.

Mr. PAYNE. Mr. Chairman, it is not germane to the bill.
The CHAIRMAN. The Chair will examine the amendment.
Mr. PAYNE. Of course it is utterly incompetent to provide

by law what another Congress shall do.

The CHAIRMAN. The Chair thinks that the amendment is germane. The Chair overrules the point of order.

Mr. BURTON of Ohio. Mr. Chairman, I would like to be This amendment has no place here.

Mr. MORRELL. Mr. Chairman, I think the distinguished gentleman reserved his point of order.

Mr. BURTON of Ohio. Mr. Chairman, it is a glaring piece of buncombe; that is all it is.

Mr. MORRELL. Mr. Chairman, I thought I had the floor? The CHAIRMAN. If the gentleman from Ohio has made the point of order and desires to discuss it, the Chair will recognize him. Otherwise the Chair will recognize the gentleman who offered the amendment.

Mr. MORRELL. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. MORRELL. Mr. Chairman, as I understand it, the point of order was raised by the gentleman from New York [Mr. The Chair looked at the amendment and decided that it was germane, and then recognized myself-"the gentleman from Pennsylvania." How can a point of order be made twice

as to the same thing? It has once been overruled.

The CHAIRMAN. The gentleman from Ohio reserved the point of order to permit discussion of the merits of the proposition, as the Chair understood. If that point is reserved, the Chair will recognize the gentleman to discuss the merits of the proposition. If the point is made and not reserved, the Chair

will rule.

Mr. BURTON of Ohio. Do I understand the Chair then-The CHAIRMAN. The Chair will hear any gentleman who

wishes to discuss the point of order.

Mr. BURTON of Ohio. Mr. Chairman, this is a bill made up of specific items for the appropriation of money for rivers and harbors, and giving directions as to the manner and method in which that money shall be expended. Now, here is a declaration of policy which might come very properly in a declaratory resolution. If it has any force at all it is a direction as to what the next Congress shall do, a direction which is empty and which this Congress has no right to make. I sincerely trust this question in the first place will not be presented to the committee, and that if it is presented it will be voted down, because it has no place here.

The CHAIRMAN. The Chair is ready to rule on this propo-This is a proposition which is germane to the river and The only question is a question of germaneness or a question of jurisdiction. On the river and harbor bill there is a perfect right to legislate on any question germane to the bill, and the Chair overrules the point of order, and recognizes the gentleman from Pennsylvania to discuss his amendment.

Mr. MORRELL. Mr. Chairman, I have already taken up the time of the House for a few minutes on the general purposes of this resolution, and I shall not occupy more than two or three

minutes at the present time.

I appreciate the fact that legislation is delayed; that it is the desire of every Member of Congress that such speed as possible should now be had for the rest of the session. man, I was delighted in the course of debate yesterday to hear the distinguished chairman of the Rivers and Harbors Committee, in answer to why this, that, or the other locality should not receive more money, reply practically in these words, "How is it possible to distribute the small sum of from twenty-five to thirty million dollars per year for rivers and harbors over this great country, and give everybody what they wanted?" agree with that proposition, and that is one of the reasons why I want forcibly to bring the terms of this new section before the House. He also referred to the fact that Pennsylvania and Philadelphia had generously contributed the amount of \$5,000,000 toward the improvement of the Delaware River. Chairman, I do not believe in that policy. I do not think that any State or any particular locality should be taxed doubly for that thing which essentially belongs to the Federal Government. The Government maintains the post-offices, the Government maintains the Army and Navy, and why, after having assumed the charge of our rivers and harbors, any locality should be taxed a second time is an anomaly to me. Mr. Chairman, I trust that this section will be given the attention and the vote that it deserves. How can we, if we vote down this section, come to another Congress and ask for more than the paltry sums that we are given to-day? And I call them paltry for the reason that they are when it is realized that this is a biennial appropriation, and when they are taken in comparison with the appropriations that are annually made for the Army and Navy, and other great appropriations, and also when we stop for a moment to think that in this present fiscal year we are going to spend \$25,000,000, the same amount of money almost that is carried in this bill for one year for the Panama That is all I have to say.

Mr. BURGESS. Mr. Chairman, I want to suggest to my

friend from Pennsylvania that I think it will be much better if he withdraws this amendment, and in making that request I wish to assure him that no man in this House is more heartily in favor of annual river and harbor appropriation bills than myself, but I believe that many Members of this House will take the view that it is improper, in a bill of this character, to make a declaration of this sort, and hence will vote against this amendment. Now, if this amendment fails, it will go out through the press to the country that this Congress refuses to declare in favor of annual river and harbor appropriation bills, and the cause which the gentleman from Pennsylvania and myself have so much at heart will be largely injured rather than aided by pressing this question in this shape now. Undoubtedly these bills ought to be passed annually; undoubtedly greater amounts ought to be carried in the bill, but that is a great question, a great administrative question, to be determined by the dominant party in power, and no one Congress can declare for another Congress what the rule shall be; and that being the fact, the danger is that this amendment will be voted down and the country will get the impression that Congress itself has declared against annual river and harbor appropriation bills, and for that reason I earnestly ask the gentleman not to press this amendment at this time in this bill. [Applause.]

Mr. MORRELL. Mr. Chairman, as this resolution is still in the Rivers and Harbors Committee, if the gentleman will suggest some method other than by attaching it in the form of an extra section to this bill, by which it can be brought before this House, and every Member of this House, whether a member of the River and Harbor Committee or not, be given an opportunity to vote or express their opinion of the merit or demerit of this section, I will be glad to withdraw it.

Mr. BURGESS. I would suggest to the gentleman the question could be met by the introduction of a separate resolution. t only involves the mere declaration of what the present Members of this House think ought to be done; that is all.

Mr. MORRELL. This additional section is exactly the language of a resolution already introduced by me, and the resolution remains in the Committee on Rivers and Harbors.

Mr. BURGESS. Very well, then—

Mr. MORRELL. Will the gentleman report that resolution from the Committee on Rivers and Harbors?

Mr. BURGESS. I can only speak for myself. I will vote for any such resolution most cheerfully as a declaration of my opinion as to what ought to be done, but the gentleman must realize that this involves a great question of administration to be determined by the dominant party, whatever it may be, that is in power, and it is useless for us to provoke a discussion at this time over this sort of a question.

Men will vote against this amendment because they think it ought not to be put into this bill who would really be disposed to unite with gentlemen and myself in bringing about what we seek to declare for by the resolution. It will be much better for the great cause that we have at heart not to press this now, I

feel certain.

Mr. MORRELL. I would like to ask the distinguished chairman of the committee

Mr. BURTON of Ohio. Mr. Chairman, I must decline to answer further questions on this.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was rejected. Mr. BEDE. Mr. Chairman, I ask unanimous consent for five or ten minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. Bede] have ten minutes.

The CHAIRMAN. Is there objection?

There was no objection. Mr. BEDE. Mr. Chairman, I had thought of saying a few words a little earlier in the reading of this bill, but yesterday and the day before were largely devoted to eulogies, as has already been suggested, and I thought it unwise for one of my temperament to obtrude himself and disturb the devotions of this body. If I could offer a eulogy, I would not only offer it to the chairman, who I hear has some thought of retiring from the committee, and to the gentleman from Alabama [Mr. BANK-HEAD], who not only retires from the committee, but from Congress, and has already received some mention, but also to the gentleman from Michigan [Mr. BISHOP], and the gentleman from West Virginia [Mr. Dovener], who retires also from the committee and from Congress on the 4th of March. But I have recently discontinued eulogies because I was so outdone and so completely flabbergasted by the remarks of a little tot in my own State. She had just started to school at the age of 6 years, and after spending a few days in that new enterprise and new world to her, her mother asked her how she liked the teacher.

In true feminine fashion she praised her teacher to the superlative degree, and then capped the climax of her eulogy by exclaiming, "Why, mamma, she's good enough to marry God."

I can not hope to compete with this and shall hereafter leave eulogies to the kindergarten. But I may be permitted in passing to suggest that the chairman of the Rivers and Harbors Committee is a bachelor, and that from year to year he sleeps with the river and harbor bills. [Laughter.] And I have not the slightest doubt that the angels come to him in his dreams and tell him what to do with the Delaware River and the Ohio River and Chicago's alimentary canal. [Great laughter.] But if he had been married as much as I have [laughter.], he would know a little bit more, perhaps, about diplomacy; he would understand that you can not bring a stick of candy home to one tot and not bring something to the other without making discord in the home and perchance driving the cricket from the hearth.

And so sometimes we have to do things that we can scarcely afford in order to keep all parts of the country upon an equality. Because of these conditions and the pressure from all parts of the country, I realize that we need a great, strong man at the head of this committee, and if the gentleman from Ohio does resign, I hope he will resign in my favor, so that the chairman will at least not be far from the Great Lakes, whose waters bear the chief commerce of our country. [Laughter and appliance]

Sometimes when I think of the propositions that are brought to the Rivers and Harbors Committee I am reminded of a little incident, which I think the leaders of the House will permit me to tell, because it illustrates a point and stands so pat. It is about a class of boys in school who were receiving instruction on the several senses and functions of the body. The teacher said to them: "Now, my dear little boys, remember that your eyes are made to see with, your ears are made to hear with, your nose is made to smell with, and your feet are made to run with," when one of the boys exclaimed, "Hold on, teacher; I ain't made right. My nose runs and my feet smell." [Great laughter.]

So, Mr. Chairman, some things that are offered to our committee must be eliminated and some must be fumigated [laughter], for some parts of the country were not made right, and we have been doing the best that we could.

Something has been said about the chairman dominating the Rivers and Harbors Committee. He dominates that in no other sense than he dominates the Committee of the Whole in the consideration of this bill. He sometimes dominates me, as the census statistics dominate me, because of the breadth of the ground they cover and their demonstrable accuracy. But when it comes to establishing great national policies I yield my opinion to no man on the River and Harbor Committee or off it, and the chairman of that committee does not ask us to yield in matters of that kind. But, as I have already suggested, he has given great thought to river and harbor improvements for many years and knows many things not familiar to the general body of this House, and very naturally and very properly has a large following on both sides of this Chamber.

There is one thing about the river and harbor bill I would like particularly to mention. It holds the Union together. [Laughter.] We have been doing many things during the last generation to bring the North and South in closer touch. We have been building a few railroads to the Gulf; that has helped some. We have been raising the Stars and Stripes on many Federal buildings and public schools; that has helped more. We have been making fortunes in all of the States of the Union, which permit us to come and go and know each other better than we did. That has pushed the good work along. But let me add that the waters of the Missouri from the Rocky Mountains join the waters of the Ohio from the Alleghenies. The waters of the Mississippi, coming from the frozen North, join with the waters of the Tennessee and Cumberland from the sunny South and flow on in majestic manner to the sea. That helps most. For these great waterways, with their commerce and community of interest, will do more to bind the North and South together than all the bands of iron or hooks of steel, or flags or fortunes. The State lines are indeed still dimly seen, but Mason and Dixon's line has been obliterated forever.

I have long advocated \$50,000,000 a year or \$100,000,000 in our biennial bill for internal improvements. And now I behold my dreams come true. We have put more than \$83,000,000 into the measure now before us, and I have an abiding faith that the Senate will do the rest. [Laughter and applause.]

the measure now before us, and I have an abiding faith that the Senate will do the rest. [Laughter and applause.]

I have been surprised at a few things that happened in this House. Most of all was I surprised when the gentleman from The Hague—I mean from Missouri [laughter and applause]—

took the position that he did. He has given us more trouble for a man of peace than any man of that sort I have ever known. [Laughter.] Indeed, I am inclined after all to think, despite his professions, that he is a man of war and stands very close to me in believing in a big Navy and the simple life. [Laughter.] This bill could have been made better, but it could have been made so only by making it bigger. I was inclined myself to include a few items that do not appear in this measure, but I was overwhelmed by the majority of the committee. However, it contains nothing which I would strike out.

Let me say for my own section of the country that the commerce of Lake Superior is not 40,000,000 tons, as expressed here yesterday by one speaker, but during the last year 52,000,000 tons passed up and down through the Soo Canal. It can be demonstrated that this freight was carried \$1.75 a ton cheaper for the shipper, the consumer, the producer—for all the people—than it could have been carried by rail, thus making a total saving of more than ninety millions a year, to say nothing of the cheaper railroad rate, as a result of water competition, on freight never shipped by water at all. Therefore it can be shown that the saving on the traffic of Lake Superior alone in a single year is more than all the Government has spent on all the lakes in all the history of our country. If like conditions can be shown elsewhere in the Union, I think the River and Harbor Committee will be as willing to make appropriations for such other undertakings as for the channels and harbors from Buffalo to Duluth.

It has been stated that \$19,000,000 have been appropriated for the Great Lakes. Thirteen million dollars of that is in two items; for an alternate channel in the Detroit River to prevent this Great Lake traffic being choked up if an accident should occur at that point, and an additional lock at the Soo to prevent the choking of the traffic at that place if the one lock failed us.

These two items of \$13,000,000 may be charged to me instead of the chairman of the committee, for they are of as much importance to my district as if made in the harbor of Duluth itself.

Then I might go a little farther away from home. I have tried to do the best I could for New England and New Jersey. You know that the work of creation was finished in seven days, when it surely ought to have had eleven. It was not very well done. There are a lot of places, like the boy already mentioned, that were not made right. Therefore the River and Harbor Committee or the local community must step in and do almost endless work. About the only item that has been seriously criticised here was the appropriation for Cape May, N. J. I wish to say that after looking that up a little more thoroughly I feel that if there was but one vote for that particular feature in this bill that vote would be my own. I took occasion to look up the distances at the Coast Survey, and find it is 140 miles from Cape May to Sandy Hook and 185 miles from Cape May to Norfolk, Va., while between those two points, for a distance of 225 miles, there is not a deep-water harbor on the Atlantic coast.

I sailed up that coast a year ago on the little ship *Cherokee* from Santo Domingo. On the second trip afterwards it was wrecked off the shoals of Atlantic City while struggling desperately to reach New York. There was no opportunity for it to save itself or its crew except by drifting onto the bar. I do not know that the improvement at Cape May will prove practical, but I believe the experiment is worth trying. Local capitalists have spent more than \$3,000,000 to make a deep and safe harbor of 700 acres in area, and the appropriation in this bill is merely to improve the entrance. I am firmly for it.

Some folks, of course, have not got all that they want in this bill. They may feel a little bit unlucky. But they should brace up like the little boy who, when laughed at and jibed because he was born while his father was in the Army, responded: "I think it was lucky enough that mother was at home." [Laughter.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Several Members. Take ten minutes more.

Mr. BEDE. I think five minutes will be plenty.

The CHAIRMAN. Is there objection to extending the time of the gentleman five minutes?

There was no objection.

Mr. BEDE. And now let me refer to one of the practical features of river and harbor improvement. We have taken away railroad rebates. What does that mean? In the past the rich man has received the rebates and the poor man has paid the freight. Now, without the rebates the rich men are turning toward water transportation, and they are going to have it as they never did before. We are going to improve the Ohio and the upper Mississippi, and to some extent the Missouri, bad

as it is. I realize that if a man owned the Missouri he would have to go out every morning and find his river. [Laughter.]

No one can tell where it is going to be from one day to an It is a most difficult stream to control. With its floods and its disasters it sometimes is called the Mother of Dragons. The Mississippi is the Father of Waters, and when the Father of Waters and the Mother of Dragons get together at St. Louis it is no wonder that my friend from that good city has a little trouble. [Laughter.]

But even if the gentleman from Ohio [Mr. Burton], chairman of the River and Harbor Committee, should retire, I want the people along the Delaware and along the Ohio to know that still have one friend in that body. The gentleman from Ohio has done, I think, about all that could have been done with the many conflicting interests that have come before us, and has tried to do the best, not for his State, not for my State, not for the State of any member of the committee, but for the whole United States, and the reception given to our measure in this House is a compliment to us all.

I did not rise to make a speech and shall detain the House but a moment more. I could not help thinking, when one of the gentlemen was talking about Green River yesterday, of the little instance which occurred when the River and Harbor Committee was traversing the Ohio. At every point that we stopped in Kentucky some members of the local community presented each member of our committee with a quart bottle of the real thing. We were traveling with light baggage, and before we got through we had more than we could carry. [Laughter.] More than we could carry in our valises. I understand that some of the memsent their clothes home by express and kept the liquor with them. [Laughter.] And I wondered if it was on the Green River that the Three Feathers brand of liquor is manufactured, and if they needed deep-water navigation for that product. [Laughter.] I do not suppose it means they really have three feathers, but that by using the liquor one could see three. [Laughter.]

There is one very sad feature about this discussion. it is the first time in the history of our country when the Missourians have asked for water. [Laughter.] It is certainly the first time that I have ever refused them. I regret we could not grant their every wish.

In the deep waterway from Chicago to St. Louis we have many problems to solve. In the first place, it is an international question that affects Canada, by the waters flowing out of Lake Michigan into the Illinois and Mississippi. In the second place, it is opposed by the great Lake interests, who fear it will lower the level of the Lakes and in some measure depreciate the value of the harbors and channels upon which so much money has been expended by our Government. In the next place, the lower Mississippi is not so deep as the proposed canal, and the question is whether it is a business proposition to dig a canal deeper than the ocean. [Laughter.]

Now, if we can have 14 feet all the way from Chicago to the Gulf, without affecting the harbors of the Great Lakes or getting into a tangle with Canada, I will be the first member of the River and Harbor Committee to vote for the project. It is asserted that the canal for ship purposes would not require so much water as the canal for drainage purposes, and if that be true, then no great evil would come from it, and let us hope many blessings.

But the people of the Lakes are afraid of any cross section big enough to draw off Lake Michigan, and we must first quiet their fears and have the approval of the War Department before we enter upon so great a project. But I have taken up too much of your time already. Let me only add that I would not have talked at all except, as they say under the civil law, to homologate the record of my committee [laughter], and having homologated it and shown that not only the chairman, but every member of the River and Harbor Committee, is striving to do right, as his conscience gives him to see the right, I trust the bill may pass without dissent. We of the committee are the friends of every section of the country, and I hope in other bills, at future times, to satisfy all interests from every section of the nation, and then to them —

The night shall be filled with music, And the cares that infest the day Shall fold their tents like the Arabs, And as sliently steal away.

[Applause.] Mr. BURTON of Ohio. Mr. Chairman, I move that the committee now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

chair, Mr. CURRIER, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991, the river and harbor bill, and had directed him to report it back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do

The SPEAKER pro tempore. Is a separate vote asked for on any amendment?

Mr. BURTON of Ohio. Mr. Speaker, I think a separate vote should be had on the amendment on page 73, relating to the appropriation for the town of Wittenberg, Mo. When the item was reached I asked if there was objection by anyone. was no objection, but the gentleman from Missouri [Mr. Rhodes] was out of the House at the moment.

The SPEAKER pro tempore. Is a separate vote asked for on any other amendment? If not, the other amendments will be agreed to.

The question was taken; and the other amendments were agreed to.

The SPEAKER pro tempore: The Clerk will report the amendment upon which a separate vote is demanded.

The Clerk read as follows:

On page 73, after line 5, insert "and the amount of \$10,000, hereto-fore appropriated for Wittenberg Harbor, shall be made available for the general improvement of the river."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. BURTON of Ohio. If there is no objection of a valid nature I should like to have it remain in the bill.

Mr. RHODES. Mr. Speaker, at the time this matter came up I was not on the floor. If I had been here I should have objected. I am here now, hence I object to the amendment and hope it will not be adopted. The object in changing this appropriation is that this item of \$10,000 may be used for general improvement purposes. At this point on the river we have a condition which I believe makes it necessary to do more bank improvement and less dredging. I should be opposed to any change with respect to this item which sought to transfer it to the general fund, the major part of which would then be expended for dredging purposes.

I know, as a matter of geography, at this place we have the alluvial banks, and the volume of water carried by the river is hard to confine in its channel, and the method of bank improvement has been more successful than dredging.

Mr. BURTON of Ohio. I trust the gentleman will confine his

remarks to this specific project. We have been on the subject of dredging a considerable time, and I want to say to the gentleman that so far I am now inclined to be with him, but if we change from the policy of dredging and it is to be used for some other purpose I might be against it.

Mr. RHODES. I desire to ask the chairman of the committee for what purpose it is intended this \$10,000 shall be expended, if converted into the general fund?

Mr. BURTON of Ohio. For the general improvement of the river; first, for dredging and then for the maintenance of existing works and for emergency work beside. As it is now, of course it belongs to Wittenberg Harbor.

Mr. RHODES. Mr. Speaker, in the interest of the district I have the honor to represent, I ask the House not to divert this item from the purposes for which it has been appropriated. hope the amount will remain as it is.

Mr. BURTON of Ohlo. Mr. Speaker, this item came here on recommendation of the engineer, on this ground, that it was appropriated some years ago and never had been used.

I feel, however, unwilling, without having given further hearing to the parties interested, and especially to the Member from that district, to insist upon the amendment. I therefore ask that it may be rejected.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected. Mr. BURTON of Ohio. Mr. Speaker, I now move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed. On motion of Mr. Burron of Ohio, a motion to reconsider the last vote was laid on the table.

REUBEN A. GEORGE.

The motion was agreed to; accordingly the committee rose, and Mr. Dalzell, Speaker pro tempore, having resumed the from the President of the United States; which, with the accom-

panying papers, was referred to the Committee on Invalid Pen-

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of the 6th instant, I return herewith House bill No. 20928, entitled "An act granting an increase of pension to Reuben A. George."

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 7, 1907.

RESIGNATION OF A MEMBER.

The SPEAKER pro tempore also laid before the House the following communication:

WASHINGTON, D. C., February 7, 1907.

Hon. Joseph G. Cannon, Speaker of the House of Representatives.

DEAR SIR: Having this day forwarded to the governor of our State my resignation as a Representative in the Fifty-ninth Congress from the Fifth Congressional district of Michigan, and having given notice of my intention not to qualify as a Representative of the Sixtieth Congress, I desire to tender my resignation as a Member of the House of Representatives, effective Saturday, February 9, 1907.

Deeply sensible of a warm personal obligation to my associates in the House of Representatives for their uniform courtesy and helpfulness in the performance of my public duty, and acknowledging with gratitude my appreciation of your kindness and good will, I am, with great respect,

Yours, very truly, WILLIAM ALDEN SMITH. The SPEAKER pro tempore. Without objection, the communication will lie on the table.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. Smith of Kentucky, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Steven Camplin, H. R. 1572, Fifty-seventh Congress, no adverse report having been made

Mr. Dale, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry Grete, H. R. 1942, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. Overstreet of Indiana, by unanimous consent, was granted leave of absence for one week on account of serious illness in his family.

Mr. Henry of Texas, by unanimous consent, was granted indefinite leave of absence on account of public business.

PHILIPPINE BANKING BILL

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that certain members of the minority of the Committee on Insular Affairs have leave for three legislative days to file a minority report or reports on the bill H. R. 25186, the Philippine banking bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that certain members of the minority of the Committee on Insular Affairs may have leave to file minority views upon the Philippine banking bill within three legislative days. Is there objection?

There was no objection, and it was so ordered.

Mr. CRUMPACKER. Mr. Speaker, I would like to ask the gentleman from Wisconsin a question as to whether the report has been filed.

Mr. COOPER of Wisconsin. Yes.

Mr. CRUMPACKER. I have here the dissenting views of five of the minority, which I will present at this time, if I may. The SPEAKER pro tempore. The gentleman may file that under the order just made.

DENATURED ALCOHOL.

Mr. HILL of Connecticut. Mr. Speaker, I call up the bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, and in view of the lateness of the hour, I ask unanimous consent that the same may be considered in the House as in the Committee of the Whole House.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to consider the bill referred to in the House as in the Committee of the Whole House. Is there

Mr. MANN. Mr. Speaker, I think this is out of the usual

course, and I object.

Mr. HILL of Connecticut. Then, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the present consideration of the bill H. R. 24816, and pending that I ask unanimous consent that the time limit may be fixed to debate of thirty minutes,

one half of which shall be controlled by the gentleman from Illinois [Mr. Graff] and the other half by myself.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that general debate be closed in thirty minutes, one half of the time to be controlled by him-self and the other half by the gentleman from Illinois [Mr. GRAFF].

Mr. GROSVENOR. Mr. Speaker, I object to the limit of time. It is entirely too short for any reasonable debate on this

Mr. HILL of Connecticut. All right. Mr. Speaker, I make the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24816, the denatured alcohol bill, Mr. BOUTELL in the chair.

The Clerk read as follows:

A bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906.

Mr. HILL of Connecticut. Mr. Chairman, I ask that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the first reading of the bill may be dis-Is there objection? [After a pause.] pensed with. hears none.

Mr. HILL of Connecticut. Mr. Chairman, a year ago we passed what is now known as the "denatured alcohol law." As it went from the House of Representatives it gave to the Secretary of the Treasury and the Commissioner of Internal Revenue the largest discretion as to the establishment of denaturing warehouses, the mode and manner of denaturing, the character and quantity of the denaturant. It was subsequently amended, and that action renders necessary certain further amendments now. The propositions embodied in these amendments are as follows: Section 1 provides that certain articles in which alcohol is used for their manufacture shall be admitted to the privileges of the bill. This is based upon the fact that in the manufacture of these articles the alcohol is destroyed in the process so that it is imposible to recover it.

Section 2 provides that the Commissioner of Internal Revenue shall have full discretion in authorizing the establishment of denaturing warehouses, which was inadvertently taken away by the amendments of last year. This is in accordance with the custom in England, France, and Germany, where denaturing establishments are located in large manufacturing centers, and is entirely in the interest of a cheap commodity and the convenience of the consumer, both for fuel, light, and power and for manufacturing purposes. The third section provides for methods of transportation in steel containers or in tank cars, which in the first place is a safer form of transportation than in wooden barrels and in wooden box cars, and in the second place is far more economical. It will probably save to the consumer at least 4 or 5 cents a gallon on the cost of transporta-tion, taking the country as a whole. The entire section as it will appear in the bill is a substitute for the original section. was drawn by the Commissioner of Internal Revenue himself, and indeed, the whole bill is practically the product of the Treas nry Department, it having been redrawn from all the bills which have been introduced in the House this year, four in number, one by the gentleman from North Dakota [Mr. Marshall], one by the gentleman from North Dakota [Mr. Gronna], one by the gentleman from Minnesota [Mr. VOLSTEAD], and one by myself, all of them having been submitted to the Treasury Department, and the bill as you now have it with its amendments having received the approval of the Commissioner of Internal Revenue and the Secretary of the Treasury. So far as tank cars are concerned, their use is a common practice in Germany.

The reason for the economy is this: In the first place, it saves the cost of the barrels. In the second place, in shipping alcohol or liquor in wooden barrels the freight is charged not only on the alcohol but on the barrel also, and in returning the empty casks the freight is charged at a still higher rate, whereas in shipping by tank cars only the weight of the alcohol itself is The tank car is returned free of charge, and the charged for. shippers receive, as a general rule, 2 cents a mile each way from the railroad company for the privilege of using the car, and including these several economies, together with the saving by piping and pumping at the distillery, the cost to the consumer will be reduced about 51 cents per gallon.

The CHAIRMAN. Does the gentleman from Connecticut [Mr. Hill] yield to the gentleman from Indiana [Mr. CrumMr. HILL of Connecticut. Certainly.

Mr. CRUMPACKER. I am in thorough sympathy with the purpose of the bill, but in a conversation I had a day or two ago with a distiller out in Indiana he made the criticism of the bill that it opens wide the door for fraud, and that the regular distillers would be at a great disadvantage in competing with these small distilleries that the bill provided for. I would like to know the gentleman's opinion in regard to the adequacy of safeguards to prevent frauds against the internal-revenue law.

Mr. HILL of Connecticut. That refers to the next section-

the small distilleries, I suppose? Mr. CRUMPACKER, Yes.

Mr. HILL of Connecticut. I come to that now. The gentleman has no idea but that a steel container and steel tank cars would be safer than the present method of transportation in wooden barrels and box cars, which are easily subject to the

attack of any boy in possession of a 5-cent gimlet.

Mr. Chairman, the fourth section proposes to introduce into this country the German farm distillery methods. Ninety per cent of all the alcohol which was denatured in Germany last year was the product of the farm, not of industrial distilleries. It is a fair, open field for competition. I asked one of the gentlemen, possibly the one to whom my friend from Indiana refers, whether, in the shipments which have thus far been made since the 8th of January, when the first gallon of denatured alcohol was put upon the market in this country, if he had sold a gallon which displaced a gallon of taxed-paid alcohol or whether all of those sales did not either displace wood alcohol or were for entirely new uses in new processes of manufacture begun under the provisions of this new law.

He told me that he had not displaced tax-paid alcohol, but that the business was entirely a new one to him. I therefore submit that in such a business, absolutely new to the existing distilleries of grain alcohol in this country, that it is only fair to throw this open to the competition of the farmers of this It is because the bill was so amended last year that the small producer could not profitably engage in the business that this new system is proposed. Any farmer can to-day, under the beverage spirit law, make alcohol without restriction as to quantity, but the necessity for the construction of a bonded warehouse and for a separate denaturing warehouse makes it difficult for him to profitably utilize his waste products, and the farmers of the country are therefore feeling disappointed in

the legislation of a year ago.

This bill brings into the United States the German farm-distillery system, where a farmer at the end of his crop season can sort his crop, take his culls, whatever they be, of corn or potatoes, and by a reasonable notice to the Government can have his still inspected and locked, and subject to being inspected oc-casionally at the will of the Government, and, without the denaturing warehouse or bonded warehouse, can go ahead and utilize the waste products of his farm. What it means to Germany, gentlemen, is that last year 91,000,000 bushels of potatoes, culls—most of them unsuitable for market, unavailable for food purposes—were consumed in that way, and 76,000,000 gallons of alcohol were made principally from such culls. The farmers of the United States from Maine to California, in our northern potato-growing section, in the South, in the corn belt, in the sugar-beet section, and in the cane-sugar section, have a right to have such a system that they can utilize the waste products of their farm, and there is no danger, I want to say to the gentleman from Indiana [Mr. CRUMPACKER], not the slightest danger, because this has been tried for twenty-five years in Germany, and last year alone 5,775 of such stills were run upon the farms of that country. This law does not permit, as Germany does, the making of beverage alcohol or beverage spirits. Those stills can only be utilized for alcohol that is to be denatured. It is bonded from the still, straight through to the denaturing process, and I have not the slightest question but that it can be handled with entire safety to the revenue.

And I want to say right here that I have summered and wintered this year with Hon. John W. Yerkes, Commissioner of the Internal-Revenue System. I have followed these regulations from the beginning to the end during the recess of Congress, and I stand here to say that any criticisms which may have been made upon his action are wholly unjust and unfair, that he is heart and soul in favor of giving to every farmer and every manufacturer in this country every possible facility under the legislation which we passed last year, and no more honest, earnest, enthusiastic Government official lives in Washington today than that same man, who has spent his time and his health in trying to bring to a great success the legislation which you enacted a year ago.

Mr. MARTIN. Can the gentleman indicate approximately

the probable cost of what he calls a farmer's distillation plant under the German system?

Mr. HILL of Connecticut. Yes, I can under the German system; but it would not be a fair criterion for us, for they build of stone and brick, and build for the future, while we build for ourselves, and for to-day only. It would probably cost \$2,500 there. I am informed by the Commissioner that reports of the deputies in the different parts of the country state that the entire outfit could probably be put up here, using wooden buildings, at not exceeding \$750.

Mr. MARTIN. Then that is approximately what they state the cost to the American farmer would be who might avail him-

self of this process.

Mr. MARSHALL. I want the gentleman to bear in mind that the gentleman from Connecticut includes the cost of buildings. Most farmers would have them, and there would only be the machinery to provide, and it would take about \$150 for the whole entire outfit.

A Member. What would be the cost to the Government? Mr. HILL of Connecticut. Very little. The process of denaturing takes but a few minutes. It would depend upon the

The inspector is summoned from the collector's office, the spirit is drawn and either denatured or shipped as the case may be, and report is made accordingly.

Mr. GRAFF. What is the German bounty on alcohol?
Mr. HILL of Connecticut. There is no bounty in Germany
on alcohol, except indirectly. There are four different forms of taxation in Germany, and the system is a complicated one. The final outcome is that an advantage of 21½ cents per gallon over and above the rebate of what is known as the "consumption tax" is divided between the producer, the dealer, and the consumer. Practically the consumers of beverage spirits pay this in an increased cost of that article.

The law passed by this country last year has excited the deepest interest in the countries of Europe. I have here the legisla-tion of England which followed immediately upon our action. England has taken off all the cost of supervision, which for twenty-five years had been borne by the consumer, and put it upon the treasury department. The quantity of denaturant for manufacturing purposes has been reduced from 10 per cent to 5; the restrictions upon dealers have been greatly modified; and, in addition, she is paying an absolute bounty on every gallon of from 5 to 10 cents, according to the degree of proof. Germany followed her example and took off the "contingent," or limit of product to each distillery at a reduced rate of taxation, and allowed the farmers to manufacture to any extent.

Mr. GILBERT. Will the gentleman allow me to ask him a

Mr. HILL of Connecticut. Certainly.

Mr. GILBERT. I want to know if your bill pointed out any method of transportation in tanks?

Mr. HILL of Connecticut. It gives the tank-car system, for shipment in bond and under seal.

Mr. GILBERT. For the retail trade, what method is indi-

cated in the bill?

Mr. HILL of Connecticut. It gives the retail trade just the same privilege as is given to every man, that he can go and buy at retail just as he buys water or oil.

Mr. COOPER of Wisconsin. Will the gentleman allow me to

ask him a question?

Mr. HILL of Connecticut. Certainly.

Mr. COOPER of Wisconsin. Did the gentleman from Connecticut visit Germany and make any investigation of this

Mr. HILL of Connecticut. I spent two months abroad last

summer studying this question.

Mr. COOPER of Wisconsin. From the gentleman's personal examination of the German system, is the gentleman convinced that substantially the plan adopted for the system there would prevent fraud here?

Mr. HILL of Connecticut. Oh, absolutely. I have no doubt about that. While the Commissioner of Internal Revenue is under the necessity of the utmost strictness in the protection of \$140,000,000 of revenue, he is satisfied that the system can be safely adopted, and with no greater liability of fraud than now exists. I yield such time to the gentleman from Illinois as he desires.

Will the gentleman yield to a question? Mr. MANN.

Mr. HILL of Connecticut. Certainly.
Mr. MANN. Complaint was made to me some time ago about the materials that were required for the denaturing and the expensiveness of those materials. Has the gentleman and his committee given consideration to that subject?

Mr. HILL of Connecticut. We have, and I will put that all

in the RECORD; if the gentleman will pardon me, it is getting

Mr. MANN. The gentleman calls up a very important bill here and it is not sufficient to say that it is late. The gentle-man will not get a vote any quicker by that.

Mr. HILL of Connecticut. I will answer the gentleman's

Mr. MANN. You answered the question I asked; will you permit me to ask you another question?

Mr. HILL of Connecticut. I will. Mr. MANN. What method do you provide to prevent fraud

on the Government?

Mr. HILL of Connecticut. In the first place, the farm distilleries are locked, and the farmer can do nothing but feed the distillery; and when he wants to open it, he must send for the Government inspector to supervise the gauging and denaturing or shipment.

Mr. MANN. How often will that inspector go there?

Mr. HILL of Connecticut. It will depend on the size of the tank and the wish of the farmer to have it withdrawn and put on the market and the convenience of the Government official.

Mr. MANN. What will be the comparative expense of the in-spector as related to the value of the alcohol?

Mr. HILL of Connecticut. In all probability there will be no additional expense over that of the force now maintained, except a little traveling expenses, because the inspector would be summoned from the collector's office of the district, and it would take him but a few minutes to make the inspection.

Mr. MANN. The gentleman assumes that it would only take a few minutes for an inspector in Minneapolis to make an inspection of a farmer's distillery in the northwestern part of

Dakota.

Mr. HILL of Connecticut. I said there would be very little expense aside from the traveling expenses. One inspector could cover a very considerable territory. So far as the inspection is concerned, it will take a very few minutes.

Mr. MANN. Germany has 6,000 of these farm distilleries.

How many does the gentleman think he will have?

Mr. HILL of Connecticut. The gentleman's guess is just as good as mine. I hope we will have more than that in time. Germany has been in the denatured-alcohol business for twenty-

Mr. MANN. Does the gentleman think we have enough in-

Mr. MANN. Does the gentieman think we have enough inspectors now to inspect 6,000 farm distilleries?

Mr. HILL of Connecticut. I do not think we have got 6,000 farm distilleries, but I hope that we may have in time.

Mr. MANN. The gentleman assumes that we will have as many as Germany. I am in favor of the gentleman's bill, I am frank to tell him, as far as that is concerned, but I would like to know for my own information whether any consideration has been given to the question of expense as connected with the watching of these distilleries.

Mr. HILL of Connecticut. So far there have been but 11 inspectors appointed in the United States, and unless the number of distilleries should be very greatly increased, as I hope it will be, everything indicates that the present force in the offices of the various collectors can practically take care of this business

without much additional expense.

Mr. MANN. Then there ought to be a prompt discharge of a number of officials of the present force who must be doing

Mr. HILL of Connecticut. That is not necessarily true.

Mr. Chairman, I said a few moments ago that I would put in the Record a statement in regard to the materials required for the denaturing and the expensiveness of those materials. Immediately after the regulations for carrying into effect the law of June 6, 1906, were published somewhat severe criticism began to be made as to the strictness of those regulations, and as Members well know, in various sections of the country it was claimed that the terms of the regulations were such that it was impossible for the farmer to get the supposed benefits of

I do not propose at this time to go into that matter, except to publish as a part of my remarks a letter written by the Commissioner of Internal Revenue, the Hon. John W. Yerkes, in response to a request made by the President for an explanation of the mode of procedure of the Internal Revenue Department

under the denatured alcohol act.

[From the Superior Telegram.]

ROOSEVELT CALLS ON YERKES FOR AN EXPLANATION OF CHARGES MADE IN SUPERIOR TELEGRAM REGARDING DENATURED ALCOHOL AND ALSO SENDS YERKES'S ANSWER TO THIS PAPER.

President Roosevelt through his secretary, Mr. Loeb, has called on Commissioner Yerkes of the internal revenue office for a statement of conditions on account of a recent editorial which apeared in The Telegram. The President, on reading The Telegram, thought the editorial

on the free alcohol law was sufficient ground for an explanation of the law, and he thereupon instructed Secretary Loeb to communicate with Commissioner Yerkes asking for information in the case.

The editorial in question is quoted sufficiently in Mr. Yerkes's reply to give its sense and its repetition is unnecessary. President Roosevelt took the letter of Commissioner Yerkes and putting it in a package at once forwarded it to The Telegram. The explanation of Mr. Yerkes and the President's communication to The Telegram, through Mr. Loeb, are given herewith:

THE WHITE HOUSE, Washington, January 8, 1907.

Washington, January 8, 1907.

EDITOR SUPERIOR TELEGRAM,
Superior, Wis.

The editorial appearing in your paper of the 26th ultimo was called to my attention and I secured from the Commissioner of Internal Revenue a report on the subject which I take the liberty of bringing to your notice for information.

Very truly, yours,

WM. Loeb, Jr.,
Secretary to the President

WM. LOEB, JR., Secretary to the President.

The report of Commissioner Yerkes follows:

The report of Commissioner Yerkes follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, January 3, 1997.

My Dear Mr. Secretary: I have the honor to acknowledge receipt of your note of yesterday, inclosing a clipping from the Superior, Wis., Telegram of December 26, 1906, and the President's request that I give him material to enable him to answer the criticism contained in the editorial clipping named.

First, I call attention to certain statements of the editorial which are absolutely false:

"They (the Congressmen) thought they were bestowing a boon the beneficence of which would be felt on every farmstead. But some flaws were left in the bill which enabled the Internal Revenue Office, which actively opposed its passage, to rob it of all value as providing a cheap material for power, light, and fuel."

The statement that the Internal Revenue Office actively, or at all, opposed the passage of the denatured alcohol bill is absolutely without a suspicion of truth.

I was called before the Ways and Means Committee of the House, and the Finance Committee of the Senate, and my statements with regard to the proposed legislation were printed, and can be read of all men.

FAVORED IT FOR YEARS.

FAVORED IT FOR YEARS.

I have favored such a bill for four years, believing it would materially benefit the country, and would put this nation in an attitude for favorable competition with the manufactured products of foreign nations, where cheap alcohol was used by the manufacturers, through laws similar to the one adopted at the last session.

Representatives Payne, Boutell, Hill, Warson, and Tawney, and Senators Hale and Spooner are thoroughly familiar with my attitude regarding the measure and with the steps that have been taken by this office relative to the enforcement of the new law.

In the editorial appears the following statement:

"The chief tools used by the internal revenue officials in cheating the farmers out of the benefits expected from the law have been the requirements for the use of a large percentage of wood alcohol as a denaturizer, the requirement of a separate inspector for every distilling plant, and the limitation of the privilege of manufacture to distilleries having a capacity of not less than 500 gallons of alcohol per day. This last rule makes impossible its manufacture even by small groups offarmers cooperating together."

Neither the denatured alcohol law of June 7, 1906, nor the regularitions promulgated thereunder change in any respect the existing system with regard to the production of alcohol.

The new law takes the alcohol when produced under the system that has been in existence for forty years and allows it to be withdrawn from the bonded warehouse, where it must be placed, free of tax when the denaturing material has been added thereto, destroying its beverage qualities and its possibilities for use in liquid medicinal preparations.

NO LIMIT.

No LIMIT.

There is absolutely no limitation upon the size or capacity of a distillery producing alcohol for denaturing purposes or for commercial purposes.

No statement could be less in conformity with fact than the charge that the distillery must have a capacity of not less than 500 gallons a day. It can produce 5 gallons, 10 gallons, 500 gallons, or 5,000 gallons a day, just as the owners determine.

There are hundreds of distilleries in operation in the United States this month, and which have been operated for forty years past, whose daily output is not more than 12 or 15 gallons. Some produce less. With regard to the statement that a separate inspector must be provided for every distilling plant—that is not a regulation of this office nor a part of the new law, but a requirement of the old law of forty years standing.

No distillery can be operated except in the presence of a Government official, called a storekeeper-gauger or storekeeper.

NO FINANCIAL MOMENT.

NO FINANCIAL MOMENT.

But this is a matter of absolutely no financial moment to the distiller, for the cost of that official, whether he be stationed at a distillery producing alcohol for denaturing purposes, for commercial purposes, or producing whisky, is paid by the Government.

It will not cost the farm distiller 1 cent more to have a Government official at his place of business each day when he operates than to have him visit the plant once a week. The Government pays the official his salary.

him visit the plant once a week. The doverment pays the dischanges salary.

The honest distiller would want him constantly present; the dischonest distiller would prefer to have him absent as many days as possible.

Alcohol pays a tax of \$2 per wine gallon, and it is absolutely necessary to put up every barrier possible against fraud now that under the law it can be withdrawn free of this tax for certain purposes.

If it were possible to find a denaturing agent that could not be removed from the alcohol by process of redistillation, by passing over charcoal beds, and by other chemical processes, then it would not be so necessary to guard every step of the new process.

MUST SUPERVISE.

MUST SUPERVISE.

There must be governmental supervision and surveillance to prevent the alcohol from being secretly and surreptitiously taken from the distillery where produced without the payment of tax, and to prevent, after it has been denatured, its reclamation through chemical process and its restoration to its original alcoholic condition.

The article complains of the regulations requiring the use of a large percentage of wood alcohol as a denaturizer, and adds:

"The use in the United States of wood alcohol, controlled by a trust, makes the cost of denaturing 7½ cents per gallon."

The exact cost of denaturing under one, and the first, material selected by the office is 4½ cents per gallon. Under the second formula adopted by this office it is 1½ cents per gallon.

The universal judgment of the scientific men of foreign countries who have for fifty years denatured alcohol, is that wood alcohol is the best denaturant known. It is very difficult to remove it from the alcohol by distillation processes, and it also allows the use of the product in many lines of trade that some other denaturant might prohibit. It is the best protection from fraud against the revenue by reason of its staying qualities. Furthermore, wood alcohol is an American product, and it is natural that we would use something produced here.

WHAT ENGLAND DOES.

and it is natural that we would use something produced here.

WHAT ENGLAND DOES.

Great Britain uses 10 per cent wood alcohol. The first formula selected by this office uses 9.05 per cent. With that, for the purpose of Imparting a disagreeable odor, is used a small fraction of benzine, also produced in the United States. The first formula follows absolutely the English system for completely denatured alcohol except a small lessening of the percentage of wood alcohol.

France uses wood alcohol and benzine; Germany wood alcohol and a pyridin base, commonly called "bone oil."

In connection with this pyridin base (produced in Germany and not in the United States as yet, and which has a very offensive odor) the German Government uses two parts of wood alcohol.

After a thorough study by the chief chemist of this office of the English system and the German system, and after as close a study as I could give, we agreed that the English system was the better, and adopted it, with a slight reduction in wood alcohol, above named.

THE REGULATIONS.

THE REGULATIONS.

The regulations declaring this formula were issued on September 29, 1906. At that time I had right to believe from statements made by the wood alcohol producers that they would put wood alcohol on the market, for denaturing purposes, at about 40 cents a gallon.

Early in December I received definite information from persons desiring to purchase wood alcohol as a denaturant that It was being priced to them at 70 cents per gallon, with an indefinite promise that after the 1st of January it might be placed upon the market at a lower price.

priced to them at 70 cents per ganon, when an indendice product that after the 1st of January it might be placed upon the market at a lower price.

To meet this condition, which I believed to be an unfair and unjust attempt on the part of the wood alcohol producer to place an extravagant price upon his product, on December 10, 1906, I prepared and issued a circular, with the approval of the Secretary of the Treasury, allowing as an alternative denaturant the German formula.

PRICE DROPS.

The result of that order of December 10 has been to drop the price of wood alcohol from 70 cents to 45 cents per gallon; and it is believed a further reduction will come.

The first moment that this office knew that the wood alcohol interests were charging more than I had a right to believe they would charge, I met it with the order of December 10; and the result is as stated.

stated.

Before issuing this new order, I consulted fully with the Secretary of the Treasury, Mr. PAYNE, and Mr. Hill, and the action met with their thorough approval.

Mr. Hill and I thought we would take the matter up with the President, but did not because we thought it perhaps in the nature of an unkindness to burden him with additional weight.

The editorial closes with a restatement of the cost of inspectors, which, as I have said, does not affect the farm producer of alcohol, but the Government; repeats the effort to limit the privilege to large distillers, which is an absolute falsehood, and charges that this Bureau has defeated the good intentions of Congress toward American farmers.

QUOTES FARMER.

I take the liberty now of quoting from the annual address delivered by the grand master of the National Grange Patrons of Husbandry a few weeks ago. Discusing the subject of denatured alcohol, he said:

"A sensation-seeking magazine writèr, as a climax to a lurid series of articles in one of the popular magazines, has stated that the denatured alcohol law was passed in the interest of the Standard Oil Company, that the company was buying up all the distilleries, that the public has been grossly misled as to the possible use of alcohol, and that the large but limited manufacturing demand would be supplied by the Standard Oil Company in its own familiar way. To any one acquainted with the real facts such statements are too absurd to be worthy of even notice, but judging from the editorials and comments which have appeared in numerous publications throughout the country many good people have been made to feel that the farmer has been 'buncoed,' or, in the language of Colorado, 'handed a gold brick.'"

has been 'buncoed,' or, in the language of Colorado, 'handed a gold brick.'"

We would caution patrons from giving too hasty credence to such statements. The law which goes into effect on January 1 is in all essentials what the Grange contended for from the beginning. There has been no change in the law governing distilleries, and the Grange was determined that there should be none.

There are over 1,000 distilleries of less than 30 gallons daily capacity in operation to-day, and which have been in operation for years. These distilleries make whisky and brandy, but there is nothing in the law which prevents their making commercial alcohol if they wanted to or could find a market for this product. All distilled spirit must be stored until it is released from Government control upon payment of tax. All these warehouses are bonded—that is, are absolutely under the control of the Government—and they are large or small to correspond with the distillery to which they are attached.

The denatured alcohol law simply provides that alcohol shall be removed free of tax from bonded warehouses after it has been denatured under Government supervision. The cost of this supervision is absolutely met by the Government. Any farmer, any group of farmers or citizens can go into the business of distilling and have a denatured bonded warehouse if desired. All they have to do is to apply to the Internal-Revenue Department for the necessary permit. If the regulations should prove in practice to be burdensome, or the denaturant should add especially to the cost of the alcohol, it will be a simple matter to secure the necessary changes to the regulations. The law will not have to be changed.

This is the view taken by the head of the official organization of farmers in the United States, and perhaps is fully as trustworthy in declaring.

This is the view taken by the head of the official organization of farmers in the United States, and perhaps is fully as trustworthy in declaring the view of the farmers as the editorial cited.

ONLY A FEW.

Alcohol to-day is produced at but few distilleries. There is virtually none produced in Kentucky, Maryland, and Pennsylvania, which are the great whisky-producing States. Illinois, New York, Michigan, and Louisiana produce practically the entire alcoholic output of the country, and it is distilled either from grain, principally corn, or from the refuse molasses following the production of beet sugar in Michigan and cane sugar in Louisiana.

Whether we will be able to follow the German system of producing alcohol from potatoes or not remains to be tried and tested. Up to this day not a gallon of alcohol has been produced by the distillation of potatoes here. I have always believed and said that eventually we might reach the German condition, although the question of wage paid to the agricultural laborer in this country as compared with that paid to the agricultural laborer in Germany must be considered. We pay 100 per cent more to farm laborers of the West than is paid to farm laborers in Germany. We do not produce in this country as yet the potato best adapted to distillation purposes. Our potatoes are produced for table use and starch.

WILL TRY POTATOES.

WILL TRY POTATOES.

I had yesterday a letter from a gentleman in California telling me at he intended to make a test of potato culture for distillation

that he intended to make a test of potato culture for distillation purposes.

There is absolutely nothing in the existing law or in existing regulations that stands as a barrier in any way to the erection of distillerles by the farmer or by a number of farmers cooperating, and the production of alcohol by them from any farm product containing the necessary qualities. It is simply a question of business as to whether it will pay the farmer to do it, and he must make the test. There is nothing in the law or regulations to prevent him from doing it this year or next year. During the discussion of this bill before Congress there were many misstatements made in the public press as to the quantity of alcohol that would be denatured. Some enthusiasts put it at 200,000,000 gallons the first year.

CONSUMES MILLIONS.

CONSUMES MILLIONS.

The United Kingdom, which passed a denatured-alcohol law in 1855, consumes about seven million gallons a year of the denatured product. This is principally used in their manufactures.

France uses nine or ten million gallons a year, and Germany a little less than forty millions gallons.

Up to the present time none of these countries use it largely for the production of heat, light, or power. More is applied to that purpose in Germany than anywhere else. In Great Britain and France virtually no alcohol is used for the production of either heat, light, or power. A considerable quantity is used in Germany, especially for stationary engines and, to some extent, for lighting purposes.

These facts were well known when the bill was under consideration by those who had studied the question; but then, as now, the newspapers carried many erroneous statements in their columns.

I attach hereto an interview I gave to Mr. O'Laughlin on December 21, and which appeared in the Chicago Daily Tribune of January 1; also copies of letters written during the past month to Congressmen and others on this subject.

INTENSELY INTERESTED.

INTENSELY INTERESTED.

INTENSELY INTERESTED.

I trust the President will pardon the length of this communication. I have intense interest in the subject—have individually handled every branch of it since the law was passed by Congress.

The Secretary of the Treasury, under the law, has approved the regulations and steps taken by this office. The Members of Congress who have made the closest study of it largely approve. The trade journals who have familiarized themselves with foreign laws and our own regulations approve. The manufacturers have shown the fullest appreciation of the effort made to meet their demands and necessities.

A prominent Canadian official called on me a few weeks ago to discuss the new law and the regulations (which he had studied thoroughly), and he was good enough to say that we had started in this country in advance of other countries who had had similar laws for half a century.

FARMER SUITED.

FARMER SUITED.

The farmer in the United States is in as favorable an attitude to gain benefit under our law as is the farmer in Germany, the only country where the farm distillery, to any large extent, exists.

If the farmer should determine that it is to his financial benefit to engage in the production of alcohol now, and it becomes apparent that new legislation, or new regulations, are necessary to meet the new conditions as they arise, it is an absolute certainty that those laws and regulations will be made, and made promptly.

The Government, for its own protection, will limit to the lowest degree possible governmental surveillance of farm distilleries, for that expense will be borne by the Government.

It is impossible for a new law to be put into effect without criticism, especially when we deal largely with individuals and classes not here-tofore familiar with the governmental regulations and rules required for a protection of governmental revenues.

I return herewith the editorial sent me, and can only add that I would like the privilege of discussing the matter personally with the President, if he desires any further data.

I am, very respectfully,

JOHN W. YERKES,

Commissioner.

Hon. WILLIAM LOEB, Jr., Secretary to the President, the White House.

In view of the fact that forty-four years had passed since the people of the United States have had the privileges of using alcohol free of tax, and from the further fact that this country had never had experience in the use of denatured alcohol, immediately after the passage of the law last year I suggested to the President that the Commissioner of Internal Revenue should visit England, France, and Germany and study their regulations, which had been the outgrowth of from twenty-five to fifty years' experience, and believing that I could render my

constituents no greater service than to take up a like study I

accompanied the Commissioner upon the trip.

The day after my return I was called upon from a number of sources to publish the result of my observations, and in response to those requests I did publish in my home paper the following letter, which I desire to make a part of my remarks,

in the belief that it may be of interest to those who contemplate engaging in the manufacture of denatured alcohol. This letter was dated and published August 23, 1906, as follows:

in the belief that it may be of interest to those who contemplate engaging in the manufacture of denatured alcohol. This letter was dated and published August 23, 1966, as follows:

In response to your request that I should give you a brief review of the practical working of the regulations for free denatured alcohol in Our party was received most cordially and treated with great courtesy by the officials of the three governments.

We found that they were not only familiar with the action which the anthorties in English Given in regard to the matter, but that the anthorties in English Given in regard to the street, but the anthorties in English Given in regard to the street, but the anthorties in English Given in the control of the water. The promises of a catual copies of our law which had passed but a short time before, and in Germany we found that the full hearings before the Senate and House committees had been transmitted to them what we are doing on this side of the water. A prominent official in Great Britain said to me: "I wonder how your country has got along for forty years without a denatured-alcohol law. It will work a revolution in your industries." We secured from the various governments in the British Parliament providing for new regulations for that country. Undoubtedly, spurred on by the keenness of German competition, Great Britain has found it necessary to make much more liberal providing for new regulations for that country. Undoubtedly, spurred on by the keenness of German competition, Great Britain has found it necessary to make much more liberal providing the cost. Besides that the cost of supervision, which has heretofore been thrown upon the consumer, will under the terms of the bill be hereafter paid wholly by the effect of the control of the board of commissioners of hinary and the supervision, which has heretofore been thrown upon the consumer, will under the terms of the bill be hereafter paid wholly by the effect of the control of the board of commissioners of hinary and the provid

sistently accorded to the hat and other manufacturers of the United States.

The question of cooperative redistillation, of course, is somewhat more involved and will require a careful working out of a system, but I have not the slightest doubt but that the skill of the hatters themselves will be able to evolve such a plan, so that we may be put on an equality, so far as this material is concerned, with the other manufacturers of the world.

I am confident that the spirit can be produced and furnished to our manufacturers in the United States cheaper than in any other country, notwithstanding the large bounties which are being paid by the nations of Europe.

So far as I could see, the practically unrestricted use of denatured alcohol in England was based on the good character and standing of the manufacturer, supplemented by a bond for its proper use, and in addition to that, chemical control of the spirit by the Government. The processes of denaturing were examined into very carefully in all three countries. In each of them special exhibits were made by expert methylators at the request of the Government officials, and in

each case we were accompanied to the establishments where the work was carried on by the representatives of the various governments.

Perhaps a statement of the method in one case will answer for all others. At one extensive establishment near London we found the process to be about as follows:

A separate building was used for the purpose of methylating spirit. It was a building of about 20 by 30 feet in size, four stories high, and strongly built. On the ground floor were four large fron tanks holding about 2,500 gm lons each. On the next floor we found twenty-one casks warehouse. On the third floor were the wood-alcohol tanks may be about a strongly built. On the ground floor were the wood-alcohol tanks were removed (these tank covers were flush with that floor) and the contents gauged and tested. The quantity to be put in the tanks on the first floor was run off through pipes connecting with the first-floor tanks and the upper tanks relocked. Then going to the second floor each cask of the grains with the grain spirit and the second floor each cask of the grains with the floor part of the covers, which were flush with the floor part of the covers, which were flush with the floor part of the covers, which were flush with the floor part of the covers, which were flush with the floor part of the covers, which were flush with the floor part of the covers, which were flush that as gauged and tested and the tank covers, which were flush with the floor part of the covers, which were flush the part of the part of the covers, which were flush with the floor part of the covers, which were flush with the floor part of the covers, which were flush with the floor part of the covers, which were flush the covers the part of the covers of the second floor each cask of the covers, which were flush the covers the covers of the covers of the covers, which were flush the covers of the cove

ment chemist for verification, and the proprietor was then able to sell it at will.

We visited another varnish factory where they methylated spirits for their use only. The manufacturers assured us that the process was simple and that there were no vexations or annoying restrictions. The only returns made to the Government were where sales were made of the unfinished mixture of gum and spirit, but where the varnish was completed and packed ready for use and sold in that condition there was no requirement of reports as to the spirit so used.

In one of these factories we found that the proprietors were permitted to carry six months' supply of pure alcohol, of course in locked tanks, only to be opened in the presence of a Government inspector. We found that in France pure spirit was shipped freely by rail or by team to its destination, under seal, tax not paid.

The whole business, however, is far more systematically arranged in Germany than either in France or England. There the Government practically takes charge, from the production to the sale both at wholesale and retail, through a syndicate of spirit manufacturers. This syndicate controls more than 90 per cent of the entire production of Germany.

dicate controls more than 90 per cent of the entire production of Germany.

In Germany alcohol is made almost wholly from potatoes. The system is so complicated that it is difficult to state the precise cost per gallon. As near as I could get at it from the statistics the wholesale price of the denatured spirit for the fiscal year of 1904–5 was 25.32 cents per wine gallon of 190° strength. This was the average for the whole year. The highest yield of potatoes per acre was 360 bushels, and from that down to 124, probably a fair average would be around 200 to 225 bushels per acre. The potatoes are grown by the farmers and manufactured into alcohol in individual farm distilleries and in cooperative distilleries as well. The aggregate product of the farm distilleries in Germany. At the beginning of each year the syndicate managers fix a price which they will pay the producers for their product. This is based, of course, upon the condition of the potato crop. The price this year has been fixed at 25 per cent less than it was last, indicating a much better crop of potatoes. The product is taken and paid for by the syndicate as it is made by the various farmers. On all of this alcohol which is denatured or rendered undrinkable the Government allows a special return of tax previously paid, amounting to about 214 cents a gallon. Out of this amount the expenses of the syndicate, an allowance for their investment with a fair profit on their business, and commissions for the wholesale and retail dealers are all paid, and

whatever is left at the end of the season is returned pro rata to the farmer or original producer. I was told that, as a general rule, quite an additional return was made at the end of the year to the producer, but that occasionally the payment was the other way, the price at which the product was sold not being sufficient to reimburse the managers of the syndicate for the amounts already advanced at the beginning of the

the syndicate for the amounts already advanced at the beginning of the season.

The retail price at which denatured alcohol is being sold to-day in Germany is 29.68 cents per gallon at 190° strength, and 26.98 cents at 180° strength. This is for completely denatured spirit, put up in 1-liter flasks (we would call them quart bottles) and sealed and labeled, specifying quantity and quality. Any adulteration of the contents of such a package is a criminal offense in Germany. The bottle must be returned or an additional charge of 2½ cents is made. Very large quantities of it are being used. I ascertained the official wholesale prices of kerosene and gasoline duty paid and delivered in July at Berlin in competition with this article. Gasoline was 20.8 cents a gallon, best grade. Kerosene oil 15 cents a gallon. I did not learn the prices at retail.

The extent of the industry in Germany is shown by the fact that last year there were more than 91,000,000 bushels of potatoes consumed in the manufacture of alcohol, the product being 1 gallon of alcohol to 1.26 bushels of potatoes. Over 8,000,000 acres of the farms of Germany were planted to potatoes, and nearly 6,000 farm distilleries were in operation.

1.26 bushels of potatoes. Over \$0,00,000 acres of the farms of Germany were planted to potatoes, and nearly 6,000 farm distilleries were in operation.

I have not the slightest doubt but that alcohol can be made much cheaper from corn in the United States, and that the same thing is true in the Northern States of the country, from potatoes, and probably in the Southern States from sweet potatoes. Certainly a traveler needs but a short stay in Germany or France to come to the conclusion that the cultivation of potatoes is an industry which can be greatly improved there when compared with the quality of our American product. I found that the practice was quite common of sorting the potatoes, the best being used for human food, the next grade for feeding to animals, and the refuse or poorest grade for manufacturing into alcohol. The first-grade potatoes were selling in Berlin at retail at the time we were there at 75 cents a bushel. The average cost of all potatoes grown in Germany in 1904-5 was 27.6 cents per bushel, and I am quite confident that this was far more than they were worth, the quality being taken into consideration. The German potato does not compare with the ordinary American article either in size or in general excellence for food purposes. They have, however, succeeded in developing a grade of potato in many parts of Germany which is especially adapted to the manufacture of spirits, but not adapted to human food. Of course in such cases the entire product goes direct from the farmers' field into the distillery.

These farm and cooperative distilleries are bonded and subject to inspection at the will of the Government officials. They do not, however, as a rule, have inspectors assigned to the work and present at all times. They can not begin distillation until a month's notice has been given of intention so to do, so that the Government is fully advised of what is going on and the officials are at liberty to examine their establishments and verify the production at any time. Great effort has been m

any unnecessary restrictions.

We also visited a bottling establishment for methylated spirits. It was a very extensive and complete plant. The denatured spirit was received from the distilleries in tank cars. The tanks were in the basement of a very large and finely constructed building. The arrangements were so complete that an entire train load could be drawn off at once through a system of pipes into the tanks in the cellar, and from there it was pumped by electric pumps into the upper story. From these tanks it flowed to the bottling machines on the second floor. The bottles were washed by machinery and filled by machinery, and practically everything about the place was machine work.

This concern had 20,000,000 liter flasks on hand which they were filling.

Were filling.

Each bottle or flask was sealed with a paper seal on which the price fixed by the syndicate was printed, and it is very easy to see that the low price of denatured alcohol in Germany to-day is made at the expense of the consumer of the spirit which is used for beverage. In Germany the allowance of the rebate of about 21½ cents a gallon is made not only on such denatured spirit as is consumed for fuel, light, and power within the Empire and in such manufacturing processes as are carried on for home consumption, but the allowance is also made on the alcohol which enters into manufactured goods which are exported, and also upon the denatured spirit which is exported in its natural condition. So that while it would seem that their laws were of no interest to us, as an actual fact our manufacturers are entering into direct competition with them in all those industries where alcohol is a component part of the product of the establishment. This same condition will obtain in regard to Great Britain as soon as the present law which is now pending in Parliament goes into effect for the rebate or bounty there (and it is a bounty) will apply in the same way as it does in Germany. This is not true, however, in France. In France the rebate is only made upon that denatured alcohol which is consumed for fuel, light, and power, and does not include what is know as the ordinary methylation, or the spirit used for manufacturing purposes.

The actual cost of denaturing in Germany last year, including cost of denaturing material, labor, and all other expenses, was between 1 and 2 cents per gallon, the figures showing 1.8 cents.

Aside from the special denaturants for particular industries in Germany, the denaturant for general use consists of 2 per cent wood alcohol and one-half per cent of bone oil, which probably makes the net

cost of the process less than in other countries where larger percentages are used.

The thoroughness with which the German people go into a subject is illustrated in the case of the syndicate of alcohol manufacturers. I visited an institution maintained by this combination. It is known as the Institution of the Association of the United Alcohol Manufacturers of Germany, and is operated and maintained for educational purposes at the expense of the trust. At a rough estimate I should say that the whole plant must have cost at least a million dollars. It consisted of a model brewery, a complete corn and potato distillery, a starch-manufacturing plant, extensive chemical laboratories, a vinegar-making establishment, a beet-sugar refinery, and extensive grounds for the cultivation of the articles entering into the various manufacturing processes. A large corps of the best agricultural and chemical experts of Germany were in charge of the institution, and last year 525 students were in attendance upon the lectures. I found there one young American from Michigan who was traveling in Germany at the time of the passage of the free alcohol law here. He immediately entered the institution and arranged for a special course of study preparatory to returning home and engaging in some branch of the business here as soon as the law goes into effect next January. Professor Delbruck is at the head of the institution. The whole purpose and object of it is to turn out experts in the various industries in which alcohol is used, and the minuteness with which records of their various experiments are kept and the thoroughness with which the studies are pursued is simply astounding to anyone who is accustomed to American haste and hustle.

I asked one of the professors as to the correctness of the statement prevalent in America that the use of alcohol in the Internal explosion engine resulted in the corrections of the metal. He seld et once that the

are kept and the thoroughness with which the studies are pursued is simply astounding to anyone who is accustomed to American haste and hustle.

I asked one of the professors as to the correctness of the statement prevalent in America that the use of alcohol in the internal explosion engine resulted in the corrosion of the metal. He said at once that that was all nonsense, and immediately took me into a distillery where a large engine had been in continuous use with alcohol for the past six years. He admitted, however, that they had not fully overcome the difficulties with regard to the use of alcohol in the high-speed automobile, but expressed entire confidence that it would only be a short time before equal success would be secured with the automobile engine that had already been secured with the alcohol engine for other purposes. He was exceedingly emphatic as to the absolute inaccuracy of the statements that corrosion of the metal resulted from its use.

Of course the expenses of maintaining this institution, aside from the small tuition fees charged, comes out of the bounty which I have already referred to as being paid by the General Government.

We also visited a model institution maintained as a private school a short distance out of Berlin, at Oranienburg, where Dr. R. Kusserow has established a small model plant and engaged in the business, not only of installing farm distillery plants but of instructing farmers in their use. It is by these and similar methods that Germany has made such a wonderful success of the use of denatured alcohol, and yet with the confidence which I have in the skill and ability of the American people, and with the far cheaper cost of the production of corn and potatoes and other alcohol-producing materials in the United States, I am strongly of the opinion that we can not only meet the bounty-fed competition of the European countries, but can undersell them in this product as well. One thing is very certain, that the law which we now have will tend very largely to the utiliza

Since that time the price of denatured alcohol has been reduced in Germany to 18 cents a gallon for 180° proof, and on plain alcohol to 14 cents a gallon, without the container. This latter price was the wholesale price at Hamburg for August, September, and October, 1906.

As the result of these observations I am thoroughly convinced that the law of last year should be amended as proposed in the pending bill. The mistake of limiting the denaturing plants to the distillery premises, and of designating such plants only upon the application of a registered distiller, would prove very detri-mental to the growth and development of the industry in this It needs but a moment's consideration to understand that the centers of population, and the manufacturing centers especially, are the places where denaturing plants should be located, and we found quite a number of such plants in London, Paris, and Berlin, and in no case visited were they connected with a distillery. Take, for instance, the single industry of the manufacture of photographic paper. No one could justify for a moment a law which would require 73 pounds of denaturant, which is the amount required for each hundred gallons of alcohol used in this industry, to be transported a long distance to a distillery and freight paid on it by the manufacturer both ways to get back to his factory what to him is a raw material. The convenience of all consumers is best served by locating such denaturing establishment where the product is required, and the price of the product will be undoubtedly cheapened by permitting the widest competition throughout the country in the purchase of the plain spirit at the lowest possible price.

Furthermore, the limitation of the denaturing warehouse to the distilleries only practically takes away the market for his product from the farmer, who desires to sell his plain spirit, or who in a sparsely settled district can not there find an outlet for his surplus; indeed, the system of transportation by tank cars, and the independent denaturing warehouse are an absolute necessity for the development of the use of denatured

alcohol to anything like the proportions which it should attain in this country.

Whether the Department would so rule or not, it is undoubtedly true that there is nothing in the law which requires a denaturing plant to be on the distillery premises; neither is there in the law anything which restricts the designation of but one denaturing plant to a distillery. Without amendment, therefore, it is equally undoubtedly true that if the competition of the farmer in the production of plain or denatured spirit can be prevented the tendency of the amendments made to the law last year would be to ultimately concentrate in the hands of a few large distillers a tremendous monopoly, for it is already apparent that the use of this article is to become very extensive in this country.

The law has now been in operation a single month and the returns which are coming in to the Internal-Revenue Bureau are extremely gratifying. The prompt response which has been made to its terms prove conclusively that the people of this country will speedily derive great benefit from it. Indeed, so far as the manufacturing interests are concerned, the advantage was instantaneous on the morning of the first day of January, when the law went into effect, and the inventive genius of the American people has already shown that there will be many demands for this new product in industries which have not been heretofore in existence in the United States.

A single extract from the report of the British Parliamentary commission made on this subject last year, shows that there need be no anxiety whatever in regard to frauds on the revenue in the operation of the law. Quoting from their general conclusions, they say:

We think, however, that having regard to the practical security that is provided for the revenue by the process of denaturing adopted in the case of this spirit, the regulations in regard to distribution might be appreciably relaxed in respect of the quantities that retailers may keep in stock, or may sell at any one time to a customer. We recommend that the regulations should be left to be prescribed from time to time by the board of inland revenue, instead of being stereotyped in the statutes.

This is a conclusion drawn from fifty years' experience, and necessitated also, I may add, by the keenness of German and French competition, and by the new danger of American competition in the international market in such products as require

alcohol in their processes of manufacture.

It is true that our lack of experience with this article will compel, for a time, perhaps, more stringent regulations than some of the other countries have in effect, but it is equally true that these regulations can be modified from time to time, as our own experience may show that such changes can be made

The one important, and indeed vital, object to be secured now and at the very start is to prevent monopoly in production and distribution for this article, which is not only a necessity for manufacturing purposes, but which is sure to come into extensive use for fuel, light, and power. Manufacturers of stoves, lamps of all kinds, motor boats, automobiles, and farm machinery, are even now busily engaged in preparing to adjust their types to the use of this new fuel, and improvements have already been made in some of these things over like articles now in use in Europe.

The fixed carbon found in coal and oil once consumed can never be reproduced, but the supply of spirits can be renewed with each recurring crop produced from the soil. In that production there can be no monopoly, unless the terms of the law render that monopoly possible. Our duty is to open it to the widest possible competition.

Mr. GRAFF. Mr. Chairman, I may not prevent the passage of this bill, but it seems to me a bill which may affect seriously the revenues of the Government in a direction from which we now collect \$140,000,000 can properly be examined by this House before we legislate to make a radical change. We collect \$90,-000,000 of this \$140,000,000 from neutral spirits and alcohol, and the internal-revenue laws and regulations, under which the manufacture of spirituous and malt liquors is conducted, have not been the development of a day, but have been the product of experience and amendment and improvement year by year since the days of the civil war, and scandal and fraud have not been absent from that experience, for in the early imposition of a large tax upon spirituous liquors there were tremendous frauds, and it was known at that time that the Government lost a very substantial portion of the tax to which it is entitled. Finally through the years there has been built up a system that is without parallel in its perfection in the line of policing and control.

Mr. SHERLEY. And also without parallel in its tyranny.
Mr. GRAFF. Every distillery now being operated is practically under the control, night and day, of a Government inspector—either a gauger or a storekeeper. Every room of that

distillery is under lock and key, the key being in the hands of a United States officer, and the distiller himself can not enter those premises without the presence and permission of that

officer, night or day. In addition to that—
Mr. MADDEN. Will my colleague yield for a question?

Mr. MADDEN. Will my colleague yield for a question?
Mr. GRAFF. Yes.
Mr. MADDEN. Is it your idea that the manufacture of alcohol which is eventually to be denatured should be confined to the distilleries now in existence or which may hereafter be constructed by the whisky trust?

Mr. GRAFF. No; that is not my idea, so far as that is concerned; but it makes no difference whether the so-called "whisky trust" is in favor of this legislation or against it. The question is, What is the interest of the Government, and what is fair and right?

As a matter of fact the organization popularly known as the whisky trust produces, I am informed, about 40 per cent of the alcohol which is manufactured in the United States, and the remaining so-called independent distillers produce about 60 per cent of it. But I do think, after we have passed this legislation and it has been in operation only since the first of the last month, that it is well for us to let it be operated until the next session of Congress and see what we can learn in the light of experience, when we come to deal with so delicate a question as the laws and regulations governing the control of this product from which we derive so large a portion of the total national

Any person can build a distillery and operate it, but it ought to be compelled to abide by the same regulations as all others in the manufacture of its product, which is precisely the same in all of its constituent elements as the product which is made by the distillers which never is denatured. I think that all of the safeguards ought to be thrown around the manufacture of the production of alcohol which is destined to be denaturized until it is denaturized, and then, and not until then, should the safeguards be thrown aside.

Now, the gentleman from Connecticut [Mr. HILL] has become so intoxicated over the prospects of the German system of little locked distilleries upon small farms of a few acres in Germany, where men in the country are glad to get 25 or 30 cents a day for labor, where the product of these little distilleries is sold to one company or a combination alone, where the denaturing is done at one central point in that little country, that he thinks that system can be transplanted to the United States of America with its great territory, its larger population, where, if this is a success, there must necessarily result a great deal larger proportion of business in that particular line.

Now, about the expense. The gentleman was asked how many little locked distilleries would be established in the cornfields of the West. He could not answer. Why could he not answer? Because there is nothing in the condition of the farmers of the great West which will enable them to enter successfully into competition with the large manufacturer of alcohol any more than the small manufacturer in any other line of business can enter into successful competition with the large manufacturing interests having a larger capital and having more improved machinery, having great facilities for economy, and having better means for the regulation of the entire business. I say that it is an exceedingly dangerous bill, and I was surprised that the Treasury Department, through the Secretary of the Treasury and the Commissioner of Internal Revenue, finally concluded that they would recommend an amendment to this free-alcohol legislation so soon after the law went into operation.

Now, what is the next thing that is proposed to do by the bill besides the creation of these small distilleries which are to be operated under special regulations not applicable to the larger distillery? Why, it is proposed to permit the establishment of bonded denatured warehouses at central points away from the distillery premises, and, then, in order to make these denatured warehouses available, a permit is here given to ship in bond the alcohol, while it is still potable and before it is denaturized, over long distances to these points where these denaturing bonded warehouses are situated to be there denaturized.

Now, then, the Internal-Revenue Department already has had experience with general bonded warehouses. A few years ago they permitted men to have a general bonded warehouse at a distant point away from the distillery and permitted the shipping of liquors in bond to those distant bonded warehouses, but this trial of the Government of such warehouses resulted in their discontinuance because the general bonded warehouse afforded an opportunity for fraud.

Remember that you are permitting under this bill the shipment of this alcohol when it is in exactly the same condition that the alcohol is which bears a tax of \$1.10 a gallon—in the same condition before it is denaturized-over long distances in

tank cars to be denaturized at distant points. I say that we ought to wait until the next session of Congress and see what the result of this bill will be as it is drafted.

What important legitimate end can be subserved? Is it not apparent that the denaturing process can be done not only more safely for the Government, but more cheaply for the consumer and purchaser, at the distillery denaturing warehouse on the distillery premises than at a distant denaturing ware-house? The expense to the Government is much less under the present regulations and law than it would be under the pro-

posed change.

There is nothing to prevent any man from assembling capital and building a distillery and devoting its entire capacity to the making of alcohol, to be denatured if he wants to, now, and all he is subject to is the same regulation and safeguard that every other distillery has to submit to now. Distillers think that to-day there are some 800 illicit stills in the United States, against which they have to compete, that smuggle their products to points in the neighborhood. This will open up an opportunity by fraud for a person at some place far removed from dense population and from town or hamlet to pass around that alcohol to his neighbors before it goes through the denaturing proc-I do not anticipate, for my part, any disastrous results to existing distilleries from the competition between the small distillery and the up-to-date modern distillery situated in the city, conducted on business principles, with the most modern machinery and the most complete equipment. There is no danger from that sort of competition; but this is simply indulging in a wild dream without any other effect whatever than to furnish an opportunity for fraud, in my judgment.

I have as many farmers in my district as any of the rest of

these gentlemen have, farmers that raise more corn to the acre, or as much to the acre, as in any other district in the United States, but at the same time I am conscious of the fact that farming has gotten to be an exclusive business itself, requiring all the energies, time, and ability of the men engaged in the business. It has got to be somewhat of a scientific pursuit, and the farmers do not need to have offered to them an opportunity to earn a few cents a day on rainy days when they are not oc-cupied with their regular occupation. Farming calls upon every energy of every farmer, and I am glad to say calls upon his energies and ability with profit to himself. It is perhaps one of the most profitable avocations now in the United States, all things considered; and to say that he practically is going to be induced to go into the distilling business as a side line is well-nigh ridiculous to my mind. There are few farmers to-day in the corn States who kill their own beef for family consumption, but they patronize the butcher and sell their beef on the hoof. In my judgment to hold out false hopes of profits by engaging in a distinct manufacturing business is neither complimentary

to their business sagacity nor discernment.

Every means on the farm are being used to-day to save labor by the introduction of mechanical devices, because even machinery when it is expensive is cheaper than too much hand labor. Denatured alcohol started at 36 cents per gallon, and labor. Denatured alcohol started at 36 cents per gallon, and with the first thirty days of its production has dropped to 30 to 31 cents per gallon, with a stiff demand before the distilleries have fairly started, and I believe it would be well for the Government to have the present safeguards from fraud remain for the period until next session before further changes in

the law are made.

Mr. GROSVENOR. Mr. Chairman, here we are again with another bill for which nine-tenths of the votes on this floor will be given and no amendment whatever will be permitted. This is a bill which applies to some portions of the United States and does not apply to certain other portions of the United States. It provides for the creation and operation of distilleries unlimited in number and not described in size or capacity. have to operate under the commerce clause of the United States Constitution or else will be void in certain States of the Union; and if it does operate in those certain States under the commerce clause, then certain laws and constitutions of certain States will be found to be worthless and inoperative.

It is a law to provide, as I have said, for the erection and operation of distilleries to distill alcohol from any and all sorts of material. It licenses and authorizes these establishments in all the States and Territories of the Union where the laws of Congress operate. It will be inoperative in Iowa, Kansas, Maine, North Dakota, and wherever else we have statutory or constitutional prohibition, for, if I understand those laws correctly, they make it unlawful within the territory of the States thus enacting the statutes to manufacture or sell any spirituous, vinous, or malt liquors. The prohibition, of course, in all these States goes to every intoxicating liquor. So it will be seen that the farmers of those States will not enjoy the great boon of this

bill unless the constitutions and laws of those States shall have been amended.

Mr. MARSHALL. Will the gentleman yield for a question?

Mr. GROSVENOR. Certainly. Mr. MARSHALL. We have a provision in our constitution which prohibits the manufacture of intoxicating liquors. However, it has been held by our ablest lawyers-not by the courts, however; but I have no doubt it will be in view of what the lawyers tell us—that the manufacture of denatured alcohol is a continuous process, and would not come under the provisions of the constitution of the prohibition States.

Mr. GROSVENOR. Let us see. The manufacture of alcohol for the purpose it is used—to make another commodity—is not violation, is it? Well, all I have to say is that they are wonderfully adroit lawyers. A continuous process! Well, there is a point of time when it is alcohol, is there not? And it is put into a tank, and it is hauled away to a central place, and there it is manufactured into whisky to be drank or manufactured into denatured alcohol for the use of the manufacturer. The manufacture of the alcohol is completed at the distillery in the back yard of the farmer. It is true that it is drawn off into a tank, but it has to be taken out of that tank and carried a distance, generally many miles away, to a central place, where, under some sort of regulations hereafter to be made, the commodity is to be used as one of the ingredients of a compound, a creation to be called "denatured alcohol." What is the difference in law or common sense between the taking of that alcohol from the distillery and carrying it to be put through this process or carrying it to be put through any other process to create a beverage, to create a medicine, to create a per-fumery, to be used in the manufacture of hats and other manufactures? None whatever, it seems to me, although I confess the proposition had not occurred to me. It seems to me, beyond a reasonable doubt, that the manufacture of alcohol for any purpose in the world within prohibition States and within territory where local option is operative will have the effect to produce a severe collision between the authority of the United States and the authority of the State. How can it be otherwise? In most of the States where local option has been adopted by counties the prohibition is against the manufacture and sale of every form of intoxicating liquor. How can it be said that the farmer or any other man may manufacture alcohol within that territory, and because it is intended to be used for some other purpose than drink to claim that he can evade the law?

Mr. STANLEY. Mr. Chairman, I would like the gentleman to tell me how he is going to make whisky out of alcohol.

Mr. GROSVENOR. I do not propose to have anything to do with that enterprise, but I remind the gentleman from Kentucky that alcohol can be made into a drink, intoxicating and dangerous. I think I can come as near making it out of alcohol as the gentleman can when he gets hold of any other kind of liquor. He does not know what it is made of nor do I. Doctor Wiley could probably post both of us, but that is not the real

To-day at the end of this long experience of the Government running way back there are and always have been large frauds upon the revenues. I refer now to the hearings before the Ways and Means Committee, and there never was an estimate given by the Treasury Department that was concise and certain as to what the effect of this bill would be on the revenues of the Government, but under the law as we passed it a year ago, in the first session of this Congress, there could be a kind of limitation put upon the expense to the Government of superintending this operation. Now, what are we going to have? Every man who desires it can have a distillery out in his back yard, down in his cellar, out in his potato patch, or out in the woods somewhere—anywhere. He will run it, perhaps; perhaps not. Moonshining is going on to-day all over the United States, not alone in the mountains of Tennessee and Kentucky and North Carolina, not by any manner of means. It is going on in the most civilized States of the country, in those States where the Pharisees of the people claim to be the most accurate in obedience to the laws of the country. I do not discriminate in this description by my own opinion against any of the States of the Union. What will you have when you have a machine authorized by the Government of the United States by which the farmer can run a distillery by day on alcohol and run by night on something else?

Are we all getting too good for frauds? I only want to leave a word of warning behind me. I believe that the arguments made by the gentleman from Connecticut, growing out of his travels in Germany, are of very little value in this country. Germany regulates the weight of a loaf of bread; Germany regulates every movement of her citizens; Germany puts her official

eye upon every act of the manufacturer of every kind of arti-We have nothing reaching any such point in this

Now, I have no doubt that out of this commodity of departured alcohol we are to have some great benefit to manufactures of the country, but I think it would have been exceedingly wise for us to have waited for a year and to have ascertained what the operation of this law is to be. What is to be the diminution of the income of the Government? Nobody makes an estimate with any assertion of certainty. How many inspectors will it require? Already in the Senate statement has been made that inspectors of various kinds are necessary to the enforcement of laws already put upon the statute book, and that the number has increased in a year, or a little over a year, from 700 to 3,000. Is it not a safe prediction that we shall add 3,000 more to the roll by the passage of this bill? Let us see. There are forty-six States, practically, in the Union, and the baby State in our great organization will doubtless have more distilleries per capita than any other one of the States if she produces the material out of which alcohol is so readily made. Suppose we go ahead with this proposition; is it not a low estimate to say that it will require thirteen inspectors in every Congressional district in the United States? And if so, you have added 5,000 to the pay roll of the Government. Directly it will be cheaper, I fear, to buy the ready-made alcohol and give it to the farmers of the country to produce their "light, heat, and power," than it will to support this mighty framework of official espionage.

It has been urged repeatedly here that the opposition to this bill comes from the Standard Oil Company and the whisky trust and brewers' trust. Now, this subject has been agitated before the Ways and Means Committee for more than a year, and divers persons appeared before the committee in opposition to the passage of the bill, but I beg to state that no man living, in my judgment, has ever heard a word of opposition from the Standard Oil Company or the whisky trust. On the contrary, it is within my personal knowledge that the whisky trust, through its representatives and friends, strongly urged the passage of the original bill and for reasons which do not take

a very wise man to understand.

Over and over again we have asked the gentlemen who have appeared before us what they knew about the possibility of the restoration of this commodity back to an article that could be used as a drink, and while they answered that they had no knowledge that it had been done, not a man has ever said that he did not fear that it might be done later on. How could you destroy a thing by a process of this character and leave it impossible of restoration? I do not know how you can do it. I do not undertake to say it will be restored, but it seems to me before we establish a distillery upon every farm in the United States, where one sees fit to establish a distillery and add to the great army of Government officials, we ought to wait and go slowly. You can not find in the hearings before the Ways and Means Committee an estimate of the number of officials

that it would take to run this machinery

Mr. Chairman, I do not want to be misunderstood. I am in favor, strongly and earnestly in favor, of giving to the manufacturers of the United States the benefit of the use of alcohol free of tax in the process of manufacture. I am in favor of every step that conserves the true interests of the Government and protects the people of the country against fraud and wrong-doing in this behalf. Therefore I would have waited for one year and let the process develop. Already denatured alcohol is making its appearance everywhere, not at 15 cents a gallon, which the distinguished representative of the Grange who came here from New Hampshire and spoke, as he always speaks, for a great body of intelligent farmers of the country without their knowledge—not at 15 cents a gallon, but 60 to 75 cents a gallon; and strange enough, Mr. Chairman, right here in this city you can find, not the vile stuff called denatured alcohol that we have had described, not the offensive odor and the bitter characteristic, not that, but a commodity mild and gentle, sweet and attractive in every respect, which you would never imagine was deleterious and poisonous, and yet it is sold as denatured alcohol and branded with the brand of poison. We ought to have waited a year and given to science an experiment as to the full scope of operations, to ascertain how many distilleries would be proper and fair, how many of these central denaturing establishments we ought to have. We say now five, not in one district, I bewe ought to have. We say now nve, not in one distributed lieve. Perhaps that is too many, perhaps too few. Why could we not have waited? It seems to me, therefore, unwise, and we not have waited? It seems to me, therefore, unwise, and the not have the in the long run I fear that it will be injurious rather than beneficial, but we must bow to it and submit to it and hope

Mr. HILL of Connecticut. I yield one minute to the gentle-

man from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Chairman, all I have to say about it is that this bill makes it possible for the farmers of the United States to take advantage of the bill that we passed here last session. It removes it out of the bounds of possibility to corner this article. They want it, the committee wants it, and everybody wants it except the whisky trust, the wood-alcohol

trust, and the coal-oil trust. [Applause.]

Mr. LOVERING. Mr. Chairman, after most careful consideration and consultation with representatives of the farming interests, among whom I would especially mention the master and legislative committee of the National Grange, Patrons of Husbandry, it is my belief that very great injury to the agricultural and manufacturing interests of the country would result if the additional denatured alcohol legislation recommended by the Ways and Means Committee fails of enactment at this session. Without this additional legislation the farmers will be prevented from securing the full measure of those benefits which they rightly expect to derive from tax-free denatured alcohol, and alcohol will be heavily handicapped in its competi-tion with kerosene and gasoline. Failure on the part of Congress to enact this legislation would result in further inciting the anger of the people of the entire Northwest, already in-flamed by reports that the law as it now stands is in the interest of monopoly. The farmers are determined that no obstructions shall be allowed to prevent alcohol, the farm liquid fuel, from having an absolutely square deal in competition with petroleum products.

With the enactment of this legislation conditions for the rapid development of the industrial uses of alcohol will, I believe, be practically as perfect as they can be made under the present necessity of protecting the revenue of \$150,000,000 annually de-

rived from the taxed beverage spirits.

The enactment of these amendments, which will make the United States denatured alcohol laws even more perfect than those of Germany, marks the beginning of an industrial revolu-tion of enormous magnitude, a revolution which I confidently predict will in a few years place our country far in the lead of

all industrial alcohol-using nations.

With that revolution the farmer is indissolubly identified, for alcohol is but another name for farm products. Every 23 gallons of alcohol used in the industrial arts will provide a new market for a bushel of corn or its equivalent in other farm prod-This is true whether the alcohol is used in any of a thousand different manufacturing processes, in the development of new manufacturing industries, in displacing gasoline in the cigar lighters of the hundred thousand retail dealers, or in any of the many other petty industrial uses; in the aristocratic chafing dishes, or ornamental lamps, or power boats, or pleasure vehicles of the rich, or in its broader uses as an illuminant to displace the ill-smelling and disagreeable kerosene, or as a cooking fuel to displace the dangerous gasoline in our farm homes or in the homes of the people, or as a power fuel to run farm engines, or the million other small engines that must be used in the boats of our giant fishing industries, and in other industrial work in factories, and in transporting both by land and water. The uses of alcohol extend into almost every industry and are too varied to briefly summarize in any adequate manner. It would, in fact, require an encyclopedia to properly enumerate the industrial uses of alcohol.

In view of such potentialities and practical possibilities, how absurd, how ignorant the cry that the farmer has been "buncoed" or that he has been deceived, and that the free-alcohol law, even as it stands, can be of no practical benefit to him.

Wipe out all the fuel uses of alcohol and consider its manufacturing possibilities alone, and it would be a great benefit to the farmer and worth all the effort it has cost.

Alcohol being a farm product it should call for no argument to show that the farmer is deeply interested in encouraging its industrial use in every possible way. Every cent in the reduction in the price of alcohol to manufacturers means a large increase in manufacturing demand, and one improvement alone in the methods of handling, that of allowing shipping in tank cars, will reduce the wholesale cost from 4½ to 5½ cents per gallon, and that of transmitting from one storage tank to another, or from storage tank to tank cars or to small packages will reduce the cost 1 or 2 cents additional. It is easy to see what an enormous stimulus to the consumption of alcohol in all places remote from sources of supply will result from these improve-While the farmers want to clear away all obstructions ments. to the rapid development in the uses of alcohol in the rural districts, they also want every obstruction cleared away which will prevent the rapid development in its use in manufacturing in the cities and on our lakes, rivers, and harbors.

In common with every Congressman representing an agricul-

tural district, I have been simply deluged with letters from my

constituents expressing fear that the farmer has been betrayed, and that both the law and regulations have been drafted in the interest of the large distiller, and are such as to make easy the building up of a monopoly of industrial alcohol manufacture and distribution. Many papers which circulate in my district have been constantly printing statements calculated to excite distrust. Although continuous efforts have been made by representatives of the Grange and other well-informed friends to explain the errors of these statements, they are repeated persistently.

when the three statements, they are repeated persistently.

Who is to profit by it? To whose advantage is it to thus discredit this legislation? What interests are there that can profit if the manufacturers of alcohol lamps and stoves are induced by such scare methods to delay manufacturing alcohol-burning appliances and the public demand for such things is checked? Only, so far as I can see, those who have so long enjoyed practically a monopoly of the liquid fuel supply, and who will count their profit by millions for every month's delay in the time when this dangerous rival to kerosene and gasoline becomes a serious

competitor in the market.

How serious a competitor to kerosene denatured alcohol is likely to be when production and distribution is perfected can perhaps be better realized by considering for a moment conditions as they exist now. The present retail selling price of kerosene of fair illuminating quality varies from 12 to 35 cents per gallon, averaging in the great central section of the country west of the Missouri River and east of the Rocky Mountains about 20 to 22 cents. The same quantity of denatured alcohol will burn more than twice as long as kerosene. Alcohol can therefore compete with kerosene if sold for double the price; that is to say, unless kerosene prices are reduced alcohol for lighting purposes is a good commercial proposition at prices varying from 24 to 70 cents per gallon, and the present market quotations for denatured alcohol in single-barrel lots, f. o. b., New York City, is 35 cents per gallon gross, or deducting allowance for the return of empty barrels 32 cents, and this one month from the day the law went into effect and fifteen days after the first deliveries were made in New York City and before a normal price level has been reached.

With the tank cars and locked pipes and distribution arrangements perfected and normal conditions established the price will undoubtedly be reduced an additional 8 or 10 cents per gallon; that is to say, as soon as the additional legislation is enacted by Congress alcohol will be selling at a price of commercial competition with kerosene at its present lowest selling

price.

This is far from being the most favorable showing that can be made for alcohol based upon the present selling prices. Governor Bachelder, master of the National Grange, informs me that a new lamp which they have investigated shows an economy in the use of alcohol in proportion to the amount of light given much more favorable than the 2 to 1 comparison with kerosene which I have used. The safety, cleanliness, and other desirable qualities of alcohol all tend to give alcohol a commercial advantage over kerosene. All these things show that the kerosene-oil interest has good reason to fear the illuminant.

Under such circumstances and considering the reputation the Standard Oil Company has of using every available means of preventing competition, it is at least reasonable to suspect that its publicity bureau is being well worked in the attempt to misinform the public and incite activity along lines calculated to retard, rather than to advance, the march of alcohol into

general use.

The enactment of legislation providing for the locked tanks in the distillery proper of distilleries of less than 100 gallons daily capacity, intended for producing alcohol for denaturing purposes only, removes the last possible objection to the law as unfavorable to the small distiller. I want, however, to caution everyone who really desires to see rapid progress made in the use of industrial alcohol to give careful study to the orders in which such use would most likely naturally develop. There is

a natural order of procedure.

No local distillery can be made profitable before a local demand for denatured alcohol has been created. Utensils for using alcohol must first be supplied, and that involves the organization of new industries and a tremendous movement in manufacturing alcohol burners, stoves, heaters, engines, etc. The big distilleries are bound to be first in the field, for their market is general, and it is all the same to them whether the demand for any one place is for 1 barrel or 5,000 barrels. Small local distilleries must at first of necessity depend on local demand, and it will not be profitable to establish a local distillery until the local demand for denatured alcohol has reached somewhere near to the minimum output at which a distillery can be profitably operated. Who knows how small a distillery can be

profitably operated? I do not, although I have for some time past been making investigations for the purpose of finding out. I am convinced that it is well within the limits of making practical the establishment of small distilleries in reach of every farm. My opinion is that the big distilleries will necessarily occupy the entire field at first, but that ultimately, and very quickly at that, the farmers' cooperative or small company distilleries will supply the smaller cities, villages, and country, leaving the big distilleries to supply the cities' demand.

In view of this indefinite knowledge about the size of distilleries, etc., and that the establishment of small distilleries is not a matter of the immediate moment, how sane the attitude of the National Grange and the Patrons of Husbandry generally in this matter. The national master of the Grange, in his annual address at Denver last November, recommended (1) that the regulations be given a fair trial and changes only insisted upon after a full knowledge of all the facts; (2) that the members of the Grange do all they could to stimulate a large sale of alcohol lamps, stoves, and other alcohol appliances, and (3) that they urge the agricultural colleges and experiment stations to immediately experiment with the view of securing exact data regarding small distilleries and the alcohol value of the various kinds of farm products, waste materials, etc. If the people, and the farmers in particular, want to secure quickly the blessings of cheap alcohol, they will do well to copy after the Patrons of Husbandry and follow the advice of the worthy master of the National Grange.

The uses to which alcohol can be put will vary according to the price, and the price of alcohol is bound to be abnormally high during the first few months, and possibly during the best part of the first year. The manufacturing demand is large and will undoubtedly grow rapidly. How many millions of gallons this will take no one knows. At present it is taxing the supply to the utmost. Manufacturers can, and if necessary will, pay two or three times the price at which it would be profitable to use it for fuel. As an illuminant it is profitable at double the price it would be as a power fuel, and it can compete with kerosene for lighting at any price at which it is likely to be sold.

The beauty and simplicity of the alcohol light insures for it a large demand among the rich and well to do. These will willingly pay a premium in order to secure a supply of alcohol at the earliest possible time. A gallon of alcohol used for lighting will go as far as 2 gallons of kerosene. The potential demand for alcohol burners for lighting runs into the millions, and alcohol for this use must be freely supplied before it will drop in price sufficiently to be generally available for other fuel uses. The alcohol cooking stove is superior to the oil or gasoline cooking stove, and the consumer of alcohol for such domestic use can and will, if necessary, pay a higher price for alcohol than the power user under ordinary circumstances can afford to do. Millions of gasoline and oil stoves are in use. Before alcohol can be sold at a price that will make it competitive with gasoline as a power fuel, except in remote places where gasoline is abnormally high, it will be a serious competitor with gas in all cases where gas sells above \$1 per 1,000 cubic feet. Free alcohol is a monopoly smasher in more ways than one. Alcohol will probably come into use as a motor-car fuel last of all; first, on the water, where the use of gasoline is most dangerous; second, in remote districts, where the cost of competing fuels is abnormally high; then in those places where the safest fuel is most urgently demanded, and possibly in a more general way at first when mixed with gasoline or other liquid fuels.

Mr. Chairman, I hope this bill will pass and become a law.

Mr. HILL of Connecticut. Mr. Chairman, I ask that general leave to print may be given Members of the House for five legislative days on this matter.

The CHAIRMAN. The Chair will state that that can not be given in committee.

Mr. HILL of Connecticut. Then I will ask it in the House.
Mr. MANN. I would suggest to the gentleman it would be well for the Clerk to read the bill.

Mr. HILL of Connecticut. Mr. Chairman, I ask that the bill

may be now read by paragraphs.

Mr. GROSVENOR. Mr. Chairman, I ask leave to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GRAFF. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, the same leave will be granted to the gentleman from Illinois [Mr. Graff]. [After a pause.] The Chair hears no objection. The Clerk will now read the bill by paragraphs.

The Clerk read as follows:

Sec. 2. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may authorize the establishment of central denaturing bonded warehouses, other than those at distilleries, but not exceeding five in number of such central plants in any one collection district, to which alcohol of the required proof may be transferred from distilleries or distillery bonded warehouses and in which such alcohol may be stored and denatured. The establishment, operation, and custody of such warehouses shall be under such regulations and upon the execution of such bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The committee amendments were read, as follows:

Section 2, lines 7 and 8, after the word "distilleries," strike out the word "but not exceeding five in number of such central plants in any one collection district."

Also, in line 9, same section, after the word "warehouses," insert "without the payment of internal-revenue tax."

The committee amendments were agreed to. The Clerk read as follows:

Strike out all of section 3 and insert a new section to read as fol-

Strike out all of section 3 and insert a new section to read as follows:

"Sec. 3. That alcohol of the required proof may be drawn off, for denaturation only, from receiving cisterns in the cistern room of any distillery for transfer by pipes direct to any denaturing bonded warehouse on the distillery premises or to closed metal storage tanks situated in the distillery bonded warehouse, or from such storage tanks to any denaturing bonded warehouse on the distillery premises, and denatured alcohol may also be transported from the denaturing bonded warehouse in such manner and by means of such packages, tanks or tank cars, and on the execution of such bonds, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. And further, alcohol to be denatured may be withdrawn without the payment of internal-revenue tax from the distillery bonded warehouse for shipment to central denaturing plants in such packages, tanks and tank cars, under such regulations, and on the execution of such bonds as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury."

The committee amendment was agreed to

The committee amendment was agreed to

The Clerk read as follows:

Insert a new section, section 5.
"SEC. 5. That the provisions of this act shall take effect on September 1, 1907."

Mr. HILL of Connecticut. I move the adoption of the final amendment.

The amendment was agreed to.

Mr. HILL of Connecticut. Mr. Chairman, I move the committee do now rise, and report the bill as amended favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL, Speaker pro tempore, having resumed the chair, Mr. Boutell, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 24816, the denatured-alcohol bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass

The SPEAKER pro tempore. Is a separate vote demanded upon the amendments? If not, the vote will be taken en gross.

The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Hill of Connecticut, a motion to reconsider the vote by which the bill was passed was laid on the table. Mr. HILL of Connecticut. Mr. Speaker, I ask general leave

to print for five legislative days.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. Hill] asks unanimous consent that leave to print be granted for five legislative days.

Mr. WILLIAMS. I understood the request to be leave to print remarks upon this bill.

Mr. HILL of Connecticut. I agree to that, The SPEAKER pro tempore. Is there objection?

There was no objection.

REPRINT OF REPORT.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for a reprint of House Report No. 7304, entitled "The jurisdiction and authority of Congress over the subject of woman and child labor."

The SPEAKER pro tempore. Is there objection? There was no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24925, the naval appropriation bill.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Foss] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill. Is there objective.

There was no objection.

My. FOSS. Mr. Chairman, I move that the committee do now

The motion was agreed to.

Accordingly the committee rose; and Mr. Dalzell, as Speaker pro tempore, having resumed the chair, Mr. Sherman, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 24925, the naval appropriation bill, and had come to no resolution thereon,

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent— Mr. WILLIAMS. Mr. Speaker, before we go into that I want to reserve points of order on the naval bill-or have they been reserved?

Mr. BOUTELL. They have been reserved.

SOUTH CAROLINA SCHOOL FUNDS.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 8065, and ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The Clerk will report the title. The Clerk read as follows:

A bill (S. 8065) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State.

Mr. BOUTELL. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

Mr. MANN. Not to-night.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. BOUTELL] asks unanimous consent that the bill be considered in the House as in the Committee of the Whole.

Mr. MANN. Reserving the right to object, I hope the gentle-

man will not insist upon it.

Mr. BOUTELL. If my colleague will yield for a moment, I will say that this is a matter in which I have no personal interest, nor has the committee any personal interest in it. It is a matter in which the State of South Carolina is interested, and the legislature of South Carolina is about to adjourn pending the enactment of this law paying over to the State of South Carolina a trust fund now held by the National Government.

Mr. MANN. Mr. Speaker, I tried to get a copy of that bill at 12 o'clock, but could not do it, and I object.

SENATE BILL WITH HOUSE AMENDMENTS.

Under clause 2 of Rule XXIV, Senate bill 925 (with House amendments), for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound, was referred to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now ad-

The motion was agreed to.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows

A letter from the Secretary of War, transmitting a recommendation for legislation to transfer the steamship Zaphiro from the Navy to the War Department—to the Committee on

Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for the United States court in China-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the rents received from property in Washington purchased for an annex to the Post-Office Department buildingto the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for expense of collecting the revenue for the fiscal year ending June 30, 1908—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24113) restoring to entry certain ceded Indian lands withdrawn under the provisions of the act of June 21, 1906, reported the same without amendment, accompanied by a report (No. 7539); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 20519) in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois, reported the same with amendment, accompanied by a report (No. 7557); which said bill and report were referred to the Committee of the Whole House on the state of the Union

Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 25186) to provide for the establishment of an agricultural bank in the Philippine Islands, reported the same with amendment, accompanied by a report (No. 7559); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3668) to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia, reported the same without amendment, accompanied by a report (No. 7560); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 25400) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States, reported the same without amendment, accompanied by a report (No. 7540); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on the District of

Mr. SHACKLEFORD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 25232) to promote the comfort of patrons of hotels, restaurants, cafés, and eating houses in the District of Columbia, reported the same without amendment, accompanied by a report (No. 7558); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 7563); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24284) for the opening of Warren and Forty-sixth streets NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 7564); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24875) authorizing the extension of Forty-fifth street NW., reported the same without amendment, accompanied by a report (No. 7565); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1556) granting an increase of pension to Susan Wigley, reported the same with amendment, accompanied by a report (No. 7313); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5497) for the relief of Cora A. Booth, reported the same with amendment, accompanied by a report (No. 7314); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was

referred the bill of the House (H. R. 9256) granting an increase of pension to Martha E. Sanford, reported the same with amendment, accompanied by a report (No. 7315); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10164) granting a pension to Emma L. Beatty, reported the same with amendment, accompanied by a report (No. 7316); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10889) granting a pension to William H. Garrison, reported the same with amendment, accompanied by a report (No. 7317); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12349) granting an increase of pension to Edgar M. Barber, reported the same with amendment, accompanied by a report (No. 7318); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13200) granting a pension to Charles M. Stebbins, reported the same with amendment, accompanied by a report (No. 7319); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15452) granting an increase of pension to Solomon Stanfield, reported the same with amendment, accompanied by a report (No. 7320); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15492) granting a pension to W. L. Tyler, reported the same with amendment, accompanied by a report (No. 7321); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16819) granting a pension to John V. Sumner, reported the same with amendment, accompanied by a report (No. 7322); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16925) granting a pension to Johanne Lange, reported the same with amendment, accompanied by a report (No. 7323); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17956) granting an increase of pension to John Shinolt, reported the same without amendment, accompanied by a report (No. 7324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18519) granting a pension to Benjamin W. McCray, reported the same with amendment, accompanied by a report (No. 7325); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18874) granting a pension to Nannie T. Johnson, reported the same with amendment, accompanied by a report (No. 7326); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19065) granting an increase of pension to William R. Rodenberger, reported the same with amendment, accompanied by a report (No. 7327); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19106) granting an increase of pension to Margaret Epperson, reported the same with amendment, accompanied by a report (No. 7328); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19125) granting an increase of pension to Mary W. Humphreys, reported the same with amendment, accompanied by a report (No. 7329); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20057) granting an increase of pension to Cynthia Marsh, reported the same without amendment, accompanied by a report (No. 7330); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20148) granting a pension to Flora Fenzl, reported the same with amendment, accompanied by a report (No. 7331); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20223) granting an increase of pension to W. L. Clendening, reported the same with amendment, accompanied by a report (No. 7332); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21130) granting a pension to Margaret McNally, reported the same with amendment, accompanied by a report (No. 7333); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. B. 21352) granting a pension to Hester B. Parrish, reported the same with amendment, accompanied by a report (No. 7334); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21413) granting an increase of pension to Mary S. Platt, reported the same with amendment, accompanied by a report (No. 7335); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21447) granting an increase of pension to William W. Sparks, reported the same with amendment, accompanied by a report (No. 7336); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21639) granting a pension to Nannie E. Hays, reported the same with amendment, accompanied by a report (No. 7337); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21721) granting a pension to John R. Kissinger, reported the same with amendment, accompanied by a report (No. 7338); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21818) granting an increase of pension to William Hardesty, reported the same with amendment, accompanied by a report (No. 7339); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21910) granting a pension to Emil S. Weisse, reported the same with amendment, accompanied by a report (No. 7340); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22041) granting a pension to John Walker, reported the same with amendment, accompanied by a report (No. 7341); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22170) granting an increase of pension to Benjamin James, reported the same with amendment, accompanied by a report (No. 7342); which said bill and report were referred to the Private Calendar.

which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22251) granting an increase of pension to Samuel Manly, reported the same with amendment, accompanied by a report (No. 7343); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22326) granting an increase of pension to Mary Levina Williams, reported the same with amendment, accompanied by a report (No. 7344); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22327) granting an increase of pension to Isabel Mauney, reported the same with amendment, accompanied by a report (No. 7345); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22328) granting an increase of pension to Susan Baker, reported the same without amendment, accompanied by a report (No. 7346); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22329) granting an increase of pension to Margaret L. James, reported the same with amendment, accompanied by a report (No. 7347); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22330) granting an increase of pension to Mary C. Jones, reported the same with amendment, accompanied by a report (No. 7348); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22395) granting a pension to Edward Miller, reported the same with amendment, accompanied by a report (No. 7349); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22499) granting a pension to Mary A. O'Reilly, reported the same without amendment, accompanied by a report (No. 7350); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22709) granting a pension to Martha E. Muhlenfeld, reported the same with amendment, accompanied by a report (No. 7351); which said bill and report were referred to the Private Calendar

to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22859) granting an increase of pension to Samuel Boyd, reported the same with amendment, accompanied by a report (No. 7352); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22894) granting an increase of pension to Louisa Berry, reported the same with amendment, accompanied by a report (No. 7353); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22964) granting an increase of pension to Eudocia Arnett, reported the same with amendment, accompanied by a report (No. 7354); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23031) granting an increase of pension to John H. Terry, reported the same with amendment, accompanied by a report (No. 7355); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23034) granting an increase of pension to Thomas A. Snoddy, reported the same with amendment, accompanied by a report (No. 7356); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2332) granting an increase of pension to Uriah Blair, reported the same with amendment, accompanied by a report (No. 7357); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23414) granting an increase of pension to Joseph Riddle, reported the same without amendment, accompanied by a report (No. 7358); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23467) granting an increase of pension to Michael Flanagan, reported the same with amendment, accompanied by a report (No. 7359); which said bill and report were referred to the Private Calendar.

bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23627) granting a pension to William B. Walton, reported the same with amendment, accompanied by a report (No. 7360); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23628) granting an increase of pension to Clara E. Daniels, reported the same without amendment, accompanied by a report (No. 7361); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23695) granting a pension to John Hearn, reported the same with amendment, accompanied by a report (No. 7362); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23732) granting an increase of pension to Rosanna Kaogan, reported the same with amendment, accompanied by a report (No. 7363); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23791) granting an increase of pension to Calvin B. Fowlkes, reported the same with amendment, accompanied by a report (No. 7364); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23850) granting an increase of pension to William Freeman, reported the same with amendment, accompanied by a report (No. 7365); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23862) granting an increase of pension to Thomas Gagan, reported the same with amendment, accompanied by a report (No. 7366); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23971) granting an increase of pension to Mary E. C. Butler, reported the same with amendment, accompanied by a report (No. 7367); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23987) granting an increase of pension to Lucy Scott West, reported the same with amendment, accompanied by a report (No. 7368); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24148) granting a pension to Jesse G. Lott, reported the same with amendment, accompanied by a report (No. 7369); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24194) granting granting an increase of pension to William Davis, reported the same with amendment, accompanied by a report (No. 7370); said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24197) granting an increase of pension to Mary Ann Foard, reported the same with amendment, accompanied by a report (No. 7371); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24394) granting an increase of pension to Mildred L. Stone, reported the same with amendment, accompanied by a report (No. 7372); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24414) granting a pension to Van C. Wilson, reported the same with amendment, accompanied by a report (No. 7373); which said bill and

report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24483) granting a pension to Clarence W. Thomas, reported the same without amendment, accompanied by a report (No. 7374); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24532) granting an increase of pension to Absalom R. Shacklett, reported the same with amendment, accompanied by a report (No. 7375); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24698) granting an increase of pension to Lydia Hunt, reported the same with amendment, accompanied by a report (No. 7376); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions. to which was referred the bill of the House (H. R. 24710) granting an increase of pension to Jacob Riner, reported the same with amendment, accompanied by a report (No. 7377); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24769) granting an increase of pension to John George, reported the same without amendment, accompanied by a report (No. 7378); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24861) granting an increase of pension to O. E. D. Culbertson, reported the same with amendment, accompanied by a report (No. 7379); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24899) granting an increase of pension to Mary Webster Lusk, reported the same with amendment, accompanied by a report (No. 7380); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pen-

sions, to which was referred the bill of the House (H. R. 24961) granting an increase of pension to Augustus H. Hansell, reported the same with amendment, accompanied by a report (No. 7381); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25005) granting a pension to Emeline H. Hardie, reported the same with

amendment, accompanied by a report (No. 7382); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25023) granting an increase of pension to Virginia C. Galloway, reported the same with amendment, accompanied by a report (No. 7383); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 25101) granting an increase of pension to Nancy A. Meredith, reported the same with amendment, accompanied by a report (No. 7384); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 25143) granting an increase of pension to Elizabeth Wolfe, reported the same with amendment, accompanied by a report (No. 7385); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 25229) granting an increase of pension to James T. Blair, reported the same with amendment, accompanied by a report (No. 7386); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25288) granting an increase of pension to Minna Y. Field, reported the same with amendment, accompanied by a report (No. 7387); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25325) granting an increase of pension to Polly Ann Bowman, reported the same with amendment, accompanied by a report (No. 7388); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25355) granting a pension to William McCraney, reported the same with amendment, accompanied by a report (No. 7389); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25440) granting an increase of pension to Catharine Lipes, reported the same without amendment, accompanied by a report (No. 7390); which said bill and report were referred to the Private Calendar. Mr. LOUDENSLAGER, from the Committee on Pensions, to

which was referred the bill of the Senate (S. 4396) granting an increase of pension to Thomas C. Davis, reported the same without amendment, accompanied by a report (No. 7391); v said bill and report were referred to the Private Calendar. which

He also, from the same committee, to which was referred the bill of the Senate (S. 4742) granting an increase of pension to Mary E. Allen, reported the same without amendment, accompanied by a report (No. 7392); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5374) granting a pension to Floyd A. Hon-aker, reported the same without amendment, accompanied by a report (No. 7393); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6205) granting a pension to Hansford G. Gilkeson, reported the same without amendment, accompanied by a report (No. 7394); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7025) granting an increase of pension to James C. West, reported the same without amendment, accompanied by a report (No. 7395); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7174) granting an increase of pension to Rebecca Faggart, reported the same without amendment, accompanied by a report (No. 7396); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7175) granting an increase of pension to Adline Mabry, reported the same without amendment, accompanied by a report (No. 7397); which said bill and report were

referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7220) granting an increase of pension to Nancy Bethel, reported the same without amendment, accompanied by a report (No. 7398); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7672) granting an increase of pension to

Elvina Adams, reported the same without amendment, accompanied by a report (No. 7399); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7673) granting an increase of pension to William W. Jordan, reported the same without amendment, accompanied by a report (No. 7400); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

He also, from the same committee, to which was referred the bill of the Senate (S. 7724) granting an increase of pension to Paul J. Christian, reported the same without amendment, accompanied by a report (No. 7401); which said bill and report

were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7919) granting an increase of pension to John D. Abel, reported the same without amendment, accompanied by a report (No. 7402); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17011) granting an increase of pension to Mrs. Manning Brown, reported the same with amendment, accompanied by a report (No. 7403); which said bill and report were referred to the Private Calendar.

Mr. CHAPMÂN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21784) granting an increase of pension to William Hall, reported the same without amendment, accompanied by a report (No. 7404); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24223) granting a pension to Martha A. L. Stephens, reported the same with amendment, accompanied by a report (No. 7405); which said bill and report were referred to the Private Calendar.

Mr. CHÂNEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21914) granting an increase of pension to Ferdinand Pahl, reported the same with amendment, accompanied by a report (No. 7406); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23999) granting an increase of pension to John F. Gough, reported the same with amendment, accompanied by a report (No. 7407); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22063) granting an increase of pension to Horace F. Packard, reported the same with amendment, accompanied by a report (No. 7408); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22175) granting a pension to Charles Prendeville, reported the same with amendment, accompanied by a report (No. '7409); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23751) granting an increase of pension to Charles D. Moody, reported the same with amendment, accompanied by a report (No. 7410); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22392) granting an increase of pension to Eugene W. Rolfe, reported the same with amendment, accompanied by a report (No. 7411); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24031) granting an increase of pension to John Downey, reported the same with amendment, accompanied by a report (No. 7412); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22548) granting an increase of pension to Franklin H. Davis, reported the same with amendment, accompanied by a report (No. 7413); which

said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23733) granting an increase of pension to Gifford M. Bridge, reported the same with amendment, accompanied by a report (No. 7414); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22629) granting an increase of pension to Josiah N. Pratt, reported the same with amendment, accompanied by a report (No. 7415); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25108) granting an increase of pension to William H. Brown, reported the same with amendment, accompanied by a report (No. 7416); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22863) granting an increase of pension to Oscar A. Fuller, reported the same with amendment, accompanied by a report (No. 7417); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions,

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22949) granting an increase of pension to George W. Wells, reported the same with amendment, accompanied by a report (No. 7418); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25113) granting an increase of pension to John H. Hays, reported the same with amendment, accompanied by a report (No. 7419); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25224) granting an increase of pension to David C. Smith, reported the same with amendment, accompanied by a report (No. 7420); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25263) granting an increase of pension to Thomas McDermott, reported the same without amendment, accompanied by a report (No. 7421); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20961) granting an increase of pension to George F. Fogg, reported the same without amendment, accompanied by a report (No. 7422); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22987) granting an increase of pension to John D. Lane, reported the same with amendment, accompanied by a report (No. 7423); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21734) granting an increase of pension to Stephen B. H. Shanks, reported the same without amendment, accompanied by a report (No. 7424); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16834) granting an increase of pension to Allan S. Rose, reported the same with amendment, accompanied by a report (No. 7425); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21430) granting an increase of pension to Alonzo Foster, reported the same with amendment, accompanied by a report (No. 7426); which said bill and report were referred to the Private Calendar.

which said bill and report were referred to the rrivate Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to
which was referred the bill of the House (H. R. 25174) granting an increase of pension to Henry W. Casey, reported the
same with amendment, accompanied by a report (No. 7427);
which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21131) granting an increase of pension to Cornelius Shea, reported the same without amendment, accompanied by a report (No. 7428); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23855) granting a pension to Sarah E. Selders, reported the same with amendment, accompanied by a report (No. 7429); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21073) granting an increase of pension to Michael Harmon, reported the same with amendment, accompanied by a report (No. 7430); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24161) granting an increase of pension to Hugh O'Neal, reported the same with amendment, accompanied by a report (No. 7431); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21052) granting

an increase of pension to Edmund A. Locker, reported the same with amendment, accompanied by a report (No. 7432); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25309) granting an increase of pension to Joseph Casavaw, reported the same without amendment, accompanied by a report (No. 7433); which said bill and report were referred to the Private Cal-

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21040) granting an increase of pension to Ella C. Washburn, reported the same without amendment, accompanied by a report (No. 7434); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25176) granting an increase of pension to Gottfried Haferstein, reported the same with amendment, accompanied by a report (No. 7435); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24807) granting an increase of pension to Horace E. Heath, reported the same with amendment, accompanied by a report (No. 7436); which

with amendment, accompanied by a report (No. 7436); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24924) granting an increase of pension to William V. Munroe, reported the same with amendment, accompanied by a report (No. 7437); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20352) granting a pension to Martha Stevens, reported the same with ment, accompanied by a report (No. 7438); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R.

23367) granting an increase of pension to Asa A. Gardner, reported the same with amendment, accompanied by a report (No. 7439); which said bill and report were referred to the Private

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20217) granting an increase of pension to Ferdinand Kunkle, reported the same with amendment, accompanied by a report (No. 7440); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20183) granting an increase of pension to Catherine Way, reported the same with amendment, accompanied by a report (No. 7441); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23997) granting an increase of pension to Michael M. Field, reported the same with amendment, accompanied by a report (No. 7442); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 20082) granting an increase of pension to William Van Alst, reported the same with amendment, accompanied by a report (No. 7443); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23857) granting an increase of pension to Isaac C. Smith, reported the same with amendment, accompanied by a report (No. 7444); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 20004) granting an increase of pension to Isaiah W. Perkins, reported the same with amendment, accompanied by a report (No. 7445); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24405) granting an increase of pension to Mary Hunt Smith Bishop, reported the same with amendment, accompanied by a report (No. 7446); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19794) granting an increase of pension to Henry C. Jewett, reported the same with amendment, accompanied by a report (No. 7447); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24957) granting an increase of pension to Francis H. Ferry, reported the same

with amendment, accompanied by a report (No. 7448); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19594) granting an increase of pension to Hosea Hudson, reported the same with amendment, accompanied by a report (No. 7449); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25328) granting an increase of pension to James W. Barr, reported the same with amendment, accompanied by a report (No. 7450); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19291) granting an increase of pension to Charles Bachman, reported the same with amendment, accompanied by a report (No. 7451); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18993) granting an increase of pension to James Shaw, reported the same with amendment, accompanied by a report (No. 7452); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25248) granting an increase of pension to Knute Thompson, reported the same with amendment, accompanied by a report (No. 7453); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18653) granting an increase of pension to Robert Limbird, reported the same with amendment, accompanied by a report (No. 7454); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. 8. 5162) granting an increase of pension to James F. Travis, reported the same with amendment, accompanied by a report (No. 7455); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18110) granting an increase of pension to Asail Brown, reported the same with amendment, accompanied by a report (No. 7456); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23411) granting an increase of pension to George H. Martin, reported the same without amendment, accompanied by a report (No. 7457); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24838) granting an increase of pension to Henry H. A. Walker, reported the same without amendment, accompanied by a report (No. 7458); which said bill and report were referred to the Private Cal-

Mr. CHAPMAN, from the Committee on Invalid Pensions, to Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24560) granting an increase of pension to Margaret Lesley, reported the same without amendment, accompanied by a report (No. 7459); which said bill and report were referred to the Private Cal-

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22986) granting an increase of pension to George W. Beeny, reported the same with amendment, accompanied by a report (No. 7460); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H, R. 23673) granting an increase of pension to John T. Grayson, reported the same without amendment, accompanied by a report (No. 7461); which said bill and report were referred to the Private Cal-

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25120) granting an increase of pension to Charles B. Spring, reported the same with amendment, accompanied by a report (No. 7462); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16607) granting an increase of pension to Mary Denny, reported the same with amendment, accompanied by a report (No. 7463); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25254) grant-

ing an increase of pension to George W. Warfel, reported the same with amendment, accompanied by a report (No. 7464); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16261) granting an increase of pension to John P. Bard, reported the same with amendment, accompanied by a report (No. 7405); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24946) granting a pension to Phebe Wright, reported the same with amendment, accompanied by a report (No. 7466); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15879) granting an increase of pension to Jacob Salat, reported the same with amendment, accompanied by a report (No. 7467); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9448) granting an increase of pension to T. B. Hockey, reported the same with amendment, accompanied by a report (No. 7468); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15241) granting an increase of pension to Samuel De Haven, reported the same with amendment, accompanied by a report (No. 7469); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 25305) granting an increase of pension to Edgar A. Stevens, reported the same without amendment, accompanied by a report (No. 7470); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14322) granting a pension to Abbie L. Hanford, reported the same without amendment, accompanied by a report (No. 7471); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25247) granting an increase of pension to Warren Onan, reported the same with amendment, accompanied by a report (No. 7472); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25106) granting an increase of pension to Francis A. Biffan, reported the same with amendment, accompanied by a report (No. 7473); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14104) granting an increase of pension to Milton Brown, reported the same with amendment, accompanied by a report (No. 7474); which said bill and report were referred to the Private Calendar.

Mr. CHÂNEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23685) granting an increase of pension to Robert Brake, reported the same with amendment, accompanied by a report (No. 7475); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13963) granting an increase of pension to William H. Turner, reported the same without amendment, accompanied by a report (No. 7476); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax, reported the same with amendment, accompanied by a report (No. 7477); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22988) granting an increase of pension to Benjamin F. Horton, reported the same with amendment, accompanied by a report (No. 7478); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20003) granting an increase of pension to William Yohn, reported the same with amendment, accompanied by a report (No. 7479); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21038) granting a pension to Lucy A. Gaylord, reported the same with amendment, accompanied by a report (No. 7480); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 21055) granting an increase of pension to Archibald Bates, reported the same with amendment, accompanied by a report (No. 7481); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13816) granting an increase of pension to Thomas McPeek, reported the same with amendment, accompanied by a report (No. 7482); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24334) granting an increase of pension to Emma Case, reported the same without amendment, accompanied by a report (No. 7483); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24226) granting an increase of pension to Francis J. Eachus, alias Frank Eachús, reported the same with amendment, accompanied by a report (No. 7484); which said bill and report were referred to the Private Calendar.

to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23729) granting an increase of pension to John Vandegrift, reported the same with amendment, accompanied by a report (No. 7485); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13133) granting an increase of pension to Gilbert W. Clark, reported the same with amendment, accompanied by a report (No. 7486); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12969) granting an increase of pension to Alexander Buck, reported the same without amendment, accompanied by a report (No. 7487); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24530) granting a pension to David Miller, reported the same with amendment, accompanied by a report (No. 7488); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12580) granting an increase of pension to Charles E. Youtt, reported the same with amendment, accompanied by a report (No. 7489); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24911) granting an increase of pension to James C. Cosgro, reported the same without amendment, accompanied by a report (No. 7490); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11848) granting a pension to George E. York, reported the same with amendment, accompanied by a report (No. 7491); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25303) granting an increase of pension to Adeline Brown, reported the same with amendment, accompanied by a report (No. 7492); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23198) granting an increase of pension to Lucie A. Allyn, reported the same with amendment, accompanied by a report (No. 7493); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee of Invalid Pensions, to which was referred the bill of the House (H. R. 10431) granting an increase of pension to Charles W. Kenisston, reported the same with amendment, accompanied by a report (No. 7494); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25255) granting an increase of pension to Samuel Loy, reported the same with amendment, accompanied by a report (No. 7495); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24971) granting an increase of pension to Elijah Devore, reported the same with amendment, accompanied by a report (No. 7496); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10023) granting a pension to Martha Lewis, reported the same with amendment, accompanied by a report (No. 7497); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25354) granting a pension to Alice House, reported the same with amendment, accompanied by a report (No. 7498); which said bill and report were referred to the Private Calendar.

Mr. CHÂNEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9785) granting an increase of pension to William A. Lyon, reported the same with amendment, accompanied by a report (No. 7499); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25391) granting an increase of pension to Richard Gogin, reported the same without amendment, accompanied by a report (No. 7500); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7578) granting an increase of pension to Levi Hoskins, reported the same with amendment, accompanied by a report (No. 7501); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25214) granting an increase of pension to Robert H. Douglas, reported the same with amendment, accompanied by a report (No. 7502); which said bill and report were referred to the Private Calendar.

which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23280) granting an increase of pension to Bartholomew Burke, reported the same with amendment, accompanied by a report (No. 7503); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7242) granting an increase of pension to Marcus Davis, reported the same with amendment, accompanied by a report (No. 7504); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25256) granting an increase of pension to Cyrus W. Scott, reported the same with amendment, accompanied by a report (No. 7505); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pen-

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6767) granting an increase of pension to Hobart P. Sweet, reported the same with amendment, accompanied by a report (No. 7506); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25097) granting an increase of pension to E. P. Weatherby, reported the same with amendment, accompanied by a report (No. 7507); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6206) granting an increase of pension to Stephen J. Henning, reported the same with amendment, accompanied by a report (No. 7508); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24189) granting an increase of pension to Frederick Hoffner, reported the same with amendment, accompanied by a report (No. 7509); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5800) granting an increase of pension to Joseph G. Maddocks, reported the same with amendment, accompanied by a report (No. 7510); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24851) granting an increase of pension to O. S. Rouse, reported the same with amendment, accompanied by a report (No. 7511); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2821) granting an increase of pension to Turner J. Preble, reported the same with amendment, accompanied by a report (No. 7512); which said bill and report were referred to the Private Calendar.

panied by a report (No. 7512); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25329) granting a pension to Catherine Messer, reported the same with amendment, accompanied by a report (No. 7513); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24855) granting a pension to George W. Robins, reported the same with amendment, accompanied by a report (No. 7514); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2064) granting an increase of pension to Daniel Sullivan, reported the same with amendment, accompanied by a report (No. 7515); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1851) granting an increase of pension to Ralph D. Parsons, reported the same with amendment, accompanied by a report (No. 7516); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24940) granting an increase of pension to Timothy H. Gibson, reported the same without amendment, accompanied by a report (No. 7517); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1728) granting an increase of pension to George C. Vance, reported the same with amendment, accompanied by a report (No. 7518); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25172) granting an increase of pension to B. N. Isaacs, reported the same with amendment, accompanied by a report (No. 7519); which said bill and report were referred to the Private Calendar.

Mr. CHÂNEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1171) granting a pension to Alfred Nichols, reported the same with amendment, accompanied by a report (No. 7520); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25016) granting an increase of pension to Frederick Gottlieb Ackerman, reported the same with amendment, accompanied by a report (No. 7521); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 561) granting an increase of pension to Giles Townsend, reported the same with amendment, accompanied by a report (No. 7522); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24968) granting an increase of pension to John Burke, reported the same with amendment, accompanied by a report (No. 7523); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24406) granting an increase of pension to Edmund Johnson, reported the same with amendment, accompanied by a report (No. 7524); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 560) granting an increase of pension to Wilson M. Holmes, reported the same with amendment, accompanied by a report (No. 7525); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10430) granting an increase of pension to Samuel Ledgerwood, reported the same with amendment, accompanied by a report (No. 7526); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21983) granting an increase of pension to James E. Pusey, reported the same with amendment, accompanied by a report (No. 7527); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24531) granting an increase of pension to David E. Jefferson, reported the same with amendment, accompanied by a report (No. 7528); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9445) granting a pension to Ida E. G. Pierce, reported the same with amendment, accompanied by a report (No. 7529); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9664) granting a pension to E. C. Durfey, reported the same with amendment, accompanied by a report (No. 7530); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7356) granting

an increase of pension to Henry Schlosser, reported the same without amendment, accompanied by a report (No. 7531); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7475) granting an increase of pension to William D. Hudson, reported the same without amendment, accompanied by a report (No. 7532); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7998) granting an increase of pension to George N. Julian, reported the same without amendment, accompanied by a report (No. 7533); which said bill and report were referred to the Private Calendar

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10574) granting a pension to Edward W. Hoban, reported the same without amendment, accompanied by a report (No. 7538); which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21841) for the relief of H. C. Linn and Samuel Powell, reported the same with amendment, accompanied by a report (No. 7541); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25511) granting an increase of pension to Hiram Filkins, reported the same without amendment, accompanied by a report (No. 7542); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25455) granting an increase of pension to Emma Hempler, reported the same with amendment, accompanied by a report (No. 7543); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25451) granting an increase of pension to William H. Maxwell, reported the same with amendment, accompanied by a report (No. 7544); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25445) granting an increase of pension to William E. Webster, reported the same with amendment, accompanied by a report (No. 7545); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22701) granting an increase of pension to James R. Fairbrother, reported the same with amendment, accompanied by a report (No. 7546); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21608) granting an increase of pension to Louis Green, reported the same with amendment, accompanied by a report (No. 7547); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20956) granting an increase of pension to James Kenney, reported the same with amendment, accompanied by a report (No. 7548); which said bill and report were referred to the Private Calendar.

Mr. CHAPMÂN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20886) granting an increase of pension to William W. Bell, reported the same with amendment, accompanied by a report (No. 7549); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20299) granting an increase of pension to Lizzie E. Enright, reported the same with amendment, accompanied by a report (No. 7550); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23797) granting an increase of pension to James D. Tomson, reported the same with amendment, accompanied by a report (No. 7551); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24905) granting a pension to Susan E. Davis, reported the same with amendment, accompanied by a report (No. 7552); which said bill and report were referred to the Private Calendar.

ment, accompanied by a report (No. 7552); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17091) granting an increase of pension to George Myers, re-

ported the same with amendment, accompanied by a report (No. 7553); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9611) granting a pension to Robert N. Marshall, reported the same with amendment, accompanied by a report (No. 7554); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8408) granting an increase of pension to Richard Prost, reported the same with amendment, accompanied by a report (No. 7555); which said bill and report were referred to the Privite Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19421) granting an increase of pension to Ella A. Hodges, reported the same with amendment, accompanied by a report (No. 7556); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5365) to appoint Joseph Y. Porter a lieutenant-colonel and deputy surgeon-general, and to place him on the retired list of the Army, reported the same without amendment, accompanied by a report (No. 7561); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14133) for the relief of William Peacock, reported the same without amendment, accompanied by a report (No. 7562); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and memorials of the following titles were introduced and severally referred as follows:

By Mr. MURPHY: A bill (H. R. 25512) to repeal an act en-

By Mr. MURPHY: A bill (H. R. 25512) to repeal an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States"—to the Committee on the Territories.

By Mr. JONES of Washington: A bill (H. R. 25513) extending the time for making final proof in certain desert-land entries—to the Committee on the Public Lands.

By Mr. SPIGHT: A bill (H. R. 25514) making disposition of the cotton-tax fund in the United States Treasury—to the Committee on Ways and Means.

By Mr. LACEY: A bill (H. R. 25515) to amend an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906—to the Committee on the Public Lands.

mittee on the Public Lands. By Mr. WANGER: A bill (H. R. 25516) to establish Paul

Jones Day in the Navy—to the Committee on Naval Affairs.

By Mr. POU: A bill (H. R. 25517) to provide for the erection of a bronze equestrian statue to the memory of the late Robert E. Lee at Washington City, D. C.—to the Committee on the Library.

By Mr. KLINE: A bill (H. R. 25518) granting to any assistant surgeon in the Regular Army who has had prior service as surgeon or assistant surgeon in the Navy, during the war with Spain or since, the same credit for that service to which any assistant surgeon in the Regular Army is now entitled for prior service as surgeon or assistant surgeon in the Volunteer Army during the same period under section 18 of the act approved February 2, 1901—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 25519) to prohibit monopoly in coal lands—to the Committee on the Public Lands.

By Mr. LAMAR: A bill (H. R. 25520) to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial of the legislature of Idaho, praying for legislation granting pensions to the participants in the battle of Beechers Island, or to their widows—to the Committee on Pensions.

Also, memorial of the legislature of South Dakota, praying for action of Congress to submit an amendment to the Constitution providing for election of Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. CALDERHEAD: A bill (H. R. 25511) granting an in-

crease of pension to Hiram Filkins-to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 25521) for the relief of John I. Nelson-to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 25522) granting an increase of pension to Mary E. Wiedensaul-to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 25523) to correct the military record of John Grace—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: A bill (H. R. 25524) granting an increase of pension to Albert Havely—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 25525) granting a pension to George W. Irvin—to the Committee on Pensions.

Also, a bill (H. R. 25526) granting an increase of pension to

George W. Walker-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25527) granting an increase of pension to Zeba D. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25528) granting an increase of pension to Anton Kutterer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25529) granting an increase of pension to Daniel Ealey—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 25530) granting an increase of pension to Oliver Shaw—to the Committee on Invalid Pen-

By Mr. FOSS: A bill (H. R. 25531) granting a pension to

Henry B. Edwards—to the Committee on Pensions. By Mr. KINKAID: A bill (H. R. 25532) granting an increase of pension to John M. Bair-to the Committee on Invalid Pen-

By Mr. KLINE: A bill (H. R. 25533) granting an increase of pension to Thomas B. Glick—to the Committee on Invalid Pen-

sions. Also, a bill (H. R. 25534) granting an increase of pension to William Stepleton—to the Committee on Invalid Pensions,

Also, a bill (H. R. 25535) granting an increase of pension to John F. Osmun-to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 25536) granting an increase of pension to Truman H. Bucklin-to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 25537) to remove the charge of desertion from the military record of Robert Curren—

to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 25538) granting an increase of pension to Eli B. Woodward-to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 25539) granting an increase of pension to Elias Johnston-to the Committee on Invalid Pen-

By Mr. SULZER: A bill (H. R. 25540) granting a pension to Edward Kennedy—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows;

A bill (H. R. 24611) granting an increase of pension to Vol-

ney B. St. John—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24003) granting an increase of pension to Nora Burke—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Paper to accompany bill for relief of Robert Withington (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BARTLETT: Paper to accompany bill for relief of heirs of George W. Welch and John J. Nelson—to the Committee

on War Claims.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Richard Stewart (previously referred to the Committee on Invalid Pensions)-to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of J. F. Holman, of Athens, Me., for bill S. 4403—to the Committee on Immigration and Naturalization.

By Mr. CHANEY: Petition of Henry Woolery, George B. Jackson, et al., of Leesville, Ind., for legislation touching saloon license fees as relating to the school funds of the States—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Rock Island Division, No. 106, Order Railway Conductors, of Moline, Ill., for the Senate sixteenhour bill-to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Petition of the West Virginia Live Stock Association, for an amendment to the free-alcohol law-to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Berlin Grange, No. 966, Patrons of Husbandry, against free seed distribution-to the Com-

mittee on Agriculture.

By Mr. DUNWELL: Petition of the Merchants' Association of New York City, for an appropriation for a post-office building at the Pennsylvania central railway terminal in New York City-to the Committee on the Post-Office and Post-Roads.

Also, petition of the National German-American Alliance of the United States, against the Littlefield bill (H. R. 13655) to the Committee on the Judiciary.

Also, petition of Jane Bingham Abbott and other composers of music, for bills S. 6330 and H. R. 19853-to the Committee on Patents.

Also, petition of the Grand Army Association, against aboli-

tion of pension agencies—to the Committee on Appropriations.
Also, petition of the American Protective Tariff League, for a dual tariff—to the Committee on Ways and Means.

By Mr. FLOYD: Papers to accompany bills for relief of John F. D. Gerall, Andrew J. Williams, and John W. Hughs—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Berry W. Hudsonto the Committee on Pensions.

By Mr. FULLER: Petition of the Liberal Immigration League of New York, against undue restriction of immigrationto the Committee on Immigration and Naturalization.

Also, petition of the Modern Manufacturing Company, for bill

H. R. 23551—to the Committee on Invalid Pensions.
By Mr. GRAHAM: Petition of William H. Graham et al., for the Wilson bill increasing salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bricklayers' International Union No. 2, of Pennsylvania, against the illegal procedure of the States of Idaho and Colorado relative to Moyer and Haywood-to the Committee on the Judiciary.

Also, petition of the Civic Club of Allegheny County, favoring

the child-labor bill—to the Committee on Labor.

Also, petition of Typographical Union No. 7, for the new copy-

right bill (S. 6330 and H. 19853)—to the Committee on Patents.
Also, petition of the Illinois Manufacturers' Association, for an appropriation for construction of deep waterways—to the Committee on Rivers and Harbors.

By Mr. HAMILTON: Petition of James H. Burkhead, against

discontinuance of pension agencies—to the Committee on Appropriations.

By Mr. HULL: Paper to accompany bill for relief of Frederick F. B. Coffin—to the Committee on Claims.

By Mr. KAHN: Petition of the California Bankers' Associafor an amendment to the railway rate bill securing uniform bills of lading-to the Committee on Interstate and Foreign Commerce.

By Mr. LEVER: Papers to accompany bills for relief of Nathan Gradick and Frederick A. Jacob, trustees of estate of Freidaie A. Jacob—to the Committee on War Claims,

By Mr. LITTLEFIELD: Petition of Alvin Adams et al., for a bounty of \$100 for soldiers of the civil war discharged on account of physical disability contracted in service other than from wounds—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Rockwood, favoring the United States sending supplies to the starving people of China-to the

Committee on Appropriations.

By Mr. OVERSTREET of Indiana: Petition of Division No. 103, Order of Railway Conductors of America, of Indianapolis, Ind., for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: Paper to accompany bill for relief of Pierre Klaine-to the Committee on War Claims.

By Mr. REYBURN: Petition of General Hector Tyndale Post, No. 160, Grand Army of the Republic, of Philadelphia, against discontinuance of the pension agencies—to the Committee on Appropriations.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Francis L. Smith—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Bertrand Rockwell, of Junction City, Kans., for bill H. R. 23109, to fix pay of the Army—to the Committee on Military Affairs.

Also, petition of the Immigration Restriction League, against the illiteracy test of bill S. 4403—to the Committee on Immigra-

tion and Naturalization.

Also, petition of the Merchants' Association of New York, for

bill H. R. 24762, to provide an appropriation for a post-office building in New York City at the Pennsylvania Railway terminal—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: Paper to accompany bill for relief of Julia

Churchill—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: Resolution of the legislature of Minnesota, for an appropriation to construct a canal in the county of Aitkin, Minn.—to the Committee on Rivers and Harbors.

By Mr. WEBB: Papers to accompany bills for relief of Eliza-

beth S. Hess, Wilson Carter, Cornelius Teal, and William Ander-

son—to the Committee on Invalid Pensions

Also, papers to accompany bills for relief of John L. Sullivan and William R. Watts—to the Committee on Pensions.

By Mr. WILEY of Alabama: Petition of J. S. Carroll, Wilkerson & Henderson, the Troy Grocery Company, J. S. Copeland, et al., and E. H. Locke et al., for legislation to increase the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

SENATE.

Friday, February 8, 1907.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Burrows, and by unanimous consent, the further reading was dispensed with

The VICE-PRESIDENT. The Journal stands approved.

ACCEPTANCE OF DECORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that certain persons at present in the diplomatic and consular service of United States be authorized by Congress to accept decorations desired to be conferred upon them by the Emperor of Japan; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of The Trustees of the Methodist Episcopal Church South, of Charles Town, W. Va., v. The United States; In the cause of W. C. York v. The United States;

In the cause of Augustin Walsh, sole surviving partner of

T. & A. Walsh, v. The United States; and
In the cause of the Trustees of the United Brethren Church, of Boonsboro, Md., v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed. CREDENTIALS.

Mr. PETTUS presented the credentials of John T. Morgan, chosen by the legislature of the State of Alabama a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. CLAPP presented the credentials of Knute Nelson, chosen by the legislature of the State of Minnesota a Senator from that State for the term beginning March 4, 1907; which

were read and ordered to be filed.

MESSAGE FROM THE HOUSE. A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 362. An act granting an increase of pension to James M.

Bullard;

S. 660. An act granting an honorable discharge to Peter Green;

S. 756. An act granting an increase of pension to Jacob Niebels; S. 1172. An act granting an increase of pension to Asaph H.

Witham: S. 1215. An act to correct the military record of William

Fleming: S. 1397. An act granting an increase of pension to Anna B. L.

Walker: S. 1495. An act granting an increase of pension to John

S. 1511. An act granting an increase of pension to Marvin F.

Barton ; S. 1516. An act granting an increase of pension to Orlando O. Austin;

S. 1594. An act granting an increase of pension to Margaret E. Guthrie;

S. 1797. An act granting an increase of pension to John E. Henderson

S. 2104. An act granting an increase of pension to Moses Feyler:

S. 2139. An act to remove the charge of desertion from the military record of Anton Ernst;

S. 2259. An act granting an increase of pension to Charles Duby, alias Louis Deshemean;

S. 2693. An act granting an increase of pension to Samuel Wise;

S. 2780. An act granting an increase of pension to Daniel N. McCarter;

8.2994. An act granting an increase of pension to David Harvey;

S. 3295. An act granting an increase of pension to Anna Williams:

S. 3319. An act granting an increase of pension to James E. Croft:

S. 3320. An act granting an increase of pension Elias H. Parker;

S. 3461. An act granting a pension to Helen L. Woodward; S. 3583. An act granting an increase of pension to Kate

O'Donnell Wood; S. 3681. An act granting a pension to Sanford H. Moats

S. 3882. An act granting an increase of pension to Delphine Darling:

S. 4033. An act granting an increase of pension to William Kirkwood:

S. 4055. An act granting a pension to Nancy J. Mullally;

S. 4108. An act granting an increase of pension to Martha M.

S. 4113. An act granting an increase of pension to Dell E. Pert

S. 4396. An act granting an increase of pension to Thomas C. Davis

S. 4509. An act granting an increase of pension to Anna M. Loomis

S. 4681. An act granting an increase of pension to William S. Gray

S. 4742. An act granting an increase of pension to Mary E. Allen:

S. 4756. An act granting an increase of pension to John Kirch; S. 4769. An act granting an increase of pension to Rosa Olds

Jenkins; S. 4813. An act granting an increase of pension to Samuel

Doolittle; S. 4818. An act granting an increase of pension to George W. Peabody

S. 5021. An act granting an increase of pension to Margaret Kearney :

S. 5023. An act granting an increase of pension to Ruth E. Olney

S. 5106. An act granting an increase of pension to John Adshead;

S. 5190. An act granting an increase of pension to Abby L. Brown;

S. 5292. An act granting an increase of pension to Michael J. Sprinkle;

S. 5352. An act for the relief of William H. Osenburg;

S. 5374. An act granting a pension to Floyd A. Honaker S. 5542. An act granting an increase of pension to Elizabeth S. Reess

S. 5580. An act granting a pension to Julia A. Vroom;

S. 5586. An act granting an increase of pension to Albert F.

S. 5697. An act granting an increase of pension to George H. McLain

S. 5699. An act granting an increase of pension to Adelaide D. Merritt:

S. 5836. An act granting an increase of pension to Daniel Loosley:

S. 5854. An act granting an increase of pension to John W. McWilliams;

S. 5886. An act granting an increase of pension to Anna E.

S. 5912. An act granting an increase of pension to Nathaniel Green ; S. 5991. An act granting an increase of pension to George F.

Ford; S. 6050. An act granting an increase of pension to Edward W. Galligan;

S. 6137. An act granting an increase of pension to Fannie L.

S. 6139. An act granting an increase of pension to Eliza Brusie

S. 6143. An act granting an increase of pension to Thomas J. Northrop;

S. 6145. An act granting an increase of pension to Enoch Bolles; S. 6205. An act granting a pension to Hansford G. Gilkeson;

S. 6223. An act granting an increase of pension to William E.

S. 6233. An act granting an increase of pension to George E. Vanderwalker;

S. 6273. An act granting an increase of pension to William J. Wells;

S. 6278. An act granting an increase of pension to Henry Humble:

S. 6325. An act granting an increase of pension to David A. Edwards;

S. 6350. An act granting an increase of pension to Silas G.

S. 6351. An act granting an increase of pension to Andrew J.

S. 6372. An act granting an increase of pension to Marvin Osgood:

S. 6408. An act granting a pension to Mary Louise McLean;

S. 6431. An act granting an increase of pension to R. Smith Coats

S. 6436. An act granting an increase of pension to George W.

S. 6459. An act granting an increase of pension to Ellen Car-

S. 6532. An act granting an increase of pension to Joseph Daniels:

S. 6571. An act granting an increase of pension to William I. Ross

S. 6573. An act granting an increase of pension to John A. Williams

S. 6582. An act granting an increase of pension to Moses Rowell;

6584. An act granting an increase of pension to John

S. 6587. An act granting an increase of pension to Marcus M.

S. 6588. An act granting an increase of pension to Arthur Hathorn;

S. 6589. An act granting an increase of pension to Washington D. Grav

S. 6590. An act granting an increase of pension to Theron Hamner:

S. 6623. An act granting an increase of pension to Mollie J. Mitchell;

S. 6624. An act granting an increase of pension to Alvin N. D. Kite:

S. 6625. An act granting an increase of pension to Anderson Henry;

S. 6633. An act granting an increase of pension to Benjamin F. Wright;

S. 6637. An act granting an increase of pension to James J.

S. 6656. An act granting an increase of pension to Eli M. Skinner

S. 6670. An act granting an increase of pension to Dana H. McDuffee:

8. 6671. An act granting an increase of pension to Horace P. Marshall:

S. 6687. An act granting an increase of pension to Henry W. Mahaney S. 6703. An act granting an increase of pension to John H.

S. 6706. An act granting an increase of pension to James T

Stewart: S. 6708. An act granting an increase of pension to Columbus

B. Mason: S. 6710. An act granting an increase of pension to Thomas P.

Way; S. 6722. An act granting an increase of pension to William

S. 6732. An act granting an increase of pension to John

S. 6733. An act granting an increase of pension to Anna D. Barnes

S. 6736. An act granting an increase of pension to Charles H. Tracy;

S. 6769. An act granting an increase of pension to James T. McReynolds;

S. 6793. An act granting an increase of pension to Simon Peter Wallerson

S. 6800. An act granting an increase of pension to Esther Eldridge;

S. 6811. An act granting an increase of pension to James Carpenter, jr

S. 6820. An act granting an increase of pension to Henry M. Bullard;

S. 6823. An act granting an increase of pension to John H. Holsey

S. 6827. An act granting an increase of pension to Theodore J. Sweeting;

S. 6828. An act granting an increase of pension to Walter D. Greene:

S. 6830. An act granting an increase of pension to Daniel L. Seavey

S. 6835. An act granting an increase of pension to George Maybury;

S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.:

S. 6875. An act granting an increase of pension to Lemuel T. Williams:

S. 6876. An act granting an increase of pension to Jesse L. Pritchard;

S. 6914. An act granting an increase of pension to Albert T.

S. 6915. An act granting an increase of pension to Samuel G. Healy

S. 6916. An act granting an increase of pension to Nathan E. Stover;

S. 6933. An act granting an increase of pension to Frederick Middaugh:

S. 6935. An act granting an increase of pension to William R. Neil: S. 6936. An act granting an increase of pension to Robert

Jenkins: S. 6937. An act granting an increase of pension to Michael

Rosbrugh; S. 6943. An act granting an increase of pension to Lewis A.

S. 6947. An act granting an increase of pension to Charles M.

Brough: S. 6048. An act granting an increase of pension to Albert H.

Nash: S. 6957. An act granting an increase of pension to Hiram Siegfried;

S. 6958. An act granting an increase of pension to Keziah

S. 6960. An act granting an increase of pension to Thomas

S. 6963. An act granting an increase of pension to William B. Sayles

S. 6064. An act granting an increase of pension to Silas N. Palmer

S. 7025. An act granting an increase of pension to James C. West:

S. 7053. An act granting an increase of pension to Solomon Draper

S. 7056. An act granting an increase of pension to Frederick S. 7060. An act granting an increase of pension to John

Hager S. 7062. An act granting an increase of pension to John Mon-

roe: 8, 7066. An act granting an increase of pension to Timothy Drew

S. 7067. An act granting an increase of pension to Edmund Fillio;

S. 7069. An act granting an increase of pension to Marshall Johnson

S. 7074. An act granting an increase of pension to William Jenkins:

S. 7075. An act granting an increase of pension to John S. Lewis:

S. 7094. An act granting an increase of pension to George B. Drake; S. 7101. An act granting an increase of pension to Catherine

Matimore; S. 7105. An act granting an increase of pension to Samuel Baker;

S. 7119. An act granting an increase of pension to Charles Boxmever:

S. 7157. An act granting an increase of pension to Austin S. Dunning:

S. 7161. An act granting an increase of pension to George A. Tyler;

S. 7162. An act granting an increase of pension to William H. Sheckler;

S. 7174. An act granting an increase of pension to Rebecca

S. 7175. An act granting an increase of pension to Adline Mabry;

S. 7192. An act granting an increase of pension to Noah Jarvis;

S. 7193. An act granting an increase of pension to David C. Benjamin;

S. 7220. An act granting an increase of pension to Nancy Bethel;

S. 7243. An act granting an increase of pension to Justus B. Coomer;

S. 7246. An act granting an increase of pension to William H. Berry;

S. 7265. An act granting an increase of pension to John R. McCoy;

S. 7293. An act granting an increase of pension to John White;

S. 7294. An act granting an increase of pension to William P. Pattison;

S. 7295. An act granting an increase of pension to Gabriel Campbell;

S. 7335. An act granting an increase of pension to Charles C.

S. 7337. An act granting a pension to Henry W. Blair;

S. 7339. An act granting a pension to Julia C. R. Baird;

S. 7349. An act granting an increase of pension to Luke M. Lewis;

S. 7350. An act granting an increase of pension to Richard Dodge;

S. 7353. An act granting an increase of pension to Augusta T.

S. 7356. An act granting an increase of pension to Henry Schlosser:

S. 7358. An act granting an increase of pension to David

S. 7361. An act granting an increase of pension to George

Downing; S. 7377. An act granting an increase of pension to Martha J. Collins:

S. 7378. An act granting a pension to Giles M. Caton;

S. 7384. An act granting an increase of pension to Orson B. Johnson;

S. 7398. An act granting an increase of pension to Page G. Potter;

S. 7402. An act granting an increase of pension to Francis H. De Castro;

S. 7428. An act granting an increase of pension to Helen C. Lettenmayer:

S. 7445. An act granting an increase of pension to Charles J. Freese:

S. 7475. An act granting an increase of pension to William D. Hudson;

S. 7484. An act granting an increase of pension to Samuel E. Coover;

S. 7486. An act granting an increase of pension to Byron A. Williams:

S. 7488. An act granting an increase of pension to William W. Putnam; S. 7489. An act granting an increase of pension to Albert C.

Wagher; S. 7505. An act granting an increase of pension to Michael

Bogue; S. 7513. An act granting an increase of pension to Alexander

M. Cowgill;

S. 7543. An act granting an increase of pension to Robert B. McCumber;

S. 7554. An act granting an increase of pension to Amelia R. Randolph;

S. 7556. An act granting an increase of pension to Thomas Spanton;

S. 7558. An act granting an increase of pension to Mary Morgan;

gan; S. 7566. An act granting an increase of pension to John Anslow:

S. 7617. An act granting an increase of pension to Victor H. Coffman:

S. 7623. An act granting an increase of pension to Sarah A. Kumler;

S. 7640. An act granting an increase of pension to Stephen H. S. Cook:

S. 7672. An act granting an increase of pension to Elvina Adams;

S. 7673. An act granting an increase of pension to William W. Jordan;

S. 7724. An act granting an increase of pension to Paul J. Christian;

S. 7740. An act granting an increase of pension to Dwight Simpson;

S. 7744. An act granting a pension to Josephine Brackett;

S. 7919. An act granting an increase of pension to John D. Abel; and

S. 7998. An act granting an increase of pension to George N. Julian.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 20060) granting an increase of pension to Anna E. Hughes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

The message also announced that the House insists upon its amendment to the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines" for school purposes, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing vote of the two Houses thereon, and had appointed Mr. Young, Mr. Capron, and Mr. Slayden managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906; and

H. R. 24991. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 822) granting a pension to Michael V. Hennessy; A bill (S. 4908) granting an increase of pension to William H. Kimball;

A bill (S. 5041) granting an increase of pension to George A. Tucker; and

A bill (S. 6833) granting an increase of pension to Bettie May Vose.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 3393. An act granting an honorable discharge to Galen E. Green: and

H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of South Dakota, in favor of the adoption of an amendment to the Constitution providing for the election of United State Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the constitutional convention of Oklahoma and Indian Territory, praying for the enactment of legislation to restrict the sale of alienated lands so as to prohibit land or lease monopolies, and also to permit only naturalized citizens to become purchasers of leases thereof; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Redkey, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Spencer, Poseyville, Cold Spring, Gas City, Churubusco, Warren, Fairmont, Van Buren, and Evansville, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator

Mr. BURROWS presented petitions of sundry citizens of Laingsburg, Kalamazoo, Oceana Center, Hartford, Shelby, North Star, Iacota, Dryden, Climax, Benzonia, Keeler, Big Prairie, Wakelee, Birmingham, South Haven, Frankfort, Adrian, Raisin Valley, Saginaw, Ionia, Vicksburg, Ann Arbor, Flushing, Detroit, Gableville, Oak Grove, Hartland, East Choctah, Gregory, Brighton, Burt, Montrose, South Lyon, Ithaca, Clio, Gagetown, Richmond, Riley, Flushing, Sherman, Grand Ledge, Gladwin, South Lyon, Dowagiac, Benton Harbor, Chesaning, Lapeer City,

from the State of Utah; which were ordered to lie on the table.

South Haven, and Terry, all in the State of Michigan, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to

the Committee on the Judiciary.

He also presented memorials of Ganges Grange, No. 339, Patrons of Husbandry, of Ganges; of White Oak Grange No. 241, Patrons of Husbandry, of Dansville; of County Line Grange, No. 671, Patrons of Husbandry, of Sand Lake; and of the Kalamazoo Fruit and Truck Growers' Society, of Kalamazoo, all in the State of Michigan, remonstrating against any further appropriation being made providing for the distribution of free seeds; which were referred to the Committee on Agi-

culture and Forestry.

He also presented petitions of sundry citizens of Michigan, praying for the enactment of legislation removing the rates of postage on reading matter for the blind; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Bangor, Talbot, Stephenson, Wexford, Alden, Mount Forest, Gaylord, Cheboygan, Eaton County, Ithaca, Mecosta, Clare County, Cedar Run, and Clam Lake, all in the State of Michigan, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of Ganges Grange, No. 339, Patrons of Husbandry, of Fennville, Mich., praying for the passage of the so-called "parcels post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Division No. 340, Order of Rallway Conductors, of Gladstone, Mich., praying for the enactment of legislation to limit the hours of service of railway employees; which was ordered to lie on the table.

He also presented a memorial of the Michigan State Audubon Society, remonstrating against the enactment of legislation for the abolishment of the Division of Biological Survey in the Department of Agriculture; which was referred to the Committee

on Agriculture and Forestry.

He also presented a petition of the Federation of Labor of Detroit, Mich., praying for the enactment of legislation to prohibit the transportation of carriers of interstate commerce of the products of mines and factories employing child labor; which was ordered to lie on the table.

He also presented a petition of the Business Men's Association of Battle Creek, Mich., praying for the enactment of legislation to increase the pay of post-office clerks and letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Detroit Post, No. 384, Department of Michigan, Grand Army of the Republic, of Detroit; of Woodbury Post, No. 45, Department of Michigan, Grand Army of the Republic, of Adrian, and of sundry citizens of Allegan, all in the State of Michigan, remonstrating against the abolishment of the pension agencies of the country; which were referred to the Committee on Pensions.

Mr. PLATT presented a petition of Pomona Grange, Patrons of Husbandry, of Jamestown, N. Y., praying for the establishment of a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Western New York Newspaper Publishers' Association, of Fairport, N. Y., remonstrating against the adoption of certain changes in the postal laws relative to newspapers; which was referred to the Committee on the Post-Offices and Post-Roads.

He also presented a memorial of the memorial and executive committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the abolishment of the United States pension agencies; which was referred to the Committee on Pensions.

He also presented a memorial of Berlin Grange, No. 966, Patrons of Husbandry, of Berlin, N. Y., remonstrating against any further appropriations being made for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry business firms of New

York City and Brooklyn, in the State of New York, praying for the enactment of legislation to amend the laws governing the distillation of alcohol; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Norwich, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Madison County Newspaper Association, of Morrisville, N. Y., praying for the enactment of legislation granting the right to newspaper publishers and railroad companies to enter into contracts for the exchange of their respective commodities; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of business firms of New York City, N. Y., remonstrating against the passage of the so-called "free leaf bill;" which were referred to the Committee on Finance.

Mr. GAMBLE presented a memorial of the legislature of South Dakota, which was read, and referred to the Committee on Privileges and Elections, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

United States of America, State of South Dakota.

I, D. D. Wipf, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 2, as passed by the tenth legislative assembly of the State of South Dakota, now in session, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, done at the city of Pierre this 4th day of February, 1907.

[SEAL.]

D. D. Wiff, Secretary of State.

House joint resolution No. 2. [Introduced by Mr. Price, of Yankton County.]

joint resolution memorializing Congress to submit to the several States an amendment to the Constitution of the United States provid-ing for the election of the United States Senators by direct vote of the electors.

Be it resolved by the house of representatives (the senate concurring

Whereas the election of United States Senators by the legislatures of the several States frequently interfere with important legislative duties, and has in many States resulted in charges of bribery and cor-

duties, and has in many States resulted in charges of bribery and corruption; and

Whereas the sentiment of the majority of the people of this State is in favor of electing United States Senators by a direct vote of the electors of the State, that under authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the electors of the several States: Be it

Further resolved, That the secretary of state be, and he is hereby, authorized and directed to send a properly authenticated copy of this resolution to the President of the United States Senate, to the Speaker of the House of Represenatives of the United States, and to each of the Senators and Representatives in Congress of the State of South Dakota.

[Indorsed.]

A joint resolution memorializing Congress to submit to the several States an amendment to the Constitution of the United States providing for the election of the United States Senators by direct vote of the

M. J. CHANEY, Speaker of the House.

ttest:
James W. Cone,
Chief Clerk.
HOWARD C. SHOBER,
President of the Senate.

L. M. SIMONS, Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as "house joint resolution No. 2."

JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA, OFFICE SECRETARY OF STATE, 88:

Filed February 2, 1907, at 5 o'clock p. m.

D. D. WIPF, Secretary of State.

Mr. GAMBLE presented a memorial of the legislature of South Dakota; which was read, and referred to the Committee on Interstate Commerce, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, State of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 3 as passed by the tenth legislative assembly of this State, now in session, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 4th day of February, 1907.

D. D. WIFF, Secretary, 4 50.

House joint resolution No. 3. [Introduced by Mr. Van Osdel.]

House joint resolution No. 3.

[Introduced by Mr. Van Osdel.]

A joint resolution memorializing Members of Congress to indorse and assist President Roosevelt in his efforts to secure equitable adjustment of transportation charges and check the unlawful encroachments of monopolistic trusts and combinations.

Be it resolved by the house of representatives of the State of South Dakota (the senate concurring):

Whereas the attention of the nation is centered upon the efforts on the part of its Chief Executive to bring the railroad corporations of the country under the operation of just statutory regulations with the purpose of securing such adjustment of freight-transportation charges as will give to each producing and commercial interest an equal opportunity in the markets of the world;

Whereas the Chief Executive has officially declared himself in favor of equitable rail-transportation charges, to the end that no individual or combination of individuals shall have trade advantages over any other individual or combination of individuals, and to the further end that the nation's producers may secure to themselves the full value of the results of their toil;

Whereas the Chief Executive has caused the officials of the Department of Justice to proceed in the courts against monopolistic combinations commonly called "trusts" and has manifested a desire for the strengthening of the laws where they are found to insufficiently guard the public against the encroachments of monopoly;

Whereas the Chief Executive is understood to favor some modifications of the tariff laws of the nation as will deprive monopoly of the shelter it may enjoy: Therefore.

Resolved by the senate and house of representatives of the legislature of the State of South Dakota, That the Senators and Representatives of Congress from the State of Dakota are requested to shape their official action as to place the State in hearty accord with the policies of Theodore Roosevelt, President of the United States, in connection with the questions enumerated in

A joint resolution memorializing Members of Congress to indorse and assist President Roosevelt in his efforts to secure equitable adjustment of transportation charges and check the unlawful enhancement of monopolistic trusts and combinations.

M. J. CHANEY, Speaker of the House.

Attest:

JAMES W. CONE,

Chief Clerk. Howard G. Shober, President of the Senate. Attest:
L. M. Simons,
Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as house joint resolution No. 3.

JAMES W. CONE, Chief Clerk.

Chief Clerk.

STATE OF SOUTH DAKOTA, OFFICE SECRETARY OF STATE, 88:
Filed February 4, 1907, at 3 o'clock p. m.
D. D. Wipf, Secretary of State.

Mr. GAMBLE presented the petition of B. R. Benedict and sundry other citizens of Desmet, S. Dak., praying for the adoption of a certain amendment to the free-alcohol law; which was referred to the Committee on Finance. referred to the Committee on Finance.

He also presented a petition of sundry citizens of Huron, S. Dak., praying for the extension of the jurisdiction of the international court at The Hague, etc.; which was referred to the Committee on Foreign Relations.

Mr. FULTON. I present a joint memorial of the legislature of Oregon, which I ask may be read and referred to the Committee on Appropriations.

The joint memorial was read, and referred to the Committee on Appropriations, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON, OFFICE OF THE SECRETARY OF STATE.

I. F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that the annexed pages contain a full, true, and complete copy of house joint memorial No. 1, with the indorsement thereon, filed in this office January 29, 1907.

In festimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 31st day of January, A. D.

F. W. BENSON, Secretary of State. House joint memorial No. 1.

To His Excellency the President and honorable Senate
and House of Representatives of the United States of America:
Your memorialist, the legislative assembly of the State of Oregon,

Your memorialist, the legislative assembly of the State of Oregon, most respectfully represents:

That certain lands lying in Sherman County, Oreg., and other counties in said State were by act of Congress granted to the State of Oregon to aid in the construction of a militarry wagon road from The Dalles City, on the Columbia River, to Fort Boise, on the Snake River, which act is approved February 25, 1867.

That under a decision rendered by Hon. Hoke Smith, formerly Secretary of the Interior, it was held that said lands in Sherman County

and in Wasco County, Oreg., were included in an overlap of the grant of the Northern Pacific Railway Company and were not lands granted to aid in the construction of the said military wagon road, and that settlers could acquire title to the same under any of the land laws of the United States.

That under said ruling of said Hon. Hoke Smith a large number of settlers, particularly in Sherman County, Oreg., settled upon, improved, made entry upon, and many of whom made final proof in support of their claims, and received United States patent therefor.

That thereafter a decision of the Supreme Court of the United States was rendered in effect that said lands belong to the Eastern Oregon Land Company, a corporation, grantee by mesne conveyances from the State of Oregon to said lands, granted as aforesaid, and the title of said settlers to said lands failed, compelling them to either abandon their said lands or purchase paramount title thereto.

That a large number of people, particularly in said Sherman County, Oreg., have suffered great financial loss by reason of the matters aforesaid.

That Hon. John M. Gearin, Senator from Oregon, on May 25, 1906.

Oreg., have suffered great financial loss by reason of the matters aforesaid.

That Hon. John M. Gearin, Senator from Oregon, on May 25, 1906, introduced in the Senate of the United States an amendment to the bill making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, which said amendment would aid in affording relief to said settlers.

That said settlers are unable to sustain the loss thus incurred, and it is believed to be the policy of the General Government that its citizens shall not suffer loss by reason of mistakes made by officers of the General Land Office or other Departments.

Therefore your memorialists most earnestly and respectfully ask that justice be done to the said settlers, and that said amendment referred to be favorably acted upon by the Senate and House of Representatives of the United States and his Excellency the President, or that other efficient law be speedily enacted for the relief of the said settlers.

That this memorial be forwarded to the President and to our Senators and Representatives in Congress by the secretary of state, with the request for the immediate passage of a law in keeping herewith.

That the Senators and Representatives from the State of Oregon be, and they hereby are, requested to use their utmost endeavor to secure relief for said settlers.

Adopted by the house January 22, 1907.

Frank Daver, Speaker of the House

FRANK DAVEY, Speaker of the House.

Concurred in by the senate January 22, 1907.

E. W. HAINES, President of the Senate.

[Indorsed.]

House joint memorial No. 1, W. Lair Thompson, chief clerk. Filed January 29, 1907.

F. W. BENSON, Secretary of State.

Mr. FULTON presented petitions of sundry citizens of Shedd and Lebanon, in the State of Oregon, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the

Judiciary.

Mr. SIMMONS presented a memorial of sundry citizens of Winston-Salem, N. C., and a memorial of Bailey Brothers, of Winston-Salem, N. C., remonstrating against the passage of the so-called "free-leaf bill;" which were referred to the Committee on Finance.

Mr. MULKEY. I present a joint memorial of the legislature of Oregon, relative to an increase of the pensions of Indian war veterans. I ask that the memorial be read, and referred to the Committee on Pensions.

The memorial was read, and referred to the Committee on

United States of America, State of Oregon,
Office of the State of Oregon, and custodian of the seal of said State, do hereby certify that the annexed pages contain a full, true, and complete copy of senate joint memorial No. 4, adopted by the senate of the State of Oregon January 29, 1907, and by the house of representatives of the State of Oregon January 30, 1907, original of which was filed in this office January 31, 1907.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.
Done at the capitol at Salem, Oreg., this 1st day of February, A. D. 1907.

[SEAL.]

F. W. Benson, Secretary of Givening Testing Company of the State of Oregon.

Senate joint memorial No. 4.

To the honorable Senate and House of Representatives, Congress of the United States:

United States:

GENTLEMEN: Your memorialists, the legislative assembly of the State of Oregon, would respectfully and earnestly represent to your honorable body that the pension granted to the veterans of the Oregon Indian wars of 1847, 1848, 1855, and 1856, to wit, \$8 per month, is inadequate to the deserts and reeds of the few of these old veterans who remain with us as living evidence of the patriotic work performed by them.

That the claims of these men to national recognition and gratitude have been already acknowledged by State and nation, but in fixing their reward the spirit of economy was largely the controlling influence and the pensions allowed them entirely too small; that by a ruling of the Commissioner of Pensions the veterans of the civil war, on account of age and disability, are paid a pension of \$12 per month, as is just and due, yet the same rule is not applied to the veterans of the Indian wars above referred to.

We therefore urge upon your honorable body the passage of a bill granting to the veterans of the Indian wars above mentioned an increase of pension to the sum of \$12 per month, thus placing the veterans of all these wars upon the same footing as respects the amounts paid them by a grateful people.

The number of the survivors of all Indians-war veterans is now small, they are old and decrepit, and their ranks are fast becoming depleted, and we feel that their services to State and nation have been

sufficient to warrant the payment to them of the pension equivalent to that paid the survivors of the civil war.

It is hereby directed that a copy of this memorial, duly signed by the president of the senate and the speaker of the house, and attested by the chief cierks of the two houses, be forthwith forwarded to each of Oregon's Senators and Representatives in Congress.

To the legislature of the State of Oregon:

To the legislature of the State of Oregon:

Your memorialists, members of Camp No. 17, Indian War Veterans, in session at Albany, Oreg., January 11, 1907, respectfully represent to your honorable body the following: That

Whereas the Indian war veterans of the Pacific coast, who in manhood's prime went forth at the call of duty and through great hardships and danger, and often in hunger and cold, fought and prevented the devastation of the Oregon country at the hands of merciless savages, but now, in fast lessening numbers, whose bent forms and tottering steps proclaim the near-by end of thier life's journey, and numbers of whom are in very destitute circumstances; and

Whereas on account of age disability alone civil war veterans, younger in years, are receiving \$12 per month pension:

Therefore we earnestly ask that the Congress of the United States shall increase the pension of Indian war veterans from \$8 to \$12 per month; and

Further, we ask that you take favorable action and present our petition to Congress in due form.

Adopted by the senata January 20, 1907.

FRANK DAYEY, Speaker.

Adopted by the senate January 29, 1907. E. W. Haines, President.

[Indorsed.]

Senate joint memorial No. 4.

FRANK S. GRANT, Chief Clerk. Filed January 31, 1907.

F. W. BENSON, Secretary of State.

Mr. CLARK of Montana presented a memorial of sundry citizens of Montana, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the adoption of certain amendments to the present free-alcohol law; which was referred to the Committee on

Finance.

Mr. DEPEW presented petitions of sundry citizens of Ulster Park, Kingston, Charleston, Collins, Findleydale, Kendall, Hamlin, and Rochester, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee

Mr. GALLINGER presented petitions of the congregation of the Methodist Episcopal Church of Fitzwilliam Depot and of the Woman's Christian Temperance unions of Gorham and Epping, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the executive committee of the Boston Association for the Relief and Control of Tuberculosis, of Boston, Mass., praying for the enactment of legislation providing for the prevention of tuberculosis in the District of Columbia; which was referred to the Committee on the Dis-

trict of Columbia.

He also presented a petition of the North Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the purchase of square No. 19 in Edmonston and Stellwagen's addition to Le Droit Park, in the District of Columbia, to be used as a public park; which was referred to the Committee on the District of Colum-

He also presented a memorial of sundry citizens of Washington, D. C., remonstrating against the passage of the so-called "broad-tire bill," relative to the use of broad tires on business vehicles in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 368, Brother-hood of Painters and Decorators of America, of Washington, D. C., praying for the passage of the so-called "Madden bill," relative to street-car service in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Veterinary Medical Association of the District of Columbia, praying for the enactment of legislation providing for compulsory tuberculin testing of all cows supplying milk for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the National Temperance Society of New York City, N. Y., remonstrating against the repeal of the present anticanteen law; which was referred to

the Committee on Military Affairs.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation to promote the American merchant marine; which was ordered to lie on the table.

He also presented a petition of Walpole Grange, No. 125, Patrons of Husbandy, of Walpole, N. H., praying for the passage of the so-called Lodge resolution to investigate the existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a petition of the congregation of the Congregational Church of Merrimack, N. H., praying for the enactment of legislation to regulate the employment of child labor;

which was ordered to lie on the table.

He also presented petitions of sundry citizens of Boston, Mass., Orange, N. J., Chicago, Ill., and Oshkosh, Wis., praying that an appropriation be made for a scientific investigation into the industrial condition of woman and child workers of the United States; which were ordered to lie on the table.

He also presented a petition of Wilbur S. Jackman, of Chicago, Ill., praying for the enactment of legislation to establish school gardens in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of C. E. Creecy, of Washington, D. C., praying that an appropriation be made for the improvement of Pennsylvania avenue extended east from Branch avenue to the Bowen road, in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Citizens' Northwest Suburban Association, of the District of Columbia, praying that the annual appropriation for repairs to county roads in the District of Columbia be more judiciously expended; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Washington, D. C., praying that an appropriation be made for the purchase of metal file cases for the protection of records for the supreme court of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Committee on the Improvement of Housing Conditions, of Washington, D. C., praying for the enactment of legislation to increase the number of sanitary and food inspectors in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of E. T. Seton, of Coscob, Conn., remonstrating against the enactment of legislation to abolish the Division of Biological Survey in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Boston Society of Civil Engineers, of Boston, Mass., praying that an appropriation be made to continue the hydrographic work of the United States Geological Survey; which was referred to the Committee on the

Geological Survey.

He also presented the petition of H. M. Bennett, of Takoma Park, D. C., praying that an appropriation be made for sewer drainage into the sewer system of Takoma Park, Md.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Atlantic Stone Company, of Washington, D. C., praying that an appropriation be made for certain street improvements in American University Park and Wesley Park, in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DICK presented petitions of sundry citizens of Cambridge, New Castle, Cincinnati, Lima, Newark, Toledo, Columbus, Painesville, and Forest City, all in the State of Ohio, praying for the enactment of legislation to establish a maximum of sixteen hours per trip for railroad-train employees; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Conneaut, Lancaster, Wellsville, Columbus, and Newark, all in the State of Ohio, remonstrating against the enactment of legislation to limit the hours of service of railway employees; which were ordered to lie on the table.

Mr. KITTREDGE presented a joint resolution of the legislature of South Dakota, in favor of the equitable adjustment of transportation rates; which was referred to the Committee on Interstate Commerce

He also presented a joint resolution of the legislature of South Dakota, in favor of the election of United States Senators by direct vote of electors; which was referred to the Committee on Privileges and Elections.

Mr. BERRY presented petitions of sundry citizens of Corning and Clay, in the State of Arkansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. OVERMAN presented memorials of the Independent Tobacco Manufacturers' Association of the United States, remonstrating against the passage of the so-called "free-leaf bill;" which were referred to the Committee on Finance.

Mr. DUBOIS. I present a joint memorial of the legislature of Idaho and ask that it be read and referred to the Committee

The joint memorial was read, and referred to the Committee on Pensions, as follows:

[Certificate of certified copy.]

STATE OF IDAHO, DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of House joint memorial No. 1, by Freehafer, which was filed in this office the 28th day of January, A. D. 1907, and admitted to

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 30th day of January, A. D. 1907.

[SEAL]

ROBERT LANSDON,

ROBERT LANSDON, Secretary of State.

House joint memorial No. 1. By Freehafer.

To the Senate and House of Representatives of the United States in Congress assembled: Your memorialists, the legislature of the State of Idaho, respectfully

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas a bill is now pending in Congress having for its purpose the granting of pensions to the participants, or their widows, in what is known as the "Battle of Beecher Island:" Now, therefore,
Your memorialists urgently recommend that said bill be enacted into law. Said legislation is necessary, for the reason that the participants in said battle were civilian scouts enlisted and recruited by Col. George Alexander Forsythe, and were known as Forsythe's scouts; that there were in number about fifty of said scouts, including their officers, and at a point known as Beechers Island, in the State of Colorado, a battle was fought with the Indians on September 17, 1868; that said scouts and their officers were surrounded by more than one thousand Indians for nine days and nights; that five of said scouts were killed and twenty-one wounded, and the survivors suffered untold agony; that only a small number of said scouts survive to this day, and that practically all of them, and the widows of the deceased scouts, are in straitened circumstances financially; that had they been regularly enlisted in the United States Army they would long since have been receiving pensions; but on account of the irregularity of their enlistment and the nature of the service which they rendered their country, they are not entitled to pensions under the general law. For this reason a special bill has been introduced in Congress for their relief.

Your memorialists therefore earnestly recommend that said bill be passed in order that these men and their widows may receive that recognition to which they have always been entitled but which they have never received.

This joint memorial passed the house of Representatives on the 14th day of January, 1907.

J. Frank Hunt, Speaker of the House of Representatives.

J. FRANK HUNT, Speaker of the House of Representatives.

This joint memorial passed the senate on the 22d day of January, 1907.

E. A. BURRELL, President of the Senate.

Mr. DUBOIS presented the memorial of John J. Kennedy and sundry other citizens of Nez Perce County, Idaho, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented petitions of sundry citizens of Pleasantville, Salem, Westfield, and Rutherford, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were

referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of South Orange, N. J., praying for a continuance of the Bureau of Biological Survey in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. BURKETT. I present a memorial of the legislature of Nebraska, which I ask may be read and lie on the table.

The memorial was read, and ordered to lie on the table, as

Whereas there is now pending in Congress a measure in the interest of the great ship companies, known as the ship-subsidy bill; and Whereas such a measure is a direct grant of special privilege and not in the interest of the people, and undoubtedly opposed by more than nine-tenths of the people of Nebraska: Therefore, be it Resolved by the Senate of Nebraska; That our Senators be instructed and Representatives in Congress be requested to work and vote for the defeat of such measure or any like bill; and Resolved, That the secretary of the Senate be instructed to forward a copy of these resolutions to each Senator and Representative in Congress and to those who have been elected but who have not yet taken their seats.

I move the adoption.

JOSEPH BURNS.

Was agreed to.

I hereby certify that the above and foregoing is a true and correct copy of the resolution offered in the senate of the State of Nebraska by Joseph Burns on January 29, 1907.

B. H. Youlding, Secretary of Senate.

tion of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Wymore, Nebr., praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which was referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of the Vermont Dairymen's Association, praying that the dairy division, Department of Agriculture, be raised to the status of a bureau; which was

of Agriculture, be raised to the status of a bureau, which was referred to the Committee on Agriculture and Forestry.

Mr. KNOX presented sundry papers to accompany the bill (8. 7393) for the relief of Anna K. Carpenter or her heirs at law; which were referred to the Committee on Claims.

Mr. HEMENWAY presented a memorial of sundry Hebrew citizens of South Bend, Ind., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. BULKELEY presented a memorial of the general committee of District Grand Lodge No. 1, Independent Order B'nai B'rith, of Connecticut, New York, Massachusetts, Rhode Island, and the Dominion of Canada, remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. PILES presented sundry petitions of citizens of Tacoma, Puyallup, and Hoquiam, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the

Committee on the Judiciary.

Mr. CARMACK presented sundry petitions of citizens of Knox County, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. LONG presented a petition of sundry citizens of Clay County, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented a petition of the congregation of the Methodist Episcopal Church of Platteville, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

CLAIMS OF CHOCTAW AND CHICKASAW FREEDMEN.

Mr. LONG. I present a brief memorandum of argument on behalf of the Choctaw and Chickasaw Nations against the proposed amendment to the Indian appropriation bill providing for the transfer of the names of certain Choctaw and Chickasaw freedmen from the rolls of freedmen to the rolls of citizens by blood of that nation. I move that the memorandum be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 25043) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River, in the State of Georgia, reported it without amendment.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. Penrose on the 7th instant, intended to be proposed to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 23135) granting a pension to Roseanna King;

A bill (H. R. 21373) granting an increase of pension to Carrie

E. Cosgrove

A bill (H. R. 1887) granting a pension to Joseph Brooks; A bill (H. R. 19581) granting an increase of pension to Mary

E. Bookhammer

A bill (H. R. 22776) granting an increase of pension to James

E. Converse;
 A bill (H. R. 21246) granting a pension to Margaret Guilroy;
 A bill (H. R. 21139) granting an increase of pension to Willa

A bill (H. R. 21793) granting an increase of pension to Charles H. Pratt; and

A bill (H. R. 17251) granting an increase of pension to John J. Higgins

Mr. BURKETT presented petitions of sundry citizens of Yutan and Clay Center, in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transporta-

A bill (H. R. 24323) granting an increase of pension to Talcott M. Brown;

A bill (H. R. 21175) granting a pension to Martin J. Flag-

A bill (H. R. 22101) granting a pension to Mack Rittenberry; and

A bill (H. R. 22282) granting an increase of pension to Edward H. Lunn.

Mr. CLARK of Montana, from the Committee on the Library, to whom was referred the bill (S. 8012) to erect a monument on the Tippecanoe battle ground, in Tippecanoe County, Ind., reported it without amendment, and submitted a report thereon.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (8. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 24671) granting an increase of pension to Augustine Sorrell;

A bill (H. R. 21660) granting an increase of pension to Emma

A bill (H. R. 5913) granting a pension to Helen Goll;

A bill (H. R. 19271) granting an increase of pension to Joseph J. Branyan;

A bill (H. R. 24513) granting an increase of pension to Bowman H. Buck

A bill (H. R. 24418) granting an increase of pension to Kate

Flowers A bill (H. R. 24415) granting an increase of pension to Laura

G. Hight: A bill (H. R. 24383) granting an increase of pension to Shad-

rack H. J. Alley; A bill (H. R. 24380) granting an increase of pension to Charles Woodruff Woolley;

A bill (H. R. 24360) granting an increase of pension to Jere-

miah F. Pittman A bill (H. R. 24268) granting an increase of pension to Louisa

Olin: A bill (H. R. 24231) granting an increase of pension to

Absalom Sivley; A bill (H. R. 24214) granting an increase of pension to Eliza-

beth Hodge; A bill (H. R. 24208) granting an increase of pension to

Albert Sunderland; A bill (H. R. 24192) granting an increase of pension to

Charles Lee; A bill (H. R. 24188) granting an increase of pension to

Samuel Moore; A bill (H. R. 24187) granting an increase of pension to

Nancy G. Reid; bill (H. R. 24185) granting an increase of pension to William S. Weller

A bill (H. R. 24620) granting an increase of pension to Eliza-

beth Balew: bill (H. R. 24616) granting an increase of pension to

Mathias Shirk;
A bill (H. R. 24479) granting an increase of pension to Simeon D. Pope;

A bill (H. R. 24321) granting an increase of pension to Belah H. Wilcox;

A bill (H. R. 24303) granting an increase of pension to Gillum M. Ezell; A bill (H. R. 24259) granting an increase of pension to Han-

nibal A. Johnson A bill (H. R. 24182) granting an increase of pension to John

Delaney;

A bill (H. R. 24155) granting an increase of pension to Richard N. Porter

A bill (H. R. 24099) granting an increase of pension to Benjamin J. Puckett;
A bill (H. R. 24096) granting an increase of pension to

Oscar F. Peacock;
A bill (H. R. 24078) granting an increase of pension to Warren J. Sevey

A bill (H. R. 24064) granting a pension to Mary Murray;

A bill (H. R. 24056) granting an increase of pension to Reuben Copher

A bill (H. R. 24023) granting an increase of pension to Joseph H. Clark

A bill (H. R. 24019) granting an increase of pension to John Brown; and

A bill (H. R. 24018) granting an increase of pension to John Adams Miller.

Mr. KITTREDGE, from the Committee on Patents, to whom was referred the joint resolution (H. J. Res. 224) directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases, reported it without amendment.

Mr. WARNER, from the Select Committee on Industrial Expositions, to whom was referred the bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909, reported it with amendments, and submitted a report thereon.

FORT BERTHOLD INDIAN RESERVATION LANDS.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 24473) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota, to report it favorably without amendment. A similar Senate bill has been passed by the Senate. The two bills are precisely alike. I ask for the consideration of the bill now reported.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. HANSBROUGH. I move that a similar bill, which has heretofore passed the Senate, the bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota, be recalled from the House of Representatives

The VICE-PRESIDENT. Without objection, it is so ordered.

BLACK RIVER (ARKANSAS) BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce. to whom was referred the bill (H. R. 23578) to authorize the county of Clay, State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State, to report it favorably without amendment. I should like to have unanimous consent for the present consideration of the hill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 8374) for the relief of Charles Backman; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Wyoming introduced a bill (S. 8375) relating to appeals in cases under the act to regulate commerce and acts amendatory thereof; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary

Mr. KITTREDGE introduced a bill (S. 8376) to amend an act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, approved June 28, 1902; which was read twice by its title, and referred to the Committee on Interoceanic Canals,

Mr. NELSON introduced a bill (S. 8377) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota, approved June 4, 1906; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8378) granting an increase of pension to Eli B. Woodard;

A bill (S. 8379) granting an increase of pension to Bertha M. Johnson (with an accompanying paper); and

A bill (S. 8380) granting an increase of pension to Chauncey R. Neusbaum (with accompanying papers)

Mr. FULTON introduced a bill (S. 8381) for the relief of the Nuc que clah we muck tribe of Indians of the State of Oregon; the Wau ki kum band of Chinook Indians of the State of Washington; the Kathlamet band of Chinook Indians of the State of Oregon; the Wheelappa band of Chinook Indians of the State of Washington; the Clatsop tribe of Indians; the Tillamook tribe of Indians; the Konnaack band of Chinook Indians; the Klatskania band of Chinook Indians; the Ya su

chah band of Indians; the To totan, You quee chae, and Qua tou wah bands of Indians, of the States of Oregon and Washington; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Com-

mittee on Pensions:

A bill (S. 8382) granting a pension to Henry Young; and A bill (S. 8383) granting a pension to M. E. Gosnell (with

an accompanying paper).

Mr. MALLORY introduced a bill (S. 8384) for the relief of Armstead James; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 8385) for the relief of the Washington Loan and Trust Company, of Washington, D. C., executor of the will of Lavinia M. Payne, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee

on Pensions

A bill (S. 8386) granting an increase of pension to Kate C.

Bishop;

A bill (S. 8387) granting a pension to John A. Cherry; and A bill (S. 8388) granting an increase of pension to Nannie E. Poole.

Mr. CURTIS introduced a bill (S. 8389) granting an increase of pension to George W. Burgess; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 8390) granting an increase of pension to Joseph H. Kinsman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 8391) to provide how and when any judgment of any Federal court, bond, and recognizance shall operate a judicial mortgage, lien, and privilege upon the real property of the judgment debtor, and to regulate the rank, duration, and peremption of such judicial mortgage, bond and recognizance, lien and privilege; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. OVERMAN introduced a bill (S. 8392) for the relief of the trustees of the Primitive Baptist Church, of Newport, N. C.; which was read twice by its title, and referred to the

Committee on Claims,

Mr. KEAN introduced a bill (S. 8393) for the relief of Clara B. Hassler: which was read twice by its title, and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 8394) granting an increase of pension to H. Dudley Rogers; which was read twice

by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 8395) granting an increase of pension to Lewis Carbino; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 8396) granting a pension to Thomas C. Hughes; which was read twice by its title, and

referred to the Committee on Pensions.

He also introduced a bill (S. 8397) granting an increase of pension to Martin Peacock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 8398) granting an increase of pension to Emma Hempler; which was read twice by its title,

and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 8399) granting an increase

of pension to John D. Coolidge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 8400) to amend an act entitled "An act permitting the building of a dam across the Missier of Sauk Pension Pensions. sissippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; which was read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL AIDS TO NAVIGATION.

Mr. PLATT submitted an amendment intended to be proposed by him to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WHYTE submitted an amendment proposing to appropriate \$5,000 for macadamizing Pennsylvania avenue east from Branch avenue to the District line, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. McLAURIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BERRY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

printed.

Mr. KEAN submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be

Mr. FULTON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill: which was referred to the Committee on Commerce, and ordered to be printed.

SYSTEM OF TEMPERANCE EDUCATION.

Mr. GALLINGER. Senate Document No. 171, Fifty-eighth Congress, second session, being a reply to the physiological subcommittee of the committee of fifty, is entirely out of print, and as there are many calls for it I move that 1,000 additional copies be printed for the use of the document room of the Senate.

The motion was agreed to.

AGRICULTURAL BANK IN PHILIPPINE ISLANDS.

Mr. LODGE. I desire to give notice that on Monday next, immediately after the routine morning business, I shall call up the bill (8.6249) to provide for the establishment of an agricultural bank in the Philippine Islands—not to interfere with appropriation bills, of course.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MARSH.

Mr. CULLOM. I desire to give notice that to-morrow at 4 o'clock I shall call up the resolutions of the House commemorative of the life, character, and public services of Gen. B. F. Marsh, late a Representative from the State of Illinois, which are now upon the table.

SPECIAL EMPLOYMENT IN EXECUTIVE DEPARTMENTS.

Mr. TILLMAN. I send to the desk a resolution for which I ask immediate consideration.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury, the Attorney-General, the Secretary of the Interior, the Secretary of Commerce and Labor, the Secretary of Agriculture, and the Interstate Commerce Commission are hereby severally directed to report to the Senate at the earliest moment possible the number and names of all persons employed by them or under their authority in their several Departments during the fiscal year ending June 30, 1906, or who are now so employed as special agents, attorneys, inspectors, employees, or otherwise, where no specific appropriation in detail has been made by Congress for such employment or only made in general terms, and also to report in every case the amount paid, or to be paid, as compensation, and make a specific statement of the nature of the employment in each case.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the

Mr. CLAPP. I move to amend the resolution by including a statement whether such employees are in the classified service

Mr. TILLMAN. I accept that.
The VICE-PRESIDENT. The amendment will be stated. Mr. TILLMAN. I suppose "employees" would cover it, but let it read "such persons.

Mr. CLAPP. Very well.

Mr. CLAPP. Very well.
Mr. HANSBROUGH rose.
The VICE-PRESIDENT. The resolution will be so modified.
Mr. HEYBURN. I should like to have that portion of the resolution read which specifies the Departments to which it is directed.

Mr. HANSBROUGH. That is the purpose for which I rose.

Mr. HEYBURN. Let the enumeration be read. Mr. HANSBROUGH. I rose to ask that it be read. I want

Mr. HANSBROUGH. I rose to ask that it be read. I want to know whether the Department of the Interior is included?
Mr. TILLMAN. Surely; it is there.
Mr. HEYBURN. And the Department of Agriculture?
Mr. PATTERSON. I ask that the entire resolution be read.
The VICE-PRESIDENT. The resolution will be read as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Secretary of the Treasury, the Attorney-General, the Secretary of the Interior, the Secretary of Commerce and Labor, the Secretary of Agriculture, and the Interstate Commerce Commission

are hereby severally directed to report to the Senate at the earliest moment possible the number and names of all persons employed by them or under their authority in their several Departments during the fiscal year ending June 30, 1906, or who are now so employed as special agents, attorneys, inspectors, employees, or otherwise, where no specific appropriation in detail has been made by Congress for such employment or only made in general terms, and also to report in every case the amount paid, or to be paid, as compensation, and make a specific statement of the nature of the employment in each case, and also whether such persons are in the classified service.

Mr. CADTED. It suggest to the Senator the preprint of like.

Mr. CARTER. 'I suggest to the Senator the propriety of likewise calling for the allowances in lieu of subsistence, so as to

read "compensation and allowances."

Mr. TILLMAN. I am perfectly willing to get anything in the way of information regarding this extraordinary expenditure that is going on in nearly all the Departments.

Mr. CARTER. I move that the resolution be amended by adding, after the word "compensation," the words "and allow-

Mr. TILLMAN.

Mr. TILLMAN. I accept that amendment. The VICE-PRESIDENT. The resolution will be so modified. Mr. HEYBURN. I suggest to the Senator introducing the resolution the propriety of inquiring as to what fund these special agents are paid out of. We have some funds that are called "floating funds," and which accumulate and are not accounted for at all, the expenditures from which are made purely upon an Executive order.

Mr. TILLMAN. I think that feature of the resolution has been covered, but if the Senator wants to suggest an amendment which will more fully cover it, I will accept it.

Mr. HEYBURN. It is suggested that it is already covered

by the language of the resolution, so I will make no further suggestion.

The VICE-PRESIDENT. The question is on agreeing to the

resolution as amended.

Mr. MALLORY. Has the amendment proposed by the Senator from Minnesota been adopted?

Mr. TILLMAN. About the classified service?
Mr. MALLORY. Yes. Has that amendment been adopted?
Mr. TILLMAN. It has been adopted.
Mr. MALLORY. I should like to inquire if there is any ob-

jection to having the Department of Justice included in the inquiry?

Mr. TILLMAN. It is there already—the Attorney-General.
Mr. MALLORY. I did not hear that portion of the resolution

Mr. TILLMAN. It is there.

Mr. HEYBURN. It is suggested that the language may possibly not cover the inquiry as to the fund from which the special agents are paid. I wish to amend the resolution by adding "and shall report from what fund such special agents and employees are paid."

Mr. TILLMAN. I am perfectly willing to accept that amend-

ment.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to add at the end of the resolution "and shall report from what fund such special agents and employees are paid."

The VICE-PRESIDENT. The Senator from South Carolina

accepts the amendment?

Mr. TILLMAN. I accept the amendment.
The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

KEEP COMMISSION REPORT.

Mr. WARREN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, a copy of the report recently made by the so-called Keep Commission upon the methods of administration of the Department of the Interior.

FISH CULTURAL STATION IN DELAWARE

Mr. DU PONT. I ask unanimous consent for the consideration of the bill (S. 8074) to establish a fish-hatching and fish-culture station in the county of Newcastle, Del.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Fisheries with an amendment, in line 7, after the word "at," to strike out "such location within the county of Newcastle, State of Delaware, as shall be deemed by the Commissioner of Fish and Fisheries to be most suitable, convenient, and advantageous for the purposes of said fish-hatching and fish-culture station" and insert "some suitable site within the county of Newcastle, State of Delaware, to be selected by the Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of \$25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the es-

tablishing of a fish-hatching and fish-culture station, including purchase of site, construction of buildings and ponds, and equipment, at some suitable site within the county of Newcastle, State of Delaware, to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the

amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD STATISTICS.

Mr. CULBERSON. Mr. President, I desire to present a Senate resolution and to ask for its immediate consideration. In

the meantime I beg the indulgence of the Senate for a moment.

On January 28 I presented a resolution, which was adopted by the Senate, calling upon the Interstate Commerce Commission for information respecting the employment and work of Charles S. Hanks. On yesterday the Senator from South Carolina [Mr. Tillman] presented a resolution somewhat upon the same lines, which was adopted by the Senate, and to-day a much broader resolution of inquiry has been adopted looking to the special employment of persons by the Executive Departments of the Government. That, of course, is a very important question, Mr. President.

It is reported that within the past few years, probably during the term of the present Administration, the number of special employees who have no fixed legal status and whose employment is not regulated by law has increased from 700 to 3,000.

The importance of the question, Mr. President, is to know whether ours is becoming a mere personal Government or is While that is of consequence, and I am concerned one of law. with it, Mr. President, I am also concerned with the statement of Mr. Hanks, which he has reiterated since this matter was first considered by the Senate, that he presented facts to the Interstate Commerce Commission indicating that the passenger and freight rates charged upon interstate traffic might be reduced 10 per cent without injustice. Upon that point the answer of the Interstate Commerce Commission to the resolution I introduced was not at all satisfactory, because it did not present copies of the papers and documents referred to them by Mr. Hanks. I therefore, Mr. President, offer and ask for the immediate consideration of the resolution which I send to the desk, seeking to secure the data presented to the Commission by Mr. Hanks

The VICE-PRESIDENT: The resolution submitted by the Senator from Texas [Mr. Culberson] will be read.

The Secretary read the resolution, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of the "various papers, documents, and figures" which were prepared by Messrs, Hanks and Harriman, and which are referred to in the answer of the Interstate Commerce Commission to Senate resolution shown in Senate Document No. 285, this session.

The resolution was considered by unanimous consent, and agreed to.

A. BOSCHKE.

Mr. PERKINS. I submit the resolution which I send to the desk, and ask for its immediate consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the bill (8. 5336) for the relief of A. Boschke, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act." That any testimony, affidavits, and other papers on file in either House of Congress relating to said claim shall be considered by the court as competent evidence and such weight given thereto as, in its judgment, is right and proper. right and proper

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SPOONER. Let the resolution be again reported, Mr. President

Mr. KEAN. I inquire if the resolution has been reported by a committee?

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. Spooner] is recognized. Does he yield to the Senator from New Jersey

Mr. SPOONER. I merely ask that the resolution be again reported.

The VICE-PRESIDENT. The Secretary will again read the resolution.

Mr. PERKINS. I ask that the resolution be referred to the Committee on Claims. A similar bill has passed the House of Representatives and is now pending before the Committee on Claims, and I ask that this particular resolution may be referred to the Committee on Claims.

Mr. SPOONER. Pending that, I renew my request that the resolution be again reported.

The VICE-PRESIDENT. The Secretary will again read the resolution, at the request of the Senator from Wisconsin.

The Secretary again read the resolution of Mr. Perkins. Mr. ALDRICH. What is the request, Mr. President? The VICE-PRESIDENT. The request is for the present con-

sideration of the resolution.

Mr. ALDRICH. I think it had better go to the Committee on

The VICE-PRESIDENT. The resolution will be printed and referred to the Committee on Claims.

PATENTS OF GOVERNMENT, EMPLOYEES.

Mr. DANIEL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the Secretary of War and the Secretary of the Navy be, and they are hereby, directed to inform the Senate what officers or employees of their respective Departments have obtained patents in the United States or in any foreign country for any invention during their service, stating their names and rank; what are the present assignments of such officers, if now in the service; what are the patents they have obtained, and naming the articles patented, if any, which are in use in the Army or Navy of the United States, and the extent of such use.

THE PHILIPPINE ISLANDS.

Mr. FRAZIER and Mr. CLAPP addressed the Chair.

The VICE-PRESIDENT. The Chair would state that the morning business is closed, and that there is a resolution on the table, coming over from yesterday, which will be stated by the

Secretary.
The Secretary. Table Calendar No. 7, Senate resolution 249,

submitted by Mr. CLAY.

Mr. CLAY. Mr. President, the Senator from Tennessee [Mr. FRAZIER] desires to address the Senate this morning, and as the resolution heretofore submitted by me will necessarily lead to some debate, I ask that it may lie on the table, subject to my call, as I desire to submit some remarks on it.

Mr. LODGE. And my motion to refer the resolution goes over

with it.

Mr. BLACKBURN. That is right.
Mr. CLAY. Very well.
The VICE-PRESIDENT. In the absence of objection, it is so ordered.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. FRAZIER. Mr. President-

Mr. CLAPP. Mr. President, I desire to ask the Senator from Tennessee, in view of the fact that we have nearly completed the consideration of the Indian appropriation bill, if it would not be agreeable to him to let us now take up that bill, with the understanding that it will not prejudice his right to proceed at the close of the consideration of the bill.

Mr. FRAZIER. I will ask the Senator how long the Indian appropriation bill will probably take?

Mr. CLAPP. Of course, that is impossible to state.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. CLAPP. I do. Mr. BACON. I do not think the Senator from Tennessee ought to be asked to accede to that suggestion. The Senator from Tennessee gave notice that he would address the Senate on yesterday, and he yielded at that time for the consideration of the Indian appropriation bill. There is no possible way in which it can be anticipated how long the Indian bill will continue before the Senate before it can be concluded, and so I think the Senator from Tennessee ought not to be asked to make any further concession in the matter.

Mr. CLAPP. I think, Mr. President, the Senator from Georgia [Mr. Bacon] is probably not fully apprised that this would not be as disagreeable to some as it might seem. I do not press the matter in any spirit of opposition to the wishes of the

Senator from Tennessee

Mr. FRAZIER. Mr. President, I have no objection to yielding to the Senator from Minnesota for the consideration of the Indian bill, but I wish to have it understood that in doing so I shall not lose my privilege, and that I shall be recognized at the conclusion of the consideration of that bill.

HOUSE BILLS REFERRED.

H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid uses by mixture with sultable denaturing materials," approved June 7, 1906, was read twice by its title, and referred to the Committee on Finance.

H. R. 24991. An act making appropriations for the construcion, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title, and referred to the Committee on Commerce,

INDIAN APPROPRIATION BILL.

I move that the Senate proceed to the consider-Mr. CLAPP. ation of House bill 22580, making appropriations for the Indian

Department, etc.

The motion was agreed to; and the Senate, as in Committee the Whole, resumed the consideration of the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stiputhe fixed year ending June 30, 1908.

Mr. CLAPP. Mr. President—
Mr. BURKETT rose.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. CLAPP. Certainly.

Mr. BURKETT. I was just going to discuss the question of the point of order that has been raised on the amendment in relation to the Omaha Indians, unless the Senator from Minnesota has something else that he wishes to proceed with at this time.

Mr. CLAPP. I wish to recur to page 110 of the bill, line 7, where the Secretary of the Interior is designated. I move to amend by striking out the word "Interior" and inserting in lieu of it the word "Treasury."

The VICE-PRESIDENT. The amendment to which the Senator moves his amendment has been heretofore agreed to. Chair understands the Senator from Minnesota [Mr. Clapp] now moves that the Senate reconsider the vote by which the amendment on page 110, beginning at line 7, was agreed to for the purpose of offering an amendment thereto. Without objection, the motion to reconsider will be regarded as agreed to and the amendment as being open to further amendment. The amendment proposed by the Senator from Minnesota will be stated.

The Secretary. On page 110, line 7, after the words "Secretary of the," it is proposed to strike out "Interior" and insert the word "Treasury."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Now the Senator from Nebraska may proceed. Mr. BURKETT. Mr. President, at the time we adjourned last evening the Senate had reached the consideration of the committee amendment on page 83 of the bill, and the Senator from New Jersey [Mr. Kean], as I recall, interposed a point of order against it. I do not just know what is the point of order the Senator makes, but I take it, as he had spoken of it the day before, that the point was made against the amendment on the ground that it is a claim. In running over Rule XVI of the Senate I find it reads thus:

4. No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. KEAN. I call the attention of the Senator to the fact that the amendment is also open to the point of order that it is general legislation.

Mr. BURKETT. Well, I find that all through the other sections of that rule the same verbiage is used, that if an amendment is to carry out some existing law or treaty stipulation it would be in order.

Passing over to something else in relation to this amendment, I desire to call the attention of the President to the ruling of the Chair on a similar amendment which was introduced last year with reference to the Kickapoo Indians on the date of April 25, 1906.

I may also say, while I have not the RECORD at present before me, that I understand that the Quapaw Indian claim for the carrying out of the provisions of the treaty with the Quapaw Indians, almost identical with this, was held in order some

time previously.

With reference to this amendment, I desire to state that while it is perhaps in the nature of a claim, yet I say it is to adjust a claim arising under a treaty stipulation. In 1854 the Omaha Indians owned what now constitutes twenty counties in thé northeastern corner of Nebraska. By a treaty which the Government made with those Indians the Indians ceded that land to the United States, with the provision that they were to retain a certain territory north of a certain line, and with the further stipulation that if the Indians were not able to live north of that particular line, they were to have 300,000 acres given to them on the Missouri River at a point farther south, and they were to be paid 14 cents an acre for the difference between the 300,000 acres they were to get and the territory which they gave up north of this line.

There has always been a controversy with reference to this

treaty. It has never been adjusted. It has been disputed, and the Commissioner of Indian Affairs states in his letter that he thinks it would be better to have the matter go to the court

and have it adjusted.

I also desire to say, in connection with that, that the provision of the treaty provided that the United States should erect for the Omahas at their home a gristmill and a sawmill, and agreed to keep the same in repair; that it would provide a miller for ten years, erect a blacksmith shop, supply tools, and keep it in repair for ten years, and would pay the blacksmith for that period; that it also would furnish them an experienced farmer for ten years to instruct the Indians in agriculture. One of the things the Indians claim is that this promise has never been carried out.

Mr. President, I think I am perhaps laboring under a misapprehension. I do not know whether I am addressing the point of order to the Chair or to the Senate, for I do not know which

is to rule upon the merits of it.

The VICE-PRESIDENT. The Chair will hear the Senator from Nebraska.

Mr. BURKETT. As I was stating, the amendment that I am urging is to carry out the treaty of 1854, and I shall be as brief as I can.

As I have stated, before that treaty the Omaha Indians owned what now constitutes twenty counties in the State of Nebraska. By that treaty the Omaha Indians ceded to the United States all this territory except a certain strip over on the north side of the State. There was a provision in the treaty that if the Indians did not care to use this land on the north border, they should give it up to the Government and should have 300,000 acres, which I have somewhat outlined, at a point farther down the Missouri River. When the time came for the Indians to go and settle on this portion of the land, the Sioux Indians were so annoying that the Omaha Indians refused to accept that land and went down the river and accepted the 300,000 acres. There were about 800,000 acres of land, as near as can be estimated-although that is one of the disputed points—in the land up the river. Accordingly, the Indians claimed there were nearly 500,000 acres difference between the land that they gave up and what they received, and the terms of the treaty are specific that for that difference they are to receive 14 cents an acre.

As I also stated, the treaty which I have here, provided that the Government was to supply these Indians with a farmer, a miller, and a blacksmith and pay them certain amounts of The Indians have always contended that these provisions of the treaty were never carried out, and it is not disputed at all so far as I have heard that the provision of the treaty, with reference to the 14 cents an acre excess which the Indians gave up over what they received, has never been settled for.

Moreover, there was another provision in this bill. The Government paid the Indians \$840,000, the payments extending over a period of forty years. By the terms of this treaty it was to be paid as the Government directed. There is a disputed amount of \$15,000 that was embezzled, as the Indians have always claimed, and never paid to them-embezzled, as it is claimed, by an Indian agent.

So growing out of this treaty is the question of the excess land-about 500,000 acres, at 14 cents an acre, amounting to about \$70,000-involved, and also the question of whether or not the Government did supply a blacksmith shop, a blacksmith, an agricultural teacher, a farmer, a sawyer, and a miller, and also the proposition of the amount that was embezzled, and perhaps

some others.

As I stated in the beginning, and I wish it understood, this is right in line of the provision that was passed in the bill a year ago-on the 25th of April, 1906-when the point of order was raised against it, and the amendment was held to be in order. I have that citation here. It is also in line with the provision that was added for the Quapaws for the purpose of adjusting the treaty. It is in accordance with the provision of the rule for carrying out the provisions of an existing law or treaty stipulation. In short, it refers to the Court of Claims to adjust finally all this disputed matter arising out of the treaty with the Omaha Indians, and I submit that the proposed amendment is a proper one in its nature and in order upon this

If the Chair desires the reference of the precedent, I will state that it was on April 25, 1906, and will be found in volume

40, page 5809, of the Congressional Record.

Mr. LODGE. Mr. President, the point of order made against the amendment in relation to the Mexican Kickapoos was on the ground that it provided for a private claim. If I understand it, the Chair then held that it was not obnoxious to the

point of order if it fulfilled the conditions imposed by the rule. If that is his view as to this case I shall make the point of order that the amendment is general legislation, which I think it clearly is.

Mr. PATTERSON. Mr. President, I certainly do not think there is any force in the last suggestion made by the Senator from Massachusetts. "General legislation" is a blanket that will cover every act of Congress, if that is the meaning of "general legislation," as found in the rule.

Mr. LODGE. I was intending to explain my point, Mr. Presi-

Mr. PATTERSON. I beg the Senator's pardon.
The VICE-PRESIDENT. The Senator from Massachusetts [Mr. Lodge] has the floor.

Mr. LODGE. I had not given up the floor.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I will yield the floor entirely, Mr. President. Mr. PATTERSON. I desire to suggest, in connection with the fourth paragraph of Rule XVI, that that provides for a specific class of cases, a specific class of amendments, and that, by every rule of interpretation, amendments that come within the class set out or suggested in paragraph 4 are not subject to the point of order that they are general legislation. The language

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless—

I ask the attention of the Chair to this particular languageunless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

It follows from necessity that if the amendment is to carry out the provisions of an existing law or a treaty stipulation and the law or stipulation is stated on the face of the amendment, then it is, under the rule, an amendment that is not objection-

It is the equivalent of saying that no amendment the object of which is to provide for a private claim shall be received to any general appropriation unless it be to carry out the provisions of existing law or a treaty stipulation, which shall be cited on the face of the amendment. Under the well-known rule expressio unius est exclusio alterius this is expressly provided for under the rules, and if this is a private claim, and if it is made to carry out the provisions of a law or an existing treaty, no objection can be made to its attachment to a general appropriation bill.

Mr. LODGE. Mr. President, I think myself that this amendment is obnoxious to the rule in regard to private claims. vate claims are expressly declared out of order by the rule for the very obvious reason that if they are to be loaded upon appropriation bills there is no proper opportunity for the coordinate branch, the House, or the Executive to pass upon their merits, and hence they are explicitly excluded. The exception is made only when the treaty or law is set forth on the face of the amendment. The rule says "which shall be cited." I call the attention of the Chair to the fact that in lines 15 and 16 no specific treaty is cited. It simply says "under any treaties or laws of Congress," making it perfectly general and not citing the treaty or the law, as the rule requires. I think, therefore, the amendment does not come within the exception which the rule against the admission of private claims permits and establishes

But, Mr. President, I think there can be no doubt in the world that on the point of general legislation the amendment is clearly out of order. At least it seems so to me. The test of general legislation is that fixed by the House rule and by the language of the House rule, which I think is very much better language than ours. The test is a change in existing law. There is no doubt that this amendment changes existing law. Moreover, it applies not to a special claim, but provides

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States * * under any treaties or laws of Congress.

There could be no more general legislation than that. Therefore I make the point of order that it is general legislation of the most obvious kind.

Mr. BURKETT. To meet the objection of the Senator from Massachusetts, I suggest that the amendment be amended by inserting after the word "under," in line 15—

Mr. CLARK of Montana. What page?
Mr. BURKETT. Page 83, line 15, after the word "under," the words "the treaty of March 16, 1854, and."
Mr. LODGE. And strike out the words "any treaties or laws

of Congress?"

Mr. BURKETT. I will say to the Senator that the Depart-

ment tells us in a report that there are many things between these Indians and the Government, and that they ought all to be taken up and settled at one time. I do not think, as a matter of fact, there are any other treaties than this one.

Mr. LODGE. That does not cure the difficulty. It leaves it perfectly general still—"under any treaties or laws." It cites

one treaty.

It is no pleasure to me to make points of order on these claims, but I think it is very bad practice to put claims on appropriation bills. The rules are specific on that point. They name private claims, and they name nothing else in this exclusion; and the policy of the rule is clear that a private claim ought to have separate consideration. That is the principle which underlies the rule which selects that specific class of measures and makes them out of order.

I do not myself think that the amendment of the Senator from Nebraska affects the point of order I made, but I do not wish to rest on that point of order, as I think the amendment is clearly general legislation, and I make that point of order.

Mr. BURKETT. I will say to the Senator from Massachusetts in reply to that suggestion that this is an Indian matter. It is a matter of importance. It is a matter of legislation which should be enacted. It pertains to this special claim that has been pending here. Now, the mere fact that this has been kicking around Congress for a good many years is evidence of the impracticability of getting a matter of this sort before the Senate under an independent bill. If this were to come in on a separate bill, there would not be any time to consider it. One Senator or another would ask that it might go over to a more opportune time, and at the close of the session the bill would die. In short, when we have appropriation bills up we expect to take up matters that ought to be acted upon and discuss them and consider them and enact them into law, because we can not do it anywhere else so well.

As to the consideration which this matter has received, I will say to the Senator that it was before the Committee on Claims. It is a claim. It was recognized as such by the Senate. It was sent to the Committee on Claims. A subcommittee was appointed to consider it. They reported it favorably. before the Committee on Claims, and the action of the Committee on Claims was favorable to the reference of it to the Court of Claims for a finding of the facts. Then it was introduced as a proposed amendment to the pending bill and was referred to the Committee on Indian Affairs.

The Committee on Indian Affairs gave it a hearing, and those representing the Indians appeared before the committee and were heard. I appeared before the committee and made a few remarks explanatory of the matter. So the Committee on Indian Affairs has considered this matter and put it on the pending bill. The Committee on Claims has considered the matter, and has voted to refer it to the Court of Claims for the finding So it has not been without consideration. there is hardly any other portion of the bill which has received more consideration and by more different Senators than this particular amendment.

We watched yesterday the Senate, in its great anxiety to do justice to the Indian and protect him, refuse to let Mr. Indian handle his own property—property which, in my judgment, the Government never had the right nor the authority, either morally or legally, to lay its hand upon. But in the great anxiety of this body that Mr. Indian should be treated fairly and protected in his property interests we voted down an amendment which the committee recommended after a subcommittee had gone into the Territory and considered it. In our anxiety I say, to protect the interest of the Indian in his property that

Here is a matter of a treaty, a solemn compact and agreement entered into by the Government of the United States and these Indians, in which the United States got twenty counties of the best part of the State of Nebraska and the most fertile soil in the world in the Missouri Valley. The Government entered into certain other agreements to pay those Indians money at such time as was stipulated in the agreement. The Government agreed solemnly to furnish them a carpenter, a sawyer, a farmer, and various other things. The Indians claim that the Government has not done it; that the Government has not paid them the money which it agreed to pay; that it did not give them the amount of land within 500,000 acres that the Government There is no dispute about this last item, and the Department is without authority to adjust this matter. For years—since 1854—those Indians have been knocking at the door of Congress for some kind of legislation that would put them somewhere—before some one with authority to adjust these differences and settle them. I do not know in just what amount it may be determined that the Government is indebted to the In-

dians, but I am willing and Mr. Indian is willing to let a court of the United States say how much it is.

The Secretary of the Interior in his report says that for a long time these Indians have been dissatisfied and have been complaining. They have come here year after year, to Congress after Congress, and have asked us to give them an opportunity to be heard, that their differences might be adjusted. It seems to me that we can not be asked less than to let this matter go through on the pending bill, for there is not a Senator herewho does not realize that if it does not go through on this bill, those Indians are doomed for all time to come, for all the generations in the future to content themselves with knocking at the door of Congress asking Congress to do what is just and right toward them in the matter of this claim.

Now, I undertook to show at the beginning that, in my judgment, this amendment is absolutely and unquestionably in It does not do for the Senator from Massachusetts or for the Senator from New Jersey to rise and say that it is out of order because it is a claim, and then for some other Senator to rise and say if it is not out of order because it is a claim, then it is out of order because it is general legislation. It is either one or it is the other, but by no possible reasoning can it be urged that the amendment is objectionable to the rule with respect to private claims and that it is also objectionable to the rule with respect to general legislation.

Mr. LODGE rose.

Mr. BURKETT. I will yield in a moment. If, sir, a claim of this sort had been objectionable, why did the framers of the rule make a special provision for private claims? Private claims are not general legislation, and there is no process of reasoning by which you can make them general legislation. fact is that this is a claim by this Indian tribe against the Gov-If it was not to carry out a stipulation in a treaty which the United States made, there is not any doubt that the amendment would be objectionable to that rule. But the rule specifically says that private claims which are for the carrying out of treaty stipulations are permissible as amendments to general appropriation bills. And when the Senate, in making that rule, inserted that special provision, they recognized the fact that they wanted to eliminate claims from the contemplation of that paragraph with reference to general legislation.

Now if the Senator from Massachusetts wishes to interrupt me, I will be glad to yield.

Mr. LODGE. Mr. President, I am surprised to hear the Senator from Nebraska announce the proposition that an amendment can not be out of order except on one ground, and that you are debarred, because you make a point of order on one ground, from making another point of order on another ground. An amendment may easily be obnoxious to the rule on several grounds. My own opinion is that this is obnoxious to the rule on two, and one, of course, is just as fatal, if it is held to be good, as if both are held to be good.

But on the question of a claim to carry out the stipulations of treaty, the rule meant to exclude private claims. dian claim must arise under a treaty or a law. The rule says where it is to carry out the stipulation of a treaty, but this is a dispute between the Government and the Indians. It shows it on its face. The bill itself has been to the Committee on Claims, recognized as a claim, and has been by them, I understand, referred to the Court of Claims, as either House has the power to do with such matters. But, Mr. President, the fact that two points of order are made does not affect the merits of either. Each must be judged on its own merits.

The VICE-PRESIDENT. The question presented by the point of order is not entirely free from difficulty. It raises in a general way the point which has run through many of the objections interposed to many of the amendments upon the pending bill and which have been heretofore decided by the

The Chair is impressed by the statement of the Senator from Nebraska [Mr. Burkett] with the merits of the claim itself, and it would seem that the subject-matter is one which should strongly appeal to Congress for some relief. That, however, is not a matter for present consideration. The Chair is convinced, from a careful analysis of the amendment, that it falls within the classification of general legislation. Jurisdiction is conferred upon a judicial tribunal, and rules of practice are laid down by it. It is provided what shall be regarded as evidence in the consideration and determination of the claim in the

The Chair therefore holds that the amendment is obnoxious to the rule which excludes amendments which propose general legislation upon general appropriation bills. If the Chair is in error, of course an appeal lies to the Senate from his decision.

Mr. BURKETT. Mr. President, with all deference and respect

to the Chair, for certainly no discourtesy can even be remotely inferred from an appeal, since the Senate seems to have voted on the merits of these cases quite as much as on the merits of the points of order, I appeal from the decision of the Chair.

The VICE-PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] By the sound the ayes seem to have it. have it, and the decision of the Chair stands as the judgment of the Senate. The next passed-over amendment will be stated. The Secretary. On page 26, after line 10, it is proposed to

The Secretary. On page 26, after line 10, it is proposed to insert:

That legal and equitable jurisdiction be, and the same is hereby, conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, in a certain cause entitled "The White River Utes, the Southern Utes, the Uncompangre Utes, the Tabeguache, Muache, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the 'Confederated bands of Ute Indians of Colorado,' against the United States,' being Congressional, No. 11248, pending in said court by reference under Senate resolution dated December 11, 1903; and in rendering said judgment the court shall embrace therein the value of all lands whereof disposition has been made for cash, and also for lands which have been withdrawn from the public domain and set apart as public reservations or for forest or timber land reserves or for other public uses under existing laws or proclamations of the President of the United States, and for all sums due to the confederated bands of Ute Indians, the complainants in said cause of action, under the terms of the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same; said action shall proceed under its present title and pleadings filed, with right of amendment, and shall be conducted by the attorney of record now appearing in said cause or by any attorney by him specifically authorized to appear, and the Attorney-General shall continue to appear and represent the United States, and in rendering final judgment the court shall fix the compensation of the attorneys on behalf of plaintiffs, not exceeding 15 per cent of the amount of said judgment, which compensation shall be awarded for said attorneys who have rendered actual services in conducting the said caus

Mr. PATTERSON. Mr. President, as I suggested the other day when the amendment was tentatively before the Senate, it is a matter in which my colleague [Mr. Teller] takes a very deep interest and has from the first, because he has been associated with the treaties and the legislation that related to these bands of Indians ever since dealings with the Indians commenced. The amendment is for the purpose of carrying into effect a treaty between the United States and the Confederated bands of Ute Indians, and it so expressly states in the body of the amendment. I desire to call the attention of the Chair to the specific language of the amendment on that subject. Commencing in line 11 on page 26, it reads as follows:

conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, in a certain cause entitled "The White River Utes, the Southern Utes, the Uncompangre Utes, the Tabeguache, Muache, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated bands of Ute Indians, known also as the Confederated bands of Ute Indians of Colorado, against the United States," being Congressional, No. 11248, pending in said court by reference under Senate resolution dated December 11, 1903; and in rendering said judgment the court shall embrace therein the value of all lands whereof disposition has been made for cash, and also for lands which have been withdrawn from the public domain and set apart as public reservations or for forest or timber land reserves or for other public uses under existing laws or proclamations of the President of the United States, and for all sums due to the Confederated bands of Ute Indians, the complainants in said cause of action, under the terms of the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same."

So here is a claim of the Confederated bands of Ute Indians arising under a treaty which is specifically set forth and the act of Congress by which that treaty was ratified.

There is additional language in the amendment to which I

desire to call the attention of the Vice-President and the Senate because I wish to have it so amended as that no objection upon the score of justice or equity may stand against it. The lan-guage to which I refer pertains to the allowance of attorneys' fees, and is as follows:

Said action shall proceed under its present title and pleadings filed, with right of amendment, and shall be conducted by the attorney of record now appearing in said cause or by any attorney by him specifically authorized to appear, and the Attorney-General shall continue to appear and represent the United States, and in rendering final judgment the court shall fix the compensation of the attorneys on behalf of plaintiffs, not exceeding 15 per cent of the amount of said judgment.

With the consent of the chairman of the committee, I move

to strike out the words "not exceeding 15 per cent of the amount said judgment.

Mr. CLAPP. There is no objection to that.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment to the amendment, which will be stated.

The Secretary. In line 19, page 27, it is proposed to amend

the committee amendment by striking out-

Not exceeding 15 per cent of the amount of said judgment.

The amendment to the amendment was agreed to.

Mr. PATTERSON. Then commencing in line 25, page 27, I move to strike out, if it has not already been stricken out, all after the word "Treasury" down to and including the word "Indians," in line 3, on page 28. in line 3, on page 28.

The VICE-PRESIDENT. The Senator from Colorado pro-

poses an amendment to the amendment, which will be stated.

The Secretary. After the word "Treasury," in line 25, page 27, it is proposed to strike out the words:

Out of any money in the Treasury not otherwise appropriated, to be reimbursed to the United States from the funds of the Confederate bands of Ute Indians.

The amendment to the amendment was agreed to.

Mr. PATTERSON. The provision of the amendment relating to attorneys' fees as amended will read as follows, and I desire the attention of the Senate to it.

And in rendering final judgment the court shall fix the compensation of the attorneys on behalf of the plaintiffs, which compensation shall be awarded for said attorneys who have rendered actual services in conducting the said cause, upon a quantum meruit, in the name of the attorney of record in said cause, or any attorney by him specifically authorized, and shall be paid to him from the proceeds of said judgment by the Secretary of the Treasury.

So, without reference to any contracts between the attorneys and the Ute Indians, the attorneys in this litigation are to be paid solely upon the quantum meruit, and, as a matter of course, the Court of Claims will determine the amount the attorneys are to receive.

Mr. LODGE. Let me ask the Senator a question, so that I may see if I understand his amendment. Does he strike out all after the word "Treasury?"

Mr. PATTERSON. The first amendment commences in line 18, on page 27, and strikes out all after the word "plaintiffs down to and including the word "judgment," in line 19.

Mr. LODGE. Does it then go on as it now reads?

Mr. PATTERSON. Then it strikes out the language after the word "Treasury," in line 25, down to and including the words "Ute Indians," in line 3, on the next page.

Mr. LODGE. It compels the Secretary of the Treasury to pay this money, and no appropriation is made from which to pay it.

Mr. PATTERSON. He is to pay it out of the proceeds of the judgment that the Court of Claims is expected to render.

Mr. LODGE. That is not covered by the amendment, if I rightly understand the Senator. The clause would read as he has it now:

By the Secretary of the Treasury, said compensation to be distributed by said attorney to the said attorneys.

Mr. PATTERSON. I call the attention of the Senator from

Massachusetts to the language immediately preceding the word "Treasury."

Mr. LODGE. It says:

And shall be paid to him from the proceeds of said judgment by the Secretary of the Treasury.

I see. It was my mistake.

Mr. PATTERSON. So it can only be paid out of the money that is in the Treasury the property of the Ute Indians. Surely, so far as counsel fees are concerned, a fairer provision was never contained in a bill, if an attorney is to be paid for services of this character, and it has always been conceded that attorneys representing Indian tribes in litigation arising

under treaties are entitled to some payment.

The reservation that is the subject of this amendment was created in the State of Colorado under an act of 1868, and it embraced a very considerable portion of the western part of the then Territory of Colorado. In 1873 a supplemental treaty was entered into between the United States and these Confederated bands of Indians, by which they surrendered to the Government of the United States a considerable area of that reservation. It was a portion of the reservation that was found to be very rich in gold and silver and in other metals, and before the treaty was entered into a very large number of prospectors and miners had entered the reservation and developed the rich-

ness of the property.

By reason of that, under the treaty of 1873 all of these rich mineral grounds were surrendered to the United States, in consideration of which the Government was to pay the Confederated Utes an annuity of \$25,000 per annum. That remained the condition until 1880, when another treaty was entered into,

under the terms of which practically the entire area of the reservation in Colorado was released to the United States, and the confederated bands of Indians were distributed upon three separate and distinct reservations, all except a small part of the original reservation being in the State of Utah. Under the terms of the treaty of 1880 the Government of the United States agreed to pay to the Confederated Bands of Ute Indians the proceeds of all the lands contained in the reservation that the Government would sell, it being expressly provided that no sale should be made except under cash entries, so that every acre of land within the reservation that had belonged to the Indians and that was sold by the Government would bring a cash price, and the proceeds from the lands so sold were to go to the Indians.

Under the terms of the treaty of 1880 the Government would have certain set-offs against the proceeds of the sale of these

Since 1880 the Government has been selling lands within this reservation, and not one dollar of the proceeds has ever been paid to the Indians. There is now accumulated in the Treasury something in the neighborhood of \$1,800,000—nearly \$1,900,000. The Government can not pay that sum to the Indians until there has been an accounting, in which the Government will be allowed the benefit of the set-offs it has against the Indians under the terms of the treaty of 1880.

In addition to the sales of these lands, amounting to nearly \$2,000,000, the Government by various proclamations has set apart as forest reserves three separate tracts of land that contain in the neighborhood of 2,000,000 acres. These can not be sold under the terms of the treaty. Possession of them has been taken by the United States. By the act of Congress and under the proclamation of the President they have been alienated, taken out of the lands that belonged to the Indians, and that were to be sold under cash entries.

All of these matters, Mr. President, remain unsettled. For nearly twenty-six years the confederated bands of Ute Indians have been entitled to an accounting and have been entitled to receive, under the express language of the treaty, a large sum of money possessed by the Government and the value of lands that the Government has taken possession of and eliminated from the lands that might be sold under cash entries.

Mr. President, the Senate upon several occasions has recognized this fact and the duty that the Government owes to the confederated bands of Indians to take some step to pay to them what belongs to them under the treaty and the act of Congress. In 1902 a bill was reported to the Senate which provided for the Court of Claims taking cognizance of these matters and making findings and rendering a judgment. But that bill did not pass. In the hurry of the session it was buried past redemption with many other bills reported from committees.

But again, in 1903 or in 1904, my colleague [Mr. Teller] introduced a bill to refer these matters to the Court of Claims. The bill was reported to the Senate, and, on motion, the matters contained in the bill were referred to the Court of Claims under the Tucker law. Following that reference, the confederated bands of Ute Indians commenced their suit in the Court of Claims, whereupon the Government, through its attorneys, moved to dismiss the proceedings for the want of jurisdiction in the court. The ground of the motion was that the bill which was referred to the Court of Claims did not contain a provision for the payment of a claim by the United States to the Ute Indians. That was the sole ground of the motion. The bill called for an accounting, but did not ask for a judgment, and the Government took advantage of that to prevent an accounting, to prevent so essential and necessary a step from being taken, by raising the question of jurisdiction, urging that be cause no judgment was asked against the Indians the court did not possess jurisdiction to proceed. The filing of that motion necessitated the filing of two additional petitions and other pleadings. But the court overruled the motion tentatively, in its ruling reserving the right to reverse its ruling upon the final submission and argument of the case.

Now, that case, so far as the Court of Claims is concerned, is closed, with this exception, that it stands undetermined on the motion of the Government to dismiss the proceedings because it did not present a claim upon which it asked judgment against the United States, and, in any event, under the reference a judgment can not be rendered.

Mr. President, this amendment is intended to remedy that very grave situation. It is intended, as it does in terms, to confer upon the Court of Claims full, equitable, and legal jurisdiction to take into consideration the claims of the Ute Indians under this particular treaty—the treaty of 1880—and to render judgment.

I do not know, Mr. President, whether this treatment of the

Confederated Bands of Ute Indians by the General Government as to the observance of the obligation of treaties is such as is usually meted out to Indian tribes. If it is, I can well understand the state of ill-feeling that exists at the present time and that has existed upon many and many occasions in past years by the Indians toward the General Government.

Three years ago I visited the reservation of the Southern Utes on a semiofficial mission. I was requested by the Commissioner of Indian Affairs to accompany some people who were going to the reservation to negotiate with the Indians to surrender to the United States a part of the reservation upon which were the ruins of the cliff dwellers. I well remember the attitude of the Indians who came to participate in that interview. They simply refused to talk with those who in a semiofficial way represented the Government. They said, "We have made treaty after treaty, and the Government has lived up to no part of those treaties, and until the Government has carried into effect what it has already promised to us we will enter into no arrangement by which the Government will make an additional promise to us."

That was the sum and substance of the negotiations, and those were the answers that were made by the representative Indians who conducted the negotiations as given to us by the interpreter. So we left the reservation without having made a single step forward, simply because the Indians were incensed, were morose, were sullen on account of the fact that the Government had wholly failed in the particulars that are contained in the amendment by the committee as well as other particulars, all of which were obligations resting upon the Government under the solemn terms of a treaty with these Indians.

Mr. President, I submit that this amendment is not objectionable under a point of order. It is a private claim. It is the claim of these Ute Indians, as set forth in the amendment, arising under an express treaty and under an act of Congress, both of which are set forth in the amendment.

I can not understand the logic of the proposition that because under a strained construction legislation may be denominated "general legislation," when that particular kind of legislation is in terms provided for in an additional rule the rule that provides for that legislation in terms shall not have effect.

The mere fact that this is a band of Indians makes it no less a private claim than if it was one Indian. If it was a bill for the relief of ten separate and independent Indians it would nevertheless be a private bill. Here is an entity with which the Government is dealing, and that entity is the Confederated bands of Ute Indians. With that entity the Government entered into negotiations by which it acquired certain very, very valuable rights in the shape of lands from those Indians upon the pledge of the Government that the Government would compensate the Indians, and specifically setting forth the manner and the character of that compensation.

Then, Mr. President, it making no difference whether it is a bill for the relief of one individual or a thousand, since these individuals comprise a single entity as an organization, it is as clearly a private bill as though it was a corporation comprised of officials of hundreds, or it might be thousands, of stockholders. By reason of the organization and the relation of the stockholders to the organization it would be but one person, and it would be a private person, and any bill for the relief of that person would be a private bill.

The VICE-PRESIDENT. The Senator from Colorado will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Table Calendar No. 26, Senate resolution No. 214, by Mr. Carter.

Mr. CLAPP. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Colorado will proceed.

Mr. PATTERSON. Mr. President, I can only urge that this is a matter of very considerable importance. Only last year we had troubles with the Utes. The Ute Indians are a perpetual menace to the progress of the section of the country in which they are located, and also a menace to the lives and the property of the settlers. Hardly a year passes but that the settlers are not called out for the purpose of protecting their property from Indian raids. Sometimes the militia has been called out. The State of Colorado has had imposed upon it a burden in the shape of hundreds of thousands of dollars of debt to meet the Utes when they are out on their raids. One of the principal causes of the disturbances and the bad conduct on the part of these Indians is their intense dissatisfaction with the manner in which they have been treated by the Government in dealing with their treaty rights.

My colleague, as I said before, has taken a very deep interest in all of the negotiations relating to the Confederated bands of Ute Indians. He was in the Senate when the first treaty after the treaty of 1868—the treaty of 1880—was negotiated. He was one of the principal factors and movers in securing the negotiations that cleared the State of Colorado of the impediments that the Indians presented to the progress and the prosperity of the State. His interest still continues. He particularly feels that treaty obligations that he was largely responsible for imposing upon the Government, that relate to the limits of the State he in part represents upon this floor, have had in the past and will in the future have much to do with the peaceful or the warlike attitude of the Utes toward the whites of the State. He feels a very deep and abiding interest in it, and I have had many a message from his sick bed to do whatever was in my power to have the Senate adopt the

I therefore, having attempted in my weak way to set forth the merits of the claim, do insist, and insist most earnestly, that under the fourth paragraph of the sixteeenth rule this is an amendment expressly provided for in the rules, and the mere fact that under some other rule it might be objectionable does not deprive it of its right under the fourth paragraph of the sixteenth rule; and under that rule I ask that the points of order may be overruled.

Mr. LODGE. Mr. President, there is no one in the Senate whom I should be more anxious to oblige than the senior Senator from Colorado [Mr. Teller]. As I have already said, there is no pleasure in making points of order, as I have done and as many other Senators have done, against claims appearing in

But these questions are not properly to be decided by personal feelings or by personal desire to oblige a friend. The objections are not made for any reason, so far as I am concerned or any of the other Senators who have made the points of order, except to keep the appropriation bills clear of legislation which

ought not to be passed or sent to the President in that form.

I am not going to argue, Mr. President, the merits of this amendment. If it should be ruled in order, I shall be compelled to do so, much as I desire to avoid consuming the time of the Senate, for it is a claim which, on the statement of the Commissioner, will carry in the award from \$9,000,000 to \$25,000,000. It involves the lands of the Uncompangre band of Utes, which I remember well in President Harrison's time were the subject of a bill for their opening, and the bill was vetoed by President Harrison because it was found that under those lands there were great deposits of gilsonite and of asphalt, and that they were of immense value. Therefore the discussion of this amendment on its merits will open up a very large and a very important question.

Mr. PATTERSON. May I interrupt the Senator?
The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I do.

Mr. PATTERSON. The beds of gilsonite to which the Senator from Massachusetts refers are in Utah and are not in the lands that are in controversy here.

Mr. LODGE. They are not in the lands of the Uncompangre

Mr. PATTERSON. They are in the lands of the Uncompahgre Utes, and the Uncompangre Utes are occupying their reser-The Uncompangre Utes are in Utah. The lands that vation. are in controversy here were released in 1880, to be sold under the very terms of the treaty, and the Government has been engaged in disposing of the lands as fast as it could, or as fast as there was any demand for the lands, under such laws as require cash entries.

Mr. LODGE. As I was saying, I do not care to argue the case on the merits. I have not looked at President Harrison's veto message for many years. This amendment is very general in its provisions. I remember well that the lands of the Uncompaligre Utes turned out to be of enormous value and led to a Presidential veto.

I do not think, Mr. President, that this amendment presents at all the difficulties of the amendment in regard to which the Chair has just rendered a ruling, that which has been sustained by the Senate. The amendment is not to pay a claim directly. It is an amendment to confer certain powers upon the court, or, rather, to instruct the court what to do. It is undoubtedly a measure intended to provide for a private claim, not to carry out the stipulation of a treaty, not to carry out an existing law, for that is the precise point in dispute. It is to facilitate the payment of a private claim and not to carry out stipulations as provided in the rule.

But, Mr. President, it is clearly general legislation. It

changes existing law, for under the law this claim has been referred to the Court of Claims by the Senate and is now pending there. It is an amendment to instruct and direct the court what to do in regard to that case.

It does not make a direct charge on the Treasury that is not estimated for, and I will not raise that point; but the effect of the amendment, if it should become a law, would be, as the Commissioner says, to make the award binding on the United States and compel the Government to meet it with an appro-

Therefore, Mr. President, having stated the different aspects briefly, I make the point of order that the amendment is general legislation, changing existing law, by issuing an instruction

to the court in a case now pending before it.

Mr. CLAPP. Mr. President, there is nothing that I could say on this matter which would add anything to the force or weight of what has been said by the Senator from Colorado [Mr. Pat-TERSON]. I do know that it is a matter the senior Senator from Colorado [Mr. Teller] is intensely interested in; that it is a matter that he has been more or less associated with in the past history of it, and in the treaty out of which it has grown.

With due deference, it does seem to me that if subdivision 4 of Rule XVI means anything it means that an amendment, no matter whether it be general or otherwise, is proper on a bill as a private claim if it is to carry out the provisions of an existing law or a treaty stipulation. That is one of the exceptions. If that is not so, subdivision 4 of Rule XVI might as well be stricken out of the rule, because it means nothing, for under the general concept of the general law we could not pass a measure that would not modify in some way the terms of

some existing law.

If subdivision 4 means just what it says and permits a private claim to be placed on the bill if it is to carry out a treaty or an existing law, it is permissible without reference to the objection of its being general legislation in the sense that the scope of the general-legislation prohibition simply goes to that which modifies existing law; because, as I said before, you could not imagine a case but what some existing law would necessarily be modified, and unless it means that it certainly means nothing.

I do not care to prolong the discussion. I had hoped that while this matter was up the Senator from Colorado [Mr. Teller | would be here. He is more familiar with the matter than any of us, and it is to be regretted that he is not here to

present it to the Senate.

Mr. ALDRICH. Mr. President, it has always been understood in the Senate that the prohibition upon general legislation in an appropriation bill was not modified at all by the provisions of clause 4 of Rule XVI; that the prohibition was absolute as to general legislation, and if legislation was general it was not in order.

If I am not mistaken in my recollection-and I am sure I am not-this very amendment has been offered and ruled out in the Senate on several occasions as general legislation. I have great sympathy for the senior Senator from Colorado, and I am sorry he is not here. If he should present this matter to the Senate in a proper way and at a proper time, I have no doubt he would be able to get the Senate's indorsement of the proposition as one that should be adopted; but I think this is neither the time nor the place to consider a proposition of this kind, involving, as the Senator from Massachusetts has said, from \$9,000,000 to \$25,000,000, without an opportunity to discuss its merits. It is clearly, in my judgment, general legislation.

Mr. PATTERSON. Mr. President, the Senator from Rhode Island is mistaken when he says that there is no doubt this has been ruled out several times on points of order. It has never before been on a general appropriation bill.

Mr. ALDRICH. Perhaps it has not in the precise form in which it now is here, but legislation affecting the disposition of the lands of the Colorado Utes has certainly been offered here from time to time as an amendment to the Indian appropriation bill.

Mr. CLAPP. Making disposition of their property?

Mr. ALDRICH. Making disposition of their property, and such amendments have all been ruled out on points of order.

Mr. CLAPP. I beg the Senator's pardon.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. Certainly.
Mr. CLAPP. I think up to this session this class of legislation has almost universally gone through on the Indian appropriation bill.

Mr. ALDRICH. Mr. President-

Mr. CLAPP. Up to this time we have always placed meas-

ures on the bill designed to wind up the affairs of the tribes and dispose of their property, and I doubt very much whether or not such provisions have ever gone out on a point of order.

Mr. ALDRICH. I think legislation affecting this very band of Indians in Colorado and the disposition of their property in Colorado has been from time to time offered by Senators interested in the matter, and it certainly has been ruled out on points of order, if my recollection is not very much at fault.

Mr. CLAPP. I think the Senator is mistaken about that.
Mr. PATTERSON. Well, Mr. President, I can only speak
from personal knowledge of the past six years. I will state to
the Senator from Rhode Island [Mr. Aldrich] that this matter
has never been on an appropriation bill during my service in this Chamber.

It is very easy, Mr. President, for a Senator to say that a thing has always been done in a particular way; it is very easy for a Senator to declare that such amendments have always been ruled out. The Senator from Rhode Island could not have been here when the Senator from Nebraska [Mr. Burkett] called attention to a ruling, I think three or four years ago, by the presiding officer, as I understand it by the present President pro tempore of the Senate [Mr. Frye], in which he gave a construction to Rule IV, and held that legislation of this character could not be ruled out—an express ruling called to the attention of the Vice-President this morning by the Senator from Nebraska. And, Mr. President, all rulings are applied to particular and specific amendments and to particular specific items; and the right of an item upon an appropriation bill in defiance of an alleged rule of the Senate is to be determined by the language of the amendment itself.

I want to correct the statement made by the Senator from Massachusetts [Mr. Lodge], who says that this amendment is to give directions to the Court of Claims. No, Mr. President, it is to submit a claim, to give to the Court of Claims equitable and legal jurisdiction over this private claim of the Ute In-dians, and to determine what the Ute Indians shall receive by reason of this claim after investigation by the Court of Claims. It does not undertake to direct how the Court of Claims shall determine the legality or the illegality of these claims, or how it shall determine the amount of the claims. It sets forth the fact that there are claims and states the facts with reference to the claims, that these claims arise under an act of Congress and under a treaty with these Confederated bands of Ute Indians. The language of the amendment, Mr. President, shows conclusively that all the Court of Claims can take into consideration is the right of these Indians under the treaty that is expressly mentioned in the amendment, for it reads:

And for all sums due to the Confederated bands of Ute Indians, the complainants in said cause of action, under the terms of the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same."

There, Mr. President, the only direction that is given by Congress to the Court of Claims is to find out what is due to the Indians under the express terms of the act of Congress and the treaty with the Indians-that and nothing more. outside of the act of Congress, not to go outside of the treaty stipulation, but in the exercise of their legal and equitable powers to find out what is due to those Indians under the treaty

and act of Congress expressly referred to in the amendment.

So, Mr. President, unless it shall be held because a private claim can be denominated general legislation that therefore paragraph 4 of Rule XVI has no force or effect in the body and over the body for the government of which the rule was enacted, then we have a right to have this amendment submitted to the Senate.

Mr. President, when a claim is presented to the Congress of the United States the Congress has a right to do with that claim as it sees fit. Congress might order an accounting before a committee or it might appoint a committee for the purpose of determining and investigating how much is due under the stat-ute, or how much is due under the treaty, for the purpose of de-termining what the amount of appropriation shall be by Congress; and if it would have the right to do that it would have the right to refer all such claims to the Court of Claims, a judicial body created expressly for the purpose of receiving and adjudicating matters of this kind.

So here is a claim presented to the Congress of the United States that has been accumulating now for more than twenty-six years. The proponents of the claim, the Confederated bands of Ute Indians, insist that a large sum of money is due to them by reason of a treaty agreement and the statute of the United States; and Congress is asked to refer that claim to the Court of Claims, a judicial body of its own creation, for the purpose

of hearing the claim, passing upon it, and determining under the well-settled rules of law and equity, first, whether a claim exists, and, second, what the amount of the claim should be.

I submit, Mr. President, that if there ever was a case that came within the clear provision of paragraph 4 of Rule XVI of the Senate this is brought distinctly and clearly within it by the language used by the committee in reporting it.

The VICE-PRESIDENT. The Chair regrets not to have had the benefit of the presence and views of the senior Senator from Colorado [Mr. Teller] with respect to the amendment in which he is interested, but the Chair feels that his interest has not suffered in the very comprehensive and forceful presentation made by his distinguished colleague [Mr. Patterson].

The Chair is of the opinion that the provision of the amendment under consideration with respect to conferring upon the Court of Claims jurisdiction as to a subject-matter now not within its jurisdiction under the law, and the provision with reference to the procedure under such newly conferred jurisdiction, clearly fall within the general description of "general legislation," which is prohibited by the rule. Therefore the Chair

sustains the point of order.

Mr. CLAPP. Mr. President, on January 27, 1906, a certain application was pending before the Department of the Interior for the removal of restrictions. On the 19th of January the Department advised the party that the matter was pending. On the 27th the Department wrote a letter to the party stating that the other information was erroneous and that the application had been granted. On the strength of that the party made a sale of the property. I presume the amendment to correct that is subject to a point of order, but I will simply offer it with the accompanying letters

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The Secretary. On page 34, after line 11, it is proposed to insert:

The removal of restrictions upon the allotment of Edmund McCurtain, to wit:

"Roll No. 6598, Certificates Nos. 5371 and 3766, Certificate No. 5371, northeast quarter of southeast quarter of section 17, town 6 north, range 7 west, 40 acres. Certificate 3766, south half of northwest quarter of southwest quarter of section 14, town 5 north, range 7 west, 20 acres, and southwest quarter of southwest quarter of section 14, town 5 north, range G west, 40 acres."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LONG. Where is this land located, I will ask the Sen-

Mr. CLAPP. I know nothing of it, except the matter was presented to me with a communication from the Department. I simply make a formal presentation of it.

What is the communication from the Depart-Mr. LONG. ment?

Mr. CLAPP. The letter will be read.

The VICE-PRESIDENT. The Secretary will read, in the absence of objection.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, Washington, January 27, 1906.

Mr. EDMOND McCurtain, Box 31, Howe, Ind. T.

Sin: Replying to your letter of the 20th instant, you are advised that your application for removal of restrictions was allowed on December 11, 1905, and the erroneous information contained in departmental letter of December 19, 1905, was an inadvertence.

Respectfully,

THOS. RYAN.

First Assistant Secretary.

- DEPARTMENT OF THE INTERIOR, Washington, March 20, 1906.

Mr. EDWARD McCurtain, Box 31, Howe, Ind. T.

Box 31, Hove, Ind. T.

Sir: In the matter of your application for the removal of restrictions upon the alienation of your allotment, exclusive of homestead, you are informed that on December 11, 1905, said application was returned to the Commissioner of Indian Affairs without approval.

You are further advised that any sale of your surplus land which you may have attempted to make, believing that the restrictions had been removed from your land, is of no effect.

Under a late decision of Hon. Hosea Townsend, judge of the southern district of Indian Territory, it appears that title can not pass from the allottee until the delivery to him of his patent.

Respectfully.

Respectfully,

First Assistant Secretary.

The VICE-PRESIDENT. The question is on agreeing to the

Mr. LONG. Mr. President, I do not believe in the removal of restrictions by special legislation in individual cases. The amendments in the Indian appropriation bill of last year, which were referred to in the debate yesterday, show that removal by act of Congress in special cases without investigation is not for the best interest of the Indian. I have advised those

who have presented petitions to me asking for the removal of restrictions in special cases that it was against the policy of

the committee to recommend such legislation.

This bill as reported contained an amendment which had for its purpose the return to the supplemental agreements made with the Five Civilized Tribes of Indians. It modified slightly those agreements as to the time when the restrictions should be removed, but generally it would restore the situation as it was before the McCumber amendment was enacted. The effort in this bill to repeal the McCumber amendment has failed because a point of order was made against it, and the Senate could not vote directly on the question, but decided the amendment not in order by a vote of 31 to 22. I believe it was not in order, because it was general legislation, although in my great desire to secure legislation at this session of Congress on this subject I voted that it was in order.

I was a member of the select committee which visited the Indian Territory last fall and spent three weeks there. The Senator from Wyoming [Mr. CLARK] was chairman of the committee. The Senator from Colorado [Mr. Teller], the Senator from Montana [Mr. Clark], and the Senator from Connecticut [Mr. Brandegee] were also members of the committee. After a full investigation of affairs in the Indian Territory the report of that committee was unanimous. We all favored the repeal of the McCumber amendment of last year. The action of the Senate yesterday leaves the McCumber amendment stand as it was enacted. It is probable that the result of this action on this bill will be that no legislation on this subject will be

enacted at this session of Congress.

We have incorporated in the pending bill a provision sending to the Court of Claims the question of the validity of that I hope that under that amendment the court will go into all the questions wherein that amendment sought to modify the supplemental agreements and that, on appeal to the Supreme Court, we may have an early decision which will settle conditions in the Indian Territory. As I said the other day in the discussion of that amendment, at the expiration of the periods designated in the supplemental agreements lands in the Indian Territory will be sold, notwithstanding that amendment.

The McCumber amendment has not been defended in this

Chamber. No Senator has said that he believed it was constitutional or within the power of Congress to enact. Its author stated that he had doubts upon the proposition, but was willing to leave it to the courts to determine whether it was valid. believe it is invalid. Its constitutionality has not been defended by any Senator when it was attacked by Senators who op-

posed it.

But whatever may be the opinion here in regard to it, in Indian Territory, where the question has been given very careful consideration, the unanimous opinion of the best lawyers is that it is invalid and that it is a cloud upon the titles of the lands of the Five Civilized Tribes. If there is no legislation at this session of Congress and the subject goes over until the next Congress, sales will be made of those lands in the meantime, notwithstanding that amendment, but those sales will not be made to home seekers, to those who want to acquire those lands for homes for themselves and their families.

There are two classes of people in Indian Territory who will be specially benefited by the failure to have any legislation enacted at this session of Congress. First, the lawyers in the Indian Territory, and second, the speculators—those who are engaged in the business of purchasing lands with defective titles and taking their chances later in the courts of having their titles declared good. Those two classes will be helped by the failure to repeal the McCumber amendment. The people who desire to go to the Indian Territory-the home seekers and the home builders—and who wish to acquire these lands at their fair value will not go there and will not purchase them when it possibly means a lawsuit in every instance. Indians who own the lands, who are land-poor because they have more land than they can farm or improve, should be permitted to dispose of their surplus lands. They will dispose of them next summer at the best price they can get, but those prices will be much below the real value because the titles are clouded by the McCumber amendment.

It is to be regretted that in the absence of legislation, because of our failure to repeal this amendment, which is confessedly invalid, we will injure the Indians whom we are en-

deavoring to protect and assist.

Beginning probably at the next session, the State of Oklahoma will have its Senators on this floor and will have five Representatives in the House. It will be a great State. Its Senators and Representatives will do their part in the legislation of the country. They will also demand much-needed legislation for the new State. They will early demand this legislation.

They will insist upon it as one of the rights of the people of that State, and they will obtain it, for their demand will be just.

Much of the land in Indian Territory is nontaxable. houses are to be built, roads are to be made, county governments are to be organized; but how are the taxes to be levied

with the lands exempt from taxation?

I regret that affairs should be left in this situation. I was in favor of the proposed legislation submitted by the select committee to the Committee on Indian Affairs and reported by that committee to the Senate, but declared not in order, because it was general legislation on an appropriation bill. There will probably be no opportunity aside from the pending bill to enact such legislation.

I believe that proposed legislation, returning as it did to the supplemental agreements made with the Indians, was wise. It

was the thing that should have been done.

I do not believe in Congress removing restrictions in individual cases. I do not believe that the case covered by the amendment of the Senator from Minnesota [Mr. Clapp] should be favored above others which have been rejected. The policy of the committee was not to report individual cases, and it should be adhered to. I make the point of order against the

amendment that it is general legislation.

Mr. McCUMBER. Mr. President, the time has gone by to argue a case which was decided yesterday. I only want to say that a year ago the same subject was under consideration by the Senate, and the same questions were raised as to the constitutionality of the McCumber amendment. It was admitted that it was questionable, but the Senate decided, notwithstanding the fact that there might be a question as to its constitutionality, our duty toward the Indian demanded of us that we take that step in order to protect him from the white people of the Indian Territory. The matter came up again and was debated the day before yesterday and debated again yesterday, and the Senate, after full consideration of both sides of the question, decided again that its policy should be to protect the Indian until the court should say that we were powerless to protect him

I think, Mr. President, that, without any possible question, the legislation has been for the benefit of the Indians. If it is true, Mr. President, that the amendment which was adopted a year ago has been a cloud upon the title of the Indian's property

Mr. LONG. Mr. President—
Mr. McCUMBER. Just one second and I will yield to the Senator—and that by reason of that it has enabled the grafters to purchase that property cheaper than they otherwise could have done and that the Indian has received less for it, I want to lay that case side by side with the cases which were presented by the Senator's colleague from Kansas [Mr. Curtis], in which property that was yielding a revenue of \$40,000 a year was sold for the sum of \$3,500, where there was no cloud upon the title whatever. If it be true, Mr. President, that removing a cloud will produce such results as has been shown before the Senate, then I insist that the more clouds we can place upon the Indian's title the better for the Indian.

Mr. LONG. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Will the Senator pardon me a moment? Mr. CLAPP.

Mr. McCUMBER. I will yield to either Senator.
Mr. CLAPP. Will the Senator yield just a moment?
Mr. McCUMBER. This is all I have got to say about the

Mr. LONG. I wished to call the attention of the Senator from North Dakota to the fact that the Senate decided yesterday that the amendment reported was general legislation on an appropriation bill and was not in order. That is the question the Senate decided. It did not pass upon the merits of the proposition.

Mr. McCUMBER. In most cases, Mr. President, the Senator understands that we vote on questions of that kind on the merits. I do, and I believe every Senator votes upon the merits of the question. I believe the sentiment of the Senate, as was expressed on that occasion, was that we should continue that protection over the Indians.

Mr. LONG. The vote was taken on the question as to whether the amendment was in order, and the Senate decided it was not in order. The main question has not yet been de-

the was not in order. The main question has not yet been determined by the Senate.

The VICE-PRESIDENT. The Chair sustains the point of order made by the Senator from Kansas [Mr. Long] against the amendment offered by the Senator from Minnesota [Mr.

CLAPP].
Mr. McCUMBER. I wish now to ask what became of the

amendment on page 110, commencing in line 17? That is the amendment, I think, to which the Senator from Massachusetts [Mr. Lodge] made a point of order, and I asked him to withhold it

Mr. CLAPP. Yesterday afternoon the objection was pressed, and it went out on the point of order.

Mr. McCUMBER. That disposes of it, then.

Mr. CLAPP. Yes.

Mr. HANSBROUGH. I offer the amendment I send to the

The Secretary. On page 10, line 13, after the word "dollars," it is proposed to insert:

And the powers conferred by section 2140 of the Revised Statutes upon Indian agents, subagents, and commanding officers of military posts are hereby conferred upon the special agent of the Indian Bureau for the suppression of the liquor traffic among Indians and in the Indian country and duly authorized deputies working under his supervision.

The amendment was agreed to.

Mr. CARTER. I submit the amendment I send to the desk. The Secretary. On page 69, after line 11, it is proposed to

That the Indians of the Fort Belknap Reservation in Montana may lease their lands, both allotted and tribal, not to exceed 20,000 acres, for the culture of sugar beets and other crops in rotation, upon such terms, regulations, and conditions as shall be prescribed by the Secretary of the Interior, for a term of ten years.

The amendment was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to

The VICE-PRESIDENT. Will the Senator from North Dakota please indicate at what point he wishes the amendment to be inserted?

Mr. HANSBROUGH. I suppose it should come in at the end of the bill, under the heading "Miscellaneous."

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the heirs of the late Mathias Splitlog, deceased, an Indian allottee of the Seneca Nation, Ind. T., are authorized to sell and convey to the Roman Catholic Church, for church and burial purposes, 3 acres of the land heretofore allotted to the said Mathias Splitlog as a member of the Seneca tribe of Indians in the Indian Territory, to be selected so as to include the church and cemetery now on said allotment. The minor heirs may join in the sale of said 3 acres of land by a guardian duly appointed by the United States court for the northern district of the Indian Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STATE PUBLIC SCHOOL SYSTEMS.

Mr. FRAZIER. Mr. President, I call up Senate resolution No. 183.

The VICE-PRESIDENT. The Chair lays before the Senate, at the request of the Senator from Tennessee, the resolution indicated by him, which will be read.

The resolution submitted by Mr. RAYNER December 4, 1906, was read, as follows:

Was read, as follows:

Resolved, That in the opinion of the Senate this Government has no right to enter into any treaty with any foreign government relating in any manner to any of the public school systems of any of the States of the Union: And resolved further, That in the opinion of the Senate there is no provision in the treaty between the United States and the Government of Japan that relates in any manner to this subject or in any way interferes with the right of the State of California to conduct and administer its system of public schools in accordance with its own legislation: And resolved further, That it is the duty of the President of the United States to notify the Government of Japan and notify any foreign government with whom the question may arise that the public educational institutions of the States are not within the jurisdiction of the United States and that the United States has no power to regulate or supervise their administration.

Mr. FRAZIER. Mr. President, I would not have presumed to

Mr. FRAZIER. Mr. President, I would not have presumed to detain the Senate with any observations upon the pending resolution, after the clear, convincing, and exhaustive argument of its author, the Senator from Maryland, but for the grave and far-reaching questions which underlie the issues raised by this resolution.

If California can, by treaty made by the Federal Government, be deprived of the right to administer and control its public school system, and by lawful and proper regulations separate the different races who may be permitted to attend them, then, in like manner, may Tennessee or any other State have taken from it the right to manage and control its domestic school system, and by Federal interference be denied the right, by proper regulation, to separate the different races who may be permitted to attend its schools. With the present Chief Executive seeking with almost petulant impatience to force from a State one

of its plainest and most sacred rights, the right of local selfgovernment, the right to administer its own local schoolsa question pending which, if decided adversely to California, may some day be given an interpretation which will affect disastrously the rights and interests of my own State, I can not with justice to the people whom I in part have the honor to represent upon this floor sit indifferent or fail to utter my respectful but earnest protest.

Mr. President, nations, like men, should stand by and faithfully observe their obligations. This is not only true because it is just and right to so act, but because it is demanded by the highest considerations of public policy. The peace of the world, the honor of humankind, the welfare and happiness of future generations, all demand that we as a nation and a people should sacredly observe our treaty obligations. Thus believing, no one can hold a convention of this Government lawfully entered into in greater respect than I do. I would have this Republic guard its treaty obligations with scrupulous care and adhere to them with undeviating fidelity. Great and strong as this nation is, and potential as it should be on the side of peace and justice among the nations of the world, its example should be one of frank and manly fidelity to every convention into which it enters. Therefore in what I shall say in respect to the treaty with Japan and the controversy which has arisen under it I would not be understood as desiring this Government to repudiate any just obligation which it has lawfully assumed: but I do claim that the American people who are to be affected directly and indirectly by this treaty have a right to demand that their servants, temporarily charged with treaty-making and treaty-enforcing power under the Constitution, shall not hastily concede or surrender any of their rights under the treaty or assume to enforce submission to a treaty made in violation of the constitutional rights of a sovereign State.

Mr. President, I yield to no one in my admiration for the wonderful progress and achievements of the Japanese as a people and a nation. Their rise in a comparatively brief period from a condition of semidarkness and weakness to that of a marvelously progressive and enlightened nation is one of the wonders of the century. They have fairly won their place among the leading nations of the world. Their courage and skill in war on both land and sea in their recent struggle with Russia elicited the admiration and unreserved encomiums of the civilized world. And not more, Mr. President, on account of their soldierly qualities of courage and endurance than of the civilized and humane character of the struggle which they waged. In that contest my sympathies were entirely with Japan. I am, therefore, moved by no feelings of prejudice toward the Japanese in speaking as I shall touching this contrc-

There is nothing in this issue, however it may be determined, to disturb the ancient friendship between ours and the Japanese people, or to furnish just cause for complaint on the part of Japan. If this Government, either through its courts or otherwise, should decide against the Japanese contention in toto, it would furnish no "casus belli."

Mr. President, what is this much-talked-of question about which the President has grown excited and belligerent toward a portion of our fellow-citizens and with which the daily press is filled? We are informed that there have been secret and mysterious conferences between the President and the California delegation in Congress, and we are told that the mayor and board of school trustees of San Francisco have been asked by the President to travel across the continent and come here, doubtless that he may persuade them to surrender, so far as they can, the State's sovereign right to control its domestic schools, that this Administration and the country may be thus relieved from the embarrassment in which they have been involved by what I believe to be an erroneous and untenable posi-tion assumed by the President. Briefly stated, the question is this: The school board of San Francisco, in pursuance of a statute of California authorizing such action, provided that Japanese citizens residents of that city should not attend schools provided for white children, but might attend equally good but separate schools, provided at the public expense, for children of the Mongolian race. This would seem to be a purely local matter involving the management and control of one of the State's domestic concerns and over which the State of California and its municipality would seem to have exclusive jurisdiction. In the absence of and independent of the question raised by this treaty no one, I think, would question the constitutional right of California to pass such a law, or of the school board of San Francisco to make such an order. No one would contend, I apprehend, that Congress could pass a valid law affecting the control or administration of the schools of California.

The right of a State by statute to provide for separate

schools for different races within its borders has been repeatedly declared and maintained, not only by the highest courts of many of the States, but by the Supreme Court of the United States. So that it is clear that, so far as the constitution and laws of California are concerned, the school board of San Francisco was within constitutional and statutory authority when it provided separate schools for the white and Japanese students residing in that city. (People v. Gallager, 93 N. Y., 438; Roberts v. City of Boston, 5 Cush., 198.)

Now, Mr. President, let us see whether the United States in fact ever contracted in any treaty with Japan that Japanese residing in this country should have the right of admission to the public schools of any State along with the white children of such State. I contend that the United States has entered into no such contract and that the existing treaty between Japan and the United States contains no such provision. By no fair and reasonable or usual rule of interpretation can any such contract or guaranty be read into the treaty. The provisions of the treaty between the United States and Japan, which went ino effect March 21, 1895, and under which it is claimed these rights arise, are to be found in Article I, which is as follows:

ARTICLE I. In whatever relates to rights of residence and travel, to the possession of goods and effects of any kind, to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most-favored nation. The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other the entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

I challenge anyone to find in this treaty a word, line, or sentence guaranteeing to the Japanese residents in this country the right to enter the public schools of the States at all, much less the right to enter them in defiance of the regulations of the local authorities under whose control they are.

The treaty is absolutely silent on the subject of public education and the alleged right of Japanese residents to participate in the advantages of the local educational systems of the States. Unlike the Burlingame treaty with China, the Japanese treaty does not even refer to or give the Japanese residents any specific rights to enter schools or institutions "in control of the United States," as did the Chinese treaty. There is a marked difference between the treaty under consideration and the Chinese treaty to which I have referred. The provisions as to schools in the former was omitted from the latter. Objection to such separation by the Chinese under the Burlingame treaty would not have been well founded, because the schools to which Chinese residents, by the terms of that treaty, were to enjoy the privilege of attending were schools "under the control of the Government of the United States," and it " under could not be contended that the schools of California or of the city of San Francisco were schools under the control of the United States Government.

Neither the State of California nor any other State is under any obligations to the United States, or the nations with which it has treaty relations, to create or maintain public schools at all. The schools are voluntarily instituted by the States, primarily for the free education of the children of the citizens of those States. They are maintained and supported by local taxation, and are wholly and absolutely under the control of the The Government of the United States has no right or power to force California or any other State to institute and maintain any such schools, nor has it any constitutional right or authority to interfere with their management, dictate the manner in which they shall be conducted, or prescribe rules of gov-ernment for the admission of students. California undeniably has the right and power to institute any kind or character of school the judgment of the legislature may determine to be for the best interest of the State. It can maintain only industrial schools, or only primary schools, or only high schools, or no It can make any rule or regulation for their govern-

ment the legislative judgment may approve.

But it is contended that that portion of the Japanese treaty which guarantees to Japanese citizens the right of residence and travel in this country give such Japanese the right to enter the free public schools of a State in association with white children, contrary to the rules and regulations of the local authorities as to the segregation of the races. meant, Mr. President, by right of residence? What are the rights and privileges which necessarily and properly go with it or flow from it and are implied by the term "residence?" The privilege of residence, I think, fairly implies the right of peace-

ful residence; the right to maintain a home or dwelling place and to be undisturbed in its enjoyment. It may, and doubtless does, imply the right to work and make a living, for a right of residence would be worthless without the right to acquire the means of livelihood. But by what kind of rule of construction can the right of residence be held to embrace the right of education at the public expense—the right to enter the public schools at all? There is no natural right which even any citizen of the United States, or of any State, has to be educated or have his children educated at public expense. It is a privilege to be conferred by law. No such right arises from the right of residence, or even of citizenship, unless expressly conferred by law. And certainly none would accrue to an alien merely as an incident of his right to reside in this country.

But it is said that the favored-nation clause gives some such

right as is contended for.

What is this most favored nation clause? It is that as to the subjects and rights granted by this treaty or any other treaty on the same subjects, to wit, the right of residence, travel, trade, etc., the Japanese shall have all the rights granted to the citizens or subjects of the most-favored nation.

If the United States has made a treaty with any other nation in which it has guaranteed its citizens the right to enter the public schools of the States with the citizens of such State, waiving for the time the question of the right of the United States to legally make such treaty, then under the favored-nation clause the Japanese might insist on such rights, but the mere fact that in the absence of such treaty stipulations a State permits or allows the citizens of another country to enter its local schools would not give the Japanese any such right, for it is a mere license granted by a State and not a right stipulated for in this treaty or any other treaty.

But there is another provision of this treaty to which I desire to invite attention. It is found in section 2, and is as follows:

ART. II. Conforming themselves to the laws, police and custom regulations of the country like native citizens or subjects.

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are in force or which may hereafter be enacted in either of the two countries.

Now, Mr. President, that is an express provision that in respect to the rights guaranteed in the preceding article, which relate to the right of residence, etc., the Japanese must conform to the laws, police, and regulations of the country like native citizens. Suppose the right of residence carries with it the right to enter the public schools of the States as contended; then that right must be exercised in conformity with the laws, police, and regulations of the country. What are the laws, police, and regulations of the country here referred to? Un-What are the laws, doubtedly the laws and police regulations of the States as well as the nation. For the treaty-making power is presumed to understand and is charged with a knowledge of the nature and character of our dual form of Government. The Supreme Court of the United States, in Norris v. City of Boston (7 Howard, 472), in speaking of a provision of a treaty very similar to this one, said:

The permission there mutually given to reside and hire houses and warehouses and to trade and traffic is in express terms made subject to the laws of the two countries respectively. Now, the privileges here given within the several States are all regulated by State laws, and the reference to the laws of this country necessarily applies to them, and subjects the foreigner to their decision and control.

We have seen that such State laws may provide for the separation of the races in the schools, and that residents and citizens must accept the privileges of such schools, subject to the statutory regulations for their government. If a Mongolian is a citizen of California he is subject to the laws separating the races, and such law is valid as to such Mongolian citizen. That has been expressly decided in 119 Federal Reporter and by the supreme court of California. In the former case the court thus expressed itself:

The validity of the statute referred to does not depend upon the motive which may in fact have actuated the members of the legislature in voting for its enactment. Upon such an inquisy the courts have no right to enter. If the law does not conflict with some constitutional limitation of the powers of the State legislature, it can not be declared invalid. Concerning the authority of the State over matters pertaining to public schools within its limits, and the validity of legislation of the character of that under consideration, it is well-settled that the State has the right to provide separate schools for the children of different races, and such action is not forbidden by the fourteenth amendment to the Constitution.

Then, if it be conceded for the sake of argument that the Japanese under this treaty have acquired all the rights relating to schools that belong to citizens, still they have only acquired the right to enter the public schools subject to the same laws, rules, and regulations as the local authorities have prescribed for the separation of the races who are citizens. It can not be contended that these aliens have acquired greater rights than the citizens. The citizens of California only have the right to enter the public schools, subject to such laws and rules as the State has prescribed, and hence it follows logically and inevitably that the Japanese can only enter subject to the same rules. To assert otherwise would be to contend that the Japanese were not granted the same privileges as citizens, but higher and greater privileges. If the State can make valid laws separating in the schools the white race from the Mongolian so far as their own citizens are concerned, how can it be contended on any theory of construction of this treaty that they can not do so as to Japanese temporarily residing here who are guaranteed by this treaty equal, not greater, rights than citizens?

If I am correct, Mr. President, in the construction which I have placed upon this treaty, then the Japanese Government has no ground on which to stand and the contention must fall. I believe this to be the fact and that the President should have so

construed the treaty and so notified the Japanese Government.

First. That under the terms of the treaty the Japanese residents had no right to enter the State public schools at all, except at the pleasure and subject to the laws of the States.

Second. That the United States had no jurisdiction over the

public schools of the States.

A frank and manly attitude will do more to preserve our traditional friendship than any amount of palaver and bluster. The President, through his Secretary of State, should have told Japan the truth, just as Mr. Blaine did Italy after the murder of Italian citizens by a mob in New Orleans. It will be recalled that there was then, in effect, a treaty between the United States and Italy which guaranteed protection to Italian subjects in this country. The Italian Government demanded that the United States punish the perpetrators of the murder. They were known to the authorities of both governments, because the mob assembled in broad daylight, and many of the leading

citizens of that city had participated in it.

Mr. Blaine, then Secretary of State, pointed out with great clearness and force the dual nature of our Government, and notified the Italian minister that the power to punish for mur-der committed in a State was one of the reserved rights of the States, and that the United States had no legal or constitutional power to either punish the criminals itself or force the State of Louisiana to do so. And that ended that portion of the controversy. And I believe a similar course on the part of the President would have ended this controversy. But whether it would or not, Mr. President, I trust that we have not reached the point in our history where we are ready to apologize to any foreign nation for the Constitution of the United States or to attempt to constructively amend it at the dictation of any such power. The predictions of excitable and unthinking people that war with Japan is probable, or even possible, as a result of this controversy are, in my judgment, hysterical and unfounded. Upon this question Japan has no sufficient ground mon which to stand, and if that nation should make it. upon which to stand; and if that nation should precipitate a conflict upon such a flimsy pretext, it would shock the moral sense of the civilized world.

No, Mr. President, if we are ever to have war with Japan it will owe its origin to another and a totally different cause. It will come as the logical, and I fear, the inevitable, result of the fatal blunder which this nation made when, forgetting and discrediting its own Monroe doctrine relating to the Western Hemisphere, it crossed the Pacific Ocean, went into the Eastern Hemisphere, took the Philippine Islands, and thus thrust itself, without justification or excuse, into the very midst of the

dangers and complications of the eastern question.

If war in that quarter comes, it will be because we departed from the precepts of the fathers; forgot the causes which led to our revolutionary struggle; ignored the fundamental principles of our own Government and went to the other side of the world and there established a colonial system more arbi-trary and supreme than that against which our forefathers rebelled. It will be because, in our prosperity and strength, we have swaggered and boasted of being a world power until we have inspired in the nations of the East a fear that, not contented to dominate the politics and commerce of the Western Hemisphere, we have crossed the Pacific with the ultimate purpose to try to dominate the politics and the commerce of the These are plain words, Mr. President, but I believe they are truthful words.

But, Mr. President, suppose the construction for which I contend is wholly wrong. Concede that the construction of the President and his advisers is the correct one, and that the United States has entered into a treaty with guarantees to the residents of that Government in this country the right to enter the public free schools of the several States on the same terms and with the white children of such States,

then, Mr. President, we are confronted with a wider, a deeper, and a more far-reaching question-a grave question of constitutional law-one that goes to the very vitals of our Federal system of government, and menaces the local sovereignty and authority of every State in the Union. If the Federal Government can, by treaty, rob a State of its sovereign right and power to manage and control its domestic concerns, like its local school system, then in truth is the last stronghold of State sovereignty broken down and the long-cherished liberty of local

self-government destroyed.

Let us state the issue in its simplest form, that all men may see and understand the full purport of its meaning and the tremendous consequences which wait upon its proper determination. A State of this Union asserts its sovereign right to institute, maintain, and control a system of public schools within its borders. It passes a valid law authorizing the separation of Mongolians from whites attending those schools. An order of separation is made in pursuance of such law. The President makes, and the Senate confirms, a treaty with a foreign nation which guarantees to the citizens of that country of the Mongolian race the right to enter such State public schools on the same terms and in association with white children. The treaty says there shall be no separation of the races in the schools; the State statute says there shall be such separation. Is such treaty valid, and shall it prevail over the State law?

I say that the treaty must fall, because it is ultra vires, beyond and outside of the treaty-making power of the United States; that the Federal Government can not make a valid and constitutional treaty which robs a sovereign State of one of its confessedly reserved rights, because such a treaty would be in contravention of the Constitution of the United States, from which the treaty-making power of the Federal Government alone derives its power to make treaties. Mr. President, that the scope and extent of the treaty-making power of the Federal Government may be correctly understood and properly applied, it is necessary to recall briefly the peculiar nature and character of our Government. At the risk of being regarded as entertaining opinions old fashioned and obsolete in these strenuous days of Federal aggression and usurpation of power, I adhere to the opinion that the Federal Government is a Government of limited powers.

Mr. BEVERIDGE. Mr. President-

The PRESIDING OFFICER (Mr. Bacon in the chair). Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. FRAZIER. Certainly. Mr. BEVERIDGE. I will not disturb the Senator if it will interrupt him at all, but I was tremendously interested in the clear and frank and broad statement he made a moment ago about the conflict of treaties with the sovereign power of a State. If it would not interrupt the Senator at this juncture, I should like to ask him one or two questions. If it would, I will postpone them until the Senator is through,

Mr. FRAZIER. I should gladly yield to the Senator, and I

would not hesitate to be interrupted

Mr. BEVERIDGE. I will ask the questions after the Sena-

tor gets through.

Mr. FRAZIER. It would not disturb me in the slightest degree, except that by perhaps a too kindly disposition on my part I have let the better part of the day pass. It is now twenty minutes past 3 o'clock, and I should be very glad to conclude my remarks this afternoon, and if I am able to do so, at the conclusion of my remarks I shall be delighted to attempt to answer any question the Senator from Indiana may propose.

Mr. BEVERIDGE, I understand; and I will not ask my

questions now.

Mr. FRAZIER. Mr. President, the power and authority of the Federal Government to make treaties is, in my judgment, a granted power. All authority that the Federal Government possesses to make treaties is the power conferred upon it by the Constitution. I think it will be conceded that after the Declaration of Independence of the colonies, and certainly after their independence was acknowledged by Great Britain, each of the thirteen colonies was a complete sovereignty, possessed of all the attributes and powers incident to such sovereignty, including the power to make treaties. When the colonies won their independence they did not become thereby a nation. If no constitution had been formed and ratified by the States, each of the thirteen States might have gone its way, each independent of the other, and each would have possessed and doubtless exercised absolute and complete power and authority to make and execute treaties with each other and with foreign governments.
When the Federal Constitution was adopted those States sur-

rendered to the Federal Government the power and authority

to make treaties, which they had theretofore possessed-power exclusive and ample, and only restrained as to its objects and scope and extent by the terms of their written grant, to wit, the Constitution of the United States; and all of the power which the Federal Government possesses in this respect is the power thus granted to it by those States.

Article VI of the Constitution is as follows:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwith-

This article must be construed in connection with the other articles of the Constitution. It can not be said that any just construction would warrant the separation of this article and allow it to stand apart from and tower above and dwarf and annul the other articles of the Constitution. It must be construed in connection with all of the other granted and reserved powers contained in the Constitution. To hold that this article gave to the treaty-making power of the Federal Government unlimited power and authority to make treaties would be to hold that this article might annul other articles and provisions of the Constitution. If this article can annul one other article, of either reserved or prohibited powers, it can annul all such powers. No one would for a moment contend that a valid treaty could be made that would change our form of government and provide for a king instead of an elective President or that would abolish its representative character; and yet why not, if the power to make treaties is unlimited and unrestrained, even by the terms of the Constitution itself?

Article I of the Constitution provides that "Congress shall make no law * * * abridging the freedom of speech, or or the press." Will it be insisted that a treaty could be made which would muzzle or place a censorship upon the American press, that it might thus be restrained from speaking in criticism of the conduct of this or of any government with which such treaty might be made? And yet, why not, if the treatymaking power is absolute and not circumscribed by the limita-

tions of the Constitution?

Under the Constitution Congress has power to legislate concerning naturalization. Could a treaty be made naturalizing

aliens otherwise than as provided by law?

Congress has the power to lay taxes on imposts, etc. Could it be contended that a valid treaty of commerce could be made by the President and Senate which would modify or annul our tariff laws?

Section 4 of Article VI of the Constitution provides that the "United States shall guarantee to every State in this Union a republican form of government." Would a treaty which dismembered and ceded away a part or the whole of the acknowledged territory of a State, and placed its people under the sovereignty of a king, be a valid treaty? Such a contention would hardly be insisted upon by even the extremest school of construction.

The Supreme Court of the United States, in speaking of the treaty-making power, in Geoffrey v. Riggs (133 U. S., 267), uses the following significant language:

The treaty-making power as expressed in the Constitution is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government, or of its departments, and those arising from the nature of our Government itself and of that of the States. It would not be contended that it extended so far as to authorize what the Constitution forbids, or a change in the character of the Government, or in that of one of the States, or a cession of any portion of the territory of the latter without its consent

Justice Daniels, in the License cases (5 Howard, 613), in speaking of the constitutional grant relating to treaties, says:

speaking of the constitutional grant relating to treaties, says:

This provision of the Constitution, it is to be feared, is sometimes expounded without those qualifications which the character of the parties to this instrument and its adaptation to the purposes for which it was created necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right of the States to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation, for it is impossible to believe that these were ever, either in intention or in fact, ceded to the General Government. Laws of the United States in order to be binding must be within the legitimate powers vested by the Constitution. Treaties in order to be valid must be made within the scope of the same power, for there can be no authority of the United States save what is derived mediately or immediately and regularly and legitimately from the Constitution. A treaty, no more than an ordinary statute, can arbitrarily cede away one right of a State or of any citizen of a State.

Mr. Madison, in the Virginia convention, in answer to the

Mr. Madison, in the Virginia convention, in answer to the criticism of Patrick Henry, that the treaty-making clause of the Constitution was unlimited, said:

Does it follow, because the power is given to Congress, that it is absolute and unlimited? I do not conceive that that power is given to the President and the Senate to dismember the empire or to alienate any

great essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation.

Mr. Jefferson, in his famous Manual, speaking of this provision of the Constitution, said:

By the general power to make treaties the Constitution must have intended to comprehend only those objects which are usually regulated by treaty and can not be otherwise regulated. It must have meant to except out of these the rights reserved to the States, for surely the President and the Senate can not do by treaty what the whole Government is interdicted from doing in any way.

Justice Story, in his Commentaries upon the Constitution of the United States, in speaking of the treaty-making clause,

Savs:

But though the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the State. A power given by the Constitution can not be construed to authorize the destruction of other powers given in the same instrument. It must be construed, therefore, in subordination of it, and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and paramount authority within its scope, and no one embraces a right to annihilate any other. A treaty to change the organization of the Government, to overturn its republican form, to deprive it of its constitutional powers, would be void, because it would destroy what it was designed merely to fulfill.

Judge Thomas M. Cooley, one of the ablest and clearest writers upon constitutional law and one of the most distinguished jurists of the nation, said:

The President has power, by and with the consent of the Senate, to make treaties, provided two-thirds of the Senators concur. The Constitution imposes no restriction upon this power, but it is subject to the implied restriction that nothing can be done under it which changes the Constitution of the country or robs a department of the Government or any of the States of its constitutional authority.

Mr. President, I desire to direct the attention of the Senate to one other case in which this principle was expressly decided. It is the case of The People v. Nagle (1 Cal., 232), a case cited with approval by the Supreme Court of the United States. It will be recalled that that case arose over a law of that

State fixing a tax upon aliens for permission to work in the mines. The supreme court of California in disposing of that case uses this language:

case uses this language:

But even if the provisions of the statute did clash with the stipulations of the treaty, the conclusion is not deducible that the treaty must therefore stand and the State law give way. The question in such a case would not be solely what is provided for by the treaty, but whether the State retained the power to enact the contested law or had given up that power to the General Government. If the State retains the power, then the President and the Senate can not take it away by treaty. A treaty is supreme only when it is made in pursuance of that authority which has been conferred upon the treaty-making department, and in relation to those subjects, the jurisdiction over which has been exclusively intrusted to Congress. When it transcends these limits, like an act of Congress which transcends the constitutional authority of that body, it can not supersede a State law which enforces or exercises any power of the State not granted away by the Constitution. To hold any other doctrine would sanction the supremacy of a treaty which should entirely exempt foreigners from taxation by the States. It is not within the scope of a constitutional treaty to interfere with the reserved powers of taxation of foreigners by the States.

I concede, Mr. President, that there are some cases decided by the Supreme Court of the United States, like Ware v. Hylton and Chirac v. Chirac, which would seem to warrant the opposite view from that for which I have been contending. But it will not be forgotten, Mr. President, that both of those cases arose under treaties made under the Articles of Confederation and before the adoption of the Constitution. When all these cases are analyzed and differentiated, I do not believe that any can be found that will sustain the extraordinary position that a treaty may violate an article of the Constitution of the United States and still be valid.

Mr. President, the Constitution in all its parts must be construed together, and its provisions thus reconciled, so as to give validity and force and effect to every provision and so as to carry out the purposes of the instrument. It seems to me a monstrous thing to say that the wise men who framed this Government and defined its powers and limitations with so much wisdom and care could have been so foolish, after having built the fabric, as to vest in the treaty-making power, which consists of only the President and the Senate, the absolute and unrestrained power at one fell swoop to knock down and destroy the entire structure. And such is the necessary and inevitable effect which must follow, if the contention that the power of the Federal Government to make treaties is unlimited even by the Constitution prevails. Then, if it be true that the treaty-making power granted to the Federal Government under the Constitution is not unlimited, but is limited and circumscribed in its extent and scope and objects by the terms of the Constitution, does it not follow that Article VI must be construed with and be limited by Article X, which says:

The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people.

This article is as much a part of the Constitution and has as

much force and validity as Article VI, from which the power to make treaties is derived. It can no more be invaded, violated, and annulled by the treaty-making power than can the other articles of the Constitution to which I have alluded.

I concede that a treaty made with relation to a subject concerning which the United State has authority to make a treaty and within the limitations of the Constitution is the supreme law of the land and will prevail against a statute or even the constitution of a State. But a treaty which is beyond and outside of the treaty-making power of the Federal Government, and is in conflict with any of the provisions and limitations of the Constitution, can have no more validity than an act of Congress which thus violates the Constitution. There may be an unconstitutional treaty as well as an unconstitutional enactment. A treaty may be repealed and annulled by an act of (Fong Yue Ting v. United States, 149 U. S., 721.)

This brings us naturally to the consideration of the question as to what are the rights of the States expressly reserved to them by Article X of the Constitution, and is the right to create and conduct a local school system one of the reserved rights of the States? If the right of management and control of the local school systems of the States is one of the reserved rights of the States, then manifestly it can not be ceded away by a treaty any more than it can be taken away by an act of Con-Under our system of government all powers are reserved to the States except such powers as are expressly, or by necessity or unavoidable implication, conferred by the Constitution upon the Federal Government. I readily concede that the Federal Government is supreme within its constitutional sphere. I am not one of those who would minimize the National Government or deny to it all of those great powers necessary to carry into effect the objects of its creation or to enable it to move on to the accomplishment of its high purposes or to the achieve-ment of that destiny which the future holds in store for it. But I believe that those high purposes and that splendid destiny can be best subserved and be more surely reached within the Constitution than without it—by adhering to the Consti-tution rather than by violating it. While I concede that the National Government is supreme within its constitutional sphere, at the same time I contend with equal earnestness that the right of the States to exercise sovereignty over those subjects not granted to the Federal Government is equally supreme.

In determining the boundaries of sovereignty between the General Government and the States the question for determination is not so much what powers have been specifically reserved to the States, but what powers have expressly or by implication been granted to the Federal Government. If the grant is not found to be vested in the Federal Government by some express provision of the Constitution; or it does not, by necessary implication, flow from an express grant, and necessary to carry into effect its purpose, then it remains in the States. Guided by these rules, which have been universally accepted by the highest authorities upon constitutional law in this country, where can the power be found in the Constitution of the United States to either force the States to create and establish and maintain a public school system, or that gives to the Federal Government any right to interfere with the management or control of such schools? No such authority can be found in any provision of the Constitution and none such can be implied from any grant to the Federal Government.

Mr. President, if by the broadest and most latitudinous construction it might be contended that the Federal Government could itself establish and maintain public schools throughout the land, which, I do not concede, no one would for a moment contend that the Federal Government could force a State to do so, or if the State did establish such schools voluntarily could it be contended that the Federal Government could invade the State and assume control of such schools. State schools are purely local in their character, and the right to create and administer them is clearly one of the reserved powers of the States

Justice Greer, in 5 Howard, 631, thus expresses the views of the Supreme Court as to the nature and character of the reserved powers of the States and the subjects embraced within those powers:

It has been frequently decided by this court that the powers which relate to merely municipal regulations or what may more properly be called "internal policies" are not surrendered by the States or restrained by the Constitution of the United States, and that, consequently, in relation to these the authority of a State is complete, unqualified, and exclusive. Without attempting to define what are the peculiar subjects or limits of this power it may be safely affirmed that any law for the restraint and punishment of crime or for the preservation of the public peace, health, or morals must come within this category.

State public schools are created under State enactments.

State public schools are created under State enactments. They are supported by taxation upon the people of such States.

The Federal Government contributes nothing to their support. Such schools are maintained for the benefit of the citizens of such State as a part of its internal policy so as to provide for their children an education which will broaden and enlarge the intelligence of its citizenship, increase their productive capacity, and contribute to the preservation of law and order and good government within the State.

The right of a State to establish and control its public schools is no less a reserved right of the State than the right to create and manage its asylums, hospitals, or its penitentiaries. If the Federal Government can, in utter disregard and defiance of the laws and constitution of a State, make and enforce a treaty which forces into the public schools of the States aliens of the Mongolian race, contrary to the reasonable rules which the State has provided for admission, then the Federal Government can, by the exercise of the same authority, rob the State of every reserved right, regulate and control its municipal and domestic concerns, annul its laws, and abrogate its constitution whenever the treaty-making power of the National Government shall see fit to assume to exercise such power.

If a treaty made by the Federal Government can force a Mongolian into the same local schools in California with the white children in defiance of the laws of California and against the judgment and wishes and over the protest of its citizens, then can the Federal Government by a like treaty force the negroes of Cuba, Santo Domingo, Hayti, and the Kongo into the schools of Tennessee or Georgia or other States of the Union side by side with the white children of those States and in defiance of their laws, wisely made for the separation of the races. To such a doctrine I can never accede.

And further, Mr. President, if it be once conceded that the right of the States to administer their domestic affairs, their reserved police powers, can be annulled and destroyed by treaty, how long will it be before that power will be assumed and exercised by the Federal Government without a treaty? Mr. President, we do not have to wait. I am not called upon to indulge in prophecy as to the future. We are already face to face with the issue. The proposition has already been openly announced and the purpose boldly proclaimed by one high in authority and closely associated with this Administration to wipe out State lines; to supervise and dominate, if not to take from the States, the right to legislate upon and to administer their internal and domestic affairs, and to vest absolute, un-limited, and supreme power in the Federal Government, and that, too, not by amendment to the Constitution, but by judicial and executive construction.

The same distinguished statesmen who are proposing by treaty to take from one of the States, the State of California, its sovereign right to administer its local schools are proposing by construction to take from all the States other and even greater rights.

On the 12th day of December, 1906, the Hon. Elihu Root, Secretary of State, delivered a speech in the city of New York, in which he gave utterance to these extraordinary and startling sentiments:

Under the conditions which now exist no State can live unto itself alone and regulate its affairs with sole reference to its own treasury, its own convenience, its own special interests. Every State is bound to frame its legislation and its administration with reference not only to its own special affairs, but with reference to the effect upon all its sister States.

It is repless for the advocates of State rights to inveigh against the

It is useless for the advocates of State rights to inveigh against the supremacy of the constitutional laws of the United States, or against the extension of national authority in the fields of necessary control, where the States themselves fall in the performance of their duy.

The governmental control, which the people of the United States deem just and necessary, they will have. It may be that such control could better be exercised in particular instances by the governments of the States, but the people will have the control they need either from the States or from the National Government, and if the States fail to furnish it in due measure sooner or later constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government.

Mr. President, when these words are read, in the light of

Mr. President, when these words are read, in the light of utterances made by the present Chief Executive, at Harrisburg, Pa., on October 4, 1906, they become still more potent with meaning and with danger. Upon that occasion President Roosevelt said:

In some cases this governmental action must be exercised by the several States individually. In yet others it has become increasingly evident that no efficient State action is possible, and that we need, through executive action, through legislation, and through judicial interpretation and construction, to increase the power of the Federal Conservent

Mr. President, the country has been recently treated to the publication of certain correspondence between the President and Mr. Storer, late ambassador of the United States at Vienna, more entertaining, perhaps, than edifying. As those letters have been widely published, I am justified in assuming that they have been released from the ban of confidential. In one of those letters the President is quoted as saying, in substance, that Secretary Root was the only member of his Cabinet to whom he could look or upon whom he could depend for clear, strong, and sufficient exposition, in public speech, upon the platform, of the policies and purposes of his Administration. As to the propriety or justness of that statement it is not for

me to say

If it be true, then the carefully prepared deliverances of the distinguished Secretary, above quoted, become doubly signifi-cant. Emanating from so high a source, and under such cir-cumstances, they must be given all the weight and sanctity of an official pronouncement. And coming thus, Mr. President, to all thoughtful and conservative men, they sound the alarm; they convey a warning to the American people that danger is ahead. The States must execute their powers and discharge their duties, as the head of the Federal Government demands, or those powers will be taken from them and executed by the National Government. The long-cherished right of home rule, the constitutionally reserved powers of the States to administer their domestic affairs in consonance with the judgment and interests of their people is boldly, I will not say brazenly, threatened unless the sovereign States bow the knee and "leg-islate" and "administer" in a manner that shall meet the approval of the National Government, or those charged with its administration.

Mr. President, this is the doctrine of expediency, that the National Government should do whatever needs to be done or is not sufficiently done by the States, whether constitutional or not. A doctrine dangerous in the highest degree, and utterly at variance with our system, which is a government of law, with a written Constitution, limiting and defining the scope and powers of the Federal Government. It brings us face to face with the startling issue, Is the Constitution still to be a binding, a vital, a controlling influence in our Government, or is it to be brushed aside whenever it stands in the way of what appears to be expedient or desirable?

Mr. President, the thirteen sovereign States which fought the Revolutionary war and won their independence were slow and reluctant to surrender to the keeping of a Federal Government any of those inherent sovereign powers for which they had

struggled so long and sacrificed so much.

At last, encompassed by dangers from without, and realizing their weakness when divided, they yielded. But they only consented to the Union and the creation of a Federal Government under a written chart, in which the metes and bounds of the powers which they surrendered were distinctly marked and clearly defined. And so apprehensive were the States, under the influence of the wise, far-seeing, and patriotic men who guided them, that the Federal Government might at some later day, by construction or usurpation, assume other and greater powers than those nominated in the bond, that almost contemporaneously with the adoption of the Constitution they demanded and secured an amendment, embodied in the tenth article, by which it is distinctly and specifically declared that

All powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. President, the Constitution was adopted, the Federal Republic was created by the States and the people of the States, by their action as separate and independent units, and not by the people of the United States in the aggregate. When the people of the States thus created the Federal Government and gave it certain limited and defined powers and retained all the rest, those States did not thereby cease to be sovereign and

independent States.

Mr. President, for the first seventy-five years of our national life we lived and grew and prospered under this Constitution with a large and, I believe, the dominating influence of popular thought, if not of judicial construction, standing steadfastly for the preservation to the States and the people of every right and power not clearly delegated to the Federal Government. The civil war came. Thousands of the purest, the best, and the bravest of American manhood, North and South, with millions of treasure, were sacrificed to settle and determine the constitutional question, whether a sovereign State, which had vol-untarily entered the compact of union, could, at its will, voluntarily withdraw from it.

The decision was reached not upon reason and by judicial interpretation, but because one side had heavier guns-more men and greater treasure—than the other. When the end came, however, and the final judgment was pronounced, the men who had recognized the supreme right of the States as against the supreme right of the nation, and whose honesty of purpose and patriotic devotion to principle will not be questioned by impar-

tial history, accepted as final every fair and legitimate result From then the enduring national character of the of the war. Government of the United States was fixed and determined. But that was all that was determined by that bloody struggle. In every other respect our system of Government remained unchanged, with practically the same limited grants to the Federal Government and the same constitutional powers reserved to the States. It is true that from that time forth the pendulum has swung steadily toward a more centralized government. Under this influence the Federal Government has assumed to ex-ercise powers never anticipated or even dreamed of by the founders of the Republic. Powers so sweeping, so far-reaching, and sometimes so destructive of the reserved rights and powers of the States that if they had been known or believed to lie hidden in the grants to the National Government would have proven fatal to the adoption of the Constitution.

But, Mr. President, through all these years of insidious aggressions of the National Government upon the reserved rights of the States there has ever been heard to issue from the silent chamber across the hall, in which sit the final conservators of the Constitution, a voice steady and clear, proclaiming the sovereignty of the States no less than that of the nation.

The Supreme Court has said:

The Supreme Court has said:

Notwithstanding the adoption of these three postbellum amendments, the National Government still remains one of enumerated powers, and the tenth amendment, which reads "the powers not delegated to the United States are reserved to the States, respectively, and to the people," is not shorn of its vitality. (Hodges v. United States, 203 U. S.)

But the perpetuity and indissolubility of the Union by no means implies the loss of distinct and individual existence or of the right of self-government by the States. Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United States. Under the Constitution, though the powers of the States were much restricted, still all powers not delegated to the United States nor prohibited to the States are reserved to the States, respectively, or to the people. And we have already had occasion to remark at this term that "the people of each State compose a State having its own government and endowed with all the functions essential to separate and independent existence," and that "without the States in union there could be no such political body as the United States." (County of Lane v. State of Oregon, 7 Wall., 76.) Not only, therefore, can there be no loss of separate and independent autonomy of the States through their union under the Constitution, but it may be not unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible Union composed of indestructible States. (Texas v. White, 7 Wall., 725.)

Not only that, Mr. President, but never has any political party, in this country dared to write a platform or enunciate a doctrine which had for its end and purpose the abolition of State lines and the destruction of the reserved, sovereign powers Mr. Lincoln, the head, the genius, the exemplar of the States. of the Republican party in its earlier and better days, stood upon a platform which said "That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political

fabric depend.'

Mr. President, never until now, in all our history as a nation, has any statesman of national consequence of any party, holding high and responsible office, boldly threatened and proposed to recast our Constitution, to remodel our Government, and to utterly wipe out, obliterate, and destroy the reserved sovereign rights of the States and centralize absolute and supreme power in the nation.

The distinguished Secretary says every State is bound to frame its legislation and its administration not alone with reference to its own interests, but with reference to the interests of the whole country. Then, is there to be a censorship upon the legislation which the States are to be permitted to enact? And if so, who is to exercise that supreme function to determine whether the States exercise their powers and discharge their duties wisely or well? The Federal head of necessity, for none

other is in contemplation.

Mr. President, leave to the people of a State the power to determine and the right to judge for themselves what is wisest and best for them respecting their local and domestic affairs and they are a free people. Take that right from them and they are not a free people. Hence it was that the statesmen who wrote our Constitution and spoke our Government into life, looking back over the long and bloody struggle of mankind for liberty, the very essence of which is the right of a people to order, to shape, to determine, to control their own local and domestic affairs in their own way and in accordance with their own judgment and interest, wisely concluded that that liberty could only be secured and preserved by leaving those powers in the States and the people directly and immediately affected. It

is now boldly proposed to strip the States of this conceded con-

stitutional power.

The distinguished Secretary shrewdly intimates that these extraordinary and unconstitutional powers are needed to curb and control the great trusts and combinations of capital. President, that is but the sugar coat put on the centralization pill to induce the people to swallow it. If those who are crying out for more and greater national power are in good faith, let them exhaust the power now clearly possessed by the Federal Government. If they want to suppress the trusts, let them modify and reform the tariff, behind which the trusts are hiding and through which they are robbing the people of more than a just share of their earnings. If there is a dangerous overcapitalization of railroads and other corporations, as the honorable Secretary suggests, let them empower the Interstate Commerce Commission to investigate and determine the value of all railroads engaged in interstate commerce and fix rates that will yield a fair return upon the actual investment, as was proposed in the Senate last session and voted down by the majority. If the accumulation of colossal fortunes be a menace to the Republic, let them cease granting special privileges and pass an income and an inheritance tax that the wealth of the country may be forced to contribute its fair share to the support of the Government which protects and defends it. But, Mr. President, we must not forget that no end, however just or however much to be desired, should be sought through the usurpation of power.

And how, Mr. President, is this change to be wrought and this extraordinary power to be conferred on the Federal Government? It is conceded that no such power as it is proposed to assume now exists under the Constitution; upon the contrary, it is expressly reserved to the States and to the people. Is it proposed to pursue the legal and orderly process of amendment as provided in the Constitution itself? Not at all. That mode is far too slow and too uncertain for these strenuous days. Power, extraordinary and supreme, must be grasped, and grasped at once and without delay. Every business, every interest affecting the industries, the morals, the prosperity of every State which, in the judgment of the Federal Government or those administering it, needs regulating or is not wisely or sufficiently regulated by the States must be forced under Federal domination and control. Local differences must be ignored, local needs and desires must be brushed aside and State lines wiped out, and the legislative conduct of every State and community must be measured by and be made to conform to the standard fixed Washington. And this is to be accomplished, not by the orderly process of amendment to the Constitution, by the consent of the States and the people, but by the devious, uncertain, and dangerous process of executive and judicial construction.

Mr. President, if the people want to change their form of government, if the people of the States desire to surrender any or all of their reserved rights to the National Government, if the people are ready to give up their right and power to administer and control their domestic affairs as seems wisest and best for them, the way is open, the mode is provided in the Constitution itself. To take those rights from them

in any other way is usurpation, is revolution.

Need I pause, Mr. President, to point out the ills that would inevitably flow, the wrongs that surely would be done, the injustice that would certainly be wrought if the power of home rule, the sovereign power of the States to administer their internal affairs, be curtailed or destroyed and enlarged and discretionary power be vested in the Federal Government? It is too manifest to require elaboration. Ours is a great and widely extended country, stretching from Gulf to Lakes and from ocean to ocean, with widely varying climate, productions, and needs, and peopled with a citizenship whose habits, mode of thought, tastes, desires, and environment are as various as the States in which they live. The local and domestic demands and conditions of one State vary from those of another. Each must be the judge of its own needs and its own interests, and each must be left free to order and administer its own affairs in consonance with its own sovereign will, or liberty will be a byword and a sham.

"The people," says Mr. Root, "will have the control they need." Where and who are the people who demand a revamp of our Constitution by somebody's construction? Who are the people who are making these demands and for whom the distinguished Secretary assumes to speak? Where is the State which has asked to be allowed to surrender its sovereign powers to the keeping of the National Government? Where is the convention of the people which has declared for it? Where is the statesman of national consequence and influence, except the two distinguished statesmen from whom I have quoted, who has openly indorsed it? The voice of a free and untram-

meled press from one end of the land to the other has protested against it. Then, who are the people? Mr. President, I speak with no unkindly feelings of either the President or the able Secretary of State. They may be moved by the highest motives of patriotism for aught I know. I question no man's motives. The President has done many things which I heartly approve and advocated some measures which I indorse.

In the recent Brownsville matter I unqualifiedly indorsed his action in discharging the battalion of soldiers, not because they were negroes, but because I believed he had the legal authority to do what he did and because I believed those soldiers thoroughly deserved dismissal, both for the protection of the honor and good name of the Army and for the peace and security of the people. Though differing from the President in politics, I shall not hesitate on that account to commend where I think he is right, nor shall I refrain from criticism where I believe he is wrong. It will be a sad day for the liberties of the people of this Republic when either they or their representatives here hesitate to criticise the official conduct of their servant whom they have placed in the White House simply because he holds high office whenever they believe his speech or his conduct deserve such criticism.

So, Mr. President, I challenge the authority of President Roosevelt or Secretary Root to speak for the people of the forty-five States of this Union touching a fundamental change in their government. The real voice of the people can only be heard through their State legislatures or through a conven-

tion, as provided for in the Constitution.

And may I be permitted, with all due respect, to suggest that the regard of these distinguished statesmen for the limitations of the Constitution and the simple ways of democratic government, as exhibited in their records in the past, is not so conspicuous as to entitle them to speak with authority for the great conservative, Constitution-loving masses of the American people. The one is the man whose strenuous nature has chafed more restlessly under constitutional restraints than any man perhaps who ever sat in the Executive chair. The one is the man who, without the consent of Congress, committed an act of war by winking at, if not encouraging, insurrection against Colombia and then virtually declared war against that helpless Republic by announcing that it should not suppress a "mock rebellion' within its own territory. The one is the man who overrode and trampled under foot the treaty-making power, vested by the Constitution in the Senate, by making and putting into practical effect a treaty with San Domingo, which the Senate has for more than two years persistently refused to ratify. The one is the man who has only recently threatened to use "all the forces, military and civil, of the United States" to break down and override a law of a State, made in pursuance of its reserved constitutional powers, and to force American fathers to admit grown Mongolians into intimate relations with their children, which they regard as hurtful and dangerous. The one is the man who, with pomp and ceremony, followed by an armored fleet trailing at his heels, after the manner of the German Kaiser, recently sailed forth to visit his outlying provinces of Panama and Porto Rico.

The other is the man whose subtle brain is said to have evolved the "constructive recess" between 12 o'clock and 60 minutes after 11; who recently visited the capitals to the south of us to show them the "big stick," for the occasion wreathed in roses, and graciously bid them be good and pay their debts.

These are the people, eminently distinguished, but not numerous, whose voice is heard crying for more and greater powers to the National Government. Mr. President, I can not but think that possibly this is not the voice of John crying in the wilderness, "Prepare ye the way of the Lord, make his paths straight," but rather that of the "Sadducees," who must Mr. President, if first "bring forth fruits meet for repentance." the boldly declared purposes of these modern disciples of Hamilton, who are as far in advance of Hamilton on the way to consolidated and centralized power as Hamilton was of the men who wrote and framed the Constitution, can be consummated, it means a revolution in spirit if not in the form of our Government-a revolution, silent, if you please, but none the less certain and effective. It means to weaken or to overturn our dual form of government and to break down the constitutional checks and balances between State and national jurisdiction and to concentrate discretionary and unrestrained power in the Federal Government.

Mr. President, the right of local self-government, reserved by the Constitution to the States, is dear to the hearts of the American people in every State of this Union. No less North than South; no less East than West; but nowhere is it esteemed of greater or more supreme importance than by the people of the South. Upon that subject the people of my State and of the section of the Union from which I come feel deeply. For through all the vicissitudes of the past it has been their shield and their protection. When in the hour of bitterness and passion the civil rights bill was forced upon them, with all dangerous and demoralizing tendencies, it was to the right of sovereign States to order and administer their own domestic affairs, reserved to them in the Constitution, to which they appealed. And it was in maintenance of that principle that the Supreme Court of the United States declared that law unconstitutional. To it they must look, upon it they must depend for the power to deal with, to carry forward, and to ultimately solve the race problem, which even now hangs over them and threatens their peace, their happiness, their very civilization.

But, Mr. President, this is no sectional question, and I thank God that it is not. This Republic can never again divide upon sectional lines, either the North from the South, or the East from the West. Every section of this great Republic is so closely knit into the business and commercial and social life of every other that we are bound together by the indissoluble bonds of blood and interest. This question affects the sovereign rights of every State in the Union. The sovereign rights of California and the Pacific States to meet and deal with a race question with which they are threatened is no less menaced than the sovereign power of the Southern States to go on dealing with a race problem which for more than forty years has hedged them about. The people of the Pacific States are awakening to the danger of admitting into their midst and of trying to absorb into their social and industrial life an oriental, a nonassimilating race. In dealing with that problem they have our profoundest sympathy, and when the time comes to meet, and if possible to avert it, I have no doubt they will have, so far as we can give it, our aid and support.

But, Mr. President, as we in the South realize that our race problem can only be settled by our own people, who know its every environment, and who appreciate its delicate and perplexing difficulties, and upon whose hearts and consciences it rests as a perpetual burden; as we know it can never be solved by a people far removed from its fatal touch, and whose minds are not filled with an appalling sense of the deep racial difficulties with which it is hedged about, so I say that the sovereign rights of California should not be invaded, and that she should be left free to meet and settle her problem in her own way, trusting as we must to her patriotism and sense of justice for its right

Neither, Mr. President, should this be made a party question. But if it is the purpose of the President and that portion of his party who agree with him to commit the Republican party to a policy and to have it go to battle upon an issue which leads speedily and surely to the subversion of the sovereignty and independence of the States, then I have no doubt that the Democratic party will accept the issue and upon it will stand solid and united. The Democratic party has always been the party of the Constitution, adhering steadfastly to the principle that only by keeping the nation and the State each within its con-stitutional sphere of power could the liberties of the people be strictional sphere of power count the interties of the people be surely conserved. And it may be that in this wild orgie for national power, uncertain and unrestrained, to dominate and regulate everything and everybody, regardless of the Constitu-tion, the great conservative masses of the people, who believe in liberty with law, will turn to the Democratic party for security and repose.

But, Mr. President, this question rises above party. fundamental; it is vital. It goes to the preservation in its constitutional integrity of our wisely devised and constructed system of dual Government, with its division of powers between State and nation. Is it a wise system? Has it worked well in the past? Under it in little more than a century we have risen from thirteen weak to forty-five powerful States. From 3,000,000 we have multiplied to 85,000,000 people. From a strip along the Atlantic seaboard we have crossed a continent, conquered a wilderness, and touched the Pacific shores.

In commerce and trade, both foreign and domestic, in inventions, in manufactories, in wealth and productive energy; power and influence among the nations of the world; in all the arts of peace and of war; in all that looks to the elevation and ennobling of mankind, and that makes for righteousness among men, we have, under the Constitution of the fathers, with its checks and limitations of power, grown and developed and expanded as no other people ever did in all the tide of time. This constitutional system has been sufficient for every emergency; it has met every expanding need. Then why change—why seek to weaken or remodel it?

Mr. President, it is time for the American people to pause, to

reflect, and to contemplate with patriotic consecration the words of their greatest political philosopher and seer, Mr. Jef-

Let us preserve the State governments in all their rights as the most competent administrations of our domestic concerns and the surest bulwark against antirepublican tendencies. Let us preserve the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.

Mr. President, an infant in arms when Sumter was fired upon, I know nothing, except from history and tradition, of the bitterness and strife that distracted and divided our country in the days that are happily passed and gone. To me this is a Union never divided. I would cherish and preserve it-a grand republican superstructure, resting upon and deriving its strength from forty-five massive State columns, each sovereign and complete within its constitutional sphere—the Nation supreme in things national; the States supreme in all things domestic.

NATIONAL CHILD LABOR COMMITTEE.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6364) entitled "An act to incorporate the National Child Labor Committee," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.
That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

JOHN C. SPOONER,
A. O. BACON,
Managers on the part of the Senate.

E. L. TAYLOR, Jr.,
SAMUEL W. SMITH,
T. W. SIMS,
Managers on the part of the House.

The report was agreed to.

ARMY APPROPRIATION BILL.

Mr. WARREN. In pursuance of notice heretofore given, I move that the Senate proceed to the consideration of the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amend-

Mr. WARREN. I ask that the first formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered.

The VICE-PRESIDENT. The Senator from Wyoming asks that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, on page 3, line 5, to increase the appropriation for the maintenance of the United States service schools, from \$20,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word dollars," to insert the following proviso:

Provided, That hereafter The Military Secretary's Department of the Army shall be known as The Adjutant-General's Department, the senior in rank of the officers of said department shall be designated by the title of The Adjutant-General, the other officers of the department shall be designated by the title of Adjutant-General, and The Military Secretary's Office of the War Department shall be known as The Adjutant-General's Office.

The amendment was agreed to.

The next amendment was, on page 5, line 18, after the word dollars," to insert the following provisos:

"dollars," to insert the following provisos:

Provided, That of the receipts of the Washington-Alaska Military
Cable and Telegraph System that have been covered into the Treasury
of the United States, the sum of \$199,000 be, and the same is hereby,
made available until expended for defraying the cost of such extensions
and betterments of the system as may be approved by the Secretary of
War, the extent of such extensions and the cost thereof to be reported
to Congress by the Secretary of War: Provided further, That hereafter
detailed estimates shall be submitted to Congress for any further extension of the cable or telegraph lines in the district of Alaska.

The amondment was agreed to.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

For expenses of the Signal Service of the Army on account of the army of Cuban pacification during the fiscal year beginning July 1, 1907, in the purchase of equipment, stores, and supplies, the engagement of services personal and not personal, and all other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph and otherwise, \$50,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, before the word "hundred," to strike out "three hundred and sixty-eight thou-

sand one" and insert "five hundred and fifty-six thousand two;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That hereafter all commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulations as the Secretary of War may prescribe.

So as to make the clause read:

For pay of officers of the line, \$5,556,200: Provided, That hereafter all commissioned officers, etc.

The amendment was agreed to.

The next amendment was, on page 6, line 21, after the word "million," to strike out "seventy-five thousand dollars" and insert "one hundred and forty-eight thousand seven hundred and thirty dollars;" so as to read:

For pay of officers for length of service, to be paid with their current monthly pay, \$1,148,730.

The amendment was agreed to.

The next amendment was, on page 7, after line 1, to insert the following proviso:

Provided, That any officer or enlisted man of the Army who has been, or who may hereafter be, detailed for duty in connection with the Jamestown Ter-Centennial Exposition shall, while actually engaged on such duty, be regarded as employed on public duty and entitled to allowances authorized by law or regulations for officers or enlisted men so employed.

The amendment was agreed to.

The next amendment was, on page 7, after line 7, to insert the following further proviso:

Provided further, That section 1330 of the Revised Statutes, authorizing leaves of absence for certain officers of the Military Academy, be, and it is hereby, extended to include officers on duty exclusively as instructors at the special service schools and staff college, and such student officers, graduates of their latest classes, as may be detailed at special service schools or staff college.

The amendment was agreed to.

The next amendment was, on page 7, line 17, to increase the appropriation for pay of enlisted men of all grades, including recruits, from \$9,000,000 to \$9,972,504.

The amendment was agreed to.

The next amendment was, on page 7, line 23, to increase the appropriation for aditional pay for length of service of enlisted men from \$1,200,000 to \$1,206,000.

The amendment was agreed to. The next amendment was, on page 8, after line 19, to strike

ELECTRICIANS, ARTILLERY CORPS.

Twenty-five master electricians, at \$900 each, and one hundred electrician sergeants, at \$408 each, \$63,300.

Additional pay for length of service, \$6,000.

The amendment was agreed to.

The next amendment was, on page 11, line 20, after the word "clerks," to strike out "and;" so as to read:

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

The amendment was agreed to.

The next amendment was, on page 12, line 8, after the word "dollars," to insert the following proviso:

Provided, That when a vacancy of lieutenant-colonel shall occur in the list of either permanent or detailed officers of that grade in The Milltary Secretary's Department, the officer now holding a permanent appointment with the rank of major in that department may be promoted to such vacancy.

Mr. KEAN. Let me ask the Senator from Wyoming a question. Ought not this amendment to be changed inasmuch as the

Senate has adopted the amendment on page 3?

Mr. WARREN. It is still The Military Secretary's Department, but when this provision, if adopted, takes effect on July 1 next, with the first amendment of the bill, it will thereafter be The Adjutant-General's Office, and that will carry this officer with the others.

Mr. KEAN. Then this goes into effect at once. Is that the idea?

Mr. WARREN. Whether it does or not, the title in the bill is still The Military Secretary's Department, and when the bill goes into effect, then this with the other will be changed.

Mr. BACON. I understood the Senator from Wyoming to say

he wanted to have the bill simply read this afternoon.

Mr. LODGE. Oh, no.

The VICE-PRESIDENT. The bill is being read for amendment, and the committee amendments are to be first considered.

Mr. BACON. I understood that, but I supposed from the suggestion of the Senator from Wyoming that he intended when the bill got into the Senate that these matters should all be open for further consideration, if desired.

Mr. WARREN. Of course that is my intention. That is the usual way. That is a right the Senate has with the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 15, after line 5, to strike out:

For Chief of Bureau of Insular Affairs, \$5,500.

And insert:

Bureau of Insular Affairs: For officers of the Bureau of Insular Affairs, \$9,000: Provided, That the Secretary of War is hereby authorized to detail an officer of the Army, whom he may consider especially well qualified, to act as principal assistant to the Chief of the Bureau of Insular Affairs of the War Department, and said principal assistant while acting under said detail shall have the rank, pay, and allowances of a major: And provided further, That the provisions of section 27 of the act of February 2, 1901, with reference to the transfer of officers of the line to the departments of the staff for tours of service, shall apply to the vacancy created by this act and to the return of the officer so detailed to the line of the Army.

The amendment was agreed to.

The next amendment was, on page 15, line 25, after the word dollars," to insert the following proviso:

Provided, That officers who served creditably in the regular or volunteer forces during the civil war prior to April 9, 1865, and who now hold the rank of brigadier-general on the active list of the Army, having previously held that rank for three years or more, shall, when retired from active service, have the rank and retired pay of major-

Mr. NELSON. I would inquire how many officers this amend-

ment will affect, and who they are?

Mr. WARREN. From three to five, according to the number that may become major-generals by selection of the President in the usual way to fill vacancies before the age limit is reached. It will probably apply to three, possibly four.

Mr. NELSON. Is that the limit?

Mr. WARREN. There is a possibility of its applying to

more than four, but it can not exceed five, I think.

The VICE-PRESIDENT. The question is on agreeing to the

amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 17, line 3, before the word "dental," to strike out "thirty" and insert "thirty-one;" and in line 5, before the word "dollars," to strike out "fifty-six thousand one hundred and sixty" and insert "fifty-seven thousand nine hundred and sixty;" so as to make the clause read:

For thirty-one dental surgeons, \$57,960.

Mr. WARREN. To complete that paragraph, I move to insert the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Wyoming pro-

poses an amendment, which will be stated.

The Secretary. On page 17, after line 5, change the period to a colon and insert, after the word "dollars:"

Provided, That in addition to the dental surgeons now authorized by law there shall hereafter be one for the United States Military Academy.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 17, line 6, to increase the appropriation for contract surgeons from \$300,000 to \$360,000.

The amendment was agreed to.

The next amendment was, on page 17, line 10, after the word "cents," to insert the following proviso:

Provided, That hereafter any paymaster's clerk of the Army who shall have had thirty-five years' faithful service in the Army may be nominated by the President and, by and with the advice and consent of the Senate, be appointed a first lieutenant, mounted, United States Army, and placed on the retired list thereof as of that rank.

Mr. NELSON. I inquire of the chairman of the committee if this amendment does not give a civilian a pension, and is it not therefore the beginning of a civil pension list? It takes a civilian clerk and puts him on the roll as a retired Army officer.

Is not that a way of giving a civilian employee a civil pension?

Mr. WARREN. I think not. By the construction of the law
until it was inadvertently changed two or three years ago, paymasters' clerks were considered officers in computing extra pay for foreign service, etc., and up to the time when that change and one other occurred many of our best paymasters were taken from the ranks of paymasters' clerks.

A paymaster's clerk practically becomes an officer of the Army. He has many of the responsibilities of an officer. In addition, he has his bond to give; he has to travel; he has to do very many things that an officer does, so far as the service is concerned; and yet while every other man in the Army, enlisted man or commissioned officer, has the privileges of a pension for self or family, the right of burial in national cemeteries, of increased pay for length of service, and of admission into the Soldiers' Home, etc., the paymaster's clerk is left out in the cold as to all those rights and privileges. I consider the

proposed amendment a very just and wise one.

Mr. NELSON. Would not the effect of this legislation be ultimately to place every paymaster's clerk upon the pension roll and have retired civilians drawing pensions for life?

Mr. WARREN. I desire to say in all seriousness that we want to hang up just that kind of a prize, which a paymaster's clerk can strive for and finally reach through close application and hard work. He can only reach it after he has served thirty-five long years faithfully and well. If then considered so good and faithful a man that he merits reward, the President may select him and put him on the retired list at the small pay of a retired first lieutenant, mounted. He now has no pensionable status. He has no soldiers' home privilege. He has no place of burial by the Government. He has nothing but poverty and want to compensate for long and faithful service, unless we in some way provide for him.

As I have said, heretofore paymasters' clerks, who were adepts and always doing full and satisfactory service, were sooner or later made paymasters. By a late law we have-

Mr. CLAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. Certainly.
Mr. CLAY. Will the Senator let me ask him—I ought to know, but I do not-whether the paymaster's clerk is appointed by the Government and is an employee or officer of the Government, or whether he is simply appointed by the paymaster?

Mr. WARREN. He is appointed by the War Department. He does not have a commission, is not appointed by the President and confirmed by the Senate.

Mr. CLAY. Who appoints him, then?

Mr. WARREN. He is appointed by the War Department. Mr. CLAY. By the paymaster himself? Does the paymaster appoint his own clerk?

Mr. WARREN. No; the Paymaster-General, or, really, the

Secretary of War.

Mr. BACON. I desire to ask the Senator a question, How many clerks now in the service will this affect? I say affect. Of course it will affect all, but I mean how many of them are now in a position to be the recipients of this benefit?

Mr. WARREN. Not to exceed two. Mr. BACON. It is not, then, made with special reference to

any particular clerk?

Mr. WARREN. It is made with reference to all clerks who have performed the service for thirty-five years, and it will reach two men at the present time, and a few more later on,

but not for several years.

Mr. BACON. What is the prospect as to the number who within a reasonable or short space of time are to be affected

Mr. WARREN. I will tell the Senator in a moment.
Mr. BACON. I ask the question simply for the purpose of getting an idea as to the number of these clerks who have been for a long time in the service.

Mr. WARREN. I think I can inform the Senator from this We have in the Pay Department one who has been thirtyeight years and eight months in the service; one who has been thirty-five years and two months; one who has been in service thirty-one years and eight months, and one twenty-five years and eight months, and then from that down to eighteen years. There are but fifteen altogether who have served eighteen years

Mr. BACON. That is sufficient, unless the Senator desires to go further.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. WARREN. I do. Mr. NELSON. While I dislike to criticise the Army bill and have no doubt the Committee on Military Affairs have done the very best they could, it seems to me that these paymasters' clerks are only civilian employees, and that this is a discrimination in favor of that class of employees as respects all the other employees of the Government. We have in the various Departments of the Government a large number of clerks who have served faithfully and well thirty-five years, forty years, and over. They have no such provision made for them by which they can retire and receive a commission. This is practically a discrimination between those clerks and these clerks who happen to be clerks of paymasters. For that reason it seems to me to be unjust. If we are going to do anything for the old clerks to take care of them, we ought to do it for all, and not discriminate in favor of the few who happen to be within the purview of the Army.

Mr. WARREN. Mr. President, the condition of a paymaster's clerk is entirely different from that of any other civilian employee of the Government. He acts as paymaster a great deal of the time and is responsible for the funds. He has at all times to be in attendance upon the paymaster with whom he is detailed. He has to go to every place in this country or abroad where there are United States troops to be paid. He sleeps in the same blankets with his principal on the plains and he occuples the same tent, room, or bed at different places. He has to furnish his bond and pay for it. In reality his condition all of the time, the wants that he must make good, the duties that he must perform, the expenses he must incur, are not such as compare with any other civilian employee.

I wish to say again that it is and will be very hard for the Department to secure the services, at the pay that is allowed, of efficient paymasters' clerks, unless some chance of promotion or ultimate reward is added to present conditions and emolu-

Mr. LODGE. He is under military law. Mr. WARREN. He is under military law, and is liable at any time to trial by court-martial as well as by civil law.

Formerly many superior men took these places in the service, and they were almost sure to be made paymasters. In fact, the paymaster who would be Paymaster-General now, excepting that he gracefully stepped aside temporarily so that an older man might take it and retire from it, was made a paymaster from paymaster's clerk. I refer to Colonel Towar.

Paymaster Muhlenberg and several others, who are among the best paymasters we have in service now, were formerly paymasters' clerks. There are a great many who have passed away who were made paymasters from paymasters' clerks. But by a recent change in law all paymasters must be appointed or

detailed from the Army proper.

Now, with the small salary paid paymasters' clerks, and with the great responsibilities upon them, it seems to me highly necessary, as a matter of protection for the Government itself, to offer some inducement for men to spend so long a time as thirtyfive years as paymasters' clerks in the Army. If they spend that length of time, they should have some little provision for the hereafter, which every other man in either the combative or the general-service force is provided with now.

The paymaster's clerk is entirely different from the Department clerk, who has a permanent and settled home. If the paymaster's clerk is a married man, he has to have always, or nearly always, two homes. If he is in the field or traveling, he must maintain himself away from home and at the same time

maintain his family at home.

I do not think there should be any objection to the passage of

this provision.

Mr. BACON. I should like to ask the Senator from Wyoming question. I understand the quartermaster's clerks are not bonded?

Mr. WARREN. The quartermasters' clerks do not have the handling of funds.

Mr. BACON. There is that distinction between them, is there not?

Mr. WARREN. Yes; and there is another difference. quartermaster's clerk out at an Army post is one of the employees at that post, with a settled home provided for him. paymaster's clerk has to go all over the United States and the possessions of the United States-Porto Rico, Hawaii, Alaska, or the Philippines-obeying orders no matter where they take

Mr. BACON. In other words, the Senator means that paymasters' clerks have responsibilities and duties and labors that do not attach to the other clerical force?

Mr. WARREN. Exactly so.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to insert: For extra pay to enlisted men employed on extra duty as switch-board operators at each interior post of the Army, \$8,000.

The amendment was agreed to.

The next amendment was, on page 19, line 2, to increase the appropriation for mileage to officers and contract surgeons when authorized by law, from \$500,000 to \$550,000.

The amendment was agreed to.

The next amendment was, on page 19, line 12, before the word officers," to strike out "commissioned," so as to make the " officers," clause read:

For additional 10 per cent increase on pay of officers serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto (excepting Porto Rico and Hawaii), as provided by act approved June 30, 1902, the time of such service

to be counted from the date of departure from said States to the date of return thereto, \$210,000.

Mr. DU PONT. I should like to ask the Senator from Wyo-

ming what is the effect of striking out the word "commissioned?"

Mr. WARREN. That is to make the proposed legislation conform to the old law, so that paymasters' clerks can collect their foreign pay allowance the same as they did before. inadvertence on the part of the committee, I think, on the last year's appropriation bill that word was put in where it had never appeared before; that is all.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Sconts," on page 21, line 14, before the word "of," to strike out "encampment" and insert "encampments;" so as to make the clause read:

Encampments of organized militia with troops of the Regular Army.

The amendment was agreed to.

The next amendment was, on page 21, line 20, before the word "encampments," to strike out "brigade or division;" so as to make the clause read:

For paying the expenses of regiments, battalions, squadrons, and batteries of the organized militia of any State, Territory, or of the District of Columbia which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," \$1,000,000.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

For the purchase of flags for use on Memorial Day in suitably decorating the graves of soldiers and sailors of the Union Army buried in national cemeteries, \$2,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to strike

For paying claims for damages incident to the Army maneuvers at West Point, Ky., in the year 1903, the sum of \$2.837.24, to be immediately available: Provided, That the sum of \$2.837.24 of the appropriation for the militia herein shall be expended in paying claims allowed by the board of officers convened by Special Orders, No. 162, Headquarters Department of the Lakes, September 6, 1903, for maneuvers at West Point, Ky., in the year 1903.

And to insert:

For settlement of 256 approved claims for damages to and loss of private property in the United States, Cuba, Porto Rico, and the Philippine Islands, \$35,271.10.

Mr. KEAN. I ask the chairman of the committee, the Sena-

Mr. Weard. I ask the charman of the committee, the Senator from Wyoming, what are those claims?

Mr. WARREN. They are for small damages that have occurred through the firing of heavy artillery at encampments or by barges, one striking the other, damages to property near post target ranges, etc. They are small matters. There are 256 claims altographer claims altogether.

Mr. KEAN. Do they include the part that is stricken out?

Mr. WARREN. They include the part that is stricken out.
Mr. KEAN. And also include a great many of the claims the Senator is so familiar with, that we have had before the Committee on Claims—that is, claims for small amounts?

Mr. WARREN. Yes; all of them have been passed upon by

boards of survey and approved by the Department. Under the law the Department can not pay them. It seemed fairer to pay not only those the House had put in, but the entire lot that stood on all fours with them.

The amendment was agreed to.

The next amendment was, on page 25, line 25, to increase the total appropriation for the maintenance of the Subsistence Department of the Army from \$6,499,984.80 to \$6,832,761.15.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 26, line 20, after the word "storage," to insert "for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions;" so as to read:

Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts and on transports, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions, etc.

etc.
The amendment was agreed to.

The next amendment was, in the item of appropriation for

regular supplies of the Quartermaster's Department, on page 27, line 20, after the word "reports," to strike out "\$5,500,000" and insert "\$6,775,511.07: Provided, That hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the Inited States under such regulations as the Secretary of War may prescribe;" so as to read:

Of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing Department orders and reports, \$6,775.511.07: Provided, That hereafter the heat and light actually necessary, etc.

The amendment was agreed to.

The next amendment was, on page 29, line 21, after the word "guard," to insert the following proviso:

Provided, That in addition to the number of chaplains now authorized by law there shall hereafter be one, with the rank of captain, for the United States military prison at Fort Leavenworth, Kans.

The amendment was agreed to.

The next amendment was, on page 29, line 24, after the word 'Kansas," to strike out the following proviso:

Provided, That hereafter no part of the moneys appropriated for use of the Quartermaster's Department shall be used in payment of extraduty pay for the Army service men in the Quartermaster's Department at West Point.

The amendment was agreed to.

The next amendment was, on page 31, line 24, to increase the appropriation for the maintenance of the Quartermaster's Department from \$1,900,933.72 to \$1,944,016.72.

The amendment was agreed to.

The next amendment was, on page 32, line 6, after the word "hundred," to strike out "thousand dollars" and insert "and \$93,723.37;" so as to read:

Horses for cavalry, artillery, and engineers: For the purchase of horses for the cavalry, artillery, and engineers, service school and staff colleges, and for the Indians scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, \$493,723.37.

The amendment was agreed to.

The next amendment was, on page 32, line 21, after the word "troops," to strike out "other than Seacoast Artillery;" and in line 24, after the word "messes," to insert "and such heavy permanent furniture for officers' quarters;" so as to read:

Barracks and quarters: For barracks and quarters for troops, store-houses for the safe-keeping of military stores, for offices, recryiting stations, to provide such furniture for the public rooms of officers' messes and such heavy permanent furniture for officers' quarters at military posts as may be approved by the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, in the appropriation for barracks and quarters, on page 34, line 9, after the words "Secretary of War," to strike out "\$2,000,000" and insert "\$5,867,724."

Mr. CARTER. I should like to have the Senator in charge

of the bill explain the cause for this very large increase proposed

by the committee.
Mr. WARREN. Mr. WARREN. Mr. President, the House for some reason divided the barracks and quarters and put the appropriation under two heads. They had in the bill between \$3,000,000 and \$4,000,000, and on the motion of some one-and I may say that it was not a member of the Military Affairs or the general Appropriation Committee, as I remember-one of their appropriations was stricken out on a point of order; so that left only \$2,000,000 in the bill where the House had intended to appropriate between \$3,000,000 and \$4,000,000.

Then added to that is the estimate, or a portion of the estimate, made necessary by the passage of the artillery bill, which increases the efficiency of the Army through its artillery. This law passed after the House had acted upon the Army bill and after it had left the jurisdiction of the House and had come over

The amount now proposed represents the sum of the three items—first, \$2,000,000 left in the House bill; second, the amount that was stricken out on the point of order, and, third, the minimum amount, the lowest amount estimated by the Department as necessary for this year on account of the artillery bill.

I may say we are still some millions below the official estimate

made by the Department to Congress. Indeed, we are below the first estimate that came up before we had increased the artil-

lery.

Mr. CARTER. I would be glad to have the Senator further explain whether this large sum is intended to be appropriated in furtherance of the so-called policy of the concentration of the Army at a few central points in the country, with a view to providing special accommodations at such central points and finally abandoning the outlying Army posts now situated in dif-ferent sections of the country.

Mr. WARREN. So far as that is concerned, we have not in-

cluded as much as the amount required and estimated for the

several purposes and the brigade posts. Of course we have not cut the amount with the purpose of prohibiting expenditures at posts that may become brigade posts, but neither has any encouragement been given to the proposed erection of brigade posts

This appropriation can only be applied to such structures as cost less than \$20,000 each, and the concentration and building of new posts or building new barracks, etc., must come through the sundry civil appropriation bill as to any large structures. Such appropriations are under the head of "Military posts" in that bill, and no part of this money can be used on any structure like company barracks or any structure of any kind that costs more than \$20,000.

Mr. CARTER. Will the Senator kindly explain under what

authority of law the process of concentration is now proceeding

by the building up of central posts?

Mr. WARREN. In the absence of any direction by Congress the amount for military posts is appropriated in a lump sum, to be apportioned by the War Department.

Mr. CARTER. And that appropriation occurs, as I understand from the Senator's statement, in the sundry civil appro-

priation bill.

Mr. WARREN. It does. It is estimated differently. It is under a different head in the estimates.

Mr. CARTER. The amount appropriated last year was in

the neighborhood of how much?

Mr. WARREN. About \$1,200,000. It passed through the Senate at \$1,400,000. It was cut in conference to, I think, \$1,200,000, possibly \$1,150,000.

Mr. CARTER. Then we have the assurance of the Senator

that the increase in this item is in no sense related to the concentration proposition.

Mr. WARREN. It has no reference whatever to that subject.
Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. I do.

Mr. CULBERSON. I do not desire to take the Senator's me. I simply wanted in my own time to emphasize the suggestion of the Senator from Montana [Mr. Carters] to this re-markable increase as proposed on page 34 of the bill. I wish to emphasize that by stating, so that it may go in the Record, that the net increase of expenditures for the Army carried by this bill is \$9,406,733.65. Of that increase \$6,221,160 is said to be incident to the increase in the Artillery Corps. posing that to be true and taking it to be true, Mr. President, we have a net increase in other respects over last year of an amount in excess of \$3,200,000. That is all I had to say.

Mr. WARREN. I did not hear the Senator's last remark.
Mr. CULBERSON. The last remark is that, outside of the increase in the Artillery Corps, this bill carries a net increase of something over \$3,200,000; and I wanted to put that in the Record and let the country know what we are doing here with

the public money.

Mr. WARREN. The Senator will notice that all that is in the Record. Every item is accounted for in the statement which accompanied the report upon this bill a few days since. A large portion of that, I will say, is an amount allowed on the House side as necessary to support the Army, but which was

Mr. CULBERSON. My understanding of the remarks of the Senator from Wyoming in charge of the bill was that this increase was due to the increase in the Artillery Corps. I wanted to call his attention to the fact, and I wanted to call the attention of the Senate and of the country to the fact, that we have

an increased expenditure this year of over \$3,200,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 11, to insert:

For the acquisition of not exceeding 50 acres of land near or adjoining Fort Taylor, at Key West, Fla., \$150,000, or so much thereof as the Secretary of War may deem necessary.

The amendment was agreed to.

The next amendment was, on page 34, after line 15, to insert:

The Secretary of War is hereby authorized to permit the Florida East Coast Rallway Company and its successors to make a fill and construct an embankment upon the submerged lands in front of the existing military reservation on which now stand the barracks and quarters of the military post at Key West, the said fill and embankment to used by said rallroad company and its assigns for rallroad purposes, subject to such conditions and restrictions as the Secretary of War may deem necessary in the public interest.

Mr. KEAN, Mr. President, I think an explanation of the two items from line 12 to line 24, on page 34, is necessary. It seems to me as though we first buy 50 acres of land for \$150,000, and then give the Florida East Coast Railway Company a right of way through it.

Mr. WARREN. Mr. President, that was all brought out in the testimony before the committee and is in the hearings. It comes in this way: The railroad desires to build one hundred and odd miles of road down to the water at Key West. It is unable to do so unless it crosses for quite a distance land which is claimed to be owned by the United States. That land is partly submerged. The United States is not sure enough of its title either to grant it or to make any move regarding it without the specific authorization of Congress

As I understand it, we have down there two old posts, one for artillery and the other devoted to other purposes. One or both of them must be rebuilt. The railroad desires to go along down the foreshore to reach the proper point for a terminal. To do that renders the lower post uninhabitable. The War Department is desirous of the extension of this railroad and of the cheaper transportation which will thereby be afforded and the shorter time of traveling to reach points like Cuba, Panama, The War Department desires to obtain the 50 acres adjoining the upper of the two posts, in order that it may get the railroad in and use for warehouses the old buildings which now constitute the lower post and add what is necessary to the upper post for a garrison, etc., to take care of the employees who now have to walk a long distance between the two.

. Mr. KEAN. It seems to me that this is rather an extraordinary price to pay for 50 acres of land.
Mr. TALIAFERRO. Mr. President, I wish to say that there

is no right of way given to this railroad company over any of the Government land; but, as the Senator from Wyoming has explained, the Florida East Coast Railway Company is now building down to Key West very largely over the ocean. Secretary of War, however, deemed it a wise and proper thing, for military reasons, to permit this railway company to fill in the foreshore of the present post property at Key West. So that any land they will occupy there at all will be of their own making.

The War Department has for a long time desired to change the post at Key West from its present location across the city near the fort. It is now distant about a mile and a quarter from the fort where the men have their duties to perform, Fort Taylor. The purpose of the purchase of this land is to enable the War Department to change the position of the post and put it nearer to Fort Taylor; and rather than dispose of the land that the Government owns now at Key West and has been using heretofore the Secretary of War recommended that it be held for storage purposes. That is the condition of the case. The VICE-PRESIDENT. The question is on the amendment

proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, in the item of appropriation for transportation of the Army, etc., on page 36, line 5, after the word "ferriages," to strike out the semicolon and the word "hereafter;" so as to read:

Of ordnance, ordnance stores, and small arms from the foundries and armorles to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages.

The amendment was agreed to.

The next amendment was, on page 36, line 6, before the word "estimates," to insert "That;" and in the same line, after the word "estimates," to insert "for the next fiscal year;" so as to make the proviso read:

Provided, That estimates for the next fiscal year shall be submitted to the Congress of the United States covering transportation of the Army and its supplies in one estimate, and additional estimates shall be submitted covering other items heretofore carried in appropriation bills under the head of "Transportation of the Army and its supplies,

The amendment was agreed to.

Mr. WARREN. Mr. President, I was diverted for a moment, and I now ask to turn back to page 35, line 19. After the word "enlistment," in that line, I move to insert what I send to the desk

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 35, line 19, after the word "enlistment," it is proposed to insert:

Provided further, That hereafter any military prison that the Secretary of War may designate for the confinement of general prisoners for whom there is no room at the United States military prison at Fort Leavenworth, or when it is impracticable to send there, shall be regarded as a branch of the said United States military prison and, equally with it, shall be subject to the laws relating thereto, including chapter 6, Title XIV of the Revised Statutes.

The amendment was agreed to.

Mr. WARREN. Now, Mr. President, turning back to page 17; line 11, after the word "had," in the committee amendment already adopted, I move to insert the words "in all.

The VICE-PRESIDENT. The amendment of the committee,

to which the Senator from Wyoming has offered his amendment, has already been agreed to; but if there be no objection it will be regarded as open, and the question is on the amendment of the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 38, line 13, after the word "service," to strike out "\$13,500,000" and insert "\$15,163,792.72;" so as to read:

Provided further, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, \$15,163,792.72.

Mr. CULBERSON. Mr. President, I invite the attention of the Senator from Wyoming to this extraordinary increase of about \$2,000,000 in this item, and I ask him to give some ex-

planation of it.

Mr. WARREN. That is made necessary by the increase of the artillery branch, which will ultimately add about 6,000 men to the Army. I want to say further that that amount will be a great deal larger unless we shall provide such legislation as this bill proposes as to transportation.

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 38, line 24, after the word "governments," to insert "officers of the War Department, Members of Congress, other officers of the Government while traveling on official business;" on page 39, line 3, after the word "transported," to strike out the colon and insert a comma and the words "and when accommodations are available, transportation may be provided for general passengers to the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War;" so as to make the proviso read:

Provided, That no part of this appropriation shall be applied to the payment of the expenses of using transports in any other Government work than the transportation of the Army, its supplies and employees; and when, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the officers, enlisted men, employees, and supplies of the Navy, the Marine Corps, and for members and employees of the Philippine and Hawalian governments, officers of the War Department, Members of Congress, other officers of the Government while traveling on official business, and without expense to the United States, for the families of those persons herein authorized to be transported, and when accommodations are available, transportation may be provided for general passengers to the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War.

Mr. BACON. Mr. President, I very seriously doubt the propriety of our attempting on this bill to legislate in regard to amending the rate bill that we spent a good, large part of the last session of Congress in efforts to perfect.

Mr. WARREN. This has nothing to do with the rate bill. It pertains to the subject of transportation across the ocean.

Mr. BACON. I beg the Senator's pardon. I had the wrong age. I withdraw the suggestion, Mr. President. The VICE-PRESIDENT. The question is on agreeing to the

amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The Secretary. The next amendment of the Committee on Military Affairs is, on page 39, after line 9, to insert the fol-

Provided further, That nothing in the act of Congress entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, shall be held to prohibit the allowance of reduced rates to the Government for the transportation of persons or property, or to prohibit the transportation of officers and enlisted men in the service of the United States free or at reduced rates.

Mr. BACON. Now, Mr. President, I ask the Secretary to pause at that part of the amendment, because it is to that part that my first remarks were addressed.

Mr. WARREN. That is a distinct amendment of itself.

Mr. BACON. It is a distinct amendment, although it is only separated by a semicolon from that which follows. It is entirely distinct, and the objection to it would not apply to the remaining part.

I was about to say, Mr. President, that I doubted very much the propriety of the policy of endeavoring to legislate upon an appropriation bill to secure whatever amendments may be required in regard to the provisions of the rate bill, which we at so much cost of time and trouble of various kinds endeavored

to perfect at the last session.

Mr. WARREN. If the Senator will permit me right there, I will say that this is a matter which ought to have been consid-

ered when the rate bill was up, but it was overlooked. amendment is designed to correct a great inequality in railroad rates that we have to meet in the Government service. I do not know but what it is a greater inequality than has existed at any time under the cut rates of the railroads, so much complained of before the passage of restrictive legislation.

For instance, there are fifty-six railroads in the United States which by law are hauling the property and men of the Army, at 50 cents on the dollar of their regular rates. There are fortyfour more at least, possibly more than that, which heretofore have always entered into an agreement to accept 50 cents on the dollar, the same as is paid to the land-grant or bond-aided railroads. There are other railroads which have paid their entire indebtedness to the Government, although they formerly were aided by bonds and land grants, and they are getting 100

cents on the dollar.

So we have here a case of inequality, where one railroad gets a dollar for what another railroad gets 50 cents. The amendment is to make provision for the railroads, if they desire to do as they did before. Those who are not bound to the Government to haul army freight and men at 50 cents on the dollar can nevertheless do so, and thereby be put in direct competition with the others. As it is now, if we want to send men or property over the most direct route, we find that we must pay a dollar, instead of paying 50 cents, and we have to go by some tortuous route and spend days and weeks in crossing the continent to avoid paying 100 cents on the dollar, which, under the rate bill, we have forced the railroads to charge.

Mr. BACON. That is only a part, in the first place, of the

Mr. BACON. That is only a part, in the first place, of the provision included in this particular amendment—that is, I mean the particular part of it.

Mr. WARREN. That is true, but I wish to bring that particular part up now, so that the Senator may have it in mind.

Mr. BACON. I did not, as the Senator will remember, say anything on the question of the propriety of the amendment—

Mr. WARREN. I understand. Mr. BACON. I simply am addressing myself to the proposition that the rate law ought not to be amended in this way.

We have been in session here since the first of December. These difficulties were known, and I respectfully suggest there ought to have been an amendment directed to the rate bill which should have gone to the proper committee and should have had consideration by the Senate as an amendment to the rate bill, because this is not the only provision of the rate

Mr. WARREN. Mr. President-

Mr. BACON. I hope the Senator will pardon me just a sec-This is not the only provision of the rate bill where there are defects which have been pointed out and concerning which amendments are very urgently desired by different people who are affected by them. For instance, the newspapers are knocking here very strenuously, asking that we amend the bill in a particular which they say in its present form does them a great injustice; and there are a great many others.

I confess that the principal point to which my attention was directed was not so much the question that the Senator from Wyoming has commented upon as the effort to go into that phase of the rate bill which gave us so much trouble, to wit,

the question of free passes.

Mr. WARREN. I will say to the Senator that I am perfectly willing to cut those two words out, if he desires.

Mr. BACON. I want to say in that connection— Mr. WARREN. I am perfectly willing to do that. Mr. BACON. I hope the Senator will pardon me just a moment. I am not going to take much time. I want to say in that connection that I have no disposition whatever to deny to the officers and men of the Army any proper indulgence or privilege, and as the general disposition seems to be to increase the compensation of the officials of the Government and the employees of these great corporations, I would be perfectly willing to have some proper addition made to the compensation of the officers and enlisted men of the Army. But I think it ex-tremely improper, Mr. President, that we should endeavor in this piecemeal way to amend the rate bill.

I think the rate bill has a great many good features in it, and I think a great many people have had to make sacrifices in order to get the benefit of what may come for the general good. Whenever the time comes to find out where there has been a mistake made and where there is a grievance here and a burden there which ought to be relieved or corrected, I want to see that done in a methodical way and with proper consideration with reference to that single matter, and not by its being grafted upon a bill where we can not give it proper investigation and

consideration.

I do not want to be put in a position, Mr. President, of oppos-

ing the special feature of granting to the officers and enlisted men of the Army the privilege of reduced rates or of free passes, and I regret very much to say anything about it. only with a view to having some more considerate action than can possibly be had with reference to the amendment of the rate bill that I make any suggestion whatever.

Mr. McCUMBER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

I do. Mr. BACON.

Mr. McCUMBER. I thought the Senator had completed his

Mr. BACON. No. I will say this, Mr. President, that if the amendment is to be retained for the purpose which the Senator from Wyoming indicates as an important one-and certainly his statement has a very great deal of value in it—I would not my-self be willing to do more than ask that the word "free" be taken out, because if it is going to relate to the transportation of troops I think possibly the question of reduced rates could properly be left in an amendment, if we are going to deal with it at all; but I do not think we ought on this bill to deal with the question of free transportation.

Mr. McCUMBER obtained the floor.

Mr. WARREN. Will the Senator allow me a moment?

Mr. McCUMBER. Certainly.

WARREN. Mr. President, replying to the observation that this defect should have been known before and should have been handled in a different way, I will say it was presumed that a rate could be made for the officers and men of the Army if all of the roads made the same rate and agreed upon the same terms; but as the railroad rate law is dissected, understood, and construed by the Interstate Commerce Commission and the railroads we are confronted now, without time to change it in any other way, by a condition like this:

We have had our estimates based upon the usual cost of transportation. We have inserted in this bill the usual amount, plus what the growth of the Army calls for. Now, if we shall fail by legislation here providing for this expenditure to arrange for these rates as to the Army in general the appropriation will be entirely inadequate. As I said before, we are paying now, for instance, to the Union Pacific system a hundred cents on the

dollar

Mr. BACON. I recognize what the Senator has said in that regard

Mr. WARREN. Now, as to the officers and their families. Since I have known anything about the Army, on the western roads at least they have always received the courtesy of half fare, and sometimes probably a lower rate than that.

Mr. BACON. I would suggest, if the Senator will pardon

Mr. WARREN. It bears very heavily, especially upon men with families, and particularly when they have to cross from posts on the Atlantic to those on the Pacific, and then perhaps to the Philippines, to be compelled to pay full fare.

Then, again, in the case of a train load of soldiers, embarked all together, the railroad knows just how many cars will be necessary and just how much power will be required to haul that train, and there is no need for stopping anywhere, except for railroad necessities—for water, fuel, etc. Therefore, there has always been-it is a part of the economics of this countrya special rate to the Government for handling troops all over the country

Mr. BACON. Will the Senator allow me to ask him a ques-Did the Senator understand me to say that I would not ask that we do more than strike out the word "free," which would allow the reduced rates for which the Senator is now

Mr. WARREN. I am perfectly willing to accept that.

Mr. BACON. I want to make one other suggestion to the Senator in connection with the remarks he has just made. From the reading I have been able to give it, there is no provision in regard to reduced rates for the families of officers. I think that is more important than reduced rates for the officers themselves, because the officers have travel pay, but their families do not, and frequently they have to carry their families along with them. So I think it is more important to insert the words "and their families."

Mr. WARREN. It was intended to cover that. If the provision does not do so, we will offer an amendment to that effect. I thank the Senator for bringing it to my attention.

Mr. BACON. I would suggest to the Senator, on line 19, page 39, to strike out the words "free or" and insert "and their families." Then it would read-

Officers and enlisted men in the service of the United States and their

The VICE-PRESIDENT. The amendment to the amendment

The Secretary. On page 39, line 19, in the amendment proposed by the committee, after the words "United States," it is proposed to strike out the words "free or" and insert in lieu thereof the words "and their families."

Mr. WARREN. I think that amendment had better be made. Mr. BACON. Yes.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. McCUMBER. I want to ask the Senator in charge of the bill a question, to see if we can get a basis for reasoning out whether or not this provision ought to remain. I want to ask the Senator if provision is not made for the payment of the traveling expenses of every officer or soldier traveling on duty? Does not the Government pay the traveling expenses?

Mr. WARREN. The Government pays the traveling expenses of an officer when he is traveling under orders. The Government takes no cognizance whatever of the family. In other words, the Army is laid out on lines which ignore the family entirely. So that all the traveling expenses of members of the family must be paid for, and if the officer is on leave or if he is moving except under orders, of course he is moving at his

own expense.

Mr. McCUMBER. I understand that, Mr. President. I want to say just a word in reference to this whole Army appropriation bill and the Army system. I am as much in favor as any Senator here of paying officers of the Army proper compensation and paying proper compensation to the railroads for moving them. We have a system that is applied to the Army that is not applied in any other branches of the Government. We have sought not only by direct legislation, but by every species of indirect legislation to help out the salaries of Army officers. We start in, for instance, fixing the salary from the majorgenerals down.

It appears upon the record, one at \$11,000, one at \$9,000, one at \$8,000, one at \$7,000, etc. Yet every Senator who knows anything about it knows that practically every one of those officers is drawing more than the salary named, because, after the expiration of every five years of service, there is 10 per cent added to the salary.

The Senator is in error.

WARREN. The Senator is one error.

Mr. WARREN. The Senator is in error. Mr. McCUMBER. After five years more another 10 per cent is added.

Mr. WARREN. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. I yield. Mr. WARREN. I know the Senator does not wish to be in

Mr. McCumber. I certainly do not.
Mr. Warren. Speaking of the general officers, there is no percentage allowance. There is a maximum. The maximum for a brigadier-general is \$5,500, and \$7,500 for a major-general. To that is added commutation of quarters, provided he is on duty where the Government has no barracks or quarters for himfor instance, in the city of Washington. And that is all.

Mr. McCUMBER. On every page of the bill we find for these

officers additional pay for length of service.

Mr. WARREN. Yes; that applies—— Mr. McCUMBER. Again, "additional pay for length of serv-That appears at the end of every one of these subdivisions

Mr. WARREN. That applies only to officers in the lower In fact, for colonels and lieutenant-colonels there is a Below they are allowed certain percentages which maximum. arrive at the maximum when they amount in all, after twenty years' service, to 40 per cent.

Mr. McCUMBER. I understand it applies to those of the lower ranks. It does apply to the officials, however. So if I write to the Department to ascertain the salary of any official I am unable to get it unless they go further and ascertain his length of service.

Then, in addition to that, there are certain allowances made for traveling expenses which are not allowed in other cases.

Mr. WARREN. No, Mr. President. Mr. McCUMBER. Let me finish the sentence. There are other allowances for rooms, etc. So if an officer is sent from one section of the country to Washington to live he does not have to pay rent, because the amount that is allowed, if he is on official duty, is sufficient to pay the rent. We can find many other ways in which special privileges are constantly growing up in favor of the Army and which are not conferred upon other branches of the Government.

Now, that may be all right; it may be justified; but, so far as

I am concerned, I would sooner appropriate directly for each one what he is entitled to and make his salary accordingly than to say that his salary shall be five thousand and that there shall be something for additional length of service, and if he is allowed to go any place where it is necessary to hire rooms, then he should have those, and the Government should pay for them. I have no objection to that.

But we labored here last year, and labored strenuously, for the purpose of passing a law that would give a square deal to everyone in the matter of travel service. We declared that no person should have any special privileges. I believed then that a year would not elapse before there would be an attempt to secure special privileges for some members either of the Army or the Navy or some other branch of the Government—some of the officials. The very first step that was taken was to appropriate immediately \$25,000 for the traveling expenses of the President. We passed that. Now it is proposed to go further, and while we have cut off every other official of the Government, no matter what his rank, we find in this bill a provision that will allow the railroads to carry an officer of the Army with his family free anywhere over the United States. Of course if he is on official business, he would get his transportation.

Mr. DANIEL. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Virginia?

Mr. McCUMBER. Certainly.

Mr. McCUMBER. Certainly.

Mr. DANIEL. Ought not the private to be given privileges of the same sort? He gets lower pay.

Mr. McCUMBER. The private ought to have the same privilege that the officer is given, but neither the private nor the officer ought to have the privilege unless it is granted to every other American citizen. That is the objection I have to this amendment.

Mr. WARREN. The condition of the amendment now under consideration is such that there will be no free transportation.

It applies alike to officers and enlisted men.

Mr. McCUMBER. And not only that, but his property can be carried free.

Mr. WARREN. The property of the United States at reduced rates only?

Mr. McCUMBER. No; the property of the officers.

Mr. WARREN. Not at all.
Mr. McCUMBER. That is as I read it.

Mr. WARREN. If the Senator will permit me, perhaps he did not hear what I said earlier during this discussion. Instead of making inequalities, the amendment makes an equality between the railroads.

Mr. McCUMBER. How is that?

Mr. WARREN. Instead of making inequalities, it makes an equality between the railroads, so that all railroads may fare alike.

Mr. McCUMBER. I do not quite understand what the Senator means by that. Will he explain it?

Mr. WARREN. I stated before—perhaps the Senator did

not hear it-that there are fifty-six or more railroads in the United States which, under the statutes, are hauling for the Government, we will say, at 50 per cent of the regular rate.

Mr. McCUMBER. Under what statutes? Mr. WARREN. Under existing statutes.

Mr. McCUMBER. How can they haul for a less sum than the regular rate under the law we passed last year?

Mr. WARREN. Congress did not repeal the land-grant laws. Mr. McCUMBER. That is what I want the Senator to explain.

Mr. WARREN. They are land-grant or bond-aided railroads.

In addition to that-

Mr. McCUMBER. They have had their consideration in the

land grant for the service that they give.

Mr. WARREN. I grant you that.

Mr. McCUMBER. Then they can not complain.

Mr. WARREN. They are not complaining.

We have another lot of railroads tied up by the rate bill, which, for hauling the same troops from the same point to the same destination, get a hundred cents.

Mr. McCUMBER. All right.

Mr. WARREN. They are willing to do it, as they have done heretofore, at 50 per cent for the Government, and make a rate equal to that of the other roads, so that the Government may send its forces over that railroad which is most convenient to it, and pay the same rate to all.

Mr. McCUMBER. The railways may be willing to give this extra privilege to the officers, etc., but some one has to pay for it in the end, and for the same reason that it was argued last year, that if there was free transportation over the railroads of the United States to certain persons, the railroads would have

to charge the others who pay for their transportation an amount which would equal their loss on the free transportation. So if the railways are allowed to give this preferential rate to the Government, they will have to make it out of some one else, and the general traveling public will have to pay for it in the end.

My position is that the Government has no right to ask in the transportation of its forces for anything that the citizen has not a right to ask; that the Government should pay exactly the same rate for transportation that it compels the citizen to pay; that the Government should have no special advantage.

Mr. HEYBURN. I should like to call attention to the fact

that as I read this amendment it would permit free transportation, or transportation at special rates, to Government employees in any branch of the service. It is not limited to the Army and the Navy. After reciting the restrictions of the interstatecommerce act, it reads-

Mr. WARREN. It says "officers and enlisted men in the service of the United States."

Mr. HEYBURN. I call the attention of the Senator to this

That nothing in the act * * * shall be held to prohibit the allowance of reduced rates to the Government for the transportation of persons or property.

The Government can secure transportation for its employees in any department of the Government under that provision if you stop there. But it says:

Or to prohibit the transportation of officers and enlisted men in the service of the United States—

And as we have amended it-

and their families-

free or at reduced rates.

Under that the Government could have transported, irrespective of the interstate-commerce act, any employee in any Department of the Government of the United States.

Mr. LODGE. Will the Senator from Idaho allow me?

Mr. HEYBURN. Certainly.
Mr. LODGE. "Officers and enlisted men" is a technical term that always alludes either to the Army or the Navy. There is no question about it in this connection.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?
Mr. McCUMBER. Certainly.
Mr. HEYBURN. I desire to finish the reply to the Senator

from Massachusetts.

Mr. CULBERSON. Very well. Mr. HEYBURN. I think if the Senator from Massachusetts will inspect the language of this proposed amendment as it is printed and punctuated, it will be obvious to him that the first clause of this declaration would permit the transportation of others than officers, because the amendment uses the word "persons."

Mr. McCUMBER. I think the Senator from Idaho is abso-

lutely correct in his construction.

Mr. CULBERSON. I desire to suggest to the Senator from North Dakota that it is manifest we can not pass this important amendment to the rate bill in the absence of a quorum, if it ought to be passed at all.

Mr. McCUMBER. I was going to say in closing, without making any further argument upon it, that I raise the point of order that the amendment proposes general legislation and

is not provided for in the estimates.

Mr. WARREN. Will not the Senator recall his point of order?

Mr. McCUMBER. I withhold it.

Mr. WARREN. I ask that the amendment may be passed over until to-morrow.

The VICE-PRESIDENT. The amendment will be passed over. ORDER OF BUSINESS.

Mr. DANIEL. I move that the Senate adjourn. Mr. McCUMBER. Will the Senator from Virginia yield to me for a moment?

Mr. DANIEL Certainly.

Mr. McCUMBER. I understand there is nothing but this bill which will probably be up for consideration to-morrow. We have from six to eight hundred pension bills on the Calendar. I also understand that notice has been given that there will be memorial exercises here to-morrow afternoon at 4 o'clock. therefore ask unanimous consent that after the completion of this bill to-morrow the Senate proceed to the consideration of unobjected pension bills on the Calendar and unobjected bills for the correction of military records.

Mr. WARREN. I did not hear the proposition

Mr. LODGE. It is a request for the consideration of pension bills after the conclusion of the Army bill.

Mr. WARREN. To-night?
Mr. LODGE. No; to-morrow.
Mr. McCUMBER. To-morrow.
Mr. CULBERSON. I simply rise to suggest to the Senator from North Dakota that there are a number of unobjected bills on the Calendar besides pension bills. I do not see why we

Mr. McCUMBER. I should like to have the Senate go to the Pension Calendar, and when we get through with them there will be time for the other bills, probably.

Mr. CULBERSON. Very well; with that understanding, I

have no objection to the request.

Mr. NELSON. I desire to say that to-morrow, at the close of the morning business, when the Army appropriation bill shall have been disposed of, I desire to again call up the bill relating to the right of appeals in criminal cases. It is a matter of great importance and of national concern, and on that account I feel that I can not agree to the request for unanimous consent. We are now getting into the last part of the session. is to receive any consideration, it ought to be taken up at as early a day as practicable. The pension bills can be taken up at any time.

Mr. McCUMBER. I am afraid the Senator from Minnesota will have some trouble in holding a quorum here to-morrow upon that bill, and if it is a question which shall be considered, and as I have asked unanimous consent, I give notice that after the completion of the Army appropriation bill to-morrow I will move that the Senate proceed to the consideration of the unobjected

pension bills upon the Calendar.

Mr. NELSON. I also give notice that I will move to-morrow at the close of the morning business, unless the Army appropria-tion bill interferes, to take up for consideration the bill giving the Government the right of appeal in criminal cases.

Mr. PILES. I have a little bill here providing for a railroad

Mr. FILES. I have a little bill here providing for a rambour right of way through a military reservation, and I should like very much to have it considered.

Mr. WARREN. Will not the Senator from Washington wait until we can complete the reading of the Army appropriation bill? I think we ought to proceed that far to-night.

I supposed that had been done.

Mr. WARREN. It has not been.

Mr. PILES. I beg the Senator's pardon.

Mr. WARREN. I wish to say now, while notices are being given, that I take it for granted none of them will interfere with the consideration of the Army appropriation bill.

I take this opportunity to say that the Senator from Arkansas [Mr. Berry] desires me to announce that he wishes to address

the Senate upon a subject, and that he has been compelled to put it over from day to day, and he desired me to give notice that on Monday morning, immediately after the routine busi-ness, he would seek the floor to address the Senate upon the subject of which he has given previous notice.

Mr. President-

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 9, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Friday, February 8, 1907.

The House was called to order at 12 m. by Mr. DALZELL, who directed the reading of the following communication from the Speaker.

The Clerk read as follows:

I hereby designate Hon. John Dalzell, of Pennsylvania, as Speaker pro tempore for this day. J. G. CANNON.

FEBRUARY 8, 1907.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and ap-· proved.

MICHAEL V. HENNESSY.

Mr. LOUDENSLAGER. Mr. Speaker, I call up the conference report on the bill S. 822, and I ask that the statement be read in place of the conference report.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 822, two Houses on the amendment of the House to the bill S. 5041,

an act granting a pension to Michael V. Hennessy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the Senate recede from its disagreement to the amend-

ment of the House and agree to the same.

H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House. P. J. McCumber,

N. B. SCOTT, JAS. P. TALIAFERRO,

Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

This bill originally passed the Senate at \$20 per month, but was amended in the House to \$12 per month. The result of the conference is that the Senate recedes from its disagreement to the amendment of the House, and your conferees recommend that the bill pass at \$12 per month in accordance with said agreement.

> H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House.

Mr. LOUDENSLAGER. I move the adoption of the conference report

Mr. CLARK of Missouri. Is that a private pension bill of some individual?

Mr. LOUDENSLAGER. It is a private pension bill.

The question was taken; and the conference report was agreed to.

WILLIAM H. KIMBALL.

Mr. LOUDENSLAGER. I call up the conference report on the bill S. 4908, and ask that the statement may be read in place of the report.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chairs hears none.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4908, "An act granting an increase of pension to William H. Kimball," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amend-

ment of the House and agree to the same.

H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM. RICHARDSON, Managers on the part of the House.

P. J. McCumber, N. B. SCOTT, JAS. P. TALIAFERRO, Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

This bill originally passed the Senate at \$20 per month, but was amended in the House to \$16 per month. The result of the conference is that the Senate recedes from its disagreement to the amendment of the House, and your conferees recommend that the bill pass at \$16 per month in accordance with said agreement.

H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House.

Mr. LOUDENSLAGER. I move that the conference report be agreed to.

The question was taken; and the motion was agreed to.

GEORGE A. TUCKER.

Mr. LOUDENSLAGER. I also call up the conference report on the bill S. 5041, and ask that the statement may be read instead of the report.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chairs hears none.

The conference report and statement are as follows:

"An act granting an increase of pension to George A. Tucker," having met, after full and free conference have agreed to rec-ommend and do recommend to their respective Houses as fol-

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

> H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House.

P. J. McCumber, N. B. SCOTT, JAS. P. TALIAFERRO,

Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

This bill originally passed the Senate at \$30 per month, but was amended in the House to \$24 per month. The result of the conference is that the Senate recedes from its disagreement to the amendment of the House, and your conferees recommend that the bill pass at \$24 per month in accordance with said agreement.

> H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House.

Mr. LOUDENSLAGER. I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

BETTIE MAY VOSE.

Mr. LOUDENSLAGER. Mr. Speaker, I call up the conference report on the bill S. 6833, and ask that the statement be read instead of the report.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chairs hears none.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6833) granting an increase of pension to Bettie May Vose having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Managers on the part of the House.

P. J. McCumber, N. B. SCOTT, JAS. P. TALIAFERRO, Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

*This bill originally passed the Senate at \$50 per month, but was amended in the House to \$35 per month. The result of the conference is that the House recedes from its amendment, and your conferees recommend that the bill pass at \$50 per month, as it originally passed the Senate.

H. C. LOUDENSLAGER, WM. H. DRAPER. WILLIAM RICHARDSON. Managers on the part of the House.

Mr. LOUDENSLAGER. I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

THE M'CUMBER PENSION LAW.

Mr. CHARLES B. LANDIS. Mr. Speaker, I present the following privileged resolution.

The SPEAKER pro tempore. The gentleman from Indiana presents the following privileged resolution, which the Clerk will

The Clerk read as follows:

Resolved, That there be printed, for distribution through the document room of the House of Representatives, 20,000 copies of public law No. 63, known as the "McCumber pension law."

Mr. CLARK of Missouri. Is that to go out in this document room here?

Mr. CHARLES B. LANDIS. It does, Mr. CLARK of Missouri. Then I object.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Missouri that this is a provision for 20,000 copies of what is known as the "McCumber pension law." It is a mere leaflet; it will cost about \$1.25 a thousand, and if they are placed in the folding room of the House instead of the document room, it would entail more cost in bookkeeping than will be entailed in printing the document.

Mr. CLARK of Missouri. Do they not have to keep books out there, the same as in the folding room?

Mr. CHARLES B. LANDIS. No.

Mr. CLARK of Missouri. What do they do, then?

Mr. CHARLES B. LANDIS. Not to the same extent, at any rate. These 20,000 leaflets will be placed in the document room, and anyone who wants can secure them, and if there are not enough to go around we can have more of them printed.

Mr. CLARK of Missouri. I know; but some fellow who wants to electioneer with them will get 10,000 and leave the rest of us when we want them so that we can not get them to send

to our constituents.

Mr. CHARLES B. LANDIS. I will say upon investigation that that position is not well taken, and that Members are not permitted to abuse their privilege in that respect.

Mr. CLARK of Missouri. I know the fact to be that one man introduced a bill here of a great deal of consequence, and somebody went out there and got every copy of the bill, and we had to have it reprinted.

Mr. CHARLES B. LANDIS. There are only about 400 copies

of a bill placed in the document room.

Mr. CLARK of Missouri. If there is any way to stop this, I want to do it.

The SPEAKER pro tempore. The Chair will state to the generator from Missouri that the resolution is privileged. The tleman from Missouri that the resolution is privileged. question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. Clark of Missouri) there were—ayes 74, noes 33.

Accordingly the resolution was agreed to.

BRIDGE ACROSS MISSOURI RIVER, YANKTON, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6872) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined, railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., approved April 5, 1904, as amended by the act approved February 5, 1906, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year, and the time within which it is required that said bridge shall be completed shall be within three years from the date of the approval of this act.

The SPEAKER pro tempore. Is there objection?

The SPEAKER pro tempore. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is the bill unanimously reported by the committee?
Mr. BURKE of South Dakota. Unanimously reported by the

committee and also favorably recommended by the Chief of Engineers

Mr. WILLIAMS. It harmonizes with the requirements of the War Department?

Mr. BURKE of South Dakota. It does.

Mr. WILLIAMS. I have no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.
On motion of Mr. Burke of South Dakota, a motion to re-

consider the last vote was laid on the table.

BRIDGES ACROSS TUG FORK OF BIG SANDY RIVER.

The SPEAKER pro tempore laid before the House the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River, with Senate amendments.

Mr. HUGHES. Mr. Speaker, I move that the House concur

in the Senate amendments.

The motion was agreed to.

ANNA E. HUGHES.

The SPZAKER pro tempore also laid before the House the bill (H. R. 20060) granting an increase of pension to Anna E. Hughes, with a Senate amendment.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MASTERS, MATES, ENGINEERS, AND PILOTS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21204) to amend

section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 4446 of the Revised Statutes, as the same is now in force and effect, be, and the same is hereby, amended so as to read as follows:

"Sec. 4446. Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of \$100, or to the revocation of his license: Provided, That any pilot, quartermaster, mate, or engineer in the employment of any ferry company or line, and complying with the foregoing provisions with regard to the ferryboat of such company or line upon which he is regularly employed, shall be authorized to act temporarily as such pilot, quartermaster, mate, or engineer upon any other ferryboat of the company by or line upon which he is employed."

With the following amendments recommended by the com-

With the following amendments recommended by the committee on the Merchant Marine and Fisheries:

Page 1, line 8, insert after the comma following the word "vessel" the words "within forty-eight hours after going on duty."

Page 1, line 10, after the semicolon following the word "times," insert the words "Provided, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel." other vessel."
Page 2 strike out all of lines from 1 to 7, inclusive.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? There was no objection.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. Grosvenor, a motion to reconsider the last vote was laid on the table.

LAND IN ST. AUGUSTINE, FLA.

The SPEAKER pro tempore laid before the House the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, with a House amendment disagreed to by the Senate and a conference requested.

Mr. HULL. I move that the House insist on its amendment

and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. Young, Mr. CAPRON, and Mr. SLAYDEN.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be con-

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

PATRICK CONLIN.

The first business was the bill (H.R. 22367) for the relief of Patrick Conlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Patrick Conlin on the records as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, and grant him an honorable discharge, to date from September I, 1865: Provided, That no pay or bounty shall become due or payable by virtue of the passage of this act.

The amendment recommended by the committee was read, as follows:

In lines 8 and 9 strike out the words "That no pay or bounty shall become due or payable by virtue of the passage of this act" and insert "That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. ROBBINS.

The next pension business was the bill (H. R. 24829) granting an increase of pension to John R. Robbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Robbins, late of Company F, First Regiment Texas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE G. MARTIN.

The next pension business was the bill (H. R. 24801) granting an increase of pension to George G. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Martin, late lieutenant-colonel First Regiment United States Colored Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, before the word "Infantry," insert the word "Volunteer." In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended-was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID PRUNKARD.

The next pension business was the bill (H. R. 24397) granting an increase of pension to David Prunkard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Prunkard, late of Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. JAMES.

The next pension business was the bill (H. R. 24344) granting an increase of pension to John H. James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. James, late of Company C, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GOODING.

The next pension business was the bill (H. R. 24288) granting an increase of pension to John Gooding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gooding, late of U. S. S. Ohio, Wabash, and New Ironsides, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

GEORGE H. BONEY.

The next pension business was the bill (H. R. 24028) granting a pension to George H. Boney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Boney, late of Company K, Seventy-eighth Regiment Second McCooks Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as

In line 7 strike out the words "Second McCook's" and insert in lieu thereof the word "Pennsylvania."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George H. Boney.'

ALEXANDER M'WHORTER.

The next pension business was the bill (H. R. 23968) granting an increase of pension to Alexander McWhorter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander McWhorter, late of Company I, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES J. LAWLEY.

The next pension business was the bill (H. R. 23442) granting an increase of pension to James J. Lawley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Lawley, late of Company E. One hundred and sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

JOHN W. HOWE.

The next pension business was the bill (H. R. 20952) granting an increase of pension to John W. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Howe, late of Company K, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL SHOENER.

The next pension business was the bill (H. R. 20622) granting a pension to Samuel Shoener.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shoener, late of Company K, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel Shoener."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed the following reso-

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 8186. An act to construct and place a light-ship at or near

Ohio Shoal, Narragansett Bay, Rhode Island;

S. 8128. An act granting to the St. Johns Light and Power Company a right of way for street railroad purposes through the United States Military Reservation of Fort Marion, in St. Augustine, Fla., and through other Government property in said

S. 7502. An act providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington;

S. 6691. An act granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes; and

S. 8277. An act providing for stated leaves of absence to entrymen under the homestead laws.

ABRAM NUSSBAUM.

The next pension business was the bill (H. R. 14228) granting an increase of pension to Abram Nussbaum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram Nussbaum, late first lieutenant and quartermaster, Fifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6, after the word "and," insert the word "regimental."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT LAUNT.

The next pension business was the bill (H. R. 20414) granting an increase of pension to Albert Launt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Launt, late of Eighth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES R. WILSON.

The next pension business was the bill (H. R. 18831) granting an increase of pension to James R. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Wilson, late of Company A, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOR NELSON. The next pension business was the bill (H. R. 21711) granting

an increase of pension to Thor Nelson.

The bill was read, as follows: Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thor Nelson, late of Company B, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE WILEY.

The next pension business was the bill (H. R. 22630) granting an increase of pension to G. W. Wiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. W. Wiley, late of Company G. Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initials "G. W." and insert in lieu thereof the word "George."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George Wiley."

JOHN MILLER.

The next pension business was the bill (H. R. 22727) granting an increase of pension to John Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Miller, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN TIPTON.

The next pension business was the bill (H. R. 22823) granting an increase of pension to John Tipton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Tipton, late of Company K, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HICKCOX, JR.

The next pension business was the bill (H. R. 22547) granting an increase of pension to John Hickox, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hickox, jr., late of Company C, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hickox" and insert in lieu thereof the word "Hickcox." In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Hickcox, jr."

GEORGE J. ABBEY.

The next pension business was the bill (H. R. 22562) granting an increase of pension to George J. Abbey.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George J. Abbey, late of Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BURRELL H. GILLAM.

The next pension business was the bill (H. R. 22302) granting an increase of pension to Burrell H. Gillam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burrell H. Gillam, late of Company I, Eighth Provisional Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Eighth," insert the word "Regiment."
In line 7 strike out the word "Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof
e word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM TRUETT.

The next pension business was the bill (H. R. 22529) granting an increase of pension to William Truett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Truett, late of Company H, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MORTON-A. PRATT.

The next pension business was the bill (H. R. 22735) granting an increase of pension to Morton A. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morton A. Pratt, late of Companies K and I, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Companies K and I" and insert in lieu thereof the words "second and first lieutenant, Company A."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. SLOCUM.

The next pension business was the bill (H. R. 22763) granting an increase of pension to Charles H. Slocum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Siocum, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET O'REILLY.

The next pension business was the bill (H. R. 22617) granting an increase of pension to Margaret O'Reilly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret O'Reilly, widow of Jefferson O'Reilly, late of Company D, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES POOL.

The next pension business was the bill (H. R. 21306) granting an increase of pension to James Pool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Pool, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HERMANN HOFFMEISTER.

The next pension business was the bill (H. R. 21336) granting an increase of pension to Herman Hoffmeister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hermann Hoffmelster, late of Company C, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Herman" and insert in lieu thereof the word Hermann."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hermann Hoffmeister."

CHARLES A. PARKER.

The next pension business was the bill (H. R. 21342) granting an increase of pension to Charles A. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Parker, late of Company 8, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "eight" and insert in lieu thereof the

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M. LUMAN.

The next pension business was the bill (H. R. 18604) granting an increase of pension to Thomas M. Luman. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Luman, late of Company D. Tenth Regiment Kentucky Volunteer Cavalry, and Company H. Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the words "of Company D, Tenth Regiment."
In line 7 strike out the words "Kentucky Cavalry, and Company H"
and insert in lieu thereof the words "quartermaster-sergeant."
In line 9 strike out the word "thirty" and insert in lieu thereof the
word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS G. KNAPP.

The next pension business was the bill (H. R. 18814) granting an increase of pension to Francis G. Knapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis G. Knapp, late of Company K, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. LARGE.

The next pension business was the bill (H. R. 19599) granting an increase of pension to William J. Large.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Large, late of Company K, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY D. MINER.

The next pension business was the bill (H. R. 19739) granting an increase of pension to Henry D. Miner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Miner, late of Company C. Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHILIP LAPE.

The next pension business was the bill (H. R. 20062) granting an increase of pension to Philip Lape.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Lape, late of Company G, Ninety-third Regiment Pennsylvania Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Veteran."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The next pension business was the bill (H. R. 11621) granting an increase of pension to Hollis Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hollis Smith, late of Company B, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

WESLEY LAYTON.

The next pension business was the bill (H. R. 11995) granting an increase of pension to Wesley Layton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley Layton, late of Company A, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

PATRICK BOGAN.

The next pension business was the bill (H. R. 16439) granting an increase of pension to Patrick Bogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Bogan, late of McMullen's independent company, of Pennsylvania Rangers Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "McMullen's" and insert in lieu thereof the word "McMullin's."

In same line, after the word "company," strike out the word "of." In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SEYMOUR ALDEN.

The next pension business was the bill (H. R. 21348) granting an increase of pension to William Seymour Alden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Seymour Alden, late of Second Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the ord "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE M'NAMEE.

The next pension business was the bill (H. R. 16608) granting an increase of pension to Catherine McNamee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine McNamee, widow of Miles McNamee, late of Company C, Fourth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "Catherine" and insert in lieu thereof the word "Catharine."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Catharine McNamee."

JOHN SHORT.

The next pension business was the bill (H. R. 21525) granting an increase of pension to John Short.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Short, late of Captain Andrew Cowan's First Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the words "Captain Andrew Cowan's."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEFFERSON G. TURNER.

The next pension business was the bill (H. R. 16687) granting an increase of pension to Jefferson G. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of Jefferson G. Turner, late of Company F, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

ESTHER C. KELLY.

The next pension business was the bill (H. R. 15688) granting an increase of pension to Esther C. Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther C. Kelly, widow of Matthew Kelly, late first lieutenant Company F, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read,

In line 6, after the word "late," insert the words "Second and." In line 9 strike out the word "seventeen" and insert in lieu thereof e word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM IVERS.

The next pension business was the bill (H. R. 21559) granting an increase of pension to William Ivers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ivers, late of Company G, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSE SEVIN.

The next pension business was the bill (H. R. 21659) granting an increase of pension to Rosa Sevin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa Sevin, widow of Charles J. Sevin, late of U. S. S. Hartford, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Rosa" and insert in lieu thereof the word "Rose."

In same line strike out the letter "J." and insert in lieu thereof the word "Julius."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "hospital steward."

In line 7 strike out the word "ship" and insert in lieu thereof the word "ships."

In line 7 strike out the word "ship" and insert in lieu thereof the word "ships."

In same line, before the word "United," insert the words "Colorado and Pensacola."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Rose Sevin."

WILLIAM N. CARLISLE.

The next pension business was the bill (H. R. 21746) granting an increase of pension to William N. Carlisle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William N. Carlisle, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. LOWELL.

The next pension business was the bill (H. R. 21974) granting an increase of pension to John W. Lowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John-W. Lowell, late brigadier-general of volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the words "brigadier-general of volunteers" and insert in lieu thereof the words "captain, Company G, Second Regiment Illinois Volunteer Light Artillery."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA LORCH.

The next pension business was the bill (H. R. 22055) granting an increase of pension to Maria Lorch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Lorch, widow of Henry Lorch, late of Company C, Fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company. A, Twenty-eighth Regiment New York National Guard Infantry."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. SPROUL.

The next pension business was the bill (H. R. 12344) granting an increase of pension to Andrew I. Sproul.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew I. Sproul, late of Company I, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I." and insert in lieu thereof the letter "J."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew J. Sproul."

JAMES E. FITZGERALD.

The next pension business was the bill (H. R. 23912) granting an increase of pension to James E. Fitzgerald.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Fitzgerald, late of Company E, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LARS ISAACSON.

The next pension business was the bill (H. R. 22093) granting an increase of pension to Lars Isaacson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lars Isaacson, late of Company A, Sixteenth Regiment United States In.

fantry, and Company K, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Sixteenth," insert the words "Second Battalion."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYNTHIA M. BRYSON.

The next pension business was the bill (H. R. 22169) granting an increase of pension to Cynthia M. Bryson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia M. Bryson, late of Company L, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "widow of William V. Bryson."
In same line strike out the word "Third" and insert in lieu thereof the word "Thirteenth."
In line 7 strike out the word "him" and insert in lieu thereof the word "her."

In line 7 strike out the word "nim" and insert in lieu thereof the word "her."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

In same line strike out the word "he" and insert in lieu thereof the word "she."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM TEMPLIN.

The next pension business was the bill (H. R. 22199) granting an increase of pension to William Templin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Templin, late of Company F, Sixth Regiment Indiana Volunteer Cavairy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

RICHARD TURNBULL.

The next pension business was the bill (H. R. 22540) granting an increase of pension to Richard Turnbull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Turnbull, late of Company I, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

ANDREW JARVIS.

The next pension business was the bill (H. R. 1223) granting a pension to Andrew Jarvis

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Jarvis, late of unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew Jarvis."

The next pension business was the bill (H. R. 1377) granting

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Dallman, late of Company I, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN SAMPSON.

The next pension business was the bill (H. R. 1574) granting an increase of pension to Franklin Sampson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Sampson, late of Company F, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

ASA J. CLOTHER.

The next pension business was the bill (H. R. 1838) granting an increase of pension to Asa J. Clother.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa J. Clother, late of Company F, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHRISTINA VETTER.

The next pension business was the bill (H. R. 2324) granting a pension to Christina Vetter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christina Vetter, widow of Casper Vetter, late of Company F, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as

In line 7 strike out the word "Thirty-eighth" and insert in lieu thereof the word "Thirty-second."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BURR CLARK.

The next pension business was the bill (H. R. 2905) granting an increase of pension to Burr Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burr Clark, late of Company C, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. STEWART.

The next persion business was the bill (H. R. 3239) granting an increase of pension to George W. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of George W. Stewart, late of Company D. Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

JOHN C. M'GINIS.

The next pension business was the bill (H. R. 4150) granting an increase of pension to John C. McGinis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. McGinis, late of Company F, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "F, Second Regiment," and insert in lieu thereof the words "E, One hundred and ninth Regiment, and Company C, Eleventh Regiment."

In line 7 strike out the words "war with Mexico."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. WILKINS

The next pension business was the bill (H. R. 4553) granting an increase of pension to William R. Wilkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Wilkins, late of Company I, Fifth Regiment West Virginia Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," insert the words "Company I, Second Regiment West Virginia Volunteer Infantry, and."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD WILLIS.

The next pension business was the bill (H. R. 4757) granting an increase of pension to Edward Willis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Willis, late of Company C, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAHAM D. STOUFFER.

The next pension business was the bill (H. R. 12346) granting an increase of pension to Abraham D. Stouffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham D. Stouffer, late of Companies E and L, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies E and" and insert in lieu thereof the word "Company."

In line 7, before the word "Maryland," insert the words "Potomac Home Brigade."

In same line strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BEVERLY W. SULLIVAN.

The next pension business was the bill (H. R. 5029) granting an increase of pension to Beverly W. Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Beverly W. Sullivan, late first lieutenant and adjutant Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "of Company B, and."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EPHRAIM M. BOLTZ.

The next pension business was the bill (H. R. 5050) granting an increase of pension to Ephraim M. Boltz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim M. Boltz, late of Company F, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS GARRISON.

The next pension business was the bill (H. R. 5388) for the relief of Silas Garrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to increase and place on the pension roll the name of Silas Garrison, late private of Company F, Eighty-fith Regiment Pennsylvania Infantry, subject to the provisions and limitations of the pension laws, and allow him an increase of pension of \$20 year worth. per month.

The amendment recommended by the committee was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas Garrison, late of Company F, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Silas Garrison.

JOHN C. L. HARGIS.

The next pension business was the bill (H. R. 5627) granting an increase of pension to John C. L. Hargis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. L. Hargis, late of Company M, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH C. PITMAN.

The next pension business was the bill (H. R. 5926) granting an increase of pension to Sarah Pitman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Pitman, widow of Charles A. Pitman, late of Company B, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Sarah," insert the letter "C."
In lines 7 and 8 strike out the words "Heavy Artillery" and insert
in lieu thereof the word "Infantry."
In line 8 strike the word "twelve" and insert in lieu thereof the
word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sarah C. Pitman."

DAVID BETHURUM.

The next pension business was the bill (H. R. 6237) granting an increase of pension to David Bethusum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Bethusum, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the word "Bethusum" and insert in lieu thereof the word "Bethurum." $^{\prime\prime}$

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David Bethurum."

MARTHA G. MATLACK.

The next pension business was the bill (H. R. 7634) granting an increase of pension to Martha G. Matlack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha G. Matlack, widow of Joshua Matlack, late of Company H, Twenty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. BLEDSOE.

The next pension business was the bill (H. R. 8682) granting an increase of pension to James P. Bledsoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Bledsoe, late of Company B, Thirty-fifth Regiment-Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

CARRIE DIEFENBACH.

The next pension business was the bill (H. R. 8775) granting an increase of pension to Carrie Diefenbach.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Carrie Diefenbach, widow of Henry Diefenbach, late captain Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: Provided, That the additional pension herein granted shall be paid to her from and after May 12, 1896, the date of the said soldier's death.

The amendments recommended by the committee were read,

as follows: as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "first lieutenant."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twelve."

Strike out all of lines 10, 11, and 12.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN FINCH.

The next pension business was the bill (H. R. 8785) granting an increase of pension to John Finch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Finch, late of Company B, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. WILLIAMS.

The next pension business was the bill (H. R. 9850) granting an increase of pension to Benjamin F. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Williams, late of Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMANUEL SANDUSKY.

The next pension business was the bill (H. R. 11198) granting an increase of pension to E. Sandusky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. Sandusky, late of Company C, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Emanuel."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emanuel Sandusky."

WILLIAM KLING.

The next pension business was the bill (H. R. 11401) granting an increase of pension to William Kling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kling, late of Company H, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. BAKER.

The next pension business was the bill (H. R. 17307) granting an increase of pension to John A. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Baker, late of Company G. One hundred and forty-first Regiment New York Volunteer Cavairy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT W. BOGGS.

The next pension business was the bill (H. R. 17394) granting an increase of pension to Albert W. Boggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Boggs, late of the Signal Corps, United States Army, and pay him

a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "the."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRITZ DITTMANN.

The next pension business was the bill (H. R. 17655) granting an increase of pension to Fritz Dettmann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fritz Dettmann, late of Company H, Second Regiment Wisconsin Volunteer Cavalry, and Company I, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Dettmann" and insert in lieu thereof the word "Dittmann."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Fritz Dittmann."

The next pension business was the bill (H. R. 18396) granting an increase of pension to John Nix.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Nix, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN JOHNSON.

The next pension business was the bill (H. R. 18515) granting an increase of pension to Martin Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Johnson, late of Company G, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. ASHTON.

The next pension business was the bill (H. R. 24101) granting an increase of pension to George W. Ashton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ashton, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES L. COLE.

The next pension business was the bill (H. R. 13012) granting an increase of pension to C. L. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. L. Cole, late of Company E. One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C." and insert in lieu thereof the word "Charles."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles L. Cole."

LEVI DEATER.

The next pension business was the bill (H. R. 17002) granting an increase of pension to Levi Deater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Deater, late of Company K, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES MILTIMORE.

The next pension business was the bill (H. R. 16718) granting an increase of pension to James Miltimore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Miltimore, late of Company I, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAHAM J. SIMMONS.

The next pension business was the bill (H. R. 13810) granting an increase of pension to Abraham J. Simmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham J. Simmons, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the words "I, Thirty-seventh" and insert in lieu thereof the words "B, One hundred and first."
In line 7, after the word "Infantry," insert the words "and Oneida Independent Company, New York Volunteer Cavalry."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET A. JORDAN.

The next pension business was the bill (H. R. 15779) granting a pension to Margaret A. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Jordan, widow of Henry Jordan, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the

rate of \$12 per month, payable to her lawful guardian during the continuance of her insanity and to herself in case of her recovery.

The amendments recommended by the committee were read, as

In line 6, after the word "Henry," insert the letter "J."
In line 8 strike out the word "twelve" and insert in lieu thereof
the word "eight."
In lines 9 and 10 strike out the words "payable to her lawful
guardian during the continuance of her insanity and to herself in case
of her recovery" and insert in lieu thereof the words "such pension
to cease upon proof that the soldier is still living."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS D. MATHENY.

The next pension business was the bill (H. R. 16343) granting an increase of pension to Francis D. Matheny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis D. Matheny, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company G, Eighth Regiment Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HANNAH O. REYNOLDS.

The next pension business was the bill (H. R. 20590) granting an increase of pension to Hannah O. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah O. Reynolds, widow of Benjamin Reynolds, late captain Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 9 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M. LORD.

The next pension business was the bill (H. R. 20840) granting a pension to Thomas M. Lord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Lord, late of the Connecticut Light Battery, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as

Strike out all of lines 6 and 7 and insert in lieu thereof the words "of Thomas M. Lord, late of the First Independent Battery, Connecticut Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas M. Lord."

STODDARD CASWELL.

The next pension business was the bill (H. R. 22283) granting an increase of pension to Stoddard Caswell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stoddard Caswell, late of Company C, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT LIDDELL.

The next pension business was the bill (H. R. 23148) granting an increase of pension to Robert Liddell

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Liddell, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. FULLER.

The next pension business was the bill (H. R. 23175) granting an increase of pension to Henry A. Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Fuller, late of Company G, Thirteenth Regiment New York State Militia, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Militia," insert the word "Infantry."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. TUMEY.

The next pension business was the bill (H. R. 23282) granting an increase of pension to John W. Tumey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Tumey, late of Companies K and F, Ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows :

In line 6 strike out the words "K and F" and insert in lieu thereof the words "F and K."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN D. REED.

The next pension business was the bill (H. R. 23313) granting an increase of pension to Benjamin D. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin D. Reed, late of Thirtieth Unattached Company Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL P. WALLIS.

The next pension business was the bill (H. R. 23609) granting an increase of pension to Samuel P. Wallis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Wallis, late of Company F, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD C. TAYLOR.

The next pension business was the bill (H. R. 23626) granting an increase of pension to Richard C. Taylor,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard C. Taylor, late of Companies E and C. Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry.".

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET U. BURGESS.

The next pension business was the bill (H. R. 23600) granting an increase of pension to Harriet U. Burgess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet U. Burgess, widow of William D. Burgess, late of Company I, One hundred and twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "sixteen" and insert in lieu thereof the word "twelve." $\,$

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH R. BARTLETT.

The next pension business was the bill (H. R. 23682) granting an increase of pension to Joseph R. Bartlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lieutenant-Colonel Joseph R. Bartlett, late of Company F, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lieutenant-Colonel."
In the same line strike out the words "of Company F" and insert in lieu thereof the word "lieutenant-colonel."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NICHOLAS S. CANTINE.

The next pension business was the bill (H. R. 20588) granting an increase of pension to Nicholas S. Cantine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas S. Cantine, late of Company B. One hundred and forty-third Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT FOOTE.

The next pension business was the bill (H. R. 23323) granting an increase of pension to Robert Foote.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Foote, late of Troop F, Second Regiment United States Dragoons, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 7 strike out the word "Dragoons" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT HASTIE.

The next pension business was the bill (H. R. 23360) granting an increase of pension to Robert Hastie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Hastie, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company F" and insert in lieu thereof the word "quartermaster-sergeant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA R. MATTHEWS.

The next pension business was the bill (H. R. 23443) granting an increase of pension to Louisa R. Matthews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa R. Matthews, widow of George A. Matthews, late of Company K. One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. DICK.

The next pension business was the bill (H. R. 23709) granting an increase of pension to James M. Dick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Dick, late captain Company A, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "Company H, Second Regiment Iowa Volunteer Infantry, and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES RILEY.

The next pension business was the bill (H. R. 23763) granting an increase of pension to James Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Riley, late of Company I, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. BROWN.

The next pension business was the bill (H. R. 23802) granting an increase of pension to Thomas J. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Brown, late of Company A, Eighth Regiment Illinois Vol-

unteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "I."
In same line strike out the word "Eighth" and insert in lieu thereof the word "Ninth."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. BARKER.

The next pension business was the bill (H. R. 23806) granting an increase of pension to William F. Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Barker, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

JAMES G. CROZER.

The next pension business was the bill (H. R. 23852) granting an increase of pension to James G. Crozer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Crozer, late captain Company C, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line S strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. CUMMINGS.

The next pension business was the bill (H. R. 23860) granting an increase of pension to William G. Cummings.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Cummings, late captain Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB B. HASLAM.

The next pension business was the bill (H. R. 23890) granting an increase of pension to Jacob B. Haslam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob B. Haslam, late of United States ship Huron, and pay him a pension at the rate of \$48 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "ship" and insert in lieu thereof the words "ships Princeton and."
In line 7, before the word "and," insert the words "United States

In same line strike out the word "forty-eight" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OSCAR N. COWELL.

The next pension business was the bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Oscar N. Cowell, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODORE TEEPLE.

The next pension business was the bill (H. R. 24037) granting an increase of pension to Theodore Teeple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore Teeple, late of Company —, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the word "unassigned."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN MAGINNIS.

The next pension business was the bill (H. R. 24068) granting an increase of pension to John Maginnis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rell, subject to the provisions and limitations of the pension laws, the name of John Maginnis, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM L. STEWART.

The next pension business was the bill (H. R. 24269) granting an increase of pension to William L. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Stewart, late of Company K, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. GARDNER.

The next pension business was the bill (H. R. 24338) granting an increase of pension to James M. Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Gardner, late of Company E, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows

In line S strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. HANEY.

The next pension business was the bill (H. R. 24343) granting an increase of pension to James M. Haney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Haney, late of Company G, First Regiment Virginia Volunteer In-

fantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

MARY O. LEARNED.

The next pension business was the bill (H. R. 24355) granting a pension to Mary O. Learned.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. Learned, widow of Walter A. Learned, late of Company F, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAURAETTE LA FLEUR.

The next pension business was the bill (H. R. 24404) granting a pension to Lauraette La Fluer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lauraette La Fluer, widow of Asher B. La Fluer, late of Company H, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as

In line 6, before the word "widow," strike out the words "La Fluer" and insert in lieu thereof the words "La Fleur."
In same line strike out letter "B."
In same line, before the word "late," strike out the words "La Fluer" and insert in lieu thereof the words "La Fleur."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lauraette La Fleur."

BELLE M. OCKER.

The next pension business was the bill (H. R. 24419) granting a pension to Belle M. Ocker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Belle M. Ocker, widow of David Ocker, late unassigned, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twenty-four" and insert in lieu thereof ie word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH J. REED.

The next pension business was the bill (H. R. 24553) granting an increase of pension to Sarah J. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Reed, widow of William R. Reed, late of Company G, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. FLANERY.

The next pension business was the bill (H. R. 24577) granting an increase of pension to John L. Flannery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L.

Flannery, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Flannery" and insert in lieu thereof the word "Flanery."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John L. Flanery.'

THOMAS L. RICHARDSON.

The next pension business was the bill (H. R. 24599) granting an increase of pension to Thomas L. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Richardson, late of Company D, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL H. W. RITER.

The next pension business was the bill (H. R. 23150) granting an increase of pension to Samuel H. W. Riter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. W. Riter, late of Capt. Lot Smith's company, Utah Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "Lot."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH STUESSI.

The next pension business was the bill (H. R. 24635) granting an increase of pension to Elizabeth Stuessi.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Stuessi, widow of Peter Stuessi, late of Company I, Second Regiment United States Artillery, and Companies G and K, Ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendments recommended by the committee were read, as as follows:

In line 6 strike out the word "Company."
In line 7 strike out the words "I, Second Regiment United States Artillery."
In line 8 strike out the words "G and K" and insert in lieu thereof the words "K and G."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM G. DICKEY.

The next pension business was the bill (H. R. 20959) granting an increase of pension to William G. Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Dickey, late of Company K, Third Regiment Vermont Volunteer Infantry, and Second Company, First Battalion, Veteron Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

. In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. CHASE.

The next pension business was the bill (H. R. 24740) granting an increase of pension to William E. Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Chase, late of Company C, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and Company I, Twenty-first Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT J. ACKERLEY.

The next pension business was the bill (H. R. 12240) granting an increase of pension to Albert I. Ackerly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert I. Ackerly, late major, Eleventh Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 6 strike out the words "I. Ackerly" and insert in lieu thereof the words "J. Ackerley."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Albert J. Ackerley."

HENRY HILL.

The next pension business was the bill (H. R. 23967) granting an increase of pension to Henry Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hill, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Veteran."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. SEED.

The next pension business was the bill (H. R. 23982) granting an increase of pension to Thomas A. Seed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Seed, late of Company A, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the letter "H."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas H. Seed."

MARY I. BANTA.

The next pension business was the bill (H. R. 24034) granting an increase of pension to Mary I. Banta.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Mary I. Banta, widow of Albert Banta, late of Company G, One hundred and thirty-second Regiment, and Company D, Ninth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company G."
In line 7 strike out the words "One hundred and thirty-second Regiment, and."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID JONES.

The next pension business was the bill (H. R. 24079) granting an increase of pension to David Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Jones, late of Company C, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the "twenty-four.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY W. WILSON.

The next pension business was the bill (H. R. 24100) granting an increase of pension to Henry W. Wilson. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Wilson, late of Company D. One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "National Guard."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. JOYCE.

The next pension business was the bill (H. R. 24183) granting an increase of pension to Joseph B. Joyce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Joyce, late of Company E, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and - being engrossed, it was accordingly read the third time, and passed.

GEORGE H. MADDOX.

The next pension business was the bill (H. R. 24210) granting an increase of pension to George H. Maddox:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Maddox, late of Company K. Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM P. ROBBE.

The next pension business was the bill (H. R. 24220) granting an increase of pension to William P. Robbe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William P. Robbe, late of Company E, Forty-fifth Regiment Illinois Volunteer Infantry, war of the rebellion, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "war of the rebellion."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM IVANS.

The next pension business was the bill (H. R. 24225) granting an increase of pension to William Ivans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ivans, late of Company F, Colonel Pherps's regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Pherps's" and insert in lieu thereof the word "Phelps's." In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL R. LAMOREAU.

The next pension business was the bill (H. R. 24294) granting an increase of pension to D. R. Lamoreau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. R. Lamoreau, late of the Thirteenth Regiment of Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the latter "D." and insert in lieu thereof the word "Daniel."

In the same line and in line 7 strike out the words "of the Thirteenth Regiment of Wisconsin Volunteer Infantry" and insert in lieu thereof the words "captain and commissary of subsistence, United States Volunteers."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel R. Lamoreau.

LAFAYETTE DOUGHTY.

The next pension business was the bill (H. R. 20890) granting an increase of pension to Lafayette Doughty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lafayette Doughty, late of Company F, Seventy-ninth Regiment Indiana. Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUKE REYNOLDS.

The next pension business was the bill (H. R. 1242) granting an increase of pension to Luke Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luke Reynolds, late of Company G, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID C. MAY.

The next pension business was the bill (H. R. 8503) granting an increase of pension to David C. May.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. May, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PERRY LAMPHERE.

The next pension business was the bill (H. R. 22294) granting an increase of pension to Perry Lamphere.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Perry Lamphere, late of Company M, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HOMER QUICK.

The next business was the bill (H. R. 22210) to correct the military record of Homer Quick.

The bill was read, as follows:

Be it enacted, etc., That Homer Quick shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 13th day of April, 1864, and shall be entitled to all the rights, privileges, and benefits that are now or may hereafter be provided by law for honorably discharged officers or soldiers of the United States: Provided, That nothing in this act shall be so construed as to entitle the said Quick to any pay, bounty, or other allowances in addition to those to which he was entitled prior to the passage of this set

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM FLEMING.

The next business was the bill (S. 1215) to correct the military record of William Fleming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of William Fleming, late private of Company I, First Regiment Massachusetts Volunteer Infantry, so that it will read: Discharged from the service of the United States on the 20th day of September, 1862, by reason of disability: Provided, That no pay, bounty, or other allowance shall be paid or become due or payable by reason of or on account of the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH P. W. R. ROSS.

The next business was the bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Joseph P. W. R. Ross, late a member of Company H, First Eastern Shore Maryland Volunteers, and now a resident of Maryland.

The amendment recommended by the committee was read, as

Add, after the word "Maryland," in line 7, the following: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES M. BULLARD.

The next pension business was the bill (S. 362) granting an increase of pension to James M. Bullard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James

M. Bullard, late of Company B, Fourteenth Regiment Ohio Volunteer Infantry, and Company E, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB NIEBELS.

The next pension business was the bill (S. 756) granting an increase of pension to Jacob Niebels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Niebels, late of Company E. Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ASAPH H. WITHAM.

The next pension business was the bill (S. 1172) granting an increase of pension to Asaph H. Witham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asaph H. Witham, late of Company H, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly, read the third time, and passed.

ANNA B. L. WALKER.

The next pension business was the bill (S. 1397) granting an increase of pension to Anna B. L. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna B. L. Walker, widow of Ivan N. Walker, late lieutenant-colonel Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving. ceiving

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN HOLLEY.

The next pension business was the bill (S. 1495) granting an increase of pension to John Holley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Holley, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

MARVIN F. BARTON.

The next pension business was the bill (S. 1511) granting an increase of pension to Marvin F. Barton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marvin F. Barton, late of Company H, Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

ORLANDO O. AUSTIN.

The next pension business was the bill (S. 1516) granting an increase of pension to Orlando O. Austin,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando O. Austin, late captain Company I, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

MARGARET E. GUTHRIE.

The next pension business was the bill (S. 1594) granting an increase of pension to Margaret E. Guthrie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Guthrie, widow of Watson H. Guthrie, late sergeant-major Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving. a pensi-

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN E. HENDERSON.

The next pension business was the bill (S. 1797) granting an increase of pension to John E. Henderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Henderson, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

MOSES FEYLER.

The next pension business was the bill (S. 2104) granting an increase of pension to Moses Feyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Feyler, late of Company A, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

CHARLES DUBY, ALIAS LOUIS DESHEMEAN.

The next pension business was the bill (S. 2259) granting an increase of pension to Charles Duby, alias Louis Deshemean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Duby, alias Louis Deshemean, late of Company H, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 2693) granting an increase of pension to Samuel Wise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Wise, late of Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL N. M'CARTER.

The next pension business was the bill (S. 2780) granting an increase of pension to Daniel N. McCarter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel N. McCarter, late of Company I, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID HARVEY.

The next pension business was the bill (S. 2994) granting an increase of pension to David Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Harvey, late of Company I, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA WILLIAMS.

The next pension business was the bill (S. 3295) granting an increase of pension to Anna Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Williams, widow of John C. Williams, late of Company C, One hundredth Regiment Pennsylvania Volunteer Infantry, and Company B, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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JAMES E. CROFT.

The next pension business was the bill (S. 3319) granting an increase of pension to James E. Croft.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Croft, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIAS H. PARKER.

The next pension business was the bill (S. 3320) granting an increase of pension to Elias H. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias II. Parker, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HELEN L. WOODWARD,

The next pension business was the bill (S. 3461) granting an increase of pension to Helen L. Woodward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen I. Woodward, widow of Frederick S. Woodward, late hospital steward, United States Army, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KATE O'DONNELL WOOD.

The next pension business was the bill (S. 3583) granting an increase of pension to Kate O'Donnell Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate O'Donnell Wood, widow of Frederick B. Wood, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

SANFORD H. MOATS.

The next pension business was the bill (S. 3681) granting an increase of pension to Sanford H. Moats.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sanford H. Moats, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; it was accordingly road the third time and passed.

read the third time, and passed.

DELPHINE DARLING.

The next pension business was the bill (S. 3882) granting an increase of pension to Delphine Darling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delphine Darling, widow of Thomas V. Darling, late of United States Marine Corps, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

WILLIAM KIRKWOOD.

The next pension business was the bill (S. 4033) granting an increase of pension to William Kirkwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kirkwood, late of Company I, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

NANCY J. MULLALLY.

The next pension business was the bill (S. 4055) granting a pension to Nancy J. Mullally.

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Nancy J. Mullally, dependent mother of George S. Mullally, late of Company C. Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

MARTHA M. LAMBERT.

The next pension business was the bill (S. 4108) granting an increase of pension to Martha M. Lambert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha M. Lambert, widow of Henry R. Lambert, late of Company L, Second Regiment Minnesota Volunteer Cavairy, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly need the third three and recent

read the third time, and passed.

DELL E. PERT.

The next pension business was the bill (S. 4113) granting an increase of pension to Dell E. Pert.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dell E. Pert, widow of Stephen R. Pert, late of Company I. Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

ANNA M. LOOMIS.

The next pension business was the bill (S. 4509) granting an increase of pension to Anna M. Loomis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Loomis, widow of Orlando M. Loomis, late captain Company I, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$36 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

WILLIAM S. GRAY.

The next pension business was the bill (S. 4681) granting an increase of pension to William S. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Gray, late of Company F, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN KIRCH.

The next pension business was the bill (S. 4756) granting an increase of pension to John Kirch.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kirch, late of Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and Company I, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROSA OLDS JENKINS.

The next pension business was the bill (S. 4769) granting an increase of pension to Rosa Olds Jenkins.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa Olds Jenkins, widow of Charles E. Jenkins, late first lieutenant and quartermaster, Twenty-eighth Regiment New York National Guard Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL DOOLITTLE.

The next pension business was the bill (S. 4813) granting an increase of pension to Samuel Doolittle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Doolittle, late of Company H, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. PEABODY.

The next pension business was the bill (S. 4818) granting an increase of pension to George W. Peabody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Peabody, late of Company G, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET KEARNEY.

The next pension business was the bill (S. 5021) granting an increase of pension to Margaret Kearney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Kearney, widow of James Kearney, late of Company A, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time; and passed.

RUTH E. OLNEY.

The next pension business was the bill (S. 5023) granting an increase of pension to Ruth E. Olney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth E. Olney, formerly widow of Francis W. Potter, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN ADSHEAD.

The next pension business was the bill (S. 5106) granting an increase of pension to John Adshead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Adshead, late of Company A, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 5190) granting an increase of pension to Abby L. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abby L. Brown, widow of Richard A. Brown, late of Company G. Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third-time, and passed.

MICHAEL J. SPRINKLE.

The next pension business was the bill (S. 5292) granting an increase of pension to Michael J. Sprinkle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael J. Sprinkle, late second lieutenant Company C. Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH S. REESS.

The next pension business was the bill (S. 5542) granting an increase of pension to Elizabeth S. Reess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth S. Reess, widow of Martin F. Reess, late of Company K, Nineteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIA A. VROOM.

The next pension business was the bill (S. 5580) granting an increase of pension to Julia A. Vroom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Vroom, widow of John Vroom, late of Company K, First Regiment New Jersey Volunteer Infantry, and Battery A, First Regiment New Jersey Volunteer Light Artillery, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT F. PEPOON.

The next pension business was the bill (S. 5586) granting an increase of pension to Albert F. Pepoon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert F. Pepoon, late of Company H, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE H. M'LAIN.

The next pension business was the bill (S. 5697) granting an increase of pension to George H. McLain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. McLain, late of Company D, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADELAIDE D. MERRITT.

The next pension business was the bill (S. 5699) granting an increase of pension to Adelaide D. Merritt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide D. Merritt, widow of Thomas E. Merritt, late captain, Twenty-fourth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL LOOSLEY.

The next pension business was the bill (S. 5836) granting an increase of pension to Daniel Loosley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Loosley, late first lieutenant, Fourteenth Regiment, and captain, Twenty-third Regiment, United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. M'WHLIAMS.

The next pension business was the bill (S. 5854) granting an increase the pension of John W. McWilliams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. McWilliams, late of the Signal Corps, United States Army, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA E. HOOD.

The next pension business was the bill (S. 5886) granting an increase of pension to Anna E. Hood.

The bill was read, as follows:

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Hood, widow of Charles F. Hood, late of Company B, First Regiment Ohio Volunteer Cavalry, and Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NATHANIEL GREEN.

The next pension business was the bill (S. 5912) granting an increase of pension to Nathaniel Green,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Green, late of Company H, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE F. FORD.

The next pension business was the bill (S. 5991) granting an increase of pension to George F. Ford.

The bill was read, as follows

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Ford, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD W. GALLIGAN.

The next pension business was the bill (S. 6050) granting an increase of pension to Edward W. Galligan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward W. Galligan, late of Company H, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FANNIE L. PIKE.

The next pension business was the bill (S. 6137) granting an increase of pension to Fannie L. Pike.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie L. Pike, widow of Calvin Pike, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and second lieutenant Company E, Seventy-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZA BRUSIE.

The next pension business was the bill (S. 6139) granting an increase of pension to Eliza Brusie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Brusie, widow of Cornelius Brusie, late of Company H, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS J. NORTHROP.

The next pension business was the bill (S. 6143) granting an increase of pension to Thomas J. Northrop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Northup, late of Company K, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ENOCH BOLLES.

The next pension business was the bill (S. 6145) granting an increase of pension to Enoch Bolles. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Bolles, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM E. CUMMIN.

The next pension business was the bill (S. 6223) granting an increase of pension to William E. Cummin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William E. Cummin, late first lieutenant Company F, and captain Company I, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE E. VANDERWALKER.

The next pension business was the bill (S. 6233) granting an increase of pension to George E. Vanderwalker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Vanderwalker, late of Company A. Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM J. WELLS.

The next pension business was the bill (S. 6273) granting an increase of pension to William J. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Wells, late of Company I, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY HUMBLE.

The next pension business was the bill (S. 6278) granting an increase of pension to Henry Humble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry-Humble, late of Company I, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID A. EDWARDS.

The next pension business was the bill (S. 6325) granting an increase of pension to David A. Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David A. Edwards, late of Company B. Fifth Battalion Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SILAS G. CLARK.

The next pension business was the bill (S. 6350) granting an increase of pension to Silas G. Clark.

The bill was read, as follows:

Be it cuacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas G. Clark, late of Company C. Third Regiment North Carolina Odunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW J. WEST.

The next pension business was the bill (S. 6351) granting an increase of pension to Andrew J. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. West, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARVIN OSGOOD.

The next pension business was the bill (S. 6372) granting an increase of pension to Marvin Osgood.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marvin Osgood, late of Company K, Sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY LOUISE M'LEAN.

The next pension business was the bill (S. 6408) granting a pension to Mary Louise McLean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Louise McLean, widow of Nathaniel C. McLean, late brigadier-general, United States Volunteers, and pay her a pension at the rate of \$30 per

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

R. SMITH COATS.

The next pension business was the bill (S. 6431) granting an increase of pension to R. Smith Coats.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. Smith Coats, late of Company F, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. KELSEY.

The next pension business was the bill (S. 6436) granting an increase of pension to George W. Kelsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Kelsey, late of Company D, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

ELLEN CARPENTER.

The next pension business was the bill (S. 6459) granting an increase of pension to Ellen Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Carpenter, widow of Sidney B. Carpenter, late captain Company B, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving. and \$2 per month additional on account of the minor child of the said Sidney B. Carpenter until he reaches the age of 16 years.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

JOSEPH DANIELS.

The next pension business was the bill (S. 6532) granting an increase of pension to Joseph Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Daniels, late of Company E, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

WILLIAM I. ROSS.

The next pension business was the bill (H. R. 6571) granting an increase of pension to William I. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William I. Ross, late of Company B. One hundred and fifty-fourth Regiment New York Volunteer Infantry, and Company G, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

JOHN A. WILLIAMS.

The next pension business was the bill (S. 6573) granting an increase of pension to John A. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Williams, late of Company F, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MOSES ROWELL.

The next pension business was the bill (S. 6582) granting an increase of pension to Moses Rowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Rowell, late of Company I, Eleventh and Sixth Regiments New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN HEATH.

The next pension business was the bill (S. 6584) granting an increase of pension to John Heath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Heath, late of Company B. First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARCUS M. CURRIER.

The next pension business was the bill (S. 6587) granting an increase of pension to Marcus M. Currier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus M. Currier, late musician, Company G. Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ARTHUR HATHORN.

The next pension business was the bill (S. 6588) granting an increase of pension to Arthur Hathorn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur Hathorn, late of First Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

WASHINGTON D. GRAY.

The next pension business was the bill (S. 6589) granting an increase of pension to Washington D. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington D. Gray, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

THERON HAMNER.

The next pension business was the bill (S. 6590) granting an increase of pension to Theron Hamner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theron Hamner, late of Company E. Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

MOLLIE J. MITCHELL.

The next pension business was the bill (S. 6623) granting an increase of pension to Mollie J. Mitchell.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mollie J. Mitchell, widow of Richard P. Mitchell, late surgeon First Regiment Tennessee Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Samuel H. Mitchell, helpless and dependent child of said Richard P. Mitchell, the additional pension herein granted shall cease and determine: And provided further. That in the event of the death of Mollie J. Mitchell the name of said Samuel H. Mitchell shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Moslie J. Mitchell.

The bill was ordered to a third reading, and it was accord-

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

ALVIN N. D. KITE.

The next pension business was the bill (S. 6624) granting an increase of pension to Alvin N. D. Kite.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin N. D. Kite, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDERSON HENRY.

The next pension business was the bill (S. 6025) granting an increase of pension to Anderson Henry.

The bill was read, as follows:

Be it exacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anderson Henry, late of Company B, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN F. WRIGHT.

The next pension business was the bill (S. 6633) granting an increase of pension to Benjamin F. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Wright, late of Company E. Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES J. EUBANK.

The next pension business was the bill (S. 6637) granting an increase of pension to James J. Eubank.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Euhank, late of Company C. One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and Company M. Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELI M. SKINNER.

The next pension business was the bill (S. 6656) granting an increase of pension to Eli M. Skinner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ell M. Skinner, late of Company D. Second Battalion Eighteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANA H. M'DUFFEE.

The next pension business was the bill (S. 6670) granting an increase of pension to Dana H. McDuffee,
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dana H. McDuffee, late of the U. S. S. Monongabela and Ohio, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HORACE P. MARSHALL.

The next pension business was the bill (S. 6671) granting an increase of pension to Horace P. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace P. Marshall, late of the First Independent Battery New Hahpshire Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY W. MAHANEY.

The next pension business was the bill (S. 6687) granting an increase of pension to Henry W. Mahaney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Mahaney, late of Company B, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. NIBLOCK.

The next pension business was the bill (S. 6703) granting an increase of pension to John H. Niblock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Niblock, late of Company G. One hundred and thirty-seventh Regiment. Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES T. STEWART.

The next pension business was the bill (S. 6706) granting an increase of pension to James T. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Stewart, late of Company B, First Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

COLUMBUS B. MASON.

The next pension business was the bill (8, 6708) granting an increase of pension to Columbus B. Mason.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Columbus B. Mason, late lieutenant-colonel Thirteenth Regiment, and captain Company A, One hundred and ninety-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS P. WAY.

The next pension business was the bill (S. 6710) granting an increase of pension to Thomas P. Way.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Way, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM ARNOLD.

The next pension business was the bill (S. 6722) granting an increase of pension to William Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Arnold, late surgeon Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN TREFRY.

The next pension business was the bill (S. 6732) granting an increase of pension to John Trefry.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Trefry, late of Company G, Fifty-ninth Regiment, and Company G, Fifty-seventh Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNA D. BARNES.

The next pension business was the bill (S. 6733) granting an increase of pension to Anna D. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Anna D. Barnes, widow of Joseph H. Barnes, late lleutenant-colonel Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES H. TRACY.

The next pension business was the bill (S. 6736) granting an increase of pension to Charles H. Tracy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Tracy, late of Company A, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was according to the second seco

ingly read the third time, and passed.

JAMES T. M'REYNOLDS.

The next pension business was the bill (S. 6769) granting an increase of pension to James T. McReynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. McReynolds, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SIMON PETER WALLERSON.

The next pension business was the bill (S. 6793) granting an increase of pension to Simon Peter Wallerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon Peter Wallerson, late of Company I, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ESTHER ELDRIDGE.

The next pension business was the bill (S. 6800) granting an increase of pension to Esther Eldridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther Eldridge, widow of Daniel D. Eldridge, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES CARPENTER, JR.

The next pension business was the bill (S. 6811) granting an increase of pension to James Carpenter, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Carpenter, jr., late second lieutenant Company H, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY M. BULLARD.

The next pension business was the bill (S. 6820) granting an increase of pension to Henry M. Bullard;

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry M. Bullard, late of Company G. Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. HOLSEY.

The next pension business was the bill (S. 6823) granting an increase of pension to John H. Holsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Holsey, late of Companies H and C, Twenty-third Regiment Illinois Voiunteer Infantry, and Company D, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THEODORE J. SWEETING.

The next pension business was the bill (S. 6827) granting an increase of pension to Theodore J. Sweeting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore J. Sweeting, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WALTER D. GREENE.

The next pension business was the bill (S. 6828) granting an increase of pension to Walter D. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter D. Greene, late first lieutenant Company E. Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL L. SEAVEY.

The next pension business was the bill (S. 6830) granting an increase of pension to Daniel L. Seavey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel L. Seavey, late of Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

GEORGE MAYBURY.

The next pension business was the bill (S. 6835) granting an increase of pension to George Maybury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Maybury, late of Company D, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

LEMUEL T. WILLIAMS.

The next pension business was the bill (S. 6875) granting an increase of pension to Lemuel T. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel T. Williams, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JESSE L. PRITCHARD.

The next pension business was the bill (S. 6876) granting an increase of pension to Jesse L. Pritchard.

The bill was read, as follows:

Be it enacted; etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse L. Pritchard, late major, Third Regiment Colorado Volunteer Infantry and Second Regiment Colorado Volunteer Cavairy, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

ALBERT T. BARR.

The next pension business was the bill (8, 6914) granting an increase of pension to Albert T. Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert T. Barr, late of Company I, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL G. HEALY.

The next pension business was the bill (S. 6915) granting an increase of pension to Samuel G. Healy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Healy, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NATHAN E. STOVER.

The next pension business was the bill (S. 6916) granting an increase of pension to Nathan E. Stover.

The bill was read, as follows:

Be it cnacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan E. Stover. late of Company A. Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDRICK MIDDAUGH.

The next pension business was the bill (S. 6933) granting an increase of pension to Fredrick Middaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredrick Middaugh, late of Company E. Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lied of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

WILLIAM R. NEIL.

The next pension business was the bill (S. 6935) granting an increase of pension to William R. Neil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Neil, late of Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

ROBERT JENKINS.

The next pension business was the bill (S. 6936) granting an increase of pension to Robert Jenkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Jenkins, late of Company H, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

MICHAEL ROSBRUGH.

The next pension business was the bill (S. 6937) granting an increase of pension to Michael Rosbrugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Rosbrugh, late of Company C, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

LEWIS A. GRANT.

The next pension business was the bill (S. 6943) granting an increase of pension to Lewis A. Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis A. Grant, late brigadier-general and brevet major-general, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES M. BROUGH.

The next pension business was the bill (S. 6947) granting an increase of pension to Charles M. Brough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Brough, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 6948) granting an increase of pension to Albert H. Nash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Nash, late of Company G. Thirteenth Regiment New York Volunteer Infantry, and first lieutenant and adjutant First Regiment New York Veteran Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HIRAM SIEGFRIED.

The next pension business was the bill (S. 6957) granting an increase of pension to Hiram Siegfried.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Slegfried, late of Company I. One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

KEZIAH WALKER.

The next pension business was the bill (8, 6958) granting an increase of pension to Keziah Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Keziah Walker, widow of Carmi W. Walker, late of McLain's independent battery, Colorado Volunteer Light Artillery, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS ASHTON.

The next pension business was the bill (S. 6960) granting an increase of pension to Thomas Ashton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ashton, late of Company I, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM B. SAYLES.

The next pension business was the bill (S. 6963) granting an increase of pension to William B. Sayles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Sayles, late of Company A, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SILAS N. PALMER.

The next pension business was the bill (S. 6964) granting an increase of pension to Silas N. Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas N. Falmer, late of Company G. First Regiment Iowa Volunteer Cavalry, and Companies D and B, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SOLOMON DRAPER.

The next pension business was the bill (S. 7053) granting an increase of pension to Solomon Draper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon Draper, late hospital steward. One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK CAREL.

The next pension business was the bill (S. 7056) granting an increase of pension to Frederick Carel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Carel, late musician, band, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN HAGER.

The next pension business was the bill (S. 7060) granting an increase of pension to John Hager.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hager, late of Troop C, First Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN MONROE.

The next pension business was the bill (S. 7062) granting an increase of pension to John Monroe.

The bill was read, as follows:

Bc it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Monroe, late of Company E, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

TIMOTHY DREW.

The next pension business was the bill (S. 7066) granting an increase of pension to Timothy Drew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy Drew, late of Company A. Forty-ninth Regiment, and Company K. Eighth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDMUND FILLIO.

The next pension business was the bill (S. 7067) granting an increase of pension to Edmund Fillio.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Fillio, late of Company B, Forty-ninth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARSHALL JOHNSON.

The next pension business was the bill (S. 7069) granting an increase of pension to Marshall Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marshall Johnson, late of Company D, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM JENKINS.

The next pension business was the bill (S. 7074) granting an increase of pension to William Jenkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jenkins, late of Company B, Fifteenth Regiment United States Reserve Corps, Missourl Home Guards, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed:

JOHN S. LEWIS.

The next pension business was the bill (S. 7075) granting an increase of pension to John S. Lewis.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Lewis, late of Company L, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE B. DRAKE.

The next pension business was the bill (S. 7094) granting an increase of pension to George B. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Drake, late of Company G. One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CATHERINE MATIMORE.

The next pension business was the bill (S. 7101) granting an increase of pension to Catherine Matimore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Matimore, widow of Michael Matimore, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL BAKER.

The next pension business was the bill (S. 7105) granting an increase of pension to Samuel Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Baker, late of Companies E and D, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES BOXMEYER.

The next pension business was the bill (S. 7119) granting an increase of pension to Charles Boxmeyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Boxmeyer, late of Company C, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AUSTIN S. DUNNING.

The next pension business was the bill (S. 7157) granting an increase of pension to Austin S. Dunning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin S. Dunning, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE A. TYLER

The next pension business was the bill (S. 7161) granting an increase of pension to George A. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Tyler, late of Company M, First Regiment Connecticut Volunteer Heavy Artillery, and One hundred and fourth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. SHECKLER.

The next pension business was the bill (S. 7162) granting an increase of pension to William H. Sheckler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wil-

liam H. Sheckler, late of Company E. Thirty-fourth Regiment Ohlo Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NOAH JARVIS.

The next pension business was the bill (S. 7192) granting an increase of pension to Noah Jarvis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Noah Jarvis, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID C. BENJAMIN.

The next pension business was the bill (S. 7193) granting an increase of pension to David C. Benjamin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Benjamin, late of Company D, Second Regiment Ohio Volunteers, war with Mexico, and captain Company I, Thirty-ninth Regiment Ohio Volunteer Infantry, and Company B, One hundred and second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JUSTUS B. COOMER.

The next pension business was the bill (S. 7243) granting an increase of pension to Justus B. Coomer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justus B. Coomer, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 7246) granting an increase of pension to William H. Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Berry, late of Company D, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN B. M'COY.

The next pension business was the bill (S. 7265) granting an increase of pension to John R. McCoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. McCoy, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN WHITE.

The next pension business was the bill (S: 7293) granting an increase of pension to John White.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John White, late of Company C, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM P. PATTISON.

The next pension business was the bill (S. 7294) granting an increase of pension to William P. Pattison. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Pattison, late of Company D, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GABRIEL CAMPBELL.

The next pension business was the bill (S. 7295) granting an increase of pension to Gabriel Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gabriel Campbell, late captain Company E, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in fleu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES C. BURT.

The next pension business was the bill (S. 7335) granting an increase of pension to Charles C. Burt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Burt, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and Seventh Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY W. BLAIR.

The next pension business was the bill (S. 7337) granting a pension to Henry W. Blair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Blair, late lieutenant-colonel Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$72 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIA C. R. BAIRD.

The next pension business was the bill (S. 7339) granting a pension to Julia C. R. Baird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia C. R. Baird, widow of George W. Baird, late brigadier-general, United States Army, retired, and pay her a pension at the rate of \$50 per

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LUKE M. LEWIS.

The next pension business was the bill (S. 7349) granting an increase of pension to Luke M. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luke M. Lewis, late of Company E. Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 7350) granting an increase of pension to Richard Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Dodge, late of Company D, Ninth Regiment United States Infantry, war with Mexico, and Company D, Second Regiment, and Company K, Seventeenth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AUGUSTA T. EICHHOLTZ.

The next pension business was the bill (S. 7353) granting an increase of pension to Augusta T. Eichholtz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta T. Eichholtz, widow of Hugh Elchholtz, late of Company L, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID TURNER.

The next pension business was the bill (S. 7358) granting an increase of pension to David Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Turner, late of Company D. Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE DOWNING.

The next pension business was the bill (S. 7361) granting an increase of pension to George Downing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Downing, late of First Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTHA J. COLLINS.

The next pension business was the bill (S. 7377) granting an increase of pension to Martha J. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Collins, widow of Howard Collins, late of Company E, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GILES M. CATON.

The next pension business was the bill (S. 7378) granting a pension to Giles M. Caton.

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Giles M. Caton, helpless and dependent son of Giles W. Caton, late of Company M. Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORSON B. JOHNSON.

The next pension business was the bill (S. 7384) granting an increase of pension to Orson B. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orson B. Johnson, late of Company C, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PAGE G. POTTER.

The next pension business was the bill (S. 7398) granting an increase of pension to Page G. Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Page G. Potter, late of Company B, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS H. DE CASTRO.

The next pension business was the bill (S. 7402) granting an increase of pension to Francis H. De Castro.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis II. De Castro, late of U. S. S. Peosta, Great Western, and Missouri, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accord-

ingly read the third time, and passed.

HELEN C. LETTENMAYER.

The next pension business was the bill (S. 7428) granting an increase of pension to Helen C. Lettenmayer.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen C. Lettenmayer, widow of Otto Lettenmayer, late of Company G, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES J. FREESE.

The next pension business was the bill (S. 7445) granting an increase of pension to Charles J. Freese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Freese, late of U. S. S. Minnesota, William Bridges, and Dragon, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

SAMUEL E. COOVER.

The next pension business was the bill (S. 7484) granting an increase of pension to Samuel E. Coover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Coover, late of Company F, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

BYRON A. WILLIAMS.

The next pension business was the bill (S. 7486) granting an increase of pension to Byron A. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron A. Williams, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

WILLIAM W. PUTNAM.

The next pension business was the bill (S. 7488) granting an increase of pension to William W. Putnam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Putnam, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

ALBERT C. WAGHER.

The next pension business was the bill (8. 7489) granting an increase of pension to Albert C. Wagher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert C. Wagher, late of Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL BOGUE.

The next pension business was the bill (S. 7505) granting an increase of pension to Michael Bogue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Bogue, late of Company A, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALEXANDER M. COWGILL.

The next pension business was the bill (S. 7513) granting an increase of pension to Alexander M. Cowgill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alex-

ander M. Cowgill, late of Company G. Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT B. M'CUMBER.

The next pension business was the bill (S. 7543) granting an increase of pension to Robert B. McCumber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert B. McCumber, late of Company C, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMELIA R. BANDOLPH.

The next pension business was the bill (S. 7554) granting an increase of pension to Amelia R. Randolph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia R. Itandolph, widow of George F. Itandolph, late captain Company K, Sixty-fifth Regiment United States Colored Volunteer Infantry, and payher a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS SPANTON.

The next pension business was the bill (S. 7556) granting an increase of pension to Thomas Spanton.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Spanton, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 7558) granting an increase of pension to Mary Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Morgan, widow of James Morgan, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN ANSLOW.

The next pension business was the bill (S. 7566) granting an increase of pension to John Anslow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Anslow, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

VICTOR H. COFFMAN.

The next pension business was the bill (S. 7617) granting an increase of pension to Victor H. Coffman. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Victor II. Coffman, late surgeon Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH A. KUMLER.

The next pension business was the bill (S. 7623) granting an increase of pension to Sarah A. Kumler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Kumler, widow of William F. Kumler, late of Company A, One hundred and sixty-seventh Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

STEPHEN H. S. COOK.

The next pension business was the bill (S. 7640) granting an increase of pension to Stephen H. S. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen H. S. Cook, late second lieutenant Company G, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DWIGHT SIMPSON.

The next pension business was the bill (S. 7740) granting an increase of pension to Dwight Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dwight Simpson, late of Company I, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and reased

ingly read the third time, and passed.

JOSEPHINE BRACKETT.

The next pension business was the bill (S. 7744) granting a pension to Josephine Brackett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Brackett, widow of Samuel B. Brackett, late of Company B, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANTON ERNST.

The next business was the bill (S. 2139) to remove the charge of desertion from the military record of Anton Ernst.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge to date as of October 15, 1862: Provided, That no pay, bounty, pension, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB ROCKWELL.

The next business was the bill (H. R. 21857) to correct the military record of Jacob Rockwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to review the military record of Jacob Rockwell, late of Battery I, Fourth United States Artillery, and grant him an honorable discharge.

The amendment recommended by the committee was read, as follows:

By adding after the word "discharge," in line 6, the following: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TIMOTHY LYONS.

The next business was the bill (H. R. 3356) to correct the military record of Timothy Lyons.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Timothy Lyons. late of Company G, First Regiment Wisconsin Volunteer Cavalry, and that he he restored to all rights lost or suspended by reason of said charge of desertion.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

DAVID HARRINGTON.

The next business was the bill (H. R. 14361) granting an honorable discharge to David Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War he, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to David Harrington, late a member of Company D, Thirty-second Ohio Volunteer Infantry, and now a resident of Canton, Ohio.

The amendment recommended by the committee was read, as

Provided, That no pay, bounty, or other emoluments shall become due payable by virtue of the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. OSENBURG.

The next business was the bill (S. 5352) granting an honorable discharge to William H. Osenburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the name of William H. Osenburg, charged with desertion from the U. S. revenue cutter Hercules, October 3, 1863; and the Secretary of the Treasury is hereby authorized to issue to him a certificate of honorable discharge from the Revenue-Cutter Service.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEROME B. CLARK.

The next pension business was the bill (H. R. 21267) granting an increase of pension to Jerome B. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome B. Clark, late of Company F, First Regiment Connecticut Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in fleu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. MARCUM.

The next pension business was the bill (H. R. 1767) granting an increase of pension to J. H. Marcum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. H. Marcum, late of Company B. Forty-fifth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows

In line 6 strike out the letter "J." and insert in lieu thereof the word "James."
In line 7, before the word "Mounted," insert the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "iwenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James H. Marcum."

The next pension business was the bill (H. R. 1474) granting an increase of pension to Thomas C. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas C. Fisher, late of Company G. One hundred and ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Ninth" and insert in lieu thereof the word "Ninety-seventh."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMOS J. LORANGER.

The next pension business was the bill (H. R. 654) granting an increase of pension to Amos J. Loranger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos J. Loranger, late of Company D, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT COLE.

The next pension business was the bill (H. R. 526) granting an increase of pension to Robert Cole. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Cole, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

N. DELMONT M'REYNOLDS.

The next pension business was the bill (H. R. 10739) granting an increase of pension to N. Delmont McReynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of N. Delmont McReynolds, late surgeon's steward U. S. S. St. Clair, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "United States

Navy."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH M. PARISH.

The next pension business was the bill (H. R. 10241) granting an increase of pension to Joseph M. Parish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Parish, late of Company D. Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES M. ARNOLD.

The next pension business was the bill (H. R. 10212) granting an increase of pension to Charles M. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Arnold, late of Company F, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. BURGESS.

The next pension business was the bill (H. R. 8770) granting an increase of pension to Charles W. Burgess. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Burgess, late captain Company I, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORVILLE DICKINSON.

The next pension business was the bill (H. R. 7565) granting an increase of pension to Orville Dickinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orville Dickinson, late of Company F, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW CRAMER.

The next pension business was the bill (H. R. 7554) granting an increase of pension to Andrew Cramer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Cramer, late of Company H, Seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIJAH C. ADELOTTE.

The next pension business was the bill (H. R. 7374) granting an increase of pension to E. C. Aydelotte.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. C. Aydelotte, late of Smith's independent company, Maryland Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Elijah;" in same line strike out the word "Aydelotte" and insert in lieu thereof the word "Adelotte."

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elijah C. Adelotte."

CHRISTOPHER HORN.

The next pension business was the bill (H. R. 7255) granting a pension to Christopher Horn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, as of date February 1, 1902, subject to the provisions and limitations of the pension laws, the name of Christopher Horn, late of Company K, Fortythird Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$17 per month, the amount he was receiving at the time he was dropped from the rolls February 1, 1902.

The amendments recommended by the committee were read. as follows:

In line 9 strike out the word "seventeen" and insert in lieu thereof the word "ten."

In same line strike out the words "the amount he was receiving" and all of lines 10 and 11, and insert in lieu thereof the following: "the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CORNELIA MITCHELL,

The next pension business was the bill (H. R. 5774) granting a pension to Cornelia M. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia M. Mitchell, widow of Leonard Peasiee, late of Company D. Third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M." In same line, before the word "widow," insert the word "former."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read "A bill granting a pension to Cornelia Mitchell."

JOHN SHOBERT.

The next pension business was the bill (H. R. 6353) granting an increase of pension to John Schobert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Schobert, late of Company D. Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Schobert" and insert in lieu thereof the word "Shobert."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Shobert."

JOHN REDDING.

The next pension business was the bill (H. R. 5634) granting an increase of pension to John Redding.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Redding, late of Company C, Thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Pennsylvania," insert the word "Reserve." In same line, after the word "Infantry," insert the words "and Company C, Twenty-second Regiment Veteran Reserve Corps." In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JENNIE R. HUNT.

The next pension business was the bill (H. R. 5202) granting a pension to Jennie R. Hunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie R. Hunt, widow of David R. Hunt, late captain in the Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendments recommended by the committee were read. as' follows :

In line 7 strike out the words "in the" and insert in lieu thereof the words "Company F."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jennie R. Hunt.'

FREDERICK W. WAGNER.

The next pension business was the bill (H. R. 3785) granting an increase of pension to Frederick W. Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick W. Wagner, late of Company K, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KATE B. WHEELER.

The next business was the bill (H. R. 2975) granting a pension to Kate B. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate B. Wheeler, widow of Cephas B. Wheeler, late of Company F. First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Cephas," strike out the letter "B" and insert in lieu thereof the letter "E."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LEHN.

The next pension business was the bill (H. R. 2270) granting an increase of pension to John Lehn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lehn. late of Company C, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "State

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADAM LEAK.

The next pension business was the bill (H. R. 1890) granting an increase of pension to Adam Leak.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Leak, late of Company B, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK E. HAYWARD.

The next pension business was the bill (H. R. 1665) granting an increase of pension to Frederick E. Hayward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick E. Hayward, late of Company F, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

RITTIE BLACKWELL.

The next pension business was the bill (H. R. 13163) granting a pension to Mrs. Isac Blackwell.

The bill was read; as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Isac Blackwell, widow of Isac Blackwell, late of Company C, One hundred and nineteenth Regiment United States Colored Infantry, and to pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the words "Mrs. Isac" and insert in lieu thereof he word "Rittie." In same line strike out the word "Isac" and insert in lieu thereof he word "Isaac."

In line 8, before the word "Infantry," insert the word "Volunteer." In same line strike out the word "to." In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Rittie Blackwell."

ANDREW L. HOOK.

The next pension business was the bill (H. R. 12563) granting an increase of pension to Andrew L. Hook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew L. Hook, late of Company E, Eighth Regiment Missouri State Militia, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 7, after the word "Militia," insert the words "Volunteer

In line 8 strike out the word "seventy-two" and insert in lieu thereof e word "thirty-six." the

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. WERTMAN.

The next pension business was the bill (H. R. 18518) granting an increase of pension to William W. Wertman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Wertman, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES E. LESLIE.

The next pension business was the bill (H. R. 12631) granting an increase of pension to James E. Leslie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Leslie, late of Company C. One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB LITTLE.

The next pension business was the bill (H. R. 12353) granting an increase of pension to Jacob Little.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Little, late of Company I, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GRIFFIN A. COFFIN.

The next pension business was the bill (H. R. 22216) granting an increase of pension to Griffin A. Coffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Griffin A. Coffin, late of Company G. Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the words "of Company G" and insert in lieu thereof the words "first lieutenant and adjutant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANN O'NEIL.

The next pension business was the bill (H. R. 18571) granting an increase of pension to Ann O'Neil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann O'Nell. widow of William O'Neil, late of Company H, Forty-second Reglment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twenty" and insert in lieu thereof ie word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. CLARK.

The next pension business was the bill (H. R. 11845) granting an increase of pension to William J. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Clark, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engressed for a third reading; and being engrossed, it was accordingly read the third time, and

WILLIAM KIRKPATRICK.

The next pension business was the bill (H. R. 11285) granting an increase of pension to William Kirkpatrick.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kirkpatrick, late of Company —, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and inert in lieu thereof the words "second lieutenant."
In same line, after the word "Company," insert the letter "A."
In line 7 strike out the word "West."
The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNIE L. BOONE.

The next pension business was the bill (H. R. 10035) granting an increase of pension to Mrs. J. L. Boone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. J. L. Boone, widow of John L. Boone, first lieutenant, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mrs. J." and insert in lieu thereof the word "Annie."

In same line, before the word "first," insert the word "late."

In line 7, before the word "First," insert the words "and adjutant."

In line 8, after the word "receiving," insert the words:

"Provided, That in the event of the death of Lorenzo S. Boone, help-less and dependent child of said John L. Boone, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Annie L. Boone the name of said Lorenzo S. Boone shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month, from and after the date of death of said Annie L. Boone."

The amendments were agreed to.

The title was amended so as to read: "A bill granting an increase of pension to Annie L. Boone."

JOHN M. MORGAN.

The next pension business was the bill (H. R. 10287) granting an increase of pension to John M. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Morgan, late of Company D, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL DUNN.

The next pension business was the bill (H. R. 20270) granting an increase of pension to Michael Dunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Dunn, late of Company D, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATHIAS MANNES.

The next pension business was the bill (H. R. 20170) granting an increase of pension to Matthias Mannes. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthias Mannes, late of Company —, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Matthias" and insert in lieu thereof the word "Mathias."
In same line, after the word "Company," insert the letter "B."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mathias Mannes."

FRANK L. WEISS, ALIAS LOUIS WEISS.

The next pension business was the bill (H. R. 20155) granting an increase of pension to Frank L. Weiss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank L. Welss, late of Company M, Fourteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Louis Weiss."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frank L. Weiss, alias Louis Weiss

The next pension business was the bill (H. R. 19658) granting an increase of pension to Ary S. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ary S. Bennett, widow of Edward R. Bennett, late of Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. DE BRULER.

The next pension business was the bill (H. R. 18556) granting an increase of pension to William H. De Breuler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. De Breuler, late of Company H, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "Breuler" and insert in lieu thereof the word "Bruler."
In same line strike out the letter "H" and insert in lieu thereof the letter "K."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. De Bruler."

MILDRED L. ALLEE.

The next pension business was the bill (H. R. 19937) granting an increase of pension to Mildred L. Allee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mildred L. Allee, widow of Abraham Aliee, late captain Company K, Sixteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$36 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the words "second and first lieutenant."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. RICHIE.

The next pension business was the bill (H. R. 25260) granting an increase of pension to Thomas J. Richie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Richie, late of Company C, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

THOMAS AKIN.

The next pension business was the bill (H. R. 18040) granting an increase of pension to Thomas Akin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Akin, late of Company D, Sixth Regiment Tennessee, Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 7, before the word "Infantry," insert the word "Mounted." The amendment was agreed to.

PHOEBE TEMPLETON.

The next pension business was the bill (H. R. 19079) granting an increase of pension to Phoebe Templeton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phoebe Templeton, daughter of William Templeton, late of Company H, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of —— per month.

The amendments recommended by the committee were read, as fellows:

In line 6, before the word "daughter," insert the words "helpless ad dependent."
In line 8, after the word "of," insert the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CORNELIUS A. WILLIS.

The next pension business was the bill (H. R. 19069) granting an increase of pension to Cornelius A. Willis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius A. Willis, late of Company H. Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE N. BEYMER.

The next pension business was the bill (H. R. 10301) granting an increase of pension to George N. Beymer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Beymer, late of Company I, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RIANZO M. NORTON.

The next pension business was the bill (H. R. 20963) granting an increase of pension to Rianzo M. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rianzo M. Norton, late of Company L. Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

WILLIAM H. CHURCHILL,

The next pension business was the bill (H. R. 24910) granting an increase of pension to William H. Churchill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Churchill, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LLOYD ROBERTS.

The next pension business was the bill (H. R. 24907) granting an increase of pension to Lloyd Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lloyd Roberts, late of United States ships Sabine, Ohio, and New Hampshire, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, before the word "and," insert the words "United States

Navy."

In same line strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. RAWLINGS.

The next pension business was the bill (H. R. 24902) granting an increase of pension to John W. Rawlings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Rawlings, late of Company I, Tenth Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Virginia," insert the word "West,"

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. STEVENS.

The next pension business was the bill (H. R. 24868) granting a pension to John M. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Stevens, late of Company K, Fifty-fourth and One hundred and thirty-fourth Regiments Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "K, Fifty-fourth and" and insert in lieu thereof the letter "C."

In line 7 strike out the word "Regiments" and insert in lieu thereof the word "Regiment."

In line 9 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John M. Stevens.'

ROBERT M. WOLF.

The next pension business was the bill (H. R. 24846) granting an increase of pension to Robert M. Wolf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert M. Wolf, late of Company F, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD MAILEY.

The next pension business was the bill (H. R. 24947) granting an increase of pension to Edward Mailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Mailey, late of Company H, First Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

ANDREW J. PRICE.

The next pension business was the bill (H. R. 24845) granting an increase of pension to Andrew J. Price.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Price, late of Company II, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company A, Fifth Regiment Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM KELSO.

The next pension business was the bill (H. R. 22468) granting an increase of pension to William Kelso.

The bill was read, as follows:

Bc it enected, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kelso, late of Company D, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line S strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMELIA SCHMIDTKE.

The next pension business was the bill (H. R. 22086) granting a pension to Amelia Schmidtke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia Schmidtke, widow of Charles Schmidtke, late of Company C, Eighteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passes.

ANNA E. MARBLE.

The next pension business was the bill (H. R. 16905) granting

a pension to Anna E. Marble. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Marble, blind daughter of Emery H. Marble, late of Company I, Twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "blind" and insert in lieu thereof the words "helpless and dependent."

In line 7, after the letter "I," strike out the word "Twelfth" and insert in lieu thereof the word "Fourth."

In same line, after the word "Regiment," insert the words "and Company I, Twelfth Regiment."

In the same line strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to:

The amendments were agreed to:

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE E. CASTOR.

The next pension business was the bill (H. R. 21141) granting an increase of pension to George E. Castor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Castor, late of Company E. Tenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows

In line 6 strike out the word "Castor" and insert in lieu thereof the word "Custer."

Mr. MOON of Tennessee, Mr. Speaker, in the bill which has just been read, granting an increase of pension to George E. Castor, I notice an amendment changing the name of Castor to The amendment ought not to pass. The man's name is Castor.

The SPEAKER pro tempore (Mr. Capron). Without objection, the bill will be corrected as suggested by the gentleman from Tennessee

Mr. CALDERHEAD. The name is according to the record in

the Pension Bureau, and I think the name is correct.

The SPEAKER pro tempore. The objection will be obviated

by the amendment being disagreed to.

Mr. CALDERHEAD. I think the amendment of the commit-

tee is correct, because we took the name from the record in the Pension Bureau—the name by which he is pensioned.

The SPEAKER pro tempore. The Chair is assured by the chairman of the Committee on Invalid Pensions that the committee amendment is correct.

Mr. MOON of Tennessee. Does the military records show that his name is Custer?

The SPEAKER pro tempore. The chairman of the committee so assures the Chair.

Mr. MOON of Tennessee. The gentleman himself assures me by letter that his name is Castor. I ask that this amendment be adopted:

George E. Castor, alias George E. Custer.

Mr. CALDERHEAD. We have no objection to that.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE KOCH.

The next pension business was the bill (H. R. 21899) granting an increase of pension to Catharine Koch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Koch, widow of John Koch, late of Company H, Twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE WILLIAMSON.

The next pension business was the bill (H. R. 19580) granting an increase of pension to Jane Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Williamson, widow of Samuel U. Williamson, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. SIMMONS.

The next pension business was the bill (H. R. 20999) granting an increase of pension to John H. Simmons. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Simmons, late of Company E. Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof e word "twenty-four."

The amendment was agreed to.

GEORGE W. ROTHROCK.

The next pension business was the bill (H. R. 20972) granting an increase of pension to George W. Rothrock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Rothrock, late of Company D, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

ANNE B. WHITCOMB.

The next pension business was the bill (H. R. 20718) granting an increase of pension to Annie B. Whitcomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie B. Whitcomb, widow of George C. Whitcomb, late captain Company B, Hatch's battalion, Minnesota Volunteer Cavalry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read,

In line 6 strike out the word "Annie" and insert in lieu thereof the word "Anne."

In line 8 strike out the word "twenty-five" and insert in lieu thereof e word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anne B. Whitcomb."

SIMON E. CHAMBERLIN.

The next pension business was the bill (H. R. 17814) granting an increase of pension to Simon E. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon E. Chamberlin, late of Eighth Regiment United States Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant Company A, One hundred and eighteenth Regiment New York Volunteer Infantry, and captain Company K, Twenty-fifth Regiment New York Volunteer Cavalry, and first lieutenant."

In lines 7 and 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH BATEMAN.

The next pension business was the bill (H. R. 17245) granting an increase of pension to Joseph Bateman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Bateman, late of Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATTERSON REESE.

The next pension business was the bill (H. R. 16939) granting an increase of pension to Patterson Reese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patterson Reese, late of Company B, Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Infantry," insert the word "Mounted."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. JOHNSON.

The next pension business was the bill (H. R. 16839) granting an increase of pension to Benjamin F. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Johnson, late of the Fourth Battery, Indiana Volunteer Light Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the words "second lieutenant." In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Artillery."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES REED.

The next pension business was the bill (H. R. 16192) granting an increase of pension to Charles Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Reed, late of Company F, Fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. MAYNARD.

The next pension business was the bill (H. R. 15543) granting an increase of pension to George W. Maynard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Maynard, late of Company C, Flity-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Missouri," insert the words "and unassigned, Fifty-sixth Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLARD WHEELER.

The next pension business was the bill (H. R. 14779) granting an increase of pension to Willard Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard Wheeler, late of Company F, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN R. PHILLIPS.

The next pension business was the bill (H. R. 14244) granting an increase of pension to Edwin R. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Phillips, late of Company A, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the letter "A" and insert in lieu thereof the letter "E."
In line 7, after the word "Infantry," insert the words "and Com-

In line 7, after the word "Infantry," insert the words "and Company A, Battalion Forty-eighth Regiment Ohio Veteran Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ERASTUS A. DOE.

The next pension business was the bill (H. R. 13334) granting an increase of pension to Erastus A. Doe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erastus A. Doe, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

MARGARET ADAMS.

The next pension business was the bill (H. R. 21262) granting an increase of pension to Margaret Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Adams, widow of Henry C. Adams, late of Company A, Twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month-in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI E. ELDRED.

The next pension business was the bill (H. R. 21244) granting an increase of pension to Levi E. Eldred.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi E. Eldred, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANTHONY PATTERSON.

The next pension business was the bill (H. R. 21085) granting an increase of pension to Anthony Patterson.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony Patterson, late of Company K, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HURD L. MILLER.

The next pension business was the bill (H. R. 23407) granting an increase of pension to Hurd L. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hurd L. Miller, late of Company H, Eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HAND.

The next pension business was the bill (H. R. 22165) granting an increase of pension to John Hand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hand, late of Company H, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and Company E, Third Regiment Pennsylvania Provisional Volunteer Cavalry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS MURRAY.

The next pension business was the bill (H. R. 21827) granting an increase of pension to Francis Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Murray, late of Company D. Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CASPER W. TYLER.

The next pension business was the bill (H. R. 21415) granting an increase of pension to C. W. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. W. Tyler, late a lieutenant-colonel of the One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C." and insert in lieu thereof the word "Casper."
In same line strike out the word "a" and insert in lieu thereof the words "captain Company H, and."
In same line strike out the words "of the."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Mr. PATTES. Mr. Strike V.

Mr. BATES. Mr. Speaker, I move to amend, in line 9 of this bill, by striking out "twenty-four" and inserting "thirty."

The SPEAKER pro tempore. The Clerk will report the

amendment.

The Clerk read as follows:

Amend the amendment by striking out "twenty-four" and inserting "thirty."

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to amend the amendment as read by the Clerk.

Mr. CALDERHEAD. The committee has no objection.

The amendment was agreed to. The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Casper W. Tyler."

SATINA A. WAYMER.

The next pension business was the bill (H. R. 21788) granting a pension to Satina A. Waymer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Satina A. Waymer, widow of J. P. Waymer, late major First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$25 per month.

The amendments recommended by the committee were read,

In line 6 strike out the letter "J." and insert in lieu thereof the word "James."

In same line, after the word "late," insert the words "of Company G, Fifth Regiment West Virginia Volunteer Infantry, and."

In line 7, before the word "Volunteer," insert the word "Veteran." In line 8 strike out the word "five."

In same line, after the word "month," insert the words—

"in lieu of that she is now receiving: Provided, That in the event of the death of Hope Waymer, helpless and dependent child of said James P. Waymer, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Sa-

tina A. Waymer the name of said Hope Waymer shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Satina A. Waymer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Satina A. Waymer."

VALENTINE COFFEE.

The next pension business was the bill (H. R. 21562) granting an increase-of pension to Valentine Goebel.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Valentine Goebel, late of Company B, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY J. BARROWS.

The next pension business was the bill (H. R. 21337) granting an increase of pension to Henry J. Barrows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Barrows, late of Company E, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM EARNEST.

The next pension business was the bill (H. R. 21284) granting an increase of pension to William Earnest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Earnest, late of Company F. One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. CLARKE.

The next pension business was the bill (H. R. 22503) granting an increase of pension to William A. Clarke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Clarke, late of Company C. First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA E. ROBERTSON.

The next pension business was the bill (H. R. 22426) granting an increase of pension to Louisa E. Robertson.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa E. Robertson, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "and," insert the words "widow of Thomas H. Robertson, alias Thomas Young, late of Company A, Sixty-eighth Regiment New York Volunteer Infantry."

In line 7 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. FRAYER.

The next pension business was the bill (H. R. 22592) granting an increase of pension to Andrew J. Frayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Frayer, late of Company H, Eighth Regiment, and Company I, Fourth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in Ileu of that he is now receiving ceiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB MOSE.

The next pension business was the bill (H. R. 22441) granting an increase of pension to Jacob Mose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Mose, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES E. BISSELL.

The next pension business was the bill (H. R. 22260) granting an increase of pension to James E. Bissell.

The bill was read, as follows:

Bc it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Bissell, late of Company C, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engressed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE NEWTON.

The next pension business was the bill (H. R. 21911) granting an increase of pension to George Newton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Newton, late of Company G. First Regiment Wisconsin Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, before the word "Heavy," insert the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REBECCA MOORE.

The next pension business was the bill (H. R. 24920) granting a pension to Rebecca Moore.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Moore, mother of John Buckley, late of Company G, Forty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of —— per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "mother," insert the word "dependent."
In line 7 strike out the word "Forty-fifth" and insert in lieu thereof
the word "Forty-seventh."
In line 8, before the word "dollars," insert the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. SIBERT.

The next pension business was the bill (H. R. 22947) granting an increase of pension to Benjamin F. Sibert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Sibert, late of Company A, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. ROBINSON.

The next pension business was the bill (H. R. 22798) granting an increase of pension to George W. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Robinson, late of Battery E, First Regiment Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company." In line 7, before the word "Volunteer," insert the word "Michigan." In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC B. GILMORE.

The next pension business was the bill (H. R. 22788) granting an increase of pension to I. B. Gilmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of I. B. Gilmore, late of Company E, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I." and insert in lieu thereof the word "Isaac."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase

of pension to Isaac B. Gilmore."

SEBASTIAN GERHARDT.

The next pension business was the bill (H. R. 22707) granting an increase of pension to Sebastian Gerhardt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sebastian Gerhardt, late of Company K, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. RICHARDS.

The next pension business was the bill (H. R. 22703) granting a pension to Benjamin F. Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Richards, late of Company E, Twentieth Regiment, and Company C, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Benjamin F. Richards."

THOMAS T. BALDWIN.

The next pension business was the bill (H. R. 22650) granting a pension to Thomas T. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and Hmitations of the pension laws, the name of Thomas T. Baldwin, late of Company E, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per pentils.

The amendments recommended by the committee were read. as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an in-increase of pension to Thomas T. Baldwin."

ISAAC G. M'KIBBAN.

The next pension business was the bill (H. R. 22613) granting an increase of pension to Issac G. McKibban.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac G. McKibban, late of Company H. Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT M'MILLEN.

The next pension business was the bill (H. R. 22801) granting an increase of pension to Robert McMillen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert McMillen, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN D. DRYDEN.

The next pension business was the bill (H. R. 23677) granting an increase of pension to John D. Dryden.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Dryden, late of Company I, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

WATSON F. BISBEE.

The next pension business was the bill (H. R. 23675) granting an increase of pension to Watson F. Bisbee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Watson F. Bisbee, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

THOMAS H. ADAMS.

The next pension business was the bill (H. R. 23612) granting an increase of pension to Thomas II. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Adams, late of Company H. Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CARRIE MAY ALLEN.

The next pension business was the bill (H. R. 23440) granting a pension to Carrie May Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie May Allen, the deaf and dumb dependent daughter of James Allen, late of the Twenty-first Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the deaf and dumb" and insert in lieu there of the words "helpless and."

In line 7 strike out the words "of the" and insert in lieu thereof the word "unassigned."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

JOHN S. BERGEN.

The next pension business was the bill (H. R. 23426) granting an increase of pension to John S. Bergen.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Bergen, late of Company A, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$75 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, after the word "Infantry," insert the words "and Comny K, Twenty-third Regiment New York National Guard Infantry." In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES L. BARNEY.

The next pension business was the bill (H. R. 23235) granting an increase of pension to James L. Barney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Barney, late of Company K, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANN WHITE.

The next pension business was the bill (H. R. 23173) granting a pension to Ann White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann White, widow of James B. White, alias Wilson, late of the United States Navy, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "alias," insert the word "James."
In line 7, before the word "United," insert the words "U. S. S.
Rhode Island."
In line 8 strike out the word "twenty" and insert in lieu thereof the
word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. BENNETT.

The next pension business was the bill (H. R. 23974) granting an increase of pension to John P. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Bennett, late of Company B, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty." The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB GILBRECH.

The next pension business was the bill (H. R. 24965) granting an increase of pension to Jacob Gilbrech.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Gilbrech, late of Company I, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

JOB CLARK.

The next pension business was the bill (H. R. 16221) granting an increase of pension to Job Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Job Clark, late of Company D. Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HUGH STEVENSON.

The next pension business was the bill (H. R. 23966) granting an increase of pension to Hugh Stevenson.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh Stevenson, late of Company C, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES A. MILLER.

The next pension business was the bill (H. R. 23864) granting an increase of pension to James A. Miller.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Miller, late of Company A, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES A. MATHEWS.

The next pension business was the bill (H. R. 23849) granting and increase of pension to Charles A. Mathews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Mathews, late of Company D. One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

SAMUEL LANGMAID.

The next pension business was the bill (H. R. 23834) granting an increase of pension to Samuel Langmaid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Langmaid, late captain Company F. First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "forty-five,"

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMILY J. VANBEBER.

The next pension business was the bill (H. R. 23748) granting an increase of pension to Emily J. Vanbeber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Vanbeber, widow of William Vanbeber, late of Company B, Thirty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN O. CRAVENS.

The next pension business was the bill (H. R. 23744) granting an increase of pension to John O. Cravens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O. Cravens, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the Committee were read. as follows:

In line 6 strike out the words "of Company G, Ninth Regiment."
In line 7 strike out the words "Indiana Volunteer Infantry" and insert in lieu thereof the words "second lieutenant and aid-de-camp, staff of Brigadler-General Milroy."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. WYMAN.

The next pension business was the bill (H. R. 23698) granting an increase of pension to William H. Wyman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Wyman, late of Company B, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOTHAM A. VINCENT.

The next pension business was the bill (H. R. 24586) granting an increase of pension to Jotham A. Vincent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jotham A. Vincent, late of Company C, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AARON C. SANFORD.

The next pension business was the bill (H. R. 24015) granting a pension to Aaron C. Sanford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron C. Sanford, late of Company E, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the Committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "fifty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Aaron C. Sanford."

ALPHONSO BROWN.

The next pension business was the bill (H. R. 25211) granting an increase of pension to Alphonso Brown.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonso Brown, late of Company B, Maine Coast Guards, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Guards," insert the words "Volunteer Infantry."
In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEREMIAH BURKE.

The next pension business was the bill (H. R. 23311) granting an increase of pension to Jeremiah Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Burke, late of United States Navy, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows

In line 6, before the word "United," insert the words "U. S. S. Pasaque, Nereus, and Constellation."
In line 7 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. CAULEY.

The next pension business was the bill (H. R. 24358) granting an increase of pension to John R. Cauley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Cauley, late of Company C. First Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYMAN THOMPSON.

The next pension business was the bill (H. R. 24308) granting an increase of pension to Lyman Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, nuthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman Thompson, late of Company G. Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

SADIE E. HAWTHORN.

The next pension business was the bill (H. R. 24300) granting a pension to Sadie E. Hawthorn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sadie E. Hawthorn, widow of Aldus F. Hawthorn, late of Company D, Eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7 strike out the word "Eighth" and insert in lieu thereof the words "One hundred and fifty-seventh."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE HOELL.

The next pension business was the bill (H. R. 24215) granting an increase of pension to George Hoell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Hoell, late of Company A, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. DOYLE.

The next pension business was the bill (H. R. 24299) granting an increase of pension to William B. Doyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Doyle, late of Company D. One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE M. SANDER.

The next pension business was the bill (H. R. 24228) granting an increase of pension to Jesse M. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse M. Sanders, late of Company G, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FINUS M. WYATT.

The next pension business was the bill (H. R. 24171) granting an increase of pension to Finus M. Wyatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Finus M. Wyatt, late of Company F. One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. NELSON.

The next pension business was the bill (H. R. 24061) granting an increase of pension to John C. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Nelson, late of Company I, Third Regiment New Jersey Volunteer Infantry, and Companies F and B, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In lines 6 and 7 strike out the words "of Company I, Third Regiment New Jersey Volunteer Infantry, and Companies F and B," and insert in lieu thereof the words "second lieutenant Company B."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY HOLLE.

The next pension business was the bill (H. R. 24000) granting an increase of pension to Mary Holle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Holle, widow of William Holle, late of Company B, Fortieth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Peter Cherrol."
In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. PHILLIPS.

The next pension business was the bill (H. R. 25257) granting an increase of pension to James H. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Phillips, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and

being engrossed, it was accordingly read the third time, and

HENRY KANLINE.

The next pension business was the bill (H. R. 24958) granting an increase of pension to Henry Kanline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Kanline, late of Company A, Fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery." In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CINDERELLA B. M'CLURE.

The next pension business was the bill (H. R. 25020) granting a pension to Cinderella B. McClure.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cinderella B. McClure, widow of Robert A. McClure, late of Company F. Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Cinderella B. McClure."

HENRY M'DEVITT.

The next pension business was the bill (H. R. 20954) granting an increase of pension to Henry McDevitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry McDevitt, late of Company D, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

PATRICK F. SHEVLIN, ALIAS PATRICK BURNS.

The next pension business was the bill (H. R. 24921) granting an increase of pension to Patrick F. Shevlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick F. Shevlin, late of Company C, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias Patrick

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Patrick F. Shevlin, alias Patrick Burns."

JOSHUA L. HAYES.

The next pension business was the bill (H. R. 25149) granting an increase of pension to Joshua L. Hayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua L. Hayes, late captain Company A, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

LAURANAH J. HEDGEPETH.

The next pension business was the bill (H. R. 24984) granting an increase of pension to Lauranah J. Hedgepeth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lauranah J. Hedgepeth, widow of Emanuel Hedgepeth, late of Company G, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HEZEKIAH POFFENBERGER.

The next pension business was the bill (H. R. 22950) granting an increase of pension to Hezekiah Poffenberger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hezekiah Poffenberger, late of Company D, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD BURTCH.

The next pension business was the bill (H. R. 24691) granting an increase of pension to Edward Burtch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Burtch, late of Company G, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS M. JARVIS.

The next pension business was the bill (H. R. 24681) granting an increase of pension to Lewis M. Jarvis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis M. Jarvis, late captain Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM LEWIS.

The next pension business was the bill (H. R. 23312) granting an increase of pension to William Lewis.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lewis, late of Company G, Forty-seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BERNARD SHALLOW.

The next pension business was the bill (H. R. 24638) granting an increase of pension to Bernard Shallow.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bernard Shallow, late of Company I, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REUBEN NYE.

The next pension business was the bill (H. R. 24518) granting an increase of pension to Reuben Nve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Nye, late of Company I, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four." $\ensuremath{\text{Twenty-five}}$

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. LEITER.

The next pension business was the bill (H. R. 24504) granting an increase of pension to John Leiter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Leiter, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, and Company A, First Regiment Ohio Volunteer Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "John," insert the letter "H."
In line 7 strike out the words "A, First" and insert in lieu thereof
the words "F, One hundred and sixty-third."
In line 8 strike out the words "Volunteer Artillery" and insert in
lieu thereof the words "National Guard Infantry."
In line 9 strike out the word "fifty" and insert in lieu thereof the
word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John H. Leiter."

A. JUDSON CONANT.

The next pension business was the bill (H. R. 24502) granting an increase of pension to A. Judson Conant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. Judson Conant, late of Company C, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THEODORIC GAGE.

The next pension business was the bill (H. R. 24493) granting an increase of pension to Theodric Gage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodric Gage, late of Company D, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Theodric" and insert in lieu thereof the word "Theodoric."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third an increase of pension to John Ham.

reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Theodoric Gage.'

WILLIAM M. HELVY.

The next pension business was the bill (H. R. 25261) granting an increase of pension to William M. Helvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Helvey, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Helvey" and insert in lieu thereof the word "Helvy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William M. Helvy.'

The next pension business was the bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael F. Gilrain, late of United States Navy, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "U. S. S. Vincennes."

In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN V. BUSKIRK.

The next pension business was the bill (H. R. 1232) granting a pension to John V. Buskirk.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John V. Buskirk, late of Fourth Indiana, Mexican war, and of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Fourth Indiana, Mexican war."
In line 7 strike out the words "and of."
In line 9, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John V. Buskirk."

WILLIAM A. DECKER.

The next pension business was the bill (H. R. 25069) granting an increase of pension to William A. Decker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Decker, late of Company F, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HAM.

The next pension business was the bill (H. R. 25025) granting

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Ham, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

WILLIAM TURNER.

The next pension business was the bill (H. R. 25112) granting an increase of pension to William Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Turner, late of Company F. Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM THOMAS.

The next pension business was the bill (H. R. 24413) granting an increase of pension to William Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Thomas, late of United States ship Wabash, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the word "ship" and insert in lieu thereof the word "ships."
In same line, after the word "Wabash," insert the words "Perry and Princeton."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. PENFIELD.

The next pension business was the bill (H. R. 24792) granting an increase of pension to William H. Penfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Penfield, late of Company L. Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID T. TAYLOR.

The next pension business was the bill (H. R. 24776) granting an increase of pension to David T. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Taylor, late of Company C, Eighth Regiment Indiana Veteran Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Veteran."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SELDON R. SANDERS.

The next pension business was the bill (H. R. 24726) granting an increase of pension to S. R. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. R. Sanders, late of Company E. Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Seldon."
In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 8 strike out the word "five" and insert in lieu thereof the word "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Seldon R. Sanders."

The next pension business was the bill (H. R. 24707) granting an increase of pension to Peter Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Campbell, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH BROOKS.

The next pension business was the bill (H. R. 24700) granting an increase of pension to Joseph Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Brooks, late of Company C, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. MORRISON.

The next pension business was the bill (H. R. 24733) granting an increase of pension to John H. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Morrison, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engressed, it was accordingly read the third time, and passed.

CHARLES N. STAFFORD.

The next pension business was the bill (H. R. 24969) granting an increase of pension to Charles N. Stafford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles N. Stafford, late of Company D. Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as fellows:

In line 7 strike out the word "Massachusetts" and insert in lieu thereof the word "Maine."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARTHUR W. WHITE.

The next business was the bill (H. R. 15197) to correct the military record of Arthur W. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to correct the military record of Arthur W. White, late a first lieutenant in Union Light Guard, Ohio Volunteer Cavalry, also known as the Seventh Independent Company, Ohio Volunteer Cavalry, and grant him an honorable discharge.

The amendment recommended by the committee was read, as follows

Strike out the words, in line 7, "and grant him an honorable discharge" and insert in lieu thereof "so that said Arthur W. White shall be held and considered to have been honorably discharged from the service of the United States upon the 18th day of November, 1864: Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. FOOR.

The next pension business was the bill (H. R. 24030) granting an increase of pension to Andrew J. Foor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Foor, late of Company E. One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

PETER PARSCH.

The next business was the bill (H. R. 15320) to remove the charge of desertion standing against Peter Parsch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Peter Parsch, late a member of Company E, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and issue him an honorable discharge.

The amendment recommended by the committee was read, as follows:

Add to the end of bill the following: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LAVINE.

The next business was the bill (H. R. 19932) to remove the charge of desertion standing against John Lavine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to remove the charge of desertion from the military record of the said John Lavine, late a private in Company A, Second Regiment Vermont Volunteer Infantry, and to issue to said John Lavine a certificate of honorable discharge bearing even date with the charge of desertion.

The amendment recommended by the committee was read, as follows:

Amend by adding after the word "desertion," in line 8, the following: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER GREEN.

The next business was the bill (H. R. 660) granting an honorable discharge to Peter Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, anthorized and directed to correct the military record of and grant an honorable discharge to Peter Green, late a member of the Sixth Wisconsin Battery Light Artillery Volunteers, and now a resident of Harvard, Nebr.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

MORRIS H. WALKER.

The next business was the bill (H. R. 24022) to correct the military record of Morris H. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to clear the record of the said Morris H.

The amendment recommended by the committee was read, as

Strike out all after the word "to," in line 4, and insert in lieu thereof

the following:

"Correct the record of Morris H. Walker, late a private of Company K, Sixty-fifth Illinois Volunteers, by considering him absent with leave from October 12, 1862, to November 20, 1862; Provided, That no pay,

bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYMAN W. WENTWORTH.

The next business was the bill (H. R. 9892) to correct the military record of Lyman W. Wentworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to amend the military record of Lyman W. Wentworth, in order to show him honorably discharged from Company M, First Regiment of California United States Volunteers, for disability contracted in line of duty.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the

Strike out all after the characters of the United States on the 21st day of September, 1899, as a member of Company M. First Regiment California Infantry Volunteers, by reason of disability resulting from wounds and sickness incurred in line of duty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN WIGLEY.

The next pension business was the bill (H. R. 1556) granting an increase of pension to Susan Wigley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Wigley, mother of Charles V. Wigley, late of Company C. Regular Forty-sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Regular." In line 8, after "Infantry," insert "war with Spain;" and in the same line strike out "twenty-four" and insert "eighteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CORA ALLIE BOOTH.

The next pension business was the bill (H. R. 5497) for the relief of Cora A. Booth.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora A. Booth, widow of James J. Booth, private, Company I, of the Twenty-ninth Regiment of Infantry, United States Volunteers, who died on the 26th day of June, 1902, of disease that he incurred while in the military service of the United States in the Spanish-American war, and grant her a pension at the rate of \$12 per month, to commence on the day that the soldier died.

The amendments recommended by the committee were read, as follows:

Change the name of the claimant where it appears in the title and body of the bill so as to read "Cora Allie Booth."
In line 6 strike out "private" and insert "late of."
In line 7 strike out "of the."
In line 8, after "Volunteers," insert "war with Spain," and strike out all thereafter up to and including "war" in line 11.
In line 12 strike out all after "month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to as to read: "A bill granting a pension to Cora Allie Booth."

MARTHA E. SANFORD,

The next pension business was the bill (H. R. 9256) granting an increase of pension to Martha E. Sanford.

The bill was read, as follows:

Be tt enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Sanford, widow of George W. Sanford, late of Captain Loyall's company. Georgia Mounted Volunteers, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Captain;" in the same line, after "Volunteers," sert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA L. BEATTY.

The next pension business was the bill (H. R. 10164) granting a pension to Emma L. Beatty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Beatty, widow of Charles W. Beatty, jr., late of Company I, First Regiment Maryland Volunteer Infantry, in the war with Spain, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 9, after "month," add "and \$2 per month additional for the minor child of said soldier until he shall attain the age of 16 years."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. GARRISON.

The next pension business was the bill (H. R. 10889) granting a pension to William H. Garrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Garrison, late of Company D, Thirtieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Garrison."

EDGAR M. BARBER.

The next pension business was the bill (H. R. 12349) granting an increase of pension to Edgar M. Barber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar M. Barber, late of Company M. Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In line 8, strike out "fifty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES M. STEBBINS.

The next pension business was the bill (H. R. 13200) granting a pension to Charles M. Stebbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Stebbins, late of Company F, Second Regiment Alabama Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In line 8 strike out "thirty" and insert "six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SOLOMON STANFIELD.

The next pension business was the bill (H. R. 15452) granting an increase of pension to Solomon Stanfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon Stanfield, late of Company K, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Company H, Fifth Regiment Indiana Volunteers, war with Mexico, and."
In line 7 change "Volunteer" to "Volunteers" and strike out "Infenter"

fantry."
In line 8 strike out "twenty-four" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM L. TYLER.

The next pension business was the bill (H. R. 15492) granting pension to W. L. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. L. Tyler, late of Company E, Third Regiment Tennessee Volunteer Infantry, and Company B, Ninth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "W." and insert in lieu thereof the ord "William."
In line 8 strike out all following "Spain."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William L. Tyler.'

JOHN V. SUMNER.

The next pension business was the bill (H. R. 16819) granting a pension to John V. Sumner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John V. Summer, late of Company L, Fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendments reccommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In lines 7 and 8 strike out "and pay him a pension at the rate of \$12 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHANNE LANGE.

The next pension business was the bill (H. R. 16925) granting pension to Johanne Lange.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johanne Lange, dependent mother of Emil Lange, late of Company K, First Regiment Missouri Voluntee Infantry, war with Spain, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Voluntee" and insert "Volunteer." . In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN SHINOLT.

The next pension business was the bill (H. R. 17956) granting an increase of pension to John Shinolt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shinolt, late of Company H, Thirtieth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

BENJAMIN W. M'CRAY.

The next pension business was the bill (H. R. 18519) granting pension to Benjamin W. McCray. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Benjamin W. McCray, late of Company C, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$— per month.

The amendment recommended by the committee was read, as

In line 7, after "Infantry," insert "war with Spain," and strike out all thereafter.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANNIE T. JOHNSON.

The next pension business was the bill (H. R. 18874) granting a pension to Nannie T. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie T. Johnson, mother of Cave Johnson. late first lieutenant Company H, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$75 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before "mother," insert "dependent," In line 9 strike out "seventy-five" and insert "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. RODENBERGER.

The next pension business was the bill (H. R. 19065) granting an increase of pension to William R. Rodenberger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Rodenberger, late of Company H, Eighteenth United States Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In line 8 strike out "thirty-six" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET EPPERSON.

The next pension business was the bill (H. R. 19106) granting an increase of pension to Margaret Epperson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Epperson, widow of William T. Epperson, late of Company B, Fourth Regiment Kentucky Volunteers, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 8, after "Mexico," insert "and first lieutenant Company A, First Regiment Kentucky Infantry Volunteers."
In the same line strike out "thirty" and insert "sixteen."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY W. HUMPHREYS.

The next pension business was the bill (H. R. 19125) granting an increase of pension to Mary W. Humphreys.

The bill was read, as follows:

Be it enacted, etc., that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary W. Humphreys, widow of Robert W. Humphreys, late first lieutenant, Fourteenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYNTHIA MARSH.

The next pension business was the bill (H. R. 20057) granting an increase of pension to Cynthia Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia Marsh, widow of Manton E. Marsh, late of Company H, Fourteenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FLORA FENZL.

The next pension business was the bill (H. R. 20148) granting an increase of pension to Flora Fenzl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flora Fenzl, widow of George Fenzl, late of Company D, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In line 8, after "month," add "and \$2 per month additional for each of the minor children of said soldier until they shall attain the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. CLENDENING.

The next pension business was the bill (H. R. 20223) granting an increase of pension to W. L. Clendening.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and ho is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. L. Clendening, late of United States Army, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out the initials "W. L." where they appear in claimant's name in the title and body of the bill and insert "William F." In line 6 strike out "United States Army" and insert "Company I, Third Regiment Tennessee Volunteers."

The amendments were agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET M'NALLY.

The next pension business was the bill (H. R. 21130) granting a pension to Margaret McNally.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret McNally, widow of Michael McNally, late of the United States steamship Machias, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of the" and insert "boiler maker."
In line 7 strike out "steamship" and insert "ship;" and in the
same line, after "Machias," insert "United States Navy."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HESTER A. PARRISH.

The next pension business was the bill (H. R. 21352) granting a pension to Hester B. Parrish. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester B. Parrish, widow of Robert Walker L. Parrish, late of United States ship Santee, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as

Change the claimant's initial "B" where it occurs in the title and body of the bill to "A."

In line 6 change "Walker" to the initial "W."
In line 7 strike out "of United States ship Santee" and insert "boatswain's mate, second class, Naval Academy, United States Navy."
Add to the end of the bill the words "and \$2 per month additional on account of each of the minor children of the said Robert W. L. Parrish until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Hester A. Parrish.

MARY S. PLATT.

The next pension business was the bill (H. R. 21413) granting an increase of pension to Mary S. Platt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Platt, widow of Henry A. Platt, late first lieutenant Company L and quartermaster First Territorial Regiment United States Volunteers, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows :

In line 7 strike out "Company L."

In line 8 change "Volunteers" to "Volunteer" and thereafter insert "Infantry."

Add to the end of the bill the words "and \$2 per month for the minor child of the said officer until she shall attain the age of 16 years.

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. SPARKS.

The next pension business was the bill (H. R. 21447) granting an increase of pension to William W. Sparks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Sparks, late of Company D, Second United States Volunteer Engineers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "fifty" and insert "twelve." In lines 8 and 9 strike out "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William W. Sparks.'

NANNY E. HAYES.

The next pension business was the bill (H. R. 21639) granting a pension to Nannie E. Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie E. Hays, mother of David Hays, late of Company H. Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as

Change the name of the claimant where it appears in the title and body of the bill so as to read "Nanny E. Hayes."

In line 6 change the surname of the soldier from "Hays" to

"Hayes."
In line 7, after "Infantry," insert "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Nanny E. Hayes."

JOHN R. KISSINGER.

The next pension business was the bill (H. R. 21721) granting a pension to John R. Kissinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Kissinger, late of Company F, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company," strike out "F" and insert "D."
In line 7, after "Infantry," insert "and acting hospital steward,
Hospital Corps, United States Army, war with Spain."
In line 8 strike out "fifty" and insert "thirty."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HARDESTY.

The next pension business was the bill (H. R. 24818) granting an increase of pension to William Hardesty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hardesty, late of Company E, First Regiment United States Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "E" and insert "F." In same line strike out First Regiment." In line 7 strike out "Volunteer Infantry" and insert "Voltigeurs." In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMIL S. WEISSE.

The next pension business was the bill (H. R. 21910) granting a pension to Emil S. Weisse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emil S. Weisse, late of Company G. Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Spain," and strike out all thereafter.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. WALKER.

The next pension business was the bill (H. R. 22041) granting a pension to John Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Walker, late of Capt. Thomas Smith's company, Ninth Regiment Oregon Militia, Oregon Indian wars, and pay him a pension at the rate of dollars per month.

The amendments recommended by the committee were read, as follows:

Change the name of the soldier where it appears in title and body of the bill so as to read "John P. Walker."
In line 7, after "Militia," insert "Volunteers;" in same line, before "Indian," insert "and Washington Territorial."
In same line strike out "of."
Strike out all of line 8.
In line 9 strike out "iffty-six;" in same line strike out "twenty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

time, and passed.

The title was amended so as to read: "A bill granting a pension to John P. Walker."

BENJAMIN JAMES.

The next pension business was the bill (H. R. 22170) granting an increase of pension to Benjamin James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin James, late of Captain Angel's company, North Carolina Volunteer Infantry, Indian war, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers."
In the same line strike out "Infantry" and insert "Cherokee."
In the same line strike out "war" and insert "disturbances."
In line 8 strike out "seventeen" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL MANLY.

The next pension business was the bill (H. R. 22251) granting an increase of pension to Samuel Manly.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel

Manly, late of Company I, Fifteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY LEVINA WILLIAMS.

The next pension business was the bill (H. R. 22326) granting an increase of pension to Mary Levina Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Levina Williams, widow of Jacob Williams, late of Company I, Third Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "of," insert "Captain Burk's."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISABEL MANNEY.

The next pension business was the bill (H. R. 22327) granting an increase of pension to Isabel Mauney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of isabel Mauney, widow of Lawson Mauney, late of Company I, Twelfth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Change "Mauney" to "Manney" where it appears in the title and body of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isabel Manney."

SUSAN BAKER.

The next pension business was the bill (H. R. 22328) granting an increase of pension to Susan Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Baker, widow of John Baker, late of Company I, Third Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET L. JAMES.

The next pension business was the bill (H. R. 22329) granting an increase of pension to Margaret L. James. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret L. James, widow of Augustus P. James, late of Company K, Third Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY C. JONES.

The next pension business was the bill (H. R. 22330) granting an increase of pension to Mary C. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Jones, widow of Robert B. Jones, late of Company F. First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In the same line strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD MILLER.

The next pension business was the bill (H. R. 22395) granting pension to Edward Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Miller, late of Captain Shead's company, Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of \$8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "company," insert "Second." In line 7 strike out "Territory."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. O'REILLY.

The next pension business was the bill (H. R. 22499) granting a pension to Mary A. O'Reilly. The bill was read, as follows:

Be it citacted, etc., That the Secretary of the Interior be, and he is bereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. O'Reilly, mother of the late Maurice F. O'Reilly, late of United States Marine Corps, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA E. MUHLENFELD.

The next pension business was the bill (H. R. 22709) granting a pension to Martha E. Muhlenfeld.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Muhlenfeld, widow of Charles Muhlenfeld, late of Company F, United States Engineers, and pay her a pension at the rate of \$24 per

The amendments recommended by the committee were read, as follows:

In line 7, before "United," insert "Second Battalion." In line 8 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL BOYD.

The next pension business was the bill (H. R. 22859) granting an increase of pension to Samuel Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Boyd, late of Captain Barker's company, Georgia Volunteers, Indian war, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, after "Volunteers," insert "Florida." In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUISA BERRY.

The next pension business was the bill (H. R. 22894) granting an increase of pension to Louisa Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Berry, widow of Charles W. Berry, late of Company K, Second Regiment Missouri Mounted Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lifeu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "K," insert "(Capt. B. T. White)."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EUDOCIA ARNETT.

The next pension business was the bill (H. R. 22964) granting an increase of pension to Eudocia Arnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eudocia Arnett, widow of William W. Arnett, late of Company D, Texas Mounted Volunteers, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Volunteers," insert "war with Mexico." In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. TERRY.

The next pension business was the bill (H. R. 23031) granting an increase of pension to John H. Terry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Terry, late of Company M, Second Regiment New York Volunteer Cavairy, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, after "Cavalry," insert "and Company B. Fourteenth United States Infantry, and Company D, Fourth United States Infantry."

fantry."
In line 9 strike out "forty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS A. SNODDY.

The next pension business was the bill (H. R. 23034) granting an increase of pension to Thomas A. Snoddy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Snoddy, late of Tennessee Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

.In line 6, after "late of," insert "Company K, First Regiment."

The amendment was agreed to:
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

URIAH BLAIR.

The next pension business was the bill (H. R. 23332) granting an increase of pension to Uriah Blair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Urlah Blair, late of Company C, Cornell's battalion of Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Cornell's" and insert "Powell's." In the same line, after "battallon," strike out "of."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH RIDDLE.

The next pension business was the bill (H. R. 23414) granting an increase of pension to Joseph Riddle.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Riddle, late of Company C, Third Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL FLANAGAN.

The next pension business was the bill (H. R. 23467) granting an increase of pension to Michael Flanagan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Flanagan, late fireman United States ship Mississippi, United States Navy, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM B. WALTON.

The next pension business was the bill (H. R. 23627) granting a pension to William B. Walton.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Walton, late captain Company H, First Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteers" to Volunteer" and insert thereafter "Infantry."
In line 8 strike out "fifty" and insert "twenty,"
Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William B. Walton."

CLARA E. DANIELS.

The next pension business was the bill (H. R. 23628) granting an increase of pension to Clara E. Daniels.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara E. Daniels, widow of David Daniels, late lieutenant, United States Navy, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

JOHN HEARN.

The next pension business was the bill (H. R. 23695) granting a pension to John Hearn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hearn, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In line 8 strike out "twenty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROSANNA KAOGAN.

The next pension business was the bill (H. R. 23732) granting an increase of pension to Rosanna Kaogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosanna Kaogan, widow of Thomas Kaogan, late of United States Marine Corps, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "the."
In line 8 strike out "twenty-five" and insert "twelve."
The amendments were agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CALVIN B. FOWLKES.

The next pension business was the bill (H. R. 23791) granting an increase of pension to Calvin B. Fowlkes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin B. Fowlkes, late of Company D, First Regiment Virginia Infantry, war with Mexico, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers;" and in the same line strike out "Infantry."

In line 8 strike out "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM FREEMAN.

The next pension business was the bill (H. R. 23850) granting an increase of pension to William Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Freeman, late of Company H, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay him a pension at the rate-of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Mexico," insert "and Company A, Ninety-seventh Regiment Pennsylvania Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS GAGAN.

The next pension business was the bill (H. R. 23862) granting an increase of pension to Thomas Gagan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Gagan, late of Company D, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, after "Infantry," insert "war with Spain." In line 8 strike out "thirty" and insert "twenty-four." Strike out all after the word "month" in line 8.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Thomas Gagan.'

MARY E. C. BUTLER.

The next pension business was the bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. C. Butler, widow of James Butlef, late of Company L. Seventh Regiment United States Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "eighteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCY SCOTT WEST.

The next pension business was the bill (H. R. 23987) granting an increase of pension to Lucy Scott West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Scott West, widow of Barrington K. West, late deputy commissary-general, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 7 strike out "deputy commissary-general" and insert "lieutenant-colonel."

In line 8 strike out "fifty" and insert "forty."
In line 9, after "receiving," add "and two dollars per month additional for each of two children of said officer until they attain the age of sixteen years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE G. LOTT.

The next pension business was the bill (H. R. 24148) granting a pension to Jesse G. Lott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse G. Lott, late of Company I, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twelve" and insert "six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM DAVIS.

The next pension business was the bill (H. R. 24194) granting an increase of pension to William Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Davis, late of Company K, Jack Hay's regiment, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6, after "K," insert "Captain Chandler's."
In the same line strike out "Jack Hay's."
In the same line, before "Regiment," insert "First" and after "Regiment" insert "Texas Mounted Volunteers."
In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY ANN FOARD.

The next pension business was the bill (H. R. 24197) granting an increase of pension to Mary Ann Foard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Foard, widow of James A. Foard, late of Captain McGee's Georgia Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows

In line 6 strike out "of" and insert "ensign."
In line 7, after "McGee's," insert "company."
In the same line, befort "Indian," insert "Creek," and in the same line strike out the word "wars" and insert the word "war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILDRED L. STONE.

The next pension business was the bill (H. R. 24394) granting an increase of pension to Mildred L. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mildred L. Stone, widow of James A. Stone, late of Captain Tipp's company, Tennessee Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "company," insert "First Regiment." In the same line strike out "Volunteers" and insert "Militia."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VAN C. WILSON.

The next pension business was the bill (H. R. 24414) granting a pension to Van C. Wilson.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Van C. Wilson, late of Company B, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain. In line 8 strike out "twenty-four" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARENCE W. THOMAS.

The next pension business was the bill (H. R. 24483) granting a pension to Clarence W. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarence W. Thomas, late of Company H, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

ABSALOM R. SHACKLETT.

The next pension business was the bill (H. R. 24532) granting an increase of pension to Absalom R. Shacklett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Absalom R. Shacklett, late of Company F, First Regiment United States Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "First Regiment" and insert "United States Voltigeurs."
In line 7 strike out "United States Volunteer Infantry."
In line 8 strike out "sixty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA HUNT.

The next pension business was the bill (H. R. 24698) granting an increase of pension to Lydia Hunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Hunt, widow of Gilbert Hunt, late of Hunt's company, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB RINER.

The next pension business was the bill (H. R. 24710) granting an increase of pension to Jacob Riner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Riner, late of Company II, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers," and in the same line strike out "Infantry."
In line 8 strike out "thirty-six" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GEORGE.

The next pension business was the bill (H. R. 24769) granting an increase of pension to John George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John George, late of Company B, First Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

OTHO E. D. CULBERTSON.

The next pension business was the bill (H. R. 24861) granting an increase of pension to O. E. D. Culbertson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of O. E. D. Culbertson, late of Company G, Fourth Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "O." where it appears in claimant's name in the title and body of the bill to "Otho."

In line 6, after "Company," insert "H."

In line 7 change "Volunteer" to "Volunteers," and in the same line strike out "Infantry."

In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Otho E. D. Culbertson."

MARY W. LUSK.

The next pension business was the bill (H. R. 24899) granting an increase of pension to Mary Webster Lusk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Webster Lusk, widow of James L. Lusk, late lieutenant-colonel, Corps of Engineers, United States Army, and pay her a pension at the rate, of \$40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

follows:

Change the name of the beneficiary where it appears in title and body of the bill so as to read "Mary W. Lusk."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS H. HANSELL.

The next pension business was the bill (H. R. 24961) granting an increase of pension to Augustus H. Hansell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus II. Hansell, Indian war, and pay him a pension at the rate of \$24 per month in Heu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Hnnsell," insert the following: "late of Captain Gaither's company, Georgia Volunteers, Florida."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMELINE H. HARDIE.

The next pension business was the bill (H. R. 25005) granting a pension to Emeline H. Hardie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline H. Hardle, widow of Joseph Hardle, late of Company H. First Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In the same line strike out "Infantry."

Add to the end of the bill the words "in lieu of that she is now receiving"

receiving.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emeline H. Hardie."

VIRGINIA C. GALLOWAY.

The next pension business was the bill (H. R. 25023) granting an increase of pension to Virginia C. Galloway.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia C. Galloway, widow of John Enos Galloway, late of Captain Fitzhugh's company, Bell's regiment Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Bell's regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY A. MEREDITH.

The next pension business was the bill (H. R. 25101) granting an increase of pension to Nancy A. Meredith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. Meredith, widow of Frederick Meredith, tate of Captain Hall's company, Third Regiment Illinois Mounted Volunteers, Black Hawk Indian war, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH WOLFE.

The next pension business was the bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wolfe, widow of Joshua B. Wolfe, late of Company A, Volunteer Light Artillery, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "A," insert "Battalion of Missouri;" in the same line, after "Artillery," insert "war with Mexico."
In line 8 strike out "forty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES T. BLAIR.

The next pension business was the bill (H. R. 25229) granting an increase of pension to James T. Blair,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Blair, late of Company A, Third Louisiana Dragoons, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company" and insert "Troop." In the same line, after "Third," insert "Regiment, United States."
In the same line strike out "Louisiana."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MINNA Y. FIELD.

The next pension business was the bill (H. R. 25288) granting an increase of pension to Minna Y. Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minna Y. Field, widow of Edward Field, late colonel Third Regiment United States Artillery, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "colonel" and insert "major." In line 7 strike out "Third" and insert "Second." In line 8 strike out "forty" and insert "thirty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third tillery,

reading; and being engrossed, it was accordingly read the third time, and passed.

POLLY ANN BOWMAN.

The next pension business was the bill (H. R. 25325) granting an increase of pension to Polly Ann Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Polly Ann Bowman, widow of John Bowen, late of Captain Garmony's company, First Regiment Georgia Mounted Volunteers, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Bowen" and insert "Bowman."
In the same line, after "Captain," insert "H."
In line 7 change "Garmony's" to "Garmeny's."
In line 8, before "Indian," insert "Creek."
In the same line change "wars" to "war."
In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM M'CRANEY.

The next pension business was the bill (H. R. 25355) granting an increase of pension to William McCraney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCraney, late of Captain Morgan's company, lowa Mountain Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mountain" and insert "Mounted." In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE LIPES.

The next pension business was the bill (H. R. 25440) granting an increase of pension to Catharine Lipes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Lipes, widow of John Lipes, late of Company F, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS C. DAVIS.

The next pension business was the bill (S. 4396) granting an increase of pension to Thomas C. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas C. Davis, late of Company D, First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. ALLEN.

The next pension business was the bill (S. 4742) granting an increase of pension to Mary E. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Allen, widow of Louis J. Allen, late captain and rear-admiral, retired, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FLOYD A. HONAKER.

The next pension business was the bill (S. 5374) granting a pension to Floyd A. Honaker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Floyd A. Honaker, late of Battery E, Fourth Regiment United States Ar-

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HANSFORD G. GILKESON.

The next pension business was the bill (S. 6205) granting a pension to Hansford G. Gilkeson.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hansford G. Gilkeson, late of Company K, Second Regiment Virginia Volunteer Infantry, and Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of \$20 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES C. WEST.

The next pension business was the bill (S. 7025) granting an increase of pension to James C. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. West, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and ressed.

ingly read the third time, and passed.

REBECCA FAGGART.

The next pension business was the bill (S. 7174) granting an increase of pension to Rebecca Faggart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Faggart, widow of Daniel C. Faggart, late of Company C, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADLINE MABRY.

The next pension business was the bill (S. 7175) granting an increase of pension to Adline Mabry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adline Mabry, widow of Isaiah Mabry, late of Company G, Twelfth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NANCY BETHEL.

The next pension business was the bill (S. 7220) granting an increase of pension to Nancy Bethel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Bethel, widow of Hiram Bethel, late of Company F, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELVINA ADAMS.

The next pension business was the bill (S. 7672) granting an increase of pension to Elvina Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvina Adams, widow of William R. Adams, late of Captains Newbern's and Johnson's companies, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM W. JORDAN.

The next pension business was the bill (S. 7673) granting an increase of pension to William W. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Jordan, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PAUL J. CHRISTIAN.

The next pension business was the bill (S. 7724) granting an increase of pension to Paul J. Christian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul J. Christian, late of Troop B, Second Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN D. ABEL.

The next pension business was the bill (S. 7919) granting an increase of pension to John D. Abel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Abel, late of Captain B. P. Smith's company, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. BROWN.

The next pension business was the bill (H. R. 17011) granting an increase of pension to Mrs. Manning Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Manning Brown, widow of Manning Brown, late of Company H. Palmetto Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving. ceiving.

The amendments recommended by the committee were read, as follows

Change claimant's name where it appears in the title and body of the bill to "Mary E. Brown." In line 7 change "Volunteer" to "Volunteers." In line 8 strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HALL.

The next pension business was the bill (H. R. 21784) granting an increase of pension to William Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hall, late of Company D, Nintey-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA A. L. STEPHENS.

The next pension business was the bill (H. R. 24223) granting an increase of pension to Martha A. L. Stephens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. L. Stephens, widow of Wilbur C. Stephens, late of Company C, Purnell Legion Maryland Volunteer Infantry, and pay her a pension at the rate of ______ dollars per month.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FERDINAND PAHL.

The next pension business was the bill (H. R. 21914) granting an increase of pension to Ferdinand Pahl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Pahl, late of Fourth Battery Wisconsin Volunteer Light Artiliery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Battery," insert the word "Independent." In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN F. GOUGH.

The next pension business was the bill (H. R. 23999) granting an increase of pension to John F. Gough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Gough, late of Company F, Forty-seventh Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 7, before the word "Massachusetts," insert the words "and Company D, Twenty-sixth Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE F. PACKARD.

.The next pension business was the bill (H. R. 22063) granting an increase of pension to Horace F. Packard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace F. Packard, late of Company A, Third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES PRENDEVILLE.

The next pension business was the bill (H. R. 22175) granting a pension to Charles Prendeville.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Prendeville, late of Company D, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles Prendeville."

CHARLES D. MOODY.

The next pension business was the Mll (H. R. 23751) granting an increase of pension to Charles D. Moody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Moody, late of Company , First Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the words "Company, First Regiment;" and in line 7 strike out the words "Iowa Volunteer Infantry" and insert in lieu thereof the words "Third Battery Iowa Volunteer Light Artillery." The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EUGENE W. ROLFE.

The next pension business was the bill (H. R. 22392) granting an increase of pension to Eugene W. Rolfe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene W. Rolfe, late of Third Battery Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6, after the word "Battery," insert the words "Vermont Vol-

unteer."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN DOWNEY.

The next pension business was the bill (H. R. 24031) granting an increase of pension to John Downey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Downey, late captain Company K, Third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "K" and insert in lieu thereof the let-

In same line strike out the word "Third" and insert in lieu thereof the words "One hundred and thirty-third."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN H. DAVIS.

The next pension business was the bill (H. R. 22548) granting an increase of pension to Franklin H. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin H. Davis, late of Company E. Eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GIFFORD M. BRIDGE.

The next pension business was the bill (H. R. 23733) granting an increase of pension to Gifford M. Bridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gifford M. Bridge, late of Company G. Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH N. PRATT.

The next pension business was the bill (H. R. 22629) granting an increase of pension to Josiah N. Pratt. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah N. Fratt, late of United States Navy, and pay him a pension at the rate of ______ dollars per month in lieu of that he is now receiving.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

In line 6, before the word "United," insert the words "U. S. Sabine, Ohio, and Trefoil."
In line 7, before the word "dollars," insert the word "twenty-four."

The amendments were agreed to.

WILLIAM H. BROWN.

The next pension business was the bill (H. R. 25108) granting an increase of pension to William H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Brown, late of Company A, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OSCAR A. FULLER.

The next pension business was the bill (H. R. 22863) granting an increase of pension to Oscar A. Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar A. Fuller, late of Company I, Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. WELLS.

The next pension business was the bill (H. R. 22949) granting an increase of pension to George W. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Wells, late of Company A. Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the ord "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. HAYES.

The next pension business was the bill (H. R. 25113) granting an increase of pension to John H. Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Hays, late first lieutenant Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Hays" and insert in lieu thereof the word "Hayes."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John H. Hayes.

DAVID C. SMITH.

The next pension business was the bill (H. R. 25224) granting an increase of pension to David C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Smith, late of Company —, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, after the word "Company," insert the letter "A."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M'DERMOTT.

The next pension business was the bill (H. R. 25263) granting an increase of pension to Thomas McDermott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McDermott, late of Company H, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE F. FOGG.

The next pension business was the bill (H. R. 20961) granting an increase of pension to George F. Fogg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Fogg, late of Company D. First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

JOHN D. LANE.

The next pension business was the bill (H. R. 22987) granting an increase of pension to John D. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Lane, late of Company D. First Regiment New Jersey State Militia Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STEPHEN B. H. SHANKS.

The next pension business was the bill (H. R. 21734) granting an increase of pension to Stephen B. H. Shanks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen B. If. Shanks, late second lieutenant Company H, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALLAN S. ROSE.

The next pension business was the bill (H. R. 16834) granting an increase of pension to Allan S. Rose. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allan S. Rose, late lieutenant Company L, Fifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "of Company L, Fifty-sixth Regiment New York Volunteer Infantry, and second lieutenant Company I, One hundred and third Regiment United States Colored Volunteer Infantry."

In same line strike out the words "lieutenant, Company L, Fiftyeighth."

In line 7 strike out the words "Regiment New York Volunteer Infantry."

fantry."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALONZO FOSTER.

The next pension business was the bill (H. R. 21430) granting an increase of pension to Alonzo Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Alonzo Foster, late of Sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$75 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 6, before the word "Sixth," insert the words "Company F."
In lines 7 and 8 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY W. CASEY.

The next pension business was the bill (H. R. 25174) granting an increase of pension to Henry W. Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Casey, late of Company F. One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8, before the word "dollars," strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CORNELIUS SHEA.

The next pension business was the bill (H. R. 21131) granting an increase of pension to Cornelius Shea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius Shea, late of Company B. Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH E. SELDERS.

The next pension business was the bill (H. R. 23855) granting a pension to Sarah E. Selders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Selders, widow of John Selders, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL HARMAN.

The next pension business was the bill (H. R. 21073) granting an increase of pension to Michael Harmon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Harmon, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Harmon" and insert in lieu thereof the word "Harman."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Michael Harman."

HUGH O'NEAL.

The next pension business was the bill (H. R. 24161) granting an increase of pension to Hugh O'Neal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is bereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of Hugh O'Neal, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMUND A. LOCKER.

The next pension business was the bill (H. R. 21052) granting an increase of pension to Edmund A. Locker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund A. Locker, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH CASAVAW.

The next pension business was the bill (H. R. 25309) granting an increase of pension to Joseph Casavaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Casavaw, late of Company H, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLA C. WASHBURN.

The next pension business was the bill (H. R. 21040) granting an increase of pension to Ella C. Washburn,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella C. Washburn, widow of Charles A. Washburn, late of Company G. First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GOTTFRIED HAFERSTEIN.

The next pension business was the bill (H. R. 25176) granting an increase of pension to Gottfried Haferstein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gott-fried Haferstein, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE E. HEATH.

The next pension business was the bill (H. R. 24807) granting an increase of pension to Horace E. Heath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Heath, late of Company H, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM V. MONROE.

The next pension business was the bill (H. R. 24924) granting an increase of pension to William V. Munroe.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William V. Munroe, late captain Company K, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "Munroe" and insert in lieu thereof the word "Monroe."
In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William V. Monroe.

MARTHA STEVENS.

The next pension business was the bill (H. R. 20352) granting a pension to Martha Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Stevens, widow of Andrew Stevens, late of Company A, Twenty-fourth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read,

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight." In line 9, after the word "month," insert the words "such pension to cease upon proof that the soldier is living."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASA A. GARDNER.

The next pension business was the bill (H. R. 23367) granting an increase of pension to Asa A. Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa A. Gardner, late of Company C, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line strike out the letter "C" and insert in lieu thereof the letter "D."

In line 8 strike out the word "sixty" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FERDINAND KUNKEL.

The next pension business was the bill (H. R. 20217) granting an increase of pension to Ferdinand Kunkle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Kunkle, late of Company C, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Kunkle" and insert in lieu thereof the word "Kunkel."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ferdinand Kunkel."

CATHERINE WAY.

The next pension business was the bill (H. R. 20183) granting an increase of pension to Catherine Way.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Way, widow of Henry C. Way, late of Company E, Second Regiment Pennsylvania Veteran Artillery Volunteers, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In lines 7 and 8 strike out the words "Veteran Artillery Volunteers" and insert in lieu thereof the words "Volunteer Heavy Artillery."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL M. FIELD.

The next pension business was the bill (H. R. 23997) granting an increase of pension to Michael M. Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael M. Field, late of U. S. S. Wm. G. Anderson, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 7, before the word "and," insert the words "United States

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM VAN ALST.

The next pension business was the bill (H. R. 20082) granting an increase of pension to William Van Alst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Van Alst, late second-class fireman, U. S. S. North Carolina and Gettysburg, United States Navy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "second-class fireman" and insert in lieu thereof the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC C. SMITH.

The next pension business was the bill (H. R. 23857) granting an increase of pension to Isaac C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac C. Smith, late of Company B, Twenty-fourth Regiment Ohio Volunteer Infantry, and Company F, Eighteenth Regiment Ohio Veteran Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "Veteran."
In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAIAH PERKINS.

The next pension business was the bill (H. R. 20004) granting an increase of pension to Isaiah W. Perkins. .

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah W. Perkins, late of Company E, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "W."
In line 8 strike out the word "thirty" and insert in lieu thereof
e word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaiah Perkins."

MARY H. BISHOP.

The next pension business was the bill (H. R. 24405) granting an increase of pension to Mary Hunt Smith Bishop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Hunt Smith Bishop, widow of Edwin Bishop, late captain Company II, Second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read.

In line 6 strike out the words "Hunt Smith" and insert in lieu thereof the letter "H."

In line 8 strike uot the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary H. Bishop."

HENRY C. JEWETT.

The next pension business was the bill (H. R. 19794) granting an increase of pension to Henry C. Jewett.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Jewett, late of the United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. Unadilla."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engressed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS H. FERRY.

The next pension business was the bill (H. R. 24957) granting an increase of pension to Francis H. Ferry.

The bill was read, as follows:

Be it enacted, etc., That the Sccretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis H. Ferry, late of Company C. Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in the of that he is now receiving.

The amendment recommended by the committee was read, as

In line 7, after the word "Infantry," insert the words "and One hundred and fifty-ninth Company, Second Battalion Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HOSEA HUDSON.

The next pension business was the bill (H. R. 19594) granting an increase of pension to Hosea Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hosea Hudson, late of Company C, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. BARR.

The next pension business was the bill (H. R. 25328) granting an increase of pension to James W. Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Barr, late of Company A, Twenty-fifth Regiment Illinois Volunteer Infantry, and Company E, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the words "and Company E, Forty-second Regiment Indiana Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES BACHMAN.

The next pension business was the bill (H. R. 19291) granting an increase of pension to Charles Bachman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Bachman, late of Company B, Forty-seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Vermont" and insert in lieu thereof the word "Pennsylvania."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES SHAW.

The next pension business was the bill (H. R. 18993) granting an increase of pension to James Shaw.

The bill was read, as follows:

Be jt enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Shaw, late of Company I, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KNUTE THOMPSON.

The next pension business was the bill (H. R. 25248) granting an increase of pension to Knute Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Knute Thompson, late of Company C, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the tter "A."

letter "A."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD LIMBIRD.

The next pension business was the bill (H. R. 18653) granting an increase of pension to Robert Limbird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Limbird, late of Company I, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Robert" and insert in lieu thereof the word "Richard." In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Richard Limbird."

JAMES F. TRAVIS.

The next pension business was the bill (H. R. 5162) granting an increase of pension to James F. Travis.

The bill was read, as follows:

Be it enected, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Travis, late of the United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the word "the" and insert in lieu thereof the words "U. S. S. Mercury."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASAIL BROWN.

The next pension business was the bill (H. R. 18110) granting an increase of pension to Asail Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asail Brown, late of Company B. One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. MARTIN.

The next pension business was the bill (H. R. 23411) granting an increase of pension to George H. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Martin, late of Company D. One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time; and passed.

HENRY H. A. WALKER.

The next pension business was the bill (H. R. 24838) granting an increase of pension to Henry H. A. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. A. Walker, late of Company C. First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET LESLEY.

The next pension business was the bill (H. R. 24560) granting an increase of pension to Margaret Lesley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Lesley, widow of John Lesley, late of Company H, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lize of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

GEORGE W. BEENY.

The next pension business was the bill (H. R. 22986) granting an increase of pension to George W. Beeny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Beeny, late of Company E, Eighth Regiment New York State Militia Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN T. GRAYSON.

The next pension business was the bill (H. R. 23673) granting an increase of pension to John T. Grayson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Grayson, late of Company D, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES B. SPRING.

The next pension business was the bill (H. R. 25120) granting an increase of pension to Charles B. Spring.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the penson laws, the name of Charles B. Spring, late of Company D. One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY DENNY.

The next pension business was the bill (H. R. 16607) granting an increase of pension to Mary Denny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the penson laws, the name of Mary Denny, widow of James Denny, late of Company H, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. WARFEL.

The next pension business was the bill (H. R. 25254) granting an increase of pension to George W. Warfel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Warfel, late of Company F, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. BARE.

The next pension business was the bill (H. R. 16261) granting an increase of pension to John P. Bard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Bard, late of Company H, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Bard" and insert in lieu thereof the word "Bare."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John P. Bare."

PHEBE WRIGHT.

The next pension business was the bill (H. R. 24946) granting a pension to Phebe Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe Wright, widowed mother of Runel W. Wright, soldier of the civil war, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read,

In line of strike out the word "widowed" and insert in lieu thereof the word "dependent;" in same line strike out the word "Runel" and insert in lieu thereof the letter "R."

In line 7 strike out the words "soldier of the civil war" and insert in lieu thereof the words "soldier of the civil war" and insert in lieu thereof the words "late unassigned drafted man, Third Congressional district of New Hampshire."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB SALAT.

The next pension business was the bill (H. R. 15879) granting an increase of pension to Jacob Salat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Salat, late of Company E, Nineteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS B. HOCKLEY.

The next pension business was the bill (H. R. 9448) granting an increase of pension to T. B. Hockey.

The bill was read, as follows:

Be it enected, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. B. Hockey, late of Company C, First Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows :

In line 6 strike out the words "T. B. Hockey" and insert in lieu thereof the words "Thomas B. Hockley."

In same line, after the word "Company," insert the words "G, Second Regiment Ohio Volunteer Infantry, and Company."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas B. Hockley."

SAMUEL DE HAVEN.

The next pension business was the bill (H. R. 15241) granting an increase of pension to Samuel De Haven.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel De Haven, late of Company A, Seventh Battalion District of Columbia Volunteers, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."
In same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the word "twenty" and insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDGAR A. STEVENS.

The next pension business was the bill (H. R. 25305) granting an increase of pension to Edgar A. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar A. Stevens, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABBIE L. HANFORD.

The next pension business was the bill (H. R. 14322) granting a pension to Abbie L. Hanford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie L. Hanford, widow of Nathan C. Hanford, late of Company B, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WARREN ONAN.

The next pension business was the bill (H. R. 25247) granting an increase of pension to Warren Onan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren Onan, late of Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS A. BIFFAR.

The next pension business was the bill (H. R. 25106) granting an increase of pension to Francis A. Biffan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis A. Biffan, late of Company F. One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Biffan" and insert in lieu thereof the word "Biffar."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis A. Biffar."

MILTON BROWN.

The next pension business was the bill (H. R. 14104) granting an increase of pension to Milton Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Brown, late of Company A. Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT BRAKE.

The next pension business was the bill (H. R. 23685) granting an increase of pension to Robert Brake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert

Brake, late of Company C, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WHILLIAM H. TURNER.

The next pension business was the bill (H. R. 13963) granting an increase of pension to William H. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Turner, late of Company E. Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES HENRY WEATHERWAX.

The next pension business was the bill (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Henry Weatherwax, late of Company K, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. HORTON.

The next pension business was the bill (H. R. 22988) granting an increase of pension to Benjamin F. Horton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Horton, late of Company E. Seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM YAHN.

The next pension business was the bill (H. R. 20003) granting an increase of pension to William Yohn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Yohn, late of Company B, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Yohn" and insert in lieu thereof the word "Yahn."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Yahn.

LUCY A. GAYLORD.

The next pension business was the bill (H. R. 21038) granting a pension to Lucy A. Gaylord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy

A. Gaylord, widow of William E. H. Gaylord, late of Company C, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARCHIBALD BATES.

The next pension business was the bill (H. R. 21055) granting an increase of pension to Archibald Bates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Archibald Bates, late of Company G, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M'PEEK.

The next pension business was the bill (H. R. 13816) granting an increase of pension to Thomas McPeek.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McPeek, late of Company H, Twelfth Regiment Indiana Volunteer Infantry and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA CASE.

The next pension business was the bill (H. R. 24334) granting an increase of pension to Emma Case.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Case, widow of Horace M. Case, late of Company K. One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS J. EACHUS.

The next pension business was the bill (H. R. 24226) granting an increase of pension to Francis J. Eachus, alias Frank Eachus. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis J. Eachus, alias Frank Eachus, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as fellows:

In line 6 strike out the words "alias Frank Eachus."
In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7 strike out the letter "G" and insert in lieu thereof the letter "C."

In line 7 strike out the letter of and insert in lieu thereof the letter "C."

In same line strike out the word "Second" and insert in lieu thereof the word "Ninety-seventh."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis J. Eachus."

JOHN VANDEGRIFT.

The next pension business was the bill (H. R. 23729) granting an increase of pension to John Vandegrift.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Vandegrift, late of Company D. One hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

. In line 6 strike out the letter "D" and insert in lieu thereof the letter "A."

In line 7 strike out the word "ninth" and insert in lieu thereof the word "eleventh."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GILBERT W. CLARK.

The next pension business was the bill (H. R. 13133) granting an increase of pension to Gilbert W. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert W. Clark, late of Company B. Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER BUCK.

The next pension business was the bill (H. R. 12969) granting an increase of pension to Alexander Buck. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Buck, late of Company E, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID MILLER.

The next pension business was the bill (H. R. 24530) granting a pension to David Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Miller, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David Miller."

CHARLES E. YOUTT.

The next pension business was the bill (H. R. 12580) granting an increase of pension to Charles E. Youtt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Youtt, late of Company A, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company F, Fifth Regiment, and Company I, First Regiment, Vermont Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES C. COSGRO.

The next pension business was the bill (H. R. 24911) granting an increase of pension to James C. Cosgro.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Cosgro, late of Troop C, Second Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

GEORGE E. YORK.

The next pension business was the bill (H. R. 11848) granting . a pension to George E. York.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. York, late of Company A. Third Regiment Volunteer Cavalry, and pay him a pension at the rate of \$24 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Iowa." In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George E. York.

ADELINE BROWN.

The next pension business was the bill (H. R. 25303) granting an increase of pension to Adeline Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adeline Brown, widow of James M. Brown, late of Company K, Seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 7, after the word "Infantry," insert the words "and majer, Fifteenth Regiment New Jersey Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCIE A. ALLYN.

The next pension business was the bill (H. R. 23198) granting an increase of pension to Lucie A. Allyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucie A. Allyn, widow of Charles F. Allyn, late first lieutenant Company C. Seventh Regiment New York Volunteer Cavalry, and captain, First Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the words "and captain, First Regiment New York Volunteer."
In line 9 strike out the words "Mounted Rifles."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. KENISSTON.

The next pension business was the bill (H. R. 10431) granting an increase of pension to Charles W. Kenisston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Kenisston, late of Company I, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL LOY.

The next pension business was the bill (H. R. 25255) granting an increase of pension to Samuel Loy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Loy, late of Company K. Third Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Artillery," insert the word "Heavy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIJAH DEVORE.

The next pension business was the bill (H. R. 24971) granting an increase of pension to Elijah Devore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah Devore, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA J. LEWIS.

The next pension business was the bill (H. R. 10023) granting a pension to Martha Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Lewis, dependent daughter of Henry C. Lewis, late of Company C, Third Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Martha," insert the letter "J." In same line, before the word "dependent," insert the words "help-ss and."

less and."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to. Th bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Martha J. Lewis."

ALICE HOUSE.

The next pension business was the bill (H. R. 25354) granting a pension to Alice House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice House, widow of William M. House, late of Company A, Fourth Regiment Missouri State Militia Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In same line strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. LYON.

The next pension business was the bill (H. R. 9785) granting an increase of pension to William A. Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wil-

liam A. Lyon, late of Company K. Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD GOGIN.

The next pension business was the bill (H. R. 25391) granting an increase of pension to Richard Gogin.

The bill was read, as follows:

Be it chacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Gogin, late of Company B, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI HOSKINS.

The next pension business was the bill (H. R. 7578) granting an increase of pension to Levi Hoskins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Hoskins, late of Company I, Twenty-fourth Regiment Kentucky Volunteers, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT H. DOUGLAS.

The next pension business was the bill (H. R. 25214) granting an increase of pension to Robert H. Douglas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Douglas, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BARTHOLOMEW BURKE.

The next pension business was the bill (H. R. 23280) granting an increase of pension to Bartholomew Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bartholomew Burke, late of Company C, Fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Engineers." In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARCUS DAVIS.

The next pension business was the bill (H. R. 7242) granting an increase of pension to Marcus Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus

Davis, late first lieutenant of Company E, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, before the word "Company," strike out the word "of." In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYRUS W. SCOTT.

The next pension business was the bill (H. R. 25256) granting an increase of pension to Cyrus W. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus W. Scott, late of Company K, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$45 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HOBART P. SWEET.

The next pension business was the bill (H. R. 6767) granting an increase of pension to Hobart P. Sweet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hobart P. Sweet, late of Company A. First Regiment Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Michi-

gan."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMUND P. WEATHERBY.

The next pension business was the bill (H. R. 25097) granting an increase of pension to E. P. Weatherby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. P. Weatherby, late of Company C, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Edmund."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edmund P. Weatherby.

STEPHEN J. HENNING.

The next pension business was the bill (H. R. 6206) granting an increase of pension to Stephen J. Henning.

The bill was read, as follows:

Be 4t enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen J. Henning, late of Company H, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows .

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third Ume, and passed.

FREDERICK HOFFNER.

The next pension business was the bill (H. R. 24189) granting an increase of pension to Frederick Hoffner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hoffner, late of Company B, Fourth Regiment California Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof ie word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH G. MADDOCKS.

The next pension business was the bill (H. R. 5800) granting an increase of pension to Joseph G. Maddocks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph G. Maddocks, late of Company I, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OREN S. ROUSE.

The next pension business was the bill (H. R. 24851) granting an increase of pension to O. S. Rouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of O. S. Rouse, late of Company G, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "O." and insert in lieu thereof the word "Oren."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Oren S. Rouse."

TURNER J. PREBLE.

The next pension business was the bill (H. R. 2821) granting an increase of pension to Turner J. Preble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Turner J. Preble, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHARINE MESSER.

The next pension business was the bill (H. R. 25329) granting a pension to Catherine Messer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Messer, widow of John Messer, late of Company E, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as

In line 6 strike out the word "Catherine" and insert in lieu thereof word "Catharine."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pen-

sion to Catharine Messer."

GEORGE W. ROBINS.

The next pension business was the bill (H. R. 24855) granting a pension to George W. Robins. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Robins, late scout and pilot to Col. John B. Rogers in the war of the rebellion, and pay him a pension at the rate of \$36 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "pilot to Col. John B. Rogers in the war of the rebellion" and insert in lieu thereof the words "guide, United States Volunteers."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL SULLIVAN.

The next pension business was the bill (H. R. 2064) granting an increase of pension to Daniel Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Sulivan, late of Company G, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and U. S. S. Ohio, Ethan Allen, and Savannah, United States Navy."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RALPH D. PARSONS.

The next pension business was the bill (H. R. 1851) granting an increase of pension to Ralph D. Parsons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ralph D. Parsons, late of Company K, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6, before the word "Fourth," insert the words "and hospital steward."
In line 7, before the word "Illinois," insert the words "and Twelfth Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TIMOTHY H. GIBSON.

The next pension business was the bill (H. R. 24940) granting an increase of pension to Timothy H. Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy H. Gibson, late of Company G. Sixty-third Regiment Ohio Volunteer Infantry, and Company A. Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE C. VANCE.

The next pension business was the bill (H. R. 1728) granting an increase of pension to George C. Vance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Vance, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BURGESS N. ISAACS.

The next pension business was the bill (H. R. 25172) granting an increase of pension to B. N. Isaacs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. N. Isaacs, late of Company M. Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "B." and insert in lieu thereof the word "Burgess."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Burgess N. Isaacs."

ALFRED NICHOLS.

The next pension business was the bill (H. R. 1171) granting pension to Alfred Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Nichols, late of Company E, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Eleventh" and insert in lieu thereof the word "Forty-third."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "forty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alfred Nichols."

FREDERICK G. ACKERMAN.

The next pension business was the bill (H. R. 25016) granting an increase of pension to Frederick Gottlieb Ackerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Gottlieb Ackerman, late of Company D, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Gottlieb" and insert in lieu thereof the letter "G."

The amendment was agreed to.

The bill as amended was ordered to be engressed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frederick G. Ackerman."

GILES TOWNSEND.

The next pension business was the bill (H. R. 561) granting an increase of pension to Giles Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Giles Townsend, late of Company A, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BURKE.

The next pension business was the bill (H. R. 24968) granting an increase of pension to John Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Burke, late of Company E, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows .

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMUND JOHNSON.

The next pension business was the bill (H. R. 24406) granting an increase of pension to Edmund Johnson.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Johnson, late of Company E, Thirty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain,"
In same line strike out the letter "E" and insert in lieu thereof the letter "G."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILSON M. HOLMES.

The next pension business was the bill (H. R. 560) granting an increase of pension to Wilson M. Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson M. Holmes, late of Company D, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL LEDGERWOOD.

The next pension business was the bill (H. R. 10430) granting an increase of pension to Samuel Ledgerwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Ledgerwood, late of Company E, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES E. PUSEY.

The next pension business was the bill (H. R. 21983) granting an increase of pension to James E. Pusey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Pusey, late of Company C, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows :

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID E. JEFFERSON.

The next pension business was the bill (H. R. 24531) granting an increase of pension to David E. Jefferson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David E. Jefferson, late of Company C. Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty." $\,$

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IDA E. G. PIERCE.

The next pension business was the bill (H. R. 9445) granting a pension to Ida E. G. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida E. G. Pierce, widow of E. W. Pierce, late of the Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$15 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Ebenezer."

In same line strike out the words "of the" and insert in lieu thereof the word "colonel."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN C. DURFEY.

The next pension business was the bill (H. R. 9664) granting a pension to E. C. Durfey

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. C. Durfey, late of Company G, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Edwin."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Edwin C. Durfey."

GEORGE N. JULIAN.

The next pension business was the bill (S. 7998) granting an increase of pension to George N. Julian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Julian, late captain Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD W. HOBAN.

The next pension business was the bill (H. R. 10574) granting a pension to Edward W. Hoban. The bill was read, as follows:

Bè it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward W. Hoban, late of Company I, Second Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM FILKINS.

The next pension business was the bill (H. R. 25511) granting an increase of pension to Hiram Filkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Filkins, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed it was accordingly read the third time, and passed.

EMMA HEMPLER.

The next pension business was the bill (H. R. 25455) granting an increase of pension to Emma Hempler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Hempler, widow of Henry H. Hempler, late of band, Twelfth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Insert in line 7 the words "State Militia" after the words "New York," and in line 8 strike out the word "twenty" and insert the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. MAXWELL.

The next pension business was the bill (H. R. 25451) granting an increase of pension to William H. Maxwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Maxwell, late of Company F, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company F, Second Regiment Tennessee Volunteer Mounted Infantry" and insert in lieu thereof the words "U. S. S. Robb, United States Navy."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM E. WEBSTER.

The next pension business was the bill (H. R. 25445) granting an increase of pension to William E. Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Webster, late of First Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Battery," insert the word "Independent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES R. FAIRBROTHER.

The next pension business was the bill (H. R. 22701) granting an increase of pension to James R. Fairbrother.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Fairbrother, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

LOUIS GREEN.

The next pension business was the bill (H. R. 21608) granting an increase of pension to Louis Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Green, late of First Battery, Kentucky Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "First Battery" and insert in lieu thereof the words "Company H, Third Regiment."
In line 7 strike out the words "Light Artillery" and insert in lieu thereof the word "Infantry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES KENNEY.

The next pension business was the bill (H. R. 20956) granting an increase of pension to James Kenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Kenney, late of Company H, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. BELL.

The next pension business was the bill (H. R. 20881) granting an increase of pension to William W. Bell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Bell, late captain of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and brevet major, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, after the word "captain," strike out the word "of."
In lines 8 and 9 strike out the words "and brevet major, United
States Volunteers."
In line 8 strike out the word "fifty" and insert in lieu thereof the
word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LIZZIE E. ENRIGHT.

The next pension business was the bill (H. R. 20209) granting an increase of pension to Lizzie E. Enright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie E. Enright, widow of Jeremiah Enright, late of Company C, Fourth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "New York Volunteer" and insert in lieu thereof the words "United States." In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES D. TOMSON.

The next pension business was the bill (H. R. 23797) granting an increase of pension to James D. Tomson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James

D. Tomson, late of Company B, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN E. DAVIS.

The next pension business was the bill (H. R. 24905) granting a pension to Susan E. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Davis, widow of William A. M. Davis, late lieutenant Company B, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "first."
In line 9 strike out the word "twelve" and insert in lieu thereof the word "sixteen;" in the same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Susan E. Davis.'

GEORGE MYERS.

The next pension business was the bill (H. R. 17091) granting an increase of pension to George Myers.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Myers, late of Company I, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "sixty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT N. MARSHALL.

The next pension business was the bill (H. R. 9611) granting a pension to Robert N. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert N. Marshall, son of James B. Marshall, late of Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "son," insert the words "helpless and dependent." dependent."
In line 8. strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD PROST.

The next pension business was the bill (H. R. 8408) granting an increase of pension to Richard Prost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Prost, late of Company C, Eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Volunteer," strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."
In line 8 strike out the word "twenty-four" and insert in lieu thereof
the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLA A. HODGES.

The next pension business was the bill (H. R. 19421) granting an increase of pension to Ella A. Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella A. Hodges, widow of George T. Hodges, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 6, before the word "and," insert the words "late first lieutenant, Sixth Regiment United States Infantry."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

time, and passed.

On motion of Mr. Calderhead, a motion to reconsider the several votes by which the bills were passed, on his motion, was laid on the table.

SALOME JANE MARLAND.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent that the House consider the bill (H. R. 19239) granting a pen-

sion to Salome Jane Marland. It was omitted by mistake.

The SPEAKER pro tempore. Is the bill on the Calendar?

Mr. CALDERHEAD. Yes; the bill is on the Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Salome Jane Marland, widow of William Marland, late of Second Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

Mr. GROSVENOR. Mr. Speaker, I would like to have the report on that bill read.

The Clerk read the report as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 19239) granting a pension to Salome Jane Marland, submit the following report:

This bill proposes to pension the beneficiary named therein at \$12

(H. R. 1923) granting a pension to Salome Jane Mariand, submit the following report:

This bill proposes to pension the beneficiary named therein at \$12 per month.

William Marland, the officer named in the bill, served as a sergeant in Company F, Sixth Massachusetts Infantry, from April 15, 1861, to August 2, 1861, and as second and first lieutenant and captain of the Second Battery, Massachusetts Light Artillery, from December 24, 1861, to August 11, 1865, when honorably discharged.

He was a pensioner under the act of June 27, 1890, for total inability to earn a support by manual labor, and died April 17, 1905.

The beneficiary named in the bill, now 56 years of age, who married the officer on October 20, 1870, applied for pension under the amended act of June 27, 1890. Her claim was rejected in April, 1906, upon the ground of nondependence, she having a net annual income in excess of \$250.

There has been filed with the committee the affidavit of Lieut, R. B. Hall, of the officer's battery, to the effect that the battery had an unusually long service with the Army of the Gulf and was stationed near the Mississippi River; that nearly everyone in the battery became ill of malaria; and medical and lay testimony that claimant's husband ever since 1869 had been a severe sufferer from malaria contracted during this service above named; that this trouble resulted in rheumatism, diabetes, and fatty degeneration of the heart, and that he finally died of that disease.

It is also shown that the officer was often urged to apply for pension under the general law, but abstained from doing so owing to the fact that the battery had no surgeon and that the physicians who treated him up to 1890 had died.

It is further shown that the beneficiary, since the rejection of her claim in the Pension Bureau, has been compelled to sell her property in order to pay debts contracted previous to the death of her husband. In the opinion of your committee it is clear, from the evidence filed, that the officer's death was a result of his

The amendments recommended by the committee were agreed

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the naval appropriation bill, and pending that motion I ask unanimous consent that we may continue general debate for to-day without fixing any limitation as to time, one half of the time to be controlled by the gentleman from Louisiana and the other half by myself.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that one half the time to-day in general debate be controlled by himself and the other half by the gentleman from Louisiana [Mr. MEYER].

Mr. PAYNE. Mr. Speaker, I will not object to that if the further condition is added to it that only one hour shall be yielded to a Member, and that the time is to be extended only by unanimous consent of the committee.

Mr. SLAYDEN. Mr. Speaker, I could not hear all that was said, and I want to understand the conditions or provisions for general debate.

Mr. FOSS. We do not undertake to limit it at the present

Mr. SLAYDEN. Do you limit it to to-day?

Mr. FOSS. No; to continue to-day in general debate, onehalf to be controlled by the gentleman from Louisiana and onehalf by myself.

Mr. SLAYDEN. I would like to ask the gentleman if it would not be possible to limit the time consumed in general debate and to give Members who speak permission to print remarks in the Record, limiting it to those who speak on the bill?

Mr. FOSS. I have no objection to that, Mr. Speaker. The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that leave to print for those who speak on the bill be granted-

Mr. PAYNE. For five legislative days.

The SPEAKER pro tempore. For five legislative days. Is there objection? [After a pause.] The Chair hear none. Is there objection to the request of the gentleman from Illinois as modified by the gentleman from New York. [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, was the request as to unanimous

consent as to the division of time put to the House?

The SPEAKER pro tempore. Yes. The Chair put the request with the modification of the gentleman from New York, and there was no objection.

The motion of Mr. Foss was then agreed to: accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. Sherman in the chair.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Gaines of West Virginia having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, in North Dakota.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, in North Dakota; and

H. R. 23578. An act to authorize the county of Clay, State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. Mr. Chairman and gentleman of the committee, I desire to say a few words in reference to this bill which is now before the committee, and I shall speak at this time only in a general way and point out some of the general characteristics of this bill. In the first place, this appropriation bill carries \$95,426,325.54. The estimates which were sent to the committee from the Navy Department amounted in all to \$115,431,000, so that this bill shows a reduction from the estimate of over \$20,000,000. It is the smallest bill which has been presented to this committee in the last few years. Last year we presented to the committee a naval bill amounting to \$99,734,000. The year before that the bill as presented to the committee amounted to over \$100,000,000, and the year before that, over \$96,000,000. This bill carries approximately ninety-five and a half millions of dollars. It is therefore a modest appropriation bill.

Now, with regard to the bill, allow me to say that we make provision for the Marine Corps. The Marine Corps is composed of about 278 officers and a little less than 9,000 men. The appropriations for the maintenance of the Marine Corps in this bill amounts to \$5,621,000. If we subtract this from the total amount of the bill, we have \$89,804,000, which is the appropriation for the Navy proper. Of this \$89,804,000, \$23,460,000 is

for the increase of the Navy, the appropriation made necessary to finish the ships which have been authorized and now are in process of construction. If we subtract this amount of twentythree million and a half, we have left \$66,340,000, and if from that we take \$4,700,000, which is the amount of new construction of public works in our navy-yards and stations, then we arrive at the sum of \$61,640,000, which might properly be called the sum necessary for the maintenance of the Navy as it stands to-day—not a very large amount. So much for the amount carried in the appropriation bill.

I wish now to say to the committee that we have placed upon this bill matters which might properly be considered new legislation, and in order that the committee may fully understand what is in the bill I shall speak of the important provisions of this character in the bill. In the first place, we have a provision here relating to officers of the Navy above the grade of captain who served with credit in the regular volunteer forces during the civil war prior to April 9, 1865. This provision gives about fifteen rear-admirals who served during the civil war the three-fourths pay of the Navy as it is now paid. These rear-admirals retired before the personnel bill went into effect, and prior to that time the pay of the rear-admiral was \$6,000 a year. When they went upon the retired list, they received three-fourths of that pay, but since then the Army pay table has been applied to the Navy, and-now these officers think they are entitled, as other officers upon the retired list, to three-fourths of the Army pay—that is to say, three-fourths of \$7,500. This will cost the Government in the neighborhood of \$20,000.

The following is a statement prepared by an officer affected by this provision:

The Navy personnel bill approved March 3, 1899, and which became effective on June 30, 1899, contained a clause which had never been considered by the framers of the bill—a special board in the Navy Department, of which Assistant Secretary of the Navy, Mr. Theodore Roosevelt, was president, the Secretary of the Navy (who approved and sent it to both Houses of Congress), neither of committees of the Senate and House of Representatives, or in the Senate or House. The bill passed the House just as it was received from the Navy Department. The Senate amended and passed it.

When the bill was in conference there was inserted the clause above referred to, which was about as follows:

"Provided, That nothing in this act shall have the effect of either increasing or decreasing the pay of officers now on the retired list."

To correct the unintentional discrimination against those rear-admirals who had been retired previous to June 30, 1899, all of whom had served as commanding officers of ships during the civil war, and many of whom had been advanced in their grade for "faithful and meritorious services," or promoted to the next higher grade for their services during that war, the Senate passed as an amendment (No. 6) to the naval appropriation bill for the fiscal year ending June 30, 1907, which was clearly intended to correct the great and humiliating injustice which the old retired rear-admirals considered had been done them.

After several conferences between the two committees on Naval Affairs.

After several conferences between the two committees on Naval Affairs, r. Hull, chairman of the Military Committee of the House, proposed at the existing Army retiring law should apply to the Navy. This is adopted by the House and Senate and became the law. It is as

was adopted by the House and Senate and became the law, it is as follows:

"That any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the Official Register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the rettred list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: Provided, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special act of Congress."

The Army retiring law, as is now that of the Navy, makes no provisions for officers above the rank of colonels, and consequently for captains in the Navy, who have the assimulated rank of colonels in the Army, and the result is that the old retired rear-admirals were again discriminated against. I have been informed that Mr. HULL, said that he was not aware of this discrimination at the time he advocated the adoption of the Army retiring law as a substitute for the amendment passed by the Senate.

The Navy personnel bill of 1899, prepared in the Navy Department and as it was reported by both Naval Committees and was passed by both Houses of Congress, provided that officers of the Navy should receive the same pay as officers of the Army with whom they held assimulated rank.

The fifteen rear-admirals who were retired prior to June 30, 1899, now ask Congress that they now in their declining years may be re-

assimulated rank.

The fifteen rear-admirals who were retired prior to June 30, 1899, now ask Congress that they now in their declining years may be relieved from the unmerited humiliation they have suffered by the passage of a bill for their relief, which has been introduced in the Senate and House and which are now before the two Naval Committees for their consideration. This is an act of justice to the men who commanded ships during the civil war and who as commanding officers of ships took part in the naval victories of that war, and since the war have commanded ships and squadrons and have filled other important positions.

positions.

The fifteen retired rear-admirals who ask for relief from their humiliating position were retired with the assimulated rank of majorgeneral. A great many of the retired rear-admirals who have been placed on the retired list since June 30, 1899, held the assimulated rank of major-general and draw the pay of retired major-generals, while the fifteen rear-admirals who were discriminated against get

about 20 per cent less pay than they do, and since the war have commanded vessels and squadrons and have filled other important positions of responsibility.

Then again, many of them either served as subordinate officers under the old rear-admirals during the civil war or saw no services in that war because they had not then graduated from the Naval Academy.

that war because they had not then graduated from the Naval Academy.

The fifteen old rear-admirals do not ask for promotion, for that could not be given them, as they had reached the highest rank possible when retired, but they do ask that the retired pay of major-generals, with whom they rank, should be given them, not as a reward for their honorable and efficient services in the civil war, but as an act of justice to them and as a relief from the humiliation which they have suffered and which they will suffer so long as they live unless the relief requested by them is given by the bills now under consider tion in both Naval Committees of Congress.

The increase of pay asked for will aggregate the sum of less than \$18,000.

The Hull amendment, as it became the law, gave relief to 155 re-

The Hull amendment, as it became the law, gave relief to 155 retired officers of and below the rank of captain, but gave no relief to the fifteen old rear-admirals.

Mr. HULL. Mr. Chairman, I would like to ask the gentleman if it is not true that in the original retirement bill, the personnel bill, all of the officers on the active list were given one grade higher on retirement?

Mr. FOSS. Yes; some of them.

Mr. HULL. Regardless of their rank on the active list. In other words, a rear-admiral of the junior grade would be retired as a rear-admiral of the senior grade.

Mr. FOSS. Yes. Mr. HULL. And that these men that were on the retired list

Mr. FOSS. Before that time.

Mr. HULL. That were retired before that time, and all of them had much greater civil war service than the great body of

those we retired at a higher grade.

Mr. FOSS. That is true. These officers were in command of

those.

Mr. HULL. When we applied promotion to the retired officers, as I understand it, we made it conform exactly to that of the Army

Mr. FOSS. Exactly. Mr. HULL. So that those old officers, those on the retired list, got no benefit from it at all.

Mr. FOSS. That is true.

Mr. PRINCE. Will the gentleman permit an inquiry?

Yes.

Mr. PRINCE. If this provision should obtain, would it permit anyone who was a cadet at Annapolis during the time of the civil war to receive any of the benefits of this provision?

Mr. FOSS. And was not in active service?
Mr. PRINCE. Well, if he was at the academy I think his time at the academy would be regarded as part of his service. Mr. HULL. He may have been a cadet the first year and

have had service on sea afterwards during the civil war.

Mr. SLAYDEN. It expressly provides in the report that they

shall not count the service at the academy.

Mr. PRINCE. I think the time put in at the Academy should not be considered, but I am inclined to think by a decision of the court—in other words, if a midshipman had been appointed in 1864, and was a fourth-class man, he would be regarded as a part of the Navy and might receive the benefits under this provision. If you would modify it by saying that he was engaged on board ship during the time of the civil war, I would have no

objection to it.

Mr. FOSS. I want to say to my colleague from Illinois that the provision upon this point is identical with the one of the Army, and that it was adopted at the last session of Congress upon the motion of the gentleman from Iowa, and this is the provision

Mr. HULL. Now, before the gentleman starts on the next paragraph would it interrupt him for me to ask him a question about that on page 3?

Mr. FOSS. I want to just read this to the gentleman from Illinois:

That any officer of the Army not above the grade of captain who served with credit as an officer or enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet.

I think that answers the question of the gentleman from Illinois.

Mr. PRINCE. I beg your pardon, but does your provision say in the law "or otherwise than as a cadet?" If you have If you have that in your bill I have no objection, but if it is not in the body of the bill the putting of it in the report does not make it part of the law.

Mr. FOSS. This would not apply, because these men are much older than those, were longer out of the academy, and in the civil war, so it would not apply; but I have no objection to its introduction.

Mr. HULL, I will call the attention of the gentleman from Illinois, my colleague on the Committee on Military Affairs, that this is an exact copy of the provisions adopted last year with the exception that we provided "not above the grade of captain." This gives it to those on the retired list who are above the grade It is the same provision otherwise. Now, it says provided further," beginning on line 22-

Mr. FOSS. I was going to speak of that.

Mr. HULL. I did not know but what you could explain it

more fully

Mr. FOSS. I will come to that in just a moment. also a further proviso. I have spoken of the rear-admirals who would be benefited by this provision, and there is a further proviso to the effect "that commodores coming under the provision of this section may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy, with the rank and retired pay of rear-admiral (junior grade)." This will apply to three commodores, making an increase in their pay of \$375 each.

Now, the second provision in this bill that I desire to call to the attention of the committee is in regard to retired officers who are doing active duty. Now, this was first presented to the House in the form of a separate bill, and my colleague upon the committee [Mr. MEYER] introduced the bill and made a report upon it, and by his motion it was inserted here upon the appropriation bill. This provision allows retired officers who are doing active duty to get the benefit of their active service upon Now, I yield to the gentleman from Iowa if he the retired list.

desires to ask a question.

Mr. HULL. Mr. Chairman, this provides way beyond anything that has ever affected the Army, in my judgment, if I understand it correctly—way beyond anything that should ever affect either branch of the service. It provides "that retired officers of the Navy who have retired for disabilities resulting from an incident of the service shall have for active duty the rank, pay, and allowances of officers on the active list of like length of active service." That means if two officers go into the service at the same time and one is retired and stays on the retired list five years and is ordered into active service, he goes in with the same rank of the man who has remained in active service all the time.

Mr. FOSS. As I understand it, if a man is on the retired list and he is called upon to do active duty, that the time spent in active duty, if over three years, shall be added to his previous active service prior to the time he went upon the retired

list in determining his place upon the retired list.

Mr. HULL. Mr. Chairman, it seems to me the gentleman is mistaken, because on the next page the provision reads, "and is actively employed for an aggregate period of three years, when detached from duty, retain the rank and highest retired pay of the grade they then hold." Now, he is not on the active pay of the grade they then hold." Now, he is not on the active list; he is on the retired list, but he goes in on the active list at the same grade with those who have the same length of service as himself. And I want to call my friend's attention to the fact that in the Army it is impossible for a man to secure any further promotion after he gets on the active list. We do give him when serving the pay of his rank, but no advance in rank and no possibility of taking advantage of the years he was on the retired list and to step onto the active list and start at a higher plane and then give him two retirements. As I understand it, the Navy has one grade of retirements as to all of these officers?

Mr. FOSS. Not to all of them. Mr. HULL. Who had civil-war service.

Mr. FOSS. And those who went out on the retired list under the personnel law, but not to all of them.

Mr. HULL. That is, a large majority of them. Now it is proposed to give him that retirement, and then put him back on the active list, and not only give him pay of the rank he really holds, but the pay of the rank of any man that is of the same length of service that he is. You put him back at promotion at once, and retire him the second time at the higher grade he holds while on active duty. I do not think that will go through without trouble when it is reached.

Mr. FOSS. We expect trouble. I want to say to the gentleman from Iowa [Mr. HULL] that I do not care to discuss this provision at this time in the general statement which I am making with regard to the bill, but I may say also that my colleague upon the committee, the gentleman from Louisiana [Mr. MEYER], is more familiar with the effect of this provision than I am.

Here is his report on the proposition:

Mr. Meyer, from the Committee on Naval Affairs, submitted the following report (to accompany H. R. 5335):

The Committee on Naval Affairs, to whom was referred the bill (H. R. 5335) providing for rank and pay for certain retired officers of

the Navy, has fully considered the same, as it did similar measures in the Fifty-seventh and Fifty-eighth Congresses, and recommends its

passage.

Although some changes may have been made in the detail of retired officers to active duty since the former reports, the merits of the measure remain the same, and the former reports are adopted, together with the Secretary's letter approving them.

[House reports Fifty-seventh Congress, first session, and Fifty-eighth Congress, second session.]

Section 1462 of the Revised Statutes prohibits the employment of retired naval officers on active duty except in time of war. Exception from the provision of said law is made in appropriation act approved June 7, 1900, authorizing for a period of twelve years from said date the employment on active duty at sea and on shore of such officers. While so employed, by the same act they receive the pay and allowances of officers of the active list of the grades from which they were retired.

while so employed, by the same act they receive the pay and allowances of officers of the active list of the grades from which they were retired.

Section 1459, Revised Statutes, withdraws retired officers from the line of promotion on the active list, and the act of August 5, 1882, prohibits promotion on the retired list.

By the provision in the act of June 7, 1900, during the period in which active employment is authorized, as far as relates to assignment to duty, the retired officer is placed upon the same footing in law as the officer of the active list. He is practically withdrawn from the retired list and becomes, as to duty, to all intents and purposes an active officer. No corresponding amendment was, however, made to the statute above quoted prohibiting promotion. Therefore, while performing above duty of whatever character, the retired officer received the pay of the grade from which he was retired, and during the whole of his employment, which may be for twelve years, receives no advancement, as do other officers of the military services.

The total active duty of a few of the officers in the grade of lieutenant may be as great as forty years.

This bill is intended to give to these retired officers actively employed credit for advancement for their active services. The period of such duty is utilized to fix the rank with that of an officer of the active list of corresponding active service and thereafter to promote them side by side. No credit whatever attaches for such time as may have been spent upon the retired list not employed.

There is at the present time less than twenty officers who will fall within the provision of this measure. Of these there are five whose active duty since retirement, added to previous active service, will entitle them to advancement. The increase in pay involved is approximately \$3,500. Some of the others may hereafter. If continued on active duty, carn promotion to a higher grade. If all are so employed during the whole period of twelve years, sixteen will eventually

vanced.

During the past year two retired officers have, while on active duty, died. A few exceptional cases of retirement following the civil war exist where this bill, if enacted, would operate to reduce the rank and pay of the officers if ordered to duty, and one case at least wherein, under the act of June 7, 1900, the officer's pay is less than his retired

As the purpose of the measure is intended to be beneficial, a proviso

is attached to exempt such cases from its operation.

This bill is approved by the Navy Department and is in accord with the recommendation of the Secretary made in his last annual report. The amendment is also recommended by the Secretary.

NAVY DEPARTMENT, Washington, March 8, 1904.

SIR: Referring to the bill (H. R. 9055) providing for rank and pay for certain retired officers of the Navy, and to the Department's communication of January 30, 1904, printed as a pamphlet and headed "No. 43, H. R. 9055, providing for rank and pay of certain retired officers," in regard thereto I have the honor to advise you that after careful consideration of the matter the Department concludes that, inasmuch as the detailing of retired officers to active duty under the provisions of the haval appropriation act approved June 7, 1900, is entirely within its discretion, the views of the Bureau of Navigation, as quoted in the letter above mentioned, are without such force as to justify the conclusion arrived at, which is adverse to the passage of the bill. The letter under consideration is accordingly withdrawn, and concurrence is expressed in the views of the committee as set forth in House Report No. 1788, Fifty-seventh Congress, first session, after the approval of the bill by the Department through its then Secretary. The bill H. R. 9055 is therefore commended to the favorable consideration of your committee.

Very respectfully,

Chas. H. Darling,

Hon. George Edmund Foss,
Chairman Committee on Naval Affairs,
House of Representatives.

Now, there is another provision upon the bill which I desire to call to the attention of the committee, and that is with regard to a board of investigation. On page 31 of the bill it says:

The Secretary of the Navy is hereby authorized to appoint a board of five persons, not more than two of whom shall be naval officers, which board shall investigate and report not later than December 1, 1907, as to all matters of construction, management, and administration of the navy-yards and stations, with a view of placing the same on a more economical basis, and to defray the compensation and expense of said board, the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated.

This is a new provision, and I presume will be subject to a point of order, but I trust it will not be made, because I have great hope that this provision if passed, and that board if appointed, will do a great work in devising some plan of placing our navy-yards, which are largely industrial establishments, upon a more business-like basis.

As you know, in the navy-yards we have the bureau system, and the administration of navy-yards is conducted by bureaus. We find that these bureaus are sometimes little kingdoms in themselves in these different navy-yards. There is no private establishment that would be run in this manner, and we

feel that if some consolidation could be brought about in these navy-yards it would bring about a more economical administration. And it was with that in view that we have inserted in this bill this provision. I may say that I think most of the reforms which will come to the Navy Department must come from outside, and so we have inserted here in this bill that only two of the persons constituting this board shall be naval officers, but that the majority of the board shall be civilians. They should be engineers or men experienced in the management of large industrial or shipbuilding plants.

I may say that a few years ago the committee made a trip of inspection around to the navy-yards, and they came to the con-clusion that by a consolidation of the light, heat, and power plants in the different navy-yards these yards could be put upon a more businesslike and economical basis, and, as a result of their investigation, they inserted in the bill a provision which has brought about that consolidation, and I believe that it will be a great measure of economy when it is thoroughly carried out through our whole naval establishment. And it is along

this line that the committee is moving to-day.

Now, we have also inserted here in this bill another provision to the effect, on page 38 of the bill, that-

The Secretary of the Navy is authorized to make a thorough investigation regarding cost of articles or material manufactured by the Government in navy-yards and naval stations, and the cost of like articles and materials purchased in the open market, and report to the next Congress the information obtained and the difference found in such cost, and such other information as he may deem advisable.

That is a very important inquiry, in the opinion of the Naval Committee. We are manufacturing some things in the navyyards to-day, and we are trying to arrive through this investiga-tion at their cost, in order to see how that cost compares with the cost of similar things in the open market. I believe that it will be an incentive, such an investigation of this sort, to the men in the different navy-yards to produce materials at a lower cost if they can be made to feel that that cost will be compared with the cost of similar articles purchased in the open market.

Now, there is another provision in this bill which undoubtedly is new legislation, and that relates to the establishment and organization of a corps of dental surgeons. We have no dentists in the Navy to-day, and as you know, our men are frequently on ships for a number of months. They go on a cruise for two or three years, and are away from where they could obtain the means of properly taking care of their teeth. The Army has a corps of dentists, but the Navy never has had a corps; and yet I think there is more reason why the Navy should have dentists than the Army, because the Army is continually on the land, whereas the Navy is on the sea. The following is the report of Mr. Cousins on the subject:

Mr. Cousins, from the Committee on Naval Affairs, submitted the following report (to accompany H. R. 13851):

The Committee on Naval Affairs, having had under consideration the bill (H. R. 13851) authorizing the appointment of dental surgeons in the Navy, report the same without amendment and recommend its

A bill substantially the same as this was recommended by the Navy Department in the following letter:

NAVY DEPARTMENT, Washington, March 2, 1904.

NAYY DEPARTMENT, Washington, March 2, 1904.

Sir: Referring to the Department's letters of May 29, 1902, January 26 and February 8, 1904, reporting upon bills for the employment of dental surgeons in the Navy, and recommending the enactment of a measure authorizing the Secretary of the Navy to employ under contract not more than fifteen such surgeons, I have the honor to state that after further consideration of the matter the Department withdraws its previous recommendations in the premises and recommends instead the passage of the measure of which a draft is inclosed. The main points of difference between the bill heretofore suggested and that now proposed are that the latter authorizes thirty instead of fifteen dental surgeons, and provides that they shall have the rank and pay of acting assistant surgeons, instead of being employed under contract at not to exceed \$1,800 per annum.

Acting assistant surgeons, of whom twenty-five were authorized by the act of May 4, 1808 (30 Stat., 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, \$1,700; on shore duty, \$1,400; on leave or waiting orders, \$1,000; on shore duty, \$1,600; on leave or waiting orders, \$1,200.

W. H. Moody, Secretary,

W. H. MOODY, Secretary.

Hon, EUGENE HALE,

Hon, Eugene Hale,
Chairman Committee on Naval Affairs,
United States Senate.

At present there is no provision of law under which the Department can employ dental surgeons except one for service at the Naval Academy.
Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a make-shift unsatisfactory to the Bureau," that "the necessity of the care of the teeth of the enlisted men existed, and its importance to the health of the Navy is appreciated," and therefore this makeshift was resortal to "until legislation could be obtained giving advantages to

the enlisted men of the Navy similar to those which the Army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army, the Surgeon-General submitted copies of reports of Army officers, from which we quote the following extract from the report of the Surgeon-General United States Army:

"The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

"The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, pericementitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

"The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer armies, and

Philippines.

"The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service."

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

"The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service, and their services are highly appreciated by the officers and enlisted men of the Army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service."

[Extract from the report of General Grant, Department of Texas.] "DENTAL SURGEONS.

"In my opinion, after careful investigation, the principal needs of the service, with respect to dental surgeons, are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a deleterious effect upon teeth, and every regiment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard."

[Extract from a letter from Col. Marion P. Maus U. S. Army 1.

[Extract from a letter from Col. Marion P. Maus, U. S. Army.] Headquarters Twentieth United States Infantry, Malate Barracks, Manila, P. I., May 20, 1904.

THE MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

(Through military channels.)

SIR: I have the honor to invite attention to the importance of dentists in the Army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahui, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the service of a dentist are as necessary as that of an Army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains.

I have the honor to be, very respectfully, your obedient servant,

MARION P. MAUS,

Colonel Twentieth U. S. Infantry, Commanding.

There exists in the Navy as much, if not more, urgent need of the

Colonel Twentieth U. S. Infantry, Commanding.

There exists in the Navy as much, if not more, urgent need of the service of dental surgeons than exists in the Army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who February 1, 1904, numbered 4,519, are taken into the service when the care of the dental surgeon is necessary to protect them from the effects of dental disorders, which, either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and efficiency.

care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes in a sense the guardianship of these boys when it receives them for life service in the Navy; therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery, employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of fifty boys now, or recently, in training at the naval-training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities in his fourteen upper teeth; another, aged 16 years, had lost practically all of his molar teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost seven teeth, and another, aged 18 years, had lost seven molar teeth. Several others of the fifty cases from 16 to 18 years of age had lost from three to six teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay; dead teeth; inflamed gums; chronic abscesses discharging pus in the mouth; pus-producing diseases of the teeth, gums,

and underlying bone, or germ-laden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that, under present conditions, a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the Navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the United States receiving ship Wabash.]

The hospital steward detailed to dental service: Restored by filling, crowning, etc_____ Treatment for various diseases_____ _teeth__ 990-_do___ 502 Extracted do Simple, chronic, and ulcerated conditions of the gums treated cases do Diseased nerves of teeth treated do Dead teeth treated and filled do do 92

[United States hospital ship.]

"

" " I was employed for twelve months by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. Yosemite, and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

As dental conditions in the Navy probably differ from those in the

As dental conditions in the Navy probably differ from those in the Army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in Army medical service, as follows:

[Thomas S. Latimer, M. D.]

[Thomas S. Latimer, M. D.]

"There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other aliments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

"Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

"Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

"I need scarcely say that no aliments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required."

[Thomas Opie, M. D.]

[Thomas Opie, M. D.]

"That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrues from their being in perfect order."

[W. O. Owens, M. D.]

[W. O. Owens, M. D.]

"For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor hospital about 300 soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were fifteen or twenty similar cases, known as pyorrhea of the sockets of the teeth, with pus bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability."

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some fifty or more particular cases represented to this committee from a single station at Newport, R. I., is ample proof of conditions which ought not to exist.

We therefore recommend that House bill 13851 be enacted.

Now, there is another provision to which I wish to call the attention of the committee, which is new legislation, and that is with reference to the establishment of a Hospital Corps in the

UNITED STATES NAVAL HOSPITAL CORPS-MEMORANDUM.

A Hospital Corps of not less than 1,000 men is now needed. To enlist and retain such a corps of the desired quality it is believed that greater inducements for continued service must be offered. Unless a good prospect of ultimate promotion with consequent increase in pay be held out as a reward for long and faithful service, the pecuniary advantages and comforts of civil life will continue to outweigh in the minds of ambitious hospital stewards contemplating reenlistment the attractions of the naval service, handicapped, as it is, with the privations and inconveniences of sea duty. The recommendations of the Bureau to increase the warrant grade of the Hospital Corps from twenty-five, now allowed by law, to fifty was approved by the Department and included in the provisions of Senate bill 2206 and House bill 12846 of the Fifty-ninth Congress, first session. The bill, however, failed to receive consideration, though approved by three Secretaries of the Navy and favorably reported by the House Naval Committee. This bill (No. 12846) is now on the Calendar before the House. The same bill (No. 2206) has been read before the Senate and referred to the Naval Committee. The increase in the warrant

congressional.

grad of the Hospital Corps proposed by this bill would encourage the head of cheirable hospital steveness for results, and the suthorization of the grade of chief pharmacist would give pharmacists the opportunity, now enjoyed by boatswains, gunners, carpenters, and warrant machinists, of promotion to the lowest commissioned grade. The Burgarian of the commissioned grade. The Burgarian of the commissioned grade and the commissioned grade. The Burgarian of the commissioned grade of the sick and injured of the Navy, and that the proposed increase in the sick and injured of the Navy, and that the proposed increase in the sick and injured of the Navy and that the proposed increase in the sick and injured of the Navy and that the proposed increase in the sick and injured of the Navy and place of chief pharmacists be increased to fifty, that the grade of chief pharmacist be authorized, and the commentation of the Navy and body of trained a great advance toward providing for the Navy a body of trained several proposed of the Navy and the Navy the made applicable to them.

The Naval Hospital Corps, since its organization in 1898, has proved on the corps and retain in the service men of sobriety, intelligence, aptitude, and fair education. It is discouraging to note, how the navel of the navel of the navel of the Navy thus loses the services of many desirable men who have had four years' training and experience. New enlistments have not been sufficient to fill the vacancies thus created in the corps. The Naval Republication of the Navy and the Naval Na

Present condition of the Hospital Corps.

Rate.	Regular stations.	Special stations.a	Total stations.	Enlist- ments.	Short.
Hospital stewards		24 16 45	253 286 428	223 260 272	30 26 156

^a Dental duty, torpedo boats, vessels of the Fish Commission, recruiting stations, and class of instruction.

No allowance is made for the commissioning of new ships or exigen-cles such as is now the case in Cuba, where twenty hospital corps men are stationed.

REASON FOR PRESENT CONDITION.

1. The rating of apothecary (hospital steward) was established December 8, 1866, with pay at \$60 per month. There has been no legislation increasing this pay since that date.

2. The pay is insufficient and the prospects of advancement, which should be held out as an inducement, are not adequate enough to attract and hold experienced and trained men.

3. The fact that the Hospital Corps is deprived of the benefits of Executive orders increasing the pay of all other enlisted men of the Navy. In connection, it is to be noted that the benefits of added compensation for trained men provided for by the Executive orders of June 26, 1903, and just recently, November 28, 1906, are not shared by the members of the Hospital Corps. It is imperative that legislation be enacted to settle this question of pay in the Hospital Corps at once and for all and give it a merited share in the benefit of Executive orders, which have up to the present time increased the pay of chief petty officers of the line one-fourth above that of the chief petty officers of the Hospital Corps.

Estimated increased cost should House bill 12846 become a law.

Estimated increased cost should House bill 12846 become a law. PHARMACISTS.

- Present number with highest pay, total per year \$43,000 With increased number according to bill, including chief pharmacists.
- Total increase per year__ __ \$32, 180 (c)
- HOSPITAL STEWARDS.
- Present number with highest pay, total per year_\$164, 160 With total increased pay according to bill_____ 166, 400
- 2, 240 Total increase per year _-___ (c) HOSPITAL APPBENTICES, FIRST CLASS.
- Present number with pay, total per year_____ With total increased pay per year _____
- (c) Total increase per year____ 3, 430

Total increased expense for entire corps___. 37, 850

Note.—This does not represent any increase over the other enlisted personnel, but merely places all on an equality of footing. BENEFITS FROM PROPOSED REMEDY.

1. To the service:

(a) Will allay serious dissatisfaction among the members of the Hospital Corps.

(b) Will stimulate reenlistments and offer inducements to a class of men (trained nurses) now impossible to induce to enter the service.

(c) Will insure an efficient nursing staff for the service and an intelligent, efficient organization for those important duties of assistant to the surgeon in operations and preventive medicine. The Hospital Corps must be relied upon for all the medical and surgical nursing aboard our battle ships and cruisers; they must be competent to assist in surgical operations and with the technique of antiseptic work, whether aboard ship or on shore. As these men are trained so will our success be in saving life in and after battle. Besides, in preventive medicine, especially in the Tropics, the trained men are invaluable in keeping the personnel in good condition.

There is also another new provision for the reorganization of

There is also another new provision for the reorganization of the Naval Academy band. We have a band at the Naval Academy the same as the Army has a band at the Military Academy at West Point. Now this provision in regard to the Navy band is simply this: It puts the band of the Naval Academy on exactly the same footing as that of the band at West Point. Our desire is to keep these two services as nearly alike as possible. Mr. GOULDEN.

Mr. GOULDEN. Mr. Chairman, will the gentleman from Illinois tell us what is the difference between the treatment of the two bands now, and why this is so?

Mr. FOSS. The Naval Academy band is paid less than the

band at West Point.

Now, there is another new provision upon this bill, and that is with reference to the increase in the Marine Corps. provided here that the Commandant of the Marine Corps shall have the rank and pay of a major-general. At the present time he is a brigadier-general. We also have provided for some additional officers: One major, assistant adjutant and inspector; one major, assistant quartermaster; two captains, assistant quartermasters; one major, assistant paymaster; two captains, assistant paymasters; three majors, ten captains, fifteen first lieutenants; also one sergeant-major, twelve quartermaster-sergeants, nineteen gunnery-sergeants; forty-seven sergeants; eighty-five corporals; twelve drummers; twelve trumpeters, and 800 privates

Mr. SLAYDEN. If it will be agreeable to the gentleman, I should like to ask him a question?

Mr. FOSS. I yield with pleasure.

Mr. SLAYDEN. I have not looked at the bill, but in your report I see it stated that you provide a certain increase in the Marine Corps of enlisted men, noncommissioned officers, and so on, up to and including the grade of colonel, then there is a skip. Mr. FOSS

No; there is no increase in grade of colonel. Mr. FOSS. No; there is no increase in grade of colone.

Mr. SLAYDEN. You maintain the grade up to and including the rank of colonel, then you prescribe there shall be a majorgeneral. You do not provide for any brigadier-general.

Mr. FOSS. The commandant at the present time is a brigadier-general. This provision says:

One major-general commandant, with the pay and allowances of officers of like grade in the Army, and the rank of brigadier-general in the Marine Corps is hereby discontinued.

Mr. SLAY-DEN. Then you provide for a specific discontinu-

Mr. FOSS. It is a specific discontinuance.

Mr. SLAYDEN. Then the next rank after colonel is that of a major-general?

Mr. FOSS. Yes.

Mr. SLAYDEN. Going up it is a major-general?

Mr. FOSS. And coming down to colonel.
Mr. SLAYDEN. We approach it in different ways. Is it your purpose to fill that place, if Colonel Elliott is promoted, and make him brigadier-general?

Mr. FOSS. It is not, for it is done away with. The gentleman will understand that the Marine Corps is not based strictly on Army formation.

Mr. SLAYDEN. A major-general will be appointed for life and be retired at the legal age?

Mr. FOSS. At the age of 64.
Mr. SLAYDEN. My friend and colleague on the Military Committee, the gentleman from Illinois [Mr. Prince], who is an expert on this matter, wants to know where a major-general of the Marine Corps would command in the event of war?

Mr. FOSS.

The whole corps.

DEN. Will the gentleman tell us the number of Mr. GOULDEN. enlisted men and officers in the Marine Corps as it exists to-day?

Mr. FOSS. In the Marine Corps?
Mr. GOULDEN. You propose an increase of 800 in this bill;
how many are there now in the corps?

Mr. FOSS. We have in the Marine Corps 278 officers and This will increase the number of privates by 800.

Mr. PRINCE. Will the gentleman yield to just a question or two? I would like to know, as a matter of information, what duties as commanding officer has the commandant of the Marine

Mr. FOSS. Well, he is stationed here in Washington and is charged with all matters of administration in connection with the Marine Corps.

Mr. PRINCE. Well, would he, in case of a naval warfare with any country, take charge upon any of the ships, or would he remain here, in the nature of a bureau chief, managing and conducting the war from his seat in Washington? He would not take charge upon any naval ship, as far as that is concerned, because there are not more than sixty or seventy marines upon any one ship. But I may say of General Elliott that he did take charge of a number of troops in Panama, when there was difficulty there a few years ago, and down in Cuba: but usually there are not over 2,000 or 2,500 marines assembled at any one particular point in case of trouble.

Mr. Chairman, suppose we make him a major-general? With such a small organization as he has, suppose he should land his troops somewhere where there was trouble, and there was a major-general of the Army, but his commission outranked that of the major-general of the Army. Would be command or out-

rank the real general? Mr. FOSS. Well, I want to say that General Elliott is a real general. He is a fighting man.

Mr. PRINCE. I have no doubt of that.

Mr. FOSS. And his whole career, from the time he entered the service of the Government up to the present time has been that of a fighting man.

Mr. PRINCE. Yes; but we are only watching his recent ca-He started in as a colonel, then a brigadier-general, next a major-general, and we are wondering how high this rank should be for this small detachment, the most of whom are doing duty here around Washington.

Mr. FOSS. I wish to say that if the House passes this bill we will have for the Marine Corps in the neighborhood of we will have for the Marine Corps in the neighborhood of 9,500 men. If I remember rightly, we have about 58,000 men in the Army and seven or eight major-generals. I don't know just how many, but seven or eight anyway, and it would seem to me that the Marine Corps was entitled to at least one major-general, because that would be a greater proportion of men

to that rank than now obtains in the Army at the present

Mr. PRINCE. Let me suggest to my colleague that the Army is officered for a skeleton organization, which the President can, at any time, increase to the maximum of 100,000 These officers doubtless would have somewhat to do with the militia also, if they were called out; but the only point I am making to the committee is that the moment you have one major-general or a lieutenant-general in any branch of the service, then you must raise the other branches of the service to a like dignity. If this officer could do the work heretofore as a brigadier-general, and there is no claim that he did not do it well, what is the necessity for making him a major-general now, except merely to lift him up to an equality of grade with others in other branches of the service?

Is there a necessity for this, or is it just merely a compliment? Mr. FOSS. I want to say to the gentleman that there is no doubt but that he can perform the service of commandant of the Marine Corps with the rank of a brigadier-general, and he could probably do it with the rank of colonel. He might even do it with a lesser rank, but, as the gentleman knows, these higher ranks are largely based upon the number of men who are in a corps or in an army, and we felt that with 9,500 men this corps was entitled as a matter of justice, to the rank of a major-general. Our bureau chiefs in the Navy Department have that rank-that is to say, the rank of rear-admiral, which corresponds to that of major-general—and we felt that it was no more than fair that the Marine Corps should have its com-

mandant placed upon the list with that rank.

Mr. GOULDEN. If the gentleman will allow me to make an observation, I most heartily indorse the position taken by the Naval Committee, and I think my friend from Illinois [Mr. PRINCE], who evidently is seeking for information, will see the justice of the recommendation. This man, General Elliott, has worked his way up from a second lieutenant, all through the various grades, and is certainly entitled to consideration at the hands of Congress, and I trust that the recommendation of the committee will prevail. He is certainly what the Chairman has well said, a fighting man, an efficient officer, and after all these years of active service, with but few more remaining until he is retired, he is entitled to that consideration and ought to receive the rank of major-general.

Mr. FOSS. Now, gentlemen of the committee, I desire to call our attention to other features in the bill. We recommend Mr. FOSS. Now, gentiemen of the commend your attention to other features in the bill. We recommend your attention to other features in the bill. We recommend recommended 3,000, but in view of the fact that our enlistments have been somewhat slow we cut down their recommendation to 1.500.

I have placed in the report a statement showing the number of ships now under construction, and it will be seen from a perusal of that report that at the end of this year we will have compara-tively few ships building. Most of the ships will have been completed.

Now, in regard to the new authorization of this year-our naval programme—it will be recalled that last year we provided in the bill for one battle ship-

in the bill for one battle ship—

One first-class battle ship, carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, and to cost, exclusive of armament and armor, not to exceed \$6,000,000: Provided, That before approving any plans or specifications for the construction of such battle ships the Secretary of the Navy shall afford, by advertisement or otherwise, in his discretion, a reasonable opportunity to any competitive constructor who may desire so to do to submit the plans and specifications for his consideration, for which said plans, should the same be used by the Department and be not submitted by or on behalf of a successful bidder for the contract, such compensation shall be paid as the Secretary of the Navy shall deem just and equitable out of the amount herein appropriated under the head "Contingent, Navy:" Provided, That before any proposals for such battle ships shall be issued or any bids received and accepted the Secretary of the Navy shall report to Congress at its next session full details covering the type of such battle ships and the specifications for the same, including its displacement, draft, and dimensions, and the kind and extent of armor and armament.

The Secretary of the Navy has submitted to Congress a report addressed to the Speaker of the House, known as House Document 295, relative to this new battle ship. I thought I had a copy of the report here, but I have mislaid it. I shall insert it in the Record. It is as follows:

[House Document No. 295, Fifty-ninth Congress, second session.] CONSTRUCTION OF A NEW VESSEL FOR THE NAVY.

NAVY DEPARTMENT, Washington, December 12, 1906.

also afforded, by advertisement and otherwise, as directed, every reasonable opportunity to competent constructors, who might desire to do so, to submit for the Department's consideration such plans and specifications of a battle ship as they might desire to present. In each case it was directed that all plans and specifications should be submitted to the Department on November 1, 1906, in order that due consideration might be given to the same prior to the assembling of Congress.

2. In conformity with the Department's instructions to the Board on Construction, and in response to the Department's invitation to such competent constructors as might desire to avail themselves thereof, there were submitted to the Department, on November 1, 1906, the following designs and sketches:

"1. (a) Design of 510-foot battle ship by the Board of Construction, Navy Department, with officers' quarters forward.

"(b) Design of 510-foot battle ship by the Board of Construction, Navy Department, with officers' quarters aft.

"(c) Design of a battle ship about 554 feet in length by the Board of Construction, Navy Department, with officers' quarters forward.

"(d) Design of a battle ship about 554 feet in length by the Board of Construction, Navy Department, with officers' quarters forward.

"(d) Design of a battle ship submitted by the Fore River Shipbuilding Company, of Quincy, Mass., about 540 feet in length.

"3. Sketch of an outboard profile and battery arrangement plan of battle ship 570 feet long submitted by William H. Douglass.

"4. Design of a battle ship submitted by D. F. Black, 88 Park row, Newcastle-on-Tyne, England, for a battle ship about 532 feet long.

"5. Design of battle ship about 550 feet long submitted by James Donald, 236 West Logan square, Philadelphia, Pa.

"6. Design of battle ship about 524 feet long submitted by G. W. Dickie, late manager of the Union Iron Works, of San Francisco, Cal., now residing in Camden, N. J.

"7. Design of battle ship about 524 feet long submitted by the draftsmen in the office

them, were submitted to a special board under the presidency of the Hon. Truman H. Newberry, Assistant Secretary of the Navy, with instructions to—

** Select from such designs and plans that complete design which, in its judgment, is the best calculated of those submitted to comply with the terms of the provision contained in the act making appropriations for the naval service, approved June 29, 1906, namely, for the construction of—

"One first-class battle ship, carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and greatest practicable radius of action, and to cost, exclusive of armament and armor, not exceeding \$6,000,000."

4. The attention of Congress is especially invited to the report of the above-noted board on designs, this report having been submitted to the Department under date of November 19, 1906, and duly approved.

5. As will be noted from an examination of the report of the board on designs, the 510-foot design of the board on construction (officers quarters forward) was found to be—

* * The most suitable of all the designs submitted for the purposes of the United States naval service within the provisions of the act of Congress mentioned in the board's precept. * * *

A vessel constructed on this design will carry as "heavy armor and as powerful armament as any known vessel of its class;" it will have a speed which is believed to be the "highest practicable" for a vessel of this type and class in the present state of knowledge; it will have "the highest practicable radius of action," and can be built within the limit of cost fixed by Congress.

6. While full details of the design selected by the board on designs as best fulfilling the conditions imposed are herewith submitted, the principal characteristics are, for the convenience of Congress, summarized as follows:

Length on load water line (about)—

85 ft. 28 in.

| 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100

Speed on trial

Armament:

Main battery—

Ten 12-inch breech-loading rifles.

Secondary battery—

Fourteen 5-inch rapid-fire guns.

Four 3-pounder saluting guns.

Four 3-pounder semiautomatic guns.

Two 3-inch field pieces.

Two machine guns, caliber .30.

Two submerged torpedo tubes.

Two submerged torpedo tubes.

7. The hull is protected by a water-line belt of armor 8 feet in width, whose maximum thickness is 11 inches and whose cross section is uniform throughout the length of the belt. This belt armor gives effective protection to the boilers, machinery, and magazine spaces, and, most important of all for vessels of this type whose centers of gravity are necessarily very high, affords in connection with the casemate armor an extensive compartmental subdivision, a reasonable assurance of the maintenance of the stability of the vessel under battle conditions. The side above the main belt armor is protected by armor 7 feet 3 inches wide and of a maximum thickness of 10 inches. This armor is likewise of uniform cross section throughout, and in length is only slightly less than that of the main water-line belt armor. Above the main casemate armor amidships the side is protected by armor 5 inches in thickness, which affords protection to the smokepipes, the major portion of the secondary battery of 5-inch guns, and the hull structure. Suitable athwartship and diagonal bulkheads are worked at the extremities of the belt and casemate armor, and a protective deck of suitable thickness is provided throughout the length of the vessel, the arrangement and thickness being as indicated in the specifications and plans.

8. With particular reference to the offensive qualities of the proposed design, it may be noted that the arrangement of the main battery guns is such as to permit a broadside fire 25 per cent greater than that of the broadside fire of any battle ship now built, or, so far as is known, under construction, and the average elevation of the axes of these guns above the water line is believed to be greater than that of any known battle ship, thus affording a distinct advantage in longrange firing under all conditions of weather.

9. With respect to the defensive qualities other than those dependent

upon armor protection, the arrangement of the interior structure of the vessel is such as to give the maximum degree of protection to all vital portions by means of unusually effective compartmental subdivision, so that, in conjunction with the armor protection already noted, the defensive qualities of this vessel are believed to be distinctly superior to those of any battle ship hitherto designed.

10. In this connection it may be noted that the percentage of weight allotted to buill and armor is markedly greater than the percentage of such weights allotted to similar purposes in the largest battle ship now in existence, and the actual total of such weights is, in the proposed design, approximately 3,000 tons greater than in the largest battle ship so far built.

11. The design herewith forwarded provides for a trial speed of 21 knots, and can be arranged for the installation of either reciprocating or turbine machinery, outline specifications for both types of machinery having been prepared. Provision is also made for the stowage of a large amount of oil fuel without in any degree reducing the capacity of the coal bunkers.

12. It is believed that the foregoing brief statement of the principal characteristics of the design recommended for approval will enable the Congress to form an opinion as to the merits of the design as a whole, but full details are herewith submitted as directed.

3. In conclusion, the Department desires to point out that it has regarded the preparation of the designs of this battle ship and all data in relation thereto as confidential, believing that it was not for the best interests of the naval service that designs which had involved so much arduous labor and the utilization of all the information, experimental and otherwise, which the Department had been able to obtain should be given publicity in such manner as might afford material assistance to those who might subsequently use the same to the disadvantage of this country. All the outline plans, detailed descriptions, etc., are now

The provision which we recommend to the committee at this time for this year is the following:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed, by contract or in the navy-yards, as hereinafter provided, one first-class battle ship, similar in all essential characteristics and additional to the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1907, plans and specifications for which last-named vessel have already been prepared and submitted by the Secretary of the Navy for the information of Congress, as required by the provisions of the aforesaid act.

In other words, the committee recommends to this committee that we authorize this year one first-class battle ship, similar in all respects, which shall be a sister ship to the one of last year. I wish to say in regard to this recommendation that the committee had several recommendations before it. In the first place, the general board in the Navy Department made a recommendation as to what our naval programme should be this year. They recommended two battle ships, two scout cruisers, four destroyers, some torpedo boats, and gunboats and colliers, and an ammunition vessel, which would cost \$33,000,000.

The Board of Construction also recommends two battle ships, an ammunition vessel, and some scout cruisers and destroyers, colliers, and gunboats, the cost of which would amount to \$31,000,000. But the committee, after a careful consideration \$31,000,000. But the committee, after a careful consideration of all of these propositions which were presented to the committee and the recommendations of the former Secretary of the Navy and the now Attorney-General, Mr. Bonaparte, and the present Secretary of the Navy, Mr. Metcalf—I say, after considering their recommendations, and they were before the committee at a hearing, our committee recommended this naval programme of one battle ship additional to the one of last year, and also two torpedo-boat destroyers, to cost exclusive of armament not to exceed \$850,000 each, and further recommended an increase in the authorization for submarine boats to the amount of \$3,000,000, of which only \$500,000 is appropriated in this bill in addition to the appropriation of \$500,000 which was made last

I have stated briefly now, in a general way, what is in this naval appropriation bill, because I wish to have every member of this committee understand that there is nothing at all concealed in any way, and we invite the most careful inspection and the most thorough debate and consideration upon every item here. We recommend this large ship because our naval experts believe it is the best and most economical ship to build and that it will carry the greatest offensive and defensive power of any

ship now built. Other nations, of course, are building these large ships. England has built her *Dreadnought*, and she is now engaged in building three more Dreadnoughts. Japan has recently launched the Satsuma, a ship of 19,200 tons, and is now building a ship of even larger tonnage. I may say that the naval experts of the whole world, of every naval power on the face of the globe, are unanimous in favor of increasing the tonnage of the ships. I may say that France also is building six large battle ships of great tonnage. I propose to put in this statement which I have made to-day some of the arguments which are used in favor of the large ships for the information of the members of the committee.

I may say also that I believe that our naval programme which we recommend this year is, after all, only a modest programme. We could not do less than recommend one big battle ship in addition to the one of last year. There is no man to-day who realizes the great interests which our country has upon this hemisphere and upon the other who does not feel down in his heart that we should maintain at this time a strong and efficient navy on the sea. Gentlemen, I thank you for your consideration. [Applause.]

APPENDIX.

THE SUPERIORITY OF BIG SHIPS OVER LITTLE SHIPS.

[By Lieutenant-Commander Sims.]

It requires no arguments to show that a single large battle ship could promptly defeat a single small one, because the former has greater speed, more heavy guns, and better protection, which qualities enable her to refuse or accept battle, choose her own distance and her own position with respect to sun and wind. The same is, of course, true with respect to a fleet of large vessels and a fleet of small ones, expected the state of the state of the same is, of course, true with respect to a fleet of large vessels and a fleet of small ones, expected the state of the state of the same is, of course, the wind is the state of the same is, of course, expected the state of the same is considered to the same and the same of our possible enemies increases his naval force by, say, four large vessels, costing \$40,000,000, each having a broadside fire of about eight 12-inch guns, and if it be assumed that the national defense requires that our naval power be increased by at least an equal fightling force of the money? Can it be shown that a squadron of four of the large vessels is superior in all essential fightling qualifies that the same of the same state o

That is, should we build a certain number of 20,000-ton ships, each having a broadside fire of eight or ten 12-inch guns, or shall we expend the same sum of money for a larger number of smaller ships, each having a less number of 12-inch guns.

Manifestly, our decision must depend upon the relative fighting ability, not of single vessels, but of a fleet of the large vessels as compared with a fleet composed of the number of small vessels that can be built for the same amount of money. Each fleet's fighting ability depends, of course, upon the individual and tactical qualities of the different types. These qualities have been set forth in detail in a paper that was reproduced in the Congressional Record of January 14, 1907, in, I believe, successful refutation of another paper expressing the opposite view, but apparently based upon incomplete and erroneous information. The following principal advantages of the big ship over the small ship may, however, be set forth briefly:

Taking, first, the individual advantages of the big ship, we have greater seaworthiness, more guns, better protection for hull, guns, and gun crews, greater height of guns above the water, and greater speed and radius of action. The big ship can have all these qualities in a superior degree to those of the small ship, simply because each one of them requires a smaller percentage of the total displacement of a large ship than of a small one. These advantages alone would be sufficient to determine victory, even if the fleet of small vessels had exactly the same number of guns as the fleet of large vessels (which of course it can not have for the same sum of money, as small vessels necessarily cost more per gun carried than large ones).

For example, suppose that four big vessels having a total broadside fire of forty 12-inch guns should be pitted against ten small vessels having the same total broadside fire, and further suppose that the small vessels should be allowed to choose such positions as to bring all their guns to bear upon the large

enough to prevent the small vessels using some or their guns, while an those of the larger vessels, being higher above the water, could still be used.

The above are, however, but secondary advantages. Much the greatest superiority of a squadron of large vessels lies in the great tactical advantages that follow as a natural consequence of their individual superiority. This is due to their greater speed and the concentration of many guns in a short battle line. The superior speed of the big ships not only enables them to prevent the slower small vessels taking a position of advantage—for example, surrounding the big vessels—but it enables them to choose their own position—for example, at one end of the long line of small vessels. The vital nature of this advantage may be understood from the fact that the squadron of four big vessels would be about 1 mile long, while that of the small vessels would be over 2 miles long. Thus the big vessels, with their concentration of gun fire, could readily destroy the vessels at the head of the long column of small vessels, while the rear end of the column would be practically outside of effective range; and it may be remarked that if there were twenty instead of ten small vessels in line the rear of the column would be still farther out of range, and therefore could render no assistance whatever to the head of the column; and no conceivable superiority of tactical skill on the part of the commander in chief of the small vessels could prevent his squadron being destroyed in detail.

Incidentally, the ten small vessels would cost about 75 per cent more than the four large ones, and the annual expense for maintenance would be more than twice as much. Therefore the most efficient of the two fleets would cost during the lifetime of the vessels not more than one-half as much as the less efficient fleet.

From the above ties, I believe, clear that the most effective and cheapest way of increasing our naval force is to spend the available money in building large battle ships. For exa

for a larger number of smaller ships, each carrying a less number of guns.

Similarly, we would obtain a still greater fighting efficiency at a still less cost by mounting these sixty guns on five ships carrying twelve guns each—that is, we would save about \$10,000,000 on the original cost of the squadron and have a more efficient fleet, not to mention that the annual expense of maintaining it would be nearly one million less than that of the six ten-gun ships—and it would require less officers and men to man the more efficient fleet.

The same principle holds good for vessels of still larger displacement and greater gun power, the general statement of the principle being that the greater is their battle efficiency and the less the cost, per 12-inch gun, both for the construction of the ships that carry the guns and for their maintenance in service—the only limit of size being the draft of water in the harbors that the vessels must use in time of war.

But one more point need be touched upon, namely, the familiar arguments concerning the homogeneity of the units of the fleet, and the relative unwieldiness of large vessels.

These arguments are as old as naval warfare, and while they were sound in the day when ships were propelled by oars or sails, they ceased to have weight with the advent of steam propulsion, which renders each ship capable of turning in the same space as the least handy ship in the fleet. Moreover, the greater engine power of the larger ships, and the disposition of their rudder and turbine propellers, renders them at least as handy as ordinary battle ships, as the British Dreadaought has amply proved by her trials. The so-called "homogeneity" of a fleet is therefore but a phrase left over from the last century, and there can be no doubt that, for the reasons given above, any fleet or squadron of battle ships will be rendered stronger by the addition of two 20,000 ton ships than by the addition of such smaller vessels as can be built for the sum that the larger ships will cost.

[Mr. MEYER ad

[Mr. MEYER addressed the committee. See Appendix.]

Mr. MEYER. Mr. Chairman, I yield one hour of time to the

Mr. MELER. Mr. Chairman, I yield one nour of time to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR. Mr. Chairman, in the hour allotted to me I desire to address the committee upon the subject of the grave defects in the Hepburn railroad rate bill. I am sorry that the

distinguished chairman of the Committee on Interstate and Foreign Commerce is not present. I shall read a clipping of recent date from a newspaper, as follows:

There will be no additional rate legislation at the present session, according to the views of lawyers in both the Senate and House. They say that everything possible was accomplished last session, and that it will take years of operation and tests in the courts to sift that law and ascertain whether it is effective to meet the evils that had been complained of in regard to discriminations and rebates.

If this is the view of the House and of the Senate, and if that be the view of the American Congress upon this great railroad trust problem, then I respectfully enter my individual and, as far as I can, my Representative protest. Such a posiand, as far as I can, my representative protest. Such a posi-tion upon such a great question, upon such defective legisla-tion, would be well for a board of railway presidents or rail-way traffic managers, but scarcely would be a credit to a great national legislature dealing with a question as yet only less than half settled. The distinguished junior Senator from Wisconsin [Mr. La Follette] voiced what should be the sentiments of all persons upon this great problem when, last year, and be-fore the Hepburn rate bill became a law, and at his place in the Senate, with reference to this bill, he used this language:

the Senate, with reference to this bill, he used this language:

This bill, when it becomes a law, will not put this question at rest. It can not. When Congress merely clothes the Commission with power to ascertain whether rates are relatively equal and withholds from it all authority and all means of determining whether those rates are just and reasonable, it can not be expected that such inadequate legislation will solve this great problem and satisfy the public demand for not only equal but also just and reasonable rates.

The question which this bill should settle, but does not settle, will be a live issue in the next campaign for the election of men to both branches of Congress who will stand for a full measure of relief from oppressive transportation abuses.

So long as the legislation relative to the common carriers of this country permits these corporations to increase their capital stock without limit, increase it without adding anything of value to their properties, and increase it solely with the purpose of fixing rates upon that inflated capitalization, in order to pay profits and dividends to those holding the stocks and bonds, in which they have no real investment, just so long this question will be a vital issue before the American people.

These are the views of a great Republican statesman.

These are the views of a great Republican statesman.

Now, what is the attitude of parties upon this question in this House? There are conservative Republicans and there are conservative Democrats; there are progressive reform or radical Republicans; there are progressive or radical reform Democrats. It is all a question of opinion, but the line of demarcation is too plain in this House not to be perceived. I speak first of the Republicans. I quote from the Washington Herald of January 22d instant:

GLIMPSES OF REPUBLICAN CONSERVATISM.

We discern in the attitude of numerous Republican statesmen in and out of Congress the outlines of a conservative national policy, with these leading features.

Among others, Mr. Chairman, I call attention to this one:

Railroads-let 'em alone

Now, Mr. Chairman, the people of my district have no opposi-tion to railroads merely as railroads. Southern capital, northern capital, eastern capital, and western capital is engaged in building railroads in the district I represent at this very moment. Would I interpose the slightest bar to the progress of a single mile of railroad being built in my district? If I did that, I would be a discredit to the place and position which I hold.

The people in sections of my district where railroad whistles have never been heard will hear them in a very short time, and out of vast forests of yellow pine the sawmills will be shipping the products of the people to the markets of the world. Agriculture will thrive on lands now laying waste. The people of my district are as intelligent as the people of any other district. They want capital; they want incorporated capital; but, Mr. Chairman, they want incorporated capital in railroads that will prescribe just and reasonable rates for services rendered. They do not want unjust and unreasonable rates for the service rendered; and they do not want every mile of that railroad trebled and quadrupled in capitalization over and above its real value, and then the country through which these railroads pass taxed and the transportation taxed in order to pay profits on a valuation made by a printing press, in the shape of overcapitalized and fictitious stocks and over-capitalized and fictitious bonds. There is exactly where I draw the line upon railroad corporations, and where the people of The line upon railroad corporations, and where the people of Florida draw the line upon railroads. There is no injustice in that position. Now, Mr. Chairman, let me call the attention of the committee to some facts of which they may be aware. I never read them myself without being amazed at the stupendous financial and political proposition that the American people will have to settle finally with the great "railroad trust," as I call it, in the United States.

The railway capitalization in the United States is something over \$13,000,000,000 and the railway mileage in the United States is about 220,000 miles. Six groups of men own 164,000

miles out of this total mileage of 220,000 miles. Let me read the groups. There is the Vanderbilt group, the Pennsylvania group, the Morgan-Hill group, the Gould-Rockefeller group, the Harriman group, the Moore group, and the Sante Fe. Out of this total mileage of 220,000 miles, I repeat, they own 164,000 miles, and out of the total capitalization of over thirteen billions they own nine billions and more. In 1898 Mr. Hobson, one of the greatest of English economists, wrote in his Evolution of Modern Capitalism.

The rapidity with which the whole raliway system is passing into the hands of great monopolist syndicates, with the necessary result of stifling competition, is in some respects the most momentous eco-nomic movement in the United States at the present time.

Moody on Trusts, an authoritative work upon that subject, on page 491, declares as follows:

The Standard influence is felt-

Meaning thereby the Standard Oil Company-

quite forcefully in all the railroad groups, and this influence is showing a steady growth throughout the entire steam railroad field. It is now freely predicted in Wall street that the next decade will see the Rockefeller interests the single dominating force in the world of railway finance and control.

In a book I have in my hand, designated "Railways, Trusts, and the People," by Prof. Frank Parsons, an authority upon these matters, he states as follows, on page 13:

Whatever may be the true number of our railroad kings, it is beyond question that a very few men have power to control our railway rates, and that still fewer will control them if the present processes of consolidation and combination continue. The managers of six big systems control three-fourths of the country and five-sixths of the traffic and indirectly dominate almost all the rest. The six big groups are growing into one. The railway empire looms huge and powerful out of the mists that shroud the future.

In the conclusion of the chapter devoted to the subject of the "Railway empire," he uses this language:

the "Railway empire," he uses this language:

The motives that impel men to build these giant combines by consolidation or coordination relate partly to the economies and transportation benefits of union and partly to the personal profit and power of those who control the combines. The first motive and its consequences are in line with the public good. In so far as combination eliminates the wastes of conflict and secures the benefits of harmonious cooperation in the railway service, it is a gain to the community. But in so far as it conduces to the financial ascendency of Wall street and intensifies the commercial supremacy and industrial dominion of a few great capitalisis, it is a political, industrial, and social danger. The railways united form a much more extensive interest than the Government from an economic point of view. Aiready they outrank our State governments and dominate the political affairs of sovereign Commonwealths, and as a unit in the hands of a gigantic trust they might even overshadow and control the National Government itself.

Mr. Chairman, I cite those figures and I quote that language

Mr. Chairman, I cite those figures and I quote that language to impress upon this committee and, so far as my remarks may be read in the Congressional Record, upon the mind of the country at large the vast, comprehensive, powerful question raised for settlement by the American people under the title of the "railway trust."

Who will settle this great question? Some political party will. Will the Republican party, under the lead of President Roosevelt and those influences which he has set in motion, settle this great question? Or will the party to which I belong, under the lead of some great Democrat like William Jennings Bryan, settle this question? The American people will adopt as their instrument for this settlement either the Democratic or the Republican Each of those political parties might as well take notice that that particular party which promises the most adequate settlement is the political party that the American people will designate as their agent to effect this settlement. It may be the political party to which I belong, and it may not be. That will

depend upon the Democratic party.
Upon this railway question the Republicans have occupied a fairly advanced position, owing to the "big stick" at the other end of the avenue. I do not believe it is unfair to state as to the Republican party that they were never much in the mood, and have not been in the past nine years, to effect a settlement of this question. It has been alone in the power of the Republican party for ten years to settle this question at any time. They have had the Senate and House and control absolutely. The Interstate Commerce Commission have, for nearly ten years past, laid upon the very desks of these Members, put it under their eyes, so that they could not escape it if they would, evidence of gross railway wrongs and gross railway transgressions upon the commerce of this country; and the Republicans for nine years, since 1897, have sat in this Chamber dumb as the Egyptian Sphinx.

I declared two years ago, in a speech I made upon this question, that this House, under the control of the Republican party, would have sat here for twenty years longer and given no relief touching this vital transportation question if President Roosevelt had not thrown it like a bomb on the floor of this House and compelled them to notice it. I think that statement is a fair and just one. The Republicans have persistently ignored it since 1897, when the Supreme Court of the United States by its decision knocked the life out of the Interstate Commerce Commission in the "maximum-rate decision." They have remained silent and have not raised a hand until two years ago. They passed the inadequate Esch-Townsend bill two years ago and the insufficient Hepburn bill last year.

I say that measure of legislation does not go all the way; it does not begin to go one-half of the way; and I shall call the attention of the committee and of my colleagues on both sides of this House to what I think to be the gross defects of the Hepburn railway rate bill. I call it by that name, because it

is generally so termed.

That was a bill that was passed on the floor of this House almost unanimously. It was brought in by the Committee on Interstate and Foreign Commerce, not under a rule cutting off amendments, but under an agreement by the committee to discourage amendments, and encouraging the voting them down, both by Democrats and Republicans. That bill went out of this House with the same solidarity as it came from the committee, without any amendments, no amendment being adopted while the bill was being made up in Committee of the Whole. But a number of vital and remedial amendments, some of which I shall speak of now, were offered and were voted down by a combined vote of Democrats and Republicans.

Mr. Chairman, what is the first defect in the Hepburn railroad-rate bill? It is this. The present law empowers the Interstate Commerce Commission to correct an unjust rate of freight, and to substitute in lieu of an unjust rate a just and reasonable rate. But before the Commission can make an order to that effect there must be a formal complaint by some shipper in the United States who alleges himself to have been injured by

the alleged unjust and unreasonable freight rate.

Now, I contend that if this House had shrewdly made a law going to a certain extent to the merits of the railway question, and appealing to the public at large as carrying some relief, but determined not to go the whole length of remedial legislation, they could not have devised, had that been their intention, a shrewder law for the aid of railroads than they did by that very provision in the bill. Every shipper in this country is to some extent at the mercy of the railroad companies. Every shipper dreads the power of discrimination on the part of the railroad company; and that defect in this bill, not to give the Interstate Commerce Commission power to correct an unreasonable, unjust rate, and wrong, of its own motion and upon its own initiative, is a bar and deterrent and threat to the shippers of this country who may desire to complain of being discriminated against by railroad extortion and exaction. not blame the shipper for hesitating to complain against the He will yield a right for a long time before he will get to the point of making a complaint, as he has learned from long experience that the railroads will sooner or later have him at their mercy, and that the railroads have long memories. But the American Congress should do what is right by way of amendment and give the Interstate Commerce Commission the power to correct injustices done to American shippers upon its own initiative—shield the shipper. Give to the Interstate Com-merce Commission full power to take the responsibility. They are the Government's agents. They should be invested with that power; and there is where the responsibility ought to be to the public.

In October, 1906. I had the pleasure of seeing something of the last campaign in the State of New York for the governor-

ship

A Member of this House from New York, Hon. WILLIAM RANDOLPH HEARST, was the nominee of the regular Democratic State convention. He introduced into this House in 1904 a very far-reaching and remedial bill upon railway rate regulation.

There was another candidate in that State for governor, a very eminent Republican, and, I have no doubt, a most excellent and worthy man, the present Governor Hughes. When Mr. Hearst made his canvass he wrote out a statement, signing his name to it, declaring for every specific measure for which he would stand if he was elected governor. I will not say that Governor Hughes was foxy, because I do not think he is of a foxy nature. But he declined to take an altogether open stand upon the railway-corporation question. It may be that a Republican did not know exactly what line of reform he would take if he became governor of New York; but, at any rate, he declared in a general way to the people of that State that if he was elected governor he would stand for all proper remedial legislation upon this great railway-trust question. Now, I have not his message immediately before me, but I have read it, and one of the first things that that Republican governor recommends very recently to the New York legislature is to give to the State railway commission power to correct all railway

inequalities and discriminations and unjust rates upon its own initiative. That power resides in the State railway-commission law of Florida and of Georgia and of Texas, if I am not mistaken, and of other States, States of which the members of the Interstate Commerce Committee are residents and Representatives, and yet, at the last session, they reported a bill into this House which was imperfect and inadequate, as shown by the laws of the very States they represent, in that they refused to give to the Interstate Commerce Commission the power to correct railway wrongs and abuses upon the initiative of that Commission. Oh, the power of "conservatism!"

I pass to the second defect of the Hepburn bill, as I think it. Why should the railroads of the country, that are now operating thousands upon thousands of rates all over this great country, assume to raise a rate at their own sweet will? There should be a limitation on the power of railway companies to

increase their freight rates at will.

There should be a provision in the law that no railway company shall increase an existing railway freight or passenger rate or charge without the consent of the Interstate Commerce Commission. I offered this amendment to the Hepburn rate bill in Committee of the Whole. Democrats and Republicans alike voted it down.

Years ago President McKinley appointed what was called the "Industrial Commission," composed of four United States Senators, four Members of this House, and ten prominent business men selected from all parts of the United States. testimony upon this very question of railway discriminations and abuses, covering a period of a year or two, they finally reported to Congress, and among their recommendations to Congress, made years ago to the Fifty-seventh Congress, was this: That no railroad should increase an existing rate or freight charge without the consent of the Interstate Commerce Com-They cited a case of robbery, pure and simple, that happened in the State of Florida, in the district which my colleague [Mr. Clark] has the honor to represent. In a night, in 1889 or 1890, between suns, the entire railway forces operating in the peninsula, in the orange belt of Florida, increased their rates of freight on oranges from 30 cents a box to 40 cents a box, an increase in one night of 331 per cent. The language of the Industrial Commission was that they had practically extorted out of the orange shippers in a brief time hundreds of thousands of dollars. The lack of such a provision as that in the Hepburn bill is a great defect. What happened in Florida years ago has happened in thousands of instances before that time and since that time on thousands of articles of freight throughout the

I will quote here the language of the Industrial Commission about the Florida orange extortion to illustrate forcibly the defect I have referred to in the Hepburn railway rate bill:

The entire inadequacy of making rate regulation dependent upon the mere determination of rates as applied in the past without reference to the rates which shall prevail in the fature is apparent on all sides. More than this, all remedy for the parties who have borne the burden of an unreasonable rate would seem to have been removed. This has been clearly described in the report of the Commission for 1897. It may be illustrated by the example of rates upon oranges. In 1890 there was a sudden advance on rates from Florida to New York from 30 to 40 cents. The Commission after an investigation ordered that the rate be reduced to 35 cents. As a matter of fact, how could this action redress grievances of those who had already paid 40 cents per box?

the rate be reduced to 55 cents. As a matter of any did 40 cents per box?

It was difficult, in the first place, to discover who bore the burden of the unreasonable charge; and, in the second place, it was certain that some of those who suffered could not legally sue in court. The actual shipper, who alone could sue for repayment of unreasonable charges, was a middleman, who recouped himself in any event, either from the grower, the consumer, or both. He lost nothing by reason of the unreasonable rate. As a matter of fact, not any single individual, but the locality had been muicted by 5 cents per 100 pounds, supposing that a rate of 40 cents was unreasonable. Experience shows that almost no shippers or other parties injured actually attempt to secure the restitution of moneys already paid for unreasonable charges. In only 5 out of 225 cases down to 1897 was a rebate actually sought, and in those cases \$100 was the maximum sought to be recovered. As a matter of fact, the damage inflicted by the existence of such an unreasonable rate could not be measured by hundreds or perhaps by hundreds of thousands of dollars. The bearing of this citation is to show that any effectual protection to the shipper must proceed from adjudication of the reasonableness of rates before, and not after, they have been paid—that is to say, in advance of their exaction by the carrier. Power to pass upon the reasonableness of such rates prior to their enforcement, as a consequence, constitutes practically the only safeguard which the shipping public may enjoy.

I shall state the third serious defect in the Hepburn rate bill. It does not give to the Interstate Commerce Commission any power over the freight classifications of the railroads. What is the power of freight classification as it now exists in the hands of the interstate railroads? It is the insidious, devious, crooked, adroit device of changing the classifications of articles of freight shipped over their lines of road, and by this means indirectly increasing freight rates. Everyone knows that three great railway classifications of freight exist in this country, the western,

the eastern (I think), and the southern. There are thousands of those classes in each one of those great systems. All the railroads have to do whenever they want to raise more money out of the shippers and the public is to move, singly or in groups or by hundreds or thousands, articles of freight shipped over their lines of railway from a low class to a higher class, and the deed is done. The Interstate Commerce Commission for years past have called the attention of Congress to this great evil and asked that Congress give to it power over classification of freight to check this extortion.

Mr. Chairman, the Interstate Commerce Commission has repeatedly for the last nine years called the attention of this Congress to this very shifty and odious method of increasing the extortionate profit of railways in this country through the devious and tricky device of freight classification. This Congress (nor past Congresses) has paid no attention to these Commission reports. The Interstate Commerce Commission might try the moon. The "man in the moon" may at least see the evils, though powerless to correct them. And that same Industrial Commission, composed of Senators and Members of this House and great business men, selected by President Mc-Kinley for their character, standing, and ability, reported on this very question to the Fifty-seventh Congress, calling their attention to the fact that the shippers in America were swindled by this extortionate form of insidious railway robberythat railroads, by shifting from a lower class to a higher class thousands of articles of freight, have succeeded in raising their extortionate and unlawful earnings.

Mr. Chairman, at or near the very time that the Hepburn railway rate bill was being considered in this House a convention of State railway commissioners was being held in this city. Now, what did that convention declare upon this question of freight classification? That convention passed the following resolu-

Resolved. That it is the sense of this convention that Congress enact a law requiring the railroads engaged in interstate commerce throughout the United States to, within two years after the passage of such act, prepare and adopt a uniform classification of freight articles; and in case they failed to do so within the time required that the Interstate Commerce Commission at once proceed to make such classification, and when so made by such Commission the same shall be the legal classification for interstate shipments.

That the secretary forward a copy of this report to the Senate and

That the secretary forward a copy of this report to the Senate and House of Representatives, and call their attention to the former reports of this association on this subject.

They not only requested the secretary to call attention of the American Congress to this particular defect in the legislation, but, with a species of exquisite irony, to call the attention of the American Congress to their former reports in past years upon this defect. But there was no such provision placed in the Hepburn railway bill, that was the joint product on the floor of this House of the Republican and Democratic parties. Mr. Chairman, in 1897 the Interstate Commerce Commission, in the very year in which the Supreme Court completely destroyed the power of the Interstate Commerce Commission as to rate making, as far back as ten years ago, the paid experts of the Federal Government, men of high character, men who know far more than the Members of this House, about this intricate subject-that Commission recommended ten years ago in their official report that that body be empowered to order a uniform classification of freight upon all the railways in the United States. And still Congress has never done it. I quote from their report to Congress in 1897:

These considerations of the necessity for reform in this regard, the universal demand for a uniform classification, the ten years of appeal to the carriers, by the Commission and by Congress, to adopt a consolidated and single system for the whole country, the "representations" by the carriers themselves, their former efforts to that end, the energy at one time displayed by them, and the apparent apathy that marks their attitude toward the subject to-day, all lead the Commission to the reflewed recommendation that Congress provide for such uniformity by prompt and appropriate legislation. Carriers subject to the act should be required within a specified time, not longer than one year, to prepare, publish, and file with the Commission a uniform classification of freight as the basis of rates for the transportation of property in the United States, and the Commission should be authorized and directed, upon investigation from time to time, to make such amendments as may appear to be reasonable and necessary. In case the rallroads refuse or neglect within the time specified to comply with this direction, the Commission should be authorized and required to prepare such classification, the adoption of which by all carriers subject to regulation shall be made compulsory by suitable penalty. In view of the continued nonaction of the carriers, and the action already had in Congress, it might be the wiser course to pass the bill now pending in the Senate.

A member of the State railway commission in Florida. Hon-

A member of the State railway commission in Florida, Hon. R. Hudson Burr, addressing me by letter about the time the Hepburn bill was pending last year, and urging me to get a provision into the bill if possible giving the Interstate Commerce Commission this power over freight classification of rail roads, used this language:

I see that it gives no supervision whatever over the classification. While this bill may prevent the railroads from raising or lowering a

rate or freight tariff, it will amount to very little if the railroads are to be the sole judges of classification, for that has always been the favorite instrument in their hands for tampering with rates. It is possible to change whole tariffs almost by use of the classification, and it is done.

For instance, the Florida railroad commission, when it first organized, adopted what was known as "southern classification No. 25" as the Florida classification. In about two years' time the southern classification had been changed until something like 500 articles in classification No. 25 had been raised, and at that time the railroad commission revised the Florida classification, placing back the articles thus raised by the railroads, and adopted what was known as the "Florida classification No. 1," and now we find that again each year, when the traffic managers have met for the purpose of going over these matters, they have raised items in the southern classification until it differs materially from our classification. If they used the Florida classification on interstate shipments into Florida, it would not affect us so badly; but where the southern classification is higher they use it, and if in a remote case an item should be higher in the Florida classification they would use that. In other words, they use that which results in the highest rate.

It seems to me that it would be a farce to pass a bill enlarging the powers of the Interstate Commerce Commission in which they were given the right, where complaint is made of the unreasonableness of a rate, and after hearing, etc., to substitute in lieu thereof a just and reasonable rate, to leave the classification entirely in the hands of the classification to the same extent that they are given supervision over the rate; that is, where an article is classed in a manner to make it unreasonable and unjust, that upon complaint, investigation, and hearing the Commission should have the right, if found to be as complained of, to substitute in lieu thereof a reasonable

Mr. Chairman, if these were disputed questions, if these were delicate questions of prospective legislation upon which men naturally differed in sentiment and opinion, if these matters were to some extent new to the country, there would be some excuse for this House and the Senate of the United States to hesitate.

It might be called "experimental legislation;" it might be called "legislation in untrod and new paths," but I affirm that when the Congress passes a railway rate bill and omits this power over classification of freight, urged upon their attention for years past by the Industrial Commission and the Interstate Commerce Commission, then there can be no excuse for such omission. Besides all this, many of the Members on the Interstate and Foreign Commerce Committee represent States that have given to their State railway commissions this very vital power over the classification of freight. Such is the law in Iowa, the home of the chairman of the Committee on Interstate and Foreign Commerce. Such is the law also in the States of Georgia, Texas, Louisiana, Ohio, Minnesota, Washington, Illinois, and possibly other States having representation on this great committee. Are these gentlemen unwilling to grant to the people as to interstate lines of railroads what has been

granted in their own States?

The spirit of "conservatism" is still powerful with some members of the Democratic and Republican parties.

Mr. Chairman, I come now to the question of overcapitaliza-tion of the great railroads of this country. In the Senate of the United States last year, when the Hepburn bill had passed out of this House and was being debated on the floor of the Senate, the junior Senator from Wisconsin [Mr. LA FOLLETTE] offered an amendment that was far-reaching upon this great question of railroad trusts. His amendment was that the Interstate Commerce Commission be authorized and empowered and directed, through competent engineering skill, to take the value of every railroad mile in the United States relating to interstate com-merce—all of their rights of way, their depots, terminals, crossties, iron, culverts, trestling, everything that related to the physical value, rolling stock and all, estimated mile by mile and dollar for dollar-and that those engineers should be employed and hired and paid for by the Federal Government.

Mr. Chairman, the purpose of that amendment was obvious. Should a man be allowed, upon a \$5,000 store—in the twinkling of an eye by merely writing a value across its face—to make it a \$20,000 store, and thus enact in lieu of the reasonable rent of that \$5,000 property the extortionate rent of a \$20,000 prop-What citizen would submit to such extortion? I affirm that the railroads of this country, east, north, south, and west, on the authority of competent engineering testimony-not my own-on the authority of high public writers on this question, are uniformly overcapitalized to at least double their in many cases at three and four times their value. What does this mean? If that be true, it means that every pound of freight of every character of freight, from Maine to California, from Michigan to Florida, is paying a disproportionate tax for the railway service rendered. In practice and in spirit that is a tyranny and an exaction and a deliberate fraud upon the shippers of this country. And when the views of men like William J. Bryan, and the views of a Republican like the junior Senator from Wisconsin [Mr. La Follette] finds voice and expression in legislative action, that amendment of the junior Senator from Wisconsin will be enacted as the law of this

country. How did the vote stand on that amendment in the Every Democrat voted for it, every Republican except the junior Senator from Wisconsin voted against it. Let me advert a minute to this question of overcapitalization. Governor Hughes, of New York, became in my opinion a very great reform Republican governor, after William R. Hearst got sharp-ly behind him with a platform signed by himself, pledged to these specific reforms. Lately, on December 13 last, in the city of Rochester, in the State of New York, the governor-elect, Hughes, was a guest at the annual banquet of the Chamber of What did he say on this question of overcapitali-Commerce. zation, speaking of the people of the United States?

They do not wish confiscation. They desire those who invest in these enterprises to have a fair return upon their investments. They will not tolerate efforts to make the public pay dividends on watered

Is not that great, coming from a Republican governor? I yield my praise to Governor Hughes. A Republican who can write that in a message to a legislature or say it anywhere in this broad land is entitled to Democratic thanks. It is a docthis broad land is entitled to Democratic thanks. It is a dectrine to which neither the Republican party nor any of its leading public men have been much inclined. Governor Hughes might have started a little earlier in this campaign of reform. I want to read something relative to overcapitalization of railroads in the State of New York, occurring many years ago, and it comes from high and competent authority. Prof. Parsons, a competent authority on the matter, testifying before the Industrial Commission five or six years ago, stated as follows:

Industrial Commission five or six years ago, stated as follows:

The prevalence of water in the railroad system is so well known that it is not necessary to do more than touch upon the matter. Vanderbilt set the pace in consolidating the eleven roads between Albany and Buffalo and increased the capitalization by nearly \$9,000,000 in doing it, then added 50 per cent to the stock capitalization of the Hudson road, of which he was president; then extending his control over the Central and adopting the same tactics there he added 80 per cent to the New York Central; then he consolidated the two roads, and in doing it inflated the Central 27 per cent more and the Hudson 85 per cent; so that in the four years from 1866 to 1870 he brought the capitalization up from \$54,000,000, which was a little more than the total cost on the books of the company—about \$4,000,000 more—to \$103,000,000. The total cost on the books in 1870 was under \$70,000 per mile, while under his capitalization it was \$122,000 per mile.

That example has been followed to a great extent all over the country, so that our railroad capitalization is now about half water, or water and wind. The figures of construction and equipment cost given in Poor's Manual from time to time indicate that the railroads of the United States are capitalized at about double what they could be built and equipped for at the present time.

What does that mean? That every pound of freight that has

What does that mean? That every pound of freight that has been shipped throughout the great State of New York, manufacturing and agricultural, for twenty-five, thirty, or forty years, has been subject to extortionate, illegal, unlawful railway overcharges.

Let me cite the facts as to some of the railroads in the State of Florida upon this subject of overcapitalization.

Take the Atlantic Coast Line Railroad in that State. It is capitalized at \$28,835 per mile.

The Carrabelle, Tallahassee and Georgia Railroad at \$28,600 per mile.

The Florida East Coast Railroad at \$28,470 per mile. The Georgia, Southern and Florida Railroad at \$25,280 per

And, to cap the climax, the Seaboard Air Line Railroad at \$48,417 per mile.

No competent railway engineer would say that it would cost more than \$15,000 per mile to build and completely equip either of the above-named railroads, including rolling stock and all. In these railroads, and especially in the case of the Seaboard Air Line Railroad, what does this large difference of value represent?

It represents bonds and stocks, upon which the shippers of Florida, the producers and consumers, are paying taxes in the shape of freight and passenger fares which they should not pay.

This is a vital question to the shippers of Florida. I desire to quote from the statement of Hon. William S. West, of Valdosta, Ga., before the Florida State railroad commission a year or two ago. He is, or recently has been, president of the Georgia State senate. He is a man of high character, of social position, and wealth. He was seeking to have lumber rates reduced in Florida or cars furnished or asking some regulation as to lumber cars. I quote his remarks in part. He possessed large lumber and milling interests in Florida:

Now, let us look at the railroads to see whether they have been prosperous or not. I had some statistics, which I left at the hotel, but the tonnage of the past year is largely increased over former years. Look at the Atlantic Coast Line Railroad, declaring a dividend of 25 per cent. An outrage, gentlemen, to extort from a poor people for a railroad, permanent, an investment that is permanent and that must necessarily increase in value as the country is populated, to make 25 per cent of the investment and crying for a larger increase in the rate that they must futher extort it from the people of the country. That is the result. Then they say they can not live without it.

I want, gentlemen, to be fair to the railroads. This vast country would be a desolation without them. They ought to be permitted to live. They ought to have a fair compensation on the capital invested, but taking the State of Georgia—for I don't know what it is here—where the railroads have a capital of anywhere from \$45,000 to \$63,000 per mile, stock and other things, they come before you and say 'We are not making but 4 per cent or 5 per cent, as the case may be, on that capitalization.' Bring it down to what it ought to be, at \$12,000 or \$15,000 at the outside, and they are making 16 to 20 per cent. Is it fair to the people that they should bear the brunt of watered stock? They water the stock, they take it and put it down into their pockets, and then say that they are not making enough on the capital invested. That is the cry of the railroads.

The newspapers state that within the past month the Pennsylvania Railroad has leased 19,537 cars, being box, flat, and coal cars, for ten years, and that the railroad will pay as the lease price one-tenth of the cost of the same per annum.

But let us see what the people of Florida are paying to the railroads for the use of their cars. From Monticello, Fla., to New York City the freight cost, in an ordinary box car, is about \$125 per car for a carload of watermelons. The cost of this box car is about \$600 to \$800. It takes about four days to carry the melons from Monticello, Fla., to New York City. The Florida melon grower pays to the railroad 20 per cent of the value of the car for the rent of the car for the very short time of four days.

Take the case of the grower of cantaloupes at Monticello, Fla. The freight and icing charges (in a refrigerator car) to New York City and to western cities on a car of cantaloupes is more than \$200. This refrigerator car costs from \$800 to \$1,000. Here we have 20 per cent rental for four days' use of the railroad or private-line car.

Is it any wonder that the people feel and know that they are extorted upon in railroad rates?

What applies to Monticello, Fla., also applies all over the State of Florida.

I desire now to discuss some who will administer this rate legislation. I speak now of the Federal judges. I have as much respect for most of the members of the Federal judiciary as any man in the United States. I have no doubt that in the main they are men of a high class, of high character, of intelligence, and morality, but there are, sir, some corrupt men in every group of men, and there are some corrupt ones in the Federal judiciary. We have one of them in the State of Florida. Mr. Chairman, every man in the land who knows anything should honor and respect a court if the court is honorable and respectable, but there should be no such thing as a judge imprisoning a man for contempt of his court when the entire State has a profound contempt for that judge. I say it is unfortunate for the State of Florida; it is unfortunate for that judge; it is unfortunate for the Federal judiciary, that there is such a judge as Charles Swayne. It was fortunate for the country that the Republicans of this House combined with the Democrats to im-peach him at the bar of the Senate for high crimes and misdemeanors. It was unfortunate for Florida that the court of impeachment, the Senate of the United States, failed to convict Judge Swayne. I stated in the debate in this House, speaking to impeach Judge Swayne, that he was the most lawless man in the State of Florida. It was true then and it is true now. Mr. Chairman, I am brought to speak of this judge not because I would like to revive the discussion of two years ago, but I am brought to discuss it because I think it is proper and necessary. Litigation is now progressing in the Federal courts in Florida between the Florida State railroad commission and certain railroads.

I desire first to speak of Judge Swayne and his relations to and with the Florida railroads. He is a railroad judge. In my opinion he sells his decisions and his opinions to them.

opinion he sells his decisions and his opinions to them.

In 1892 the Florida Central and Peninsular Raliroad, in the State of Florida, filed its bill to enjoin the collection of \$96,000 of back taxes upon its constituent lines of road, which had been levied upon on behalf of the State of Florida. The litigation lasted for quite a number of years. The supreme court of Florida finally settled every State question involved in the litigation in favor of the claim of the State for back taxes. The case was carried to the Supreme Court of the United States by the railroad company.

There, so eminent an attorney as the Hon. Wayne MacVeagh argued all the Federal questions involved on behalf of the railroad company. The Supreme Court of the United States decided all Federal questions raised adversely to the railroad company and affirmed the judgment of the supreme court of the State of Florida.

The whole proceeding was a direct proceeding between the State of Florida and the railroad company for the collection of a debt, viz, taxes, which, under the decision of the two courts, was the highest obligation resting on the property of the railroad company.

And yet, in the face of both of these court decisions, Judge Charles Swayne, United States district judge for the northern district of Florida, enjoined the State of Florida, through its comptroller, from selling under levy the property of this railroad company and collecting its just debt against it.

And the injunction he issued against the comotroller was issued on behalf of the Central Trust Company of New York, which held the bonds of the railroad company.

The action of Judge Swayne was "government by injunction." about which we have heard considerable complaint in late years. The suit on behalf of the Central Trust Company was purely a dilatory proceeding and a mere constructive proceeding to hold the State off from its just rights in the matter, to save to the railroad company the interest which would accrue by nonpayment of the amount due.

The State of Florida, by its attorney-general, submitted a demurrer to the bill filed by the Central Trust Company, and also interposed a plea of res adjudicata, setting up the decisions of the courts in favor of the State of Florida. The demurrer and pleas were argued before Judge Swayne by an able lawyer, then attorney-general of Florida, Hon. J. B. Whitfield, who is now a member of the Florida supreme court.

Judge Swayne overruled the demurrer and plea. An answer and replication were filed, but before the case ever went to a hearing the railroad attorneys, who had no confidence in their case, paid the full amount of \$96,000 to the State of Florida. The railroad company, under Judge Swayne's injunction, had obtained two years' delay and was "in pocket" at least \$10,000 in interest saved.

The railroad attorneys, on behalf of their railroad client, paid the amount to the State, not because they doubted Judge Swayne's decision in the matter in their favor, but they must have felt that such decision would have been promptly reviewed in the Supreme Court of the United States, and their whole proceeding of delay and obstruction would be thrown unceremoniously out of court, and that Judge Swayne in the flow of the court of the United States, and their whole proceeding of delay and obstruction would be thrown unceremoniously out of court, and that Judge Swayne might possibly have gotten a stinging rebuke from that tribunal. When all the delay practically possible had been obtained, then, of course, payment was made.

Eleven counties in Florida were entitled to about \$50,000 of these back taxes. Some of these counties issued bon

And this same Florida Central and Peninsula Railroad-now the Seaboard Air Line Railroad—is the same one that in 1902 sent Judge Swayne and his family to California from Jacksonville, Fla., in a private car, and even sent along with them as rile, Fia., in a private car, and even sent along with them as cicerone the general passenger agent of the railroad. The railroad paid for everything except the provisions. This fact was sworn to on the impeachment of Judge Swayne by Hon. John Wurts, now professor of law in Yale University. In 1902 he was an attorney at law in Jacksonville, Fla. Judge Swayne still has years to sit upon that bench. In my opinion his administration of the law in that State is a menace to the true interests of the receipt of the State of Floridae. It holiers that interests of the people of the State of Florida. I believe that it is an impending menace. I believe that whenever the interests of the people of my district, and of the State of Florida, clash with railroad interests that then the peoples' interests

are imperiled. I desire now to speak of Circuit Judge Don A. Pardee.

Within the last two or three years, Mr. Chairman, the State railway commissioners in the State of Florida sought to reduce the fares on what might be called almost a "trunk line," 160 the fares on what hight be called almost a miles long, in my district, belonging to the Louisville and Nashville Railroad—the Pensacola and Atlantic Railroad. The passenger fares mon that road are 4 cents per mile. The entire senger fares upon that road are 4 cents per mile. The passenger fares upon that road are 4 cents per mile. The entire sentiment of the country, all through the North and the West and the middle section of this country, is that these great railroads shall charge a flat fare of 2 cents a mile. Yet this railroad charges a high and, in my opinion, the wrongful price of 4 cents per mile for passenger fare. The State railway commissioners made an order cutting down those 4-cent-per-mile fares to a 3-cent-per-mile basis, and immediately that road sought the Federal court, just exactly as when a quail is flushed from the ground it seeks covert for its security. There were cities of refuge, I believe, in the olden days, and no matter what crime a man had committed, if he could only get into that city of refuge, he was saved from prosecution. And I say that the railways of this country when arraigned by the people of this country for wrongs and exactions seek the Federal courts as such cities of refuge. In a great many cases they seek them because they know in advance they have a friend in the judge and are safe when they get in the precincts and confines of his court. Many Federal judges have worn out by constant use many railroad free passes for themselves and their entire families. The Pensacola and Atlantic Railroad brought its bill of injunction to seek to enjoin the railway commissioners from enforcing that 3-cent rate. At a certain date the vice-president of the Louisville and Nashville Railroad, the railroad owning the Pensacola and Atlantic division in Florida, in order to get his railroad property reasonably taxed at the comptroller's office at the State capitol at Tallahassee, made an affidayit that the property was worth \$1,700,000, and in the short space of sixty days after making that affidavit, in order to get a bill of injunction to enjoin the State railroad commission from enforcing that order from a 4-cent to a 3-cent rate, swore that the same property was worth \$5,200,000. Judge Pardee instantly granted a preliminary injunction. It has never been dissolved, and the people of Florida are paying a 4-cent-per-mile rate, and that case is hung up in court for settlement for years to come.

Let me state the case as it was stated on the floor of the

Senate by a Senator to whom the facts had been given in a letter by a distinguished lawyer in Florida:

The Florida railroad commission enforces its orders by mandamus instituted originally in the supreme court of the State, and yet Judge Pardee has enjoined the Florida railroad commission and all of the State officials from instituting suit in the supreme court of the State by mandamus to compel the Louisville and Nashville Railroad Company to reduce its passenger fare from 4 cents to 3 cents per mile in Florida, and this injunction was granted upon the affidavit of the vice-president of the Louisville and Nashville Railroad to the effect that the Louisville and Nashville property in Florida is worth at least \$5,200,000—this high valuation being essential to their case—and the State produced an affidavit made by the same man one month and twenty-eight days prior to his swearing to the bill, in which affidavit he had sworn that the identical property was not worth exceeding \$1,700,000; and yet on this man's affidavit the State was temporarily restrained from instituting mandamus proceedings in the supreme court of Florida to enforce compliance with the rate.

It does not follow that a reduction from 4 cents per mile to

It does not follow that a reduction from 4 cents per mile to 3 cents per mile would result in loss to the railroad. The contrary is often the case. The judgment of the State railroad commissioners is prima facie correct. Judge Pardee should not have interfered with that judgment, with the contradictory affidavits before him. The people of Florida have no confidence in Judge Pardee, nor his decisions, when the interests of the public clash with railroad interests. Judge Swayne is not only

orrupt, but he is ignorant and tyrannical.

I cite his sentence of Samuel M. Clyatt, convicted in his court, in 1901 or 1902, of peonage. The indictment charged Clyatt that he "did * * * return one Will Gordon and one Clyatt that he "did * * * return one Will Gordon and one Mose Ridley to a condition of peonage, etc." The case was eventually carried by Clyatt's attorneys to the Supreme Court of the United States. That court reversed the judgment below. The Supreme Court, in its opinion, rendered by Mr. Justice Brewer, used this language as to the indictment and the evidence in the case:

* * There is not a scintilla of testimony to show that Gordon and Ridley were ever theretofore in a condition of peonage. That they were in debt and that they had left Georgia and gone to Florida without paying that debt, does not show that they had been held in a condition of peonage, or were ever at work willingly or unwillingly for their creditor. We have examined the testimony with great care to see if there was anything which would justify a finding of the fact, and can find nothing. No matter how severe may be the condemnation which is due to the conduct of a party charged with a criminal offense, it is the imperative duty of a court to see that all the elements of his crime are proved, or at least that testimony is offered which justifies a jury in finding those elements. Only in the exact administration of the law will justice in the long run be done, and the confidence of the public in such administration be maintained.

We are constrained, therefore, to order a reversal of the judgment, and remand the case for a new trial.

And after thus ignorantly permitting the jury to convict Clyatt he sentenced Clyatt to four years in a Federal prison, and, if my memory serves me correctly, imposed also a fine of

Samuel M. Clyatt is a man of good character, a man of property, engaged, I think, in the turpentine business. This sentence of Clyatt by Judge Swayne far exceeds any sentence in a like case imposed in Georgia and Alabama by Federal Judges Speer or Jones. The motive of this excessive sentence of Clyatt lay in the fact that the parties alleged to have been returned to a state of peonage were negroes. Judge Swayne is a fanatic about the negroes' rights. He is and has been so fanatical about the negro race that in 1889 or 1890, being then in Jacksonville, Fla., he made himself as judge a party to a conspiracy to "stuff" the jury box with "true and tried Republicans" to try Democrats charged with "stuffing" the ballot box against negro voters or Republicans, which is almost the same thing in Florida. There are just about enough white Republicans in Florida to hold the Federal offices. Judge Swayne's course at that time in those political persecutions was so infamous that one of the attorneys in the case, afterwards Representative in Congress, Hon. Charles M. Cooper, made a withering reply to a remark of Judge Swayne:

There is a greater crime, your honor, than stuffing the ballot box, and that is the crime of stuffing the jury box.

With such Federal judges do the people of Florida have to deal in their personal and business relations.

Now, Mr. Chairman, a word to my party associates. In a sense this railway legislation is nonpolitical; but I affirm to my Democratic colleagues and friends that the placing of it in the national Democratic platform three times, in 1896 and in 1900 and in 1904, showed that the masses of the Democratic party in this country thought that more power should be placed in the hands of the Interstate Commerce Commission, and the Democratic masses of this country want full, comprehensive remedial legislation upon this great railway-trust question. And I affirm, and my position can be attested from the silence of the Republican party in their national platform, that the Republic-

ans are not committed to this reform, and never agreed to it in spirit, and were reluctant to enact any portion of it into law.

Now, I say to my Democratic colleagues here, without any

fault-finding, without any criticism, that we are all working for two things. First, the good of the country; second, to defeat the Republican party. How shall we ever defeat the Republican party upon any issue, especially upon this great railway-trust question, unless the Democratic party in this body proposes some measure, some more remedial, entirely remedial, and properly remedial measure than the Republican organization of this House will stand for?

I know we are solidly Democratic in the South, unless something inadvertent happens, like Missouri dropping into the Republican fold two years ago. I know that from Virginia to Texas the South is solidly Democratic. But it takes something more than Southern votes to elect a Democratic President. What will you do in the great North and West, in those great sections you do in the great North and West, in those great sections giving the electoral votes, in order to elect a Democratic President? In the last campaign for governor I was in the State of New York, and I heard something of it. Every Republican candidate for Congress said: "Send me back and I will support President Roosevelt in his reforms," and every Democrat said: "Send me to Congress and I will more fairly support his rail-road Democratic measures than Republicans." This was the burden of song in the canvass as evidenced by speeches and newspapers.

Now, I say that the proper place for a Democrat to accomplish those reforms is, in large part, on the floor of this House. I listened with pleasure to the able and eloquent speech of the gentleman from Texas [Mr. Sheppard], lately made in this House. I cheered, as did other Democrats, the mention of the great name of Bryan. There is magic in the name.

But has the Democratic minority in this House framed a rail-road rate bill commensurate with known railway evils and such a full remedial measure as Mr. Bryan would endorse if he were present? I deny it. And yet Mr. Bryan has expressed the opinion that only eventually through Government ownership can the people of the United States settle this great railroad problem, this railway trust question. Poll the Democrats on this side, and what would they say on the Government-owner-ship proposition? They would say: "We do not go as far as Mr. Bryan does, and we do not advocate ownership, but we do advocate governmental regulation of the railroads; we do advo-cate their control by the Government." I say to the Democracy of this body, representing in part the great national Democratic party in the country, if you deny to Mr. Bryan your support and your voice and your sympathy with Government ownership of railroads, then, in order to be logical, you must give him the benefit of full remedial legislation looking to governmental regu-lation and the control of railroads. Otherwise your conduct, if it is not insincere, is indefensible. I affirm that the national Democracy have a right to look to the Democrats in this House and to the Senate for leadership upon this great question. All the things looking to full remedial legislation or Government regulation of railroads you must adopt if you want to be just to yourselves and just to Mr. Bryan.

I introduced into this House, February 7th instant, an act to amend the "Hepburn rate bill."

It seeks to give the Interstate Commerce Commission the fol-

lowing powers over interstate railroads:

(1) To fix just and reasonable rates of railroad charges upon its own initiative.

(2) To prevent a railroad from increasing an existing rate without the consent of the Interstate Commerce Commission.

(3) To prescribe a uniform classification of freight and traffic throughout the United States,

(4) To ascertain the true value of interstate railroads, so as to fix the true basis for prescribing just and reasonable rates.

(5) To make rules and regulations to secure the safety of railway employees, and make all rules and regulations relating to the physical equipment of railroads and its safety for the public, and all rules and regulations as to division of cars among patrons, and matters relating to reciprocal demurrage of cars between shipper and carrier—these are all embraced under the comprehensive language of the bill.

I attach a copy of the bill to these remarks; also a copy of a letter from W. D. Marks, an authority upon that subject, as to the value of railroads in the United States.

Much has been said and written lately about the "car fam-ine" or "car shortage" in the United States. Some of it is due, no doubt, to increased traffic. But much of it proceeds from two reasons:

A desire to make the railway rate legislation unpopular. (2) The cars have been largely given to favored shippersfriends of the high railway officials. The other patrons of the railroads have been left "out in the cold."

A still greater reason, perhaps, is that the owners of railroads have pocketed the earnings of the railroads upon their "wind and water" stocks and bonds and have let the equipment of their roads "run down." That is nearer the truth of the matter

A Member in this House from New York [Mr. Hearst] placed in the rate bill he introduced in 1904 a very valuable provision; one that would largely have prevented the present "car short-It is as follows:

That whenever any common carrier, subject to the provisions of this act, shall fail or refuse, after reasonable notice, to furnish cars to shippers for the transportation of freight as interstate commerce, or to forward and deliver such freight at destination within a reasonable time, such failure or refusal shall be deemed to constitute unjust discrimination and undue and unreasonable prejudice and disadvantage, and in any case or proceeding pending before the Commission or any circuit or district court of the United States based upon such failure or refusal on the part of any such common carrier, proof that in the furnishing of cars or forwarding or delivery of its traffic other shippers have been preferred shall not be required.

On an application for cars by a patron of a railroad, under the present law, it is required that he should show that in refusing cars to him that the railroad has discriminated against him individually. This is always difficult to prove. But the provision above, from the Hearst bill, threw the duty of proving the justice of their refusal upon the shoulders of the railroad company. Quite a difference. I offered this amendment, taken from the Hearst bill, at the time the Hepburn bill was being framed in Committee of the Whole, and it was voted down by Democrats and Republicans alike. Great is "conservatism" on railroad rate legislation.

APPENDIX No. 1.

[H. R. 25520, Fifty-ninth Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES, February 7, 1907. Mr. Lamar introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

Mr. Laman introduced the following bill; which was referred to the printed.

A bill to amend an act to regulate commerce.

Be it enacted, etc., That section 15 of the act of Congress entitled "An act to regulate commerce," approved February 4, 1887, as amended June 29, 1906, be, and it is hereby, amended so as to read as follow; "Sec. 15. That the Commission is authorized and empowered, and it shall be its duty whenever, after full hearing, either upon its own motion or upon a complaint made as provided in section 13 of this act or upon complaint of any common carrier, it shall be of the opinion that any of the rates or charges whatsoever demanded, charged, or collected by any common carrier or carriers subject to the provisions of this act for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates are unjust or unreasonable and prescribe what will be the just and reasonable rate or rates, charge or charges to be thereafter observed in such case as the maximum to be charged, and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. All orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years as shall be suspended or medified or the Commission unless sion or be suspended or set aside by a court of competent jurisdimin. Whenever the carrier or carriers, in obedience to such order of the Commission or otherwise in re

within twelve months after approval hereof, unless within said twelve months said carriers shall have adopted and established a uniform system of classification throughout the United States.

"That the Commission is authorized and empowered, and it shall be its duty, to ascertain the value of all property owned by any common carrier subject to this act, or employed, used, or related to the movement of interstate traffic by any common carrier subject to this act. Such valuation shall be open to the public and shall show detailed values.

values.

"The Commission is authorized and empowered, and it shall be its duty, by order to make such regulations as it deems appropriate for employees of common carriers subject to this act, and for the safety, convenience, dispatch, and transportation of freight and passengers by common carriers subject to this act.

"The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this act."

Sec. 2. That this act shall be in force from and after its passage.

APPENDIX No. 2.

[Senate Document No. 168, Fifty-ninth Congress, first session.] Letter from William D. Marks, consulting engineer and statistician, of Philadelphia, Pa., regarding the overcapitalization of the steam-railway corporations of the United States. DECEMBER 11, 1905.

Hon. WHARTON BARKER, Philadelphia, Pa.

Hon. Wharton Barker.

Philadelphia, Pa.

Dear Sie: Referring to our verbal interviews regarding the overcapitalization of the steam-railway corporations of the United States, and more particularly in reply to your query of the 5th, current, "Let me know what you think a fair capitalization of the railroads or capitalization the public should pay for," I would say that in my experience of late years as a consulting engineer I have been struck by the deplorable and almost universal "watering" of securities in railway corporations practiced by our promoters of these enterprises.

Not only are our railways often wastefully built wholly upon the proceeds of the sale of bonds at figures far below par, but the promoters frequently add to the burden of the earnings of their enterprises by issuing as a bonus (to go with the bonds or appropriated by themselves) an equal or greater amount of stock representing a speculative profit in the future.

So invariably have I found this to be the case that I felt justified, after numerous individual experiences, in saying to you that more than one-half of the railway securities issued represented no real property or investment of cash.

Besides the "water" injected into securities by the original builders of a new railway, other and often larger percentages of it are poured in by financiers who have found their profit in combining a number of individual railways into a "system" by means of a holding and operating corporation.

As a result we frequently find stratum of securities piled upon stratum of securities, until a chart of the securities of a system of some railway systems very closely resembles a geological section.

There can (if my statement is correct) be but one of two results of these manipulations.

Either the public is robbed by overcharging to render these watered securities valuable to their 'owners, or innocent purchasers of them lose all of a portion of their investments if they have been led to believe that their securities represent real property.

Tersely, eit

Retains of year chaing wane so, 1500.	The State of the S
Massachusetts railways: Miles	owned.
Total length of line	3, 794
Total length of single track	7, 601

Preliminary legal papers and rights of way ______ Civil engineering construction to top of rail ______ Arch, stations, shops, and houses ______

Of course we have excepted long bridges (say over 60-foot span) and other unusual features, but throughout Massachusetts and the United States there are very few railways requiring 10,000 cubic yards excavation (\$3,500) per mile.

There are notable individual instances of costly and unavoidable engineering expense, but these will be balanced by the average savings from \$13,200 allowance per mile for construction.

We see that the average book cost (\$38,600) of construction is nearly three times the necessary cost (\$13,200) of steam railways to the rail top.

top.

The cost of equipment of the Massachusetts railways is given as \$32,957,122. By this is principally meant the rolling stock. For the purpose of this comparison I will place very high figures upon it, though much of it is old and largely depreciated in value:

nue: \$22, 770, 000
16, 690, 000
1, 950, 000
17, 412, 500
746, 000 Locomotives, 2,277, at \$10,000 each.

Passenger cars, 3,338, at \$5,000 each.

Baggage and mail cars, 650, at \$3,000 each.

Freight cars, 34,825, at \$500 each.

Gravel and construction cars, 1,865, at \$400 each.

59, 568, 500 Many of these locomotives and cars are leased, but for the purpose of our discussion they should be valued, and so we had better fix their

total cost at, say, \$76,000,000 instead of \$33,000,000, book value given. There are 7,601 miles of single track owned, and with sufficient accuracy for our purposes we can put the first cost of equipment with rolling stock at \$10,000 per mile, a very liberal estimate for the Massachusetts railways, which serve a denser population than exists in any other portion of the United States, and which, being a manufacturing community, must use its railways largely.

We have omitted occasional extraordinary expenditures, say, for the tunnels and long bridges over rivers and also for rock cuts and deep excavations.

tunnels and long bridges over rivers and also for rock cuts and deep excavations.

We are perfectly safe, however, in allowing an average of \$2,000 per mile of track, or \$15,202,000 to cover the cash cost of these extras.

Recapitulating for the average honest cash cost of Massachusetts railways we have for each mile of single track owned:

restricted to me to the second company of the second secon	
Preliminary legal papers and right of way	\$700
Civil engineering and construction to top of rail	11,000
Minor stations, machine shops, and houses	1,500
Equipment of locomotives and cars	10,000
Extraordinary expenditures	2,000

Estimated cost of construction and equipment per mile 25 200 Massachusetts has been selected because its railroad commissioners the largely reduced the usual amount of corporate dishonesty by their most careful examinations and enforced publicity of corporate

their most careful examinations and enforced publicity of corporate accounts.

Its dense population requires a larger equipment than the average of the rest of the United States. Its costs of construction are increased, by reason of its rocky soil and hilly topography, far above the average of many other sections.

I have increased the stated book value of equipment from \$33,000,000 to \$76,000,000; I have added \$15,000,000 to well-known standard average costs of construction; I have allowed \$11,400,000 for architectural work, and as a result I have obtained an average cash cost per mile of \$25,200, which I have no doubt substantially exceeds the true cost of railways.

railways.

In education, frugality, industry, and honesty Massachusetts's population stands in the first rank of these United States, and yet we have the following capitalization of the Massachusetts railways:

\$133, 435, 355 25, 007, 318 Funded debt. Mortgages, et Mortgages, etc _ Capital stock __ 235, 834, 466

Total capitalization ...

Dividing this by 7.601 miles of single track we obtain about \$52,000 capitalization per mile—51½ per cent of water, probably more.

Referring to gross assets of companies given on page 9 of Massachusetts railroad commission's report, June 30, 1903, we find as book accounts, but probably not the practical truth:

Construction Equipment Land and buildings Cash	\$293, 236, 332 32, 957, 122 1, 497, 218 40, 880, 067
TotalStocks, bonds, and other property	368, 570, 739 64, 210, 110

Gross assets 432, 780, 849

The item of \$64,000,000 probably represents "strategic purchases." having no proper relation to expenditures required to operate the roads for the convenience of the public and the profit of the stockholders.

The Interstate Commerce Commission, June 30, 1903, reports total miles of single track 283,821.51 (this is not the length of roadbed, which is less; it is the total length of all the tracks, wherever placed). Outside of Massachusetts, with a few exceptions, in the Eastern and Middle States the equipment rarely costs as much as \$5,000 per mile, and we are liberal in putting the cash cost of construction and equipment of all at an average of \$20,000 per mile, or \$5,676,420,000. The total railway capital June 30, 1903, was (Interstate Commerce Commission report) \$12,599,990,258, or about \$7,000,000,000 watered securities and \$5,600,000,000 actual value.

Experienced engineers (I mean those who have been through the mill) will tell you the same as I do as to actual costs of constructions and equipment, if not (as in most cases) prevented by personal fear of consequences from disclosing the truth.

You may, and probably will, have many instances of extraordinary cost of construction brought to prove to you the higher cost of our railways. Many of these instances are both unwise and unnecessary expenditures.

expenditures.

Do not forget that for every such case there are hundreds of miles of railway which honestly have not cost \$17,500 per mile to construct and equip; on the contrary, very much less.

The fairest index of the proper cost of a railway is not its length of roadbed, but its length of single track.

Twenty thousand dollars per mile is an overestimate of the average cost of most railways crossing the vast prairies of the West.

You will note that I have not brought forward the many individual instances which have come to my notice upon which I based my former statements to you, but have delayed long enough to enable me to verify them, generally by a consideration of all the railways of Massachusetts.

chusetts.

For thirty-four years, beginning on the Delaware, Lackawanna and Western road, as a civil engineer, in the days of the crimes of Fisk and Gould, of the Erie, I have watched the growth of this criminal method called "watering" securities, and to-day we find that their success has led to the perpetration by their imitators of a colossal fraud reaching \$7,000,000,000 upon the citizens of this United States.

I wish you godspeed in trying to put a stop to it. If you succeed you will earn the gratitude of every honest man.

I return to you the bill, which could be much improved, and I also hand you Engineering News, November 2, 1905, containing a brief article of mine on "Rallway rates for an electric railway," and the following papers: "What are the facts?" by Slason Thompson; "Facts about railroad rates," by H. T. Newcomb; "Solution transportation problem," by P. S. Grosscup; "Mass. R. R. I. Comm. Rept., June 30, 1903."

After you have read my article in the Engineering News I wish you would refer to Census Bulletins Nos. 3 and 21 just to see how carefully they have avoided giving the required data enabling the fixing of the cost of construction, equipment, and operation of the railways they pretend to deal with.

To the engineer's lot it falls to deal with the concrete and tangible,

and when he seeks help from these expensive publications by our Government he finds that because no one compiling the data in them appears to have power to demand replies, or practical experience and grasp, all our Government statisticians have fallen victims to the conspiracy of secrecy among railway promoters and operators, who above all things fear honest publicity for their deeds.

With D. Market

WM. D. MARKS.

Mr. FOSS. I yield twenty minutes to the gentleman from Connecticut [Mr. Higgins].

Mr. HIGGINS. Mr. Chairman, I ask to have read the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

RESOLUTION CONCERNING FOREST RESERVES IN THE WHITE MOUNTAINS.

STATE OF CONNECTICUT OFFICE OF THE SECRETARY, GENERAL ASSEMBLY, January, A. D. 1967.

Resolved by this assembly:

Whereas there is now pending before the House of Representatives of the United States a bill providing for the establishment, by purchase, of Federal forest reserves in the White Mountains of New Hampshire and the southern Appalachian Mountains: Be it

Resolved, That it is the sense of the general assembly of Connecticut that the establishment of these reserves is wise public economy, and that it is the opinion of this body that the interests of the State of Connecticut will be furthered by the protection of the forests at the headwaters of the Connecticut River, and that this general assembly urge upon Congress to pass the bill.

Passed house of representatives January 10, 1907.

Senate concurs January 16, 1907.

State of Connecticut, Office of the Secretary, 8s:

I hereby certify that the foregoing is a true copy of record in this

I hereby certify that the foregoing is a true copy of record in this

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 31st day of January, A. D. 1907. THEODOR BODENWEIN, Secretary. SEAL.

Mr. HIGGINS. Mr. Chairman, in response to these resolutions and in view of the importance of this legislation I feel that I would be lax in my duty to the people of the State that I in part represent, and who I know are intensely interested in this legislation, did I not call the attention of the House to this measure, now on the Calendar, and known as the "Appalachian and White Mountain Forest Reserve bill." This measure, pro-This measure, proposed by the American Forestry Association and the National Board of Trade was recommended in the President's message and has been repeatedly indorsed by the Department of Agriculture and advocated by the press of the country. In the first session of this Congress this bill passed the Senate, and on May 22, 1906, was unanimously reported to this House by its Committee on Agriculture.

This legislation, Mr. Chairman, in my judgment, is of more pressing and vital interest and importance to the thirteen States whose rivers rise in the Appalachian and White mountains than any that has been considered during this session of Congress, and in consequence is of interest to the entire country. It only carries out well-established principles and does not commit the Government to any new policy.

One is so overwhelmed with the multitude of general and special bills pending that it falls upon those, as it rightfully should, who have for special reasons, responsive to the needs of their constituencies, to be particularly interested in certain legislation to single that out and call it to the attention of the en-tire body and urge its favorable consideration. President Roosevelt, in his message at the convening of this session of Congress, in referring to the Government forest reserves, said:

The forests of the White Mountains and Southern Appalachian regions should also be preserved, and they can not be unless the people of the States in which they lie, through their Representatives in Congress, secure vigorous action by the National Government.

Mr. Chairman, the particular branch of the National Government which at present needs to move is this House. All others have done their full duty.

This bill carries an appropriation of \$3,000,000 and gives the Secretary of Agriculture the discretion to purchase such lands as may be readily acquired, and such as will be the best adapted The fact that the bill carries an appropriation to the purpose. ought not of itself to prevent recognition for its consideration by this House or militate against its passage if the proposition is in the interest of a wise economy and is right and just.

Mr. Chairman, when the other legislative branch has passed a measure I assume that no conclusive presumption exists per se that it has not had fair consideration by that body and its committees, especially so when the same proposition is considered and recommended by a great and painstaking committee of this House.

Abundant precedent can be found for this legislation. lions of dollars have already been appropriated, and doubtless wisely spent, in the Reclamation Service. We have just appropriated over \$80,000,000 for the improvement of our rivers and harbors; and there are now established and maintained by the Federal Government 138 forest reserves in seventeen different

States and Territories of the Union, covering an area of 127,-154,371 acres

One is too apt to think of the forests either as a matter of sentiment or as something that has no end, and hence no need of pro-Yet, governors of States, legislatures, numerous commercial bodies, many granges, and large numbers of other organizations and individuals have prayed, petitioned, and resolved for the passage of this bill. I believe that the country would have but little sympathy with the argument that the machinery of this House would have to be overworked, as has been said, to secure a vote upon this measure. What the country would be especially concerned about, I take it, is whether the bill is right in principle and would in its result promote the general welfare.

A prima facie case at least, for its consideration has been made out when two Presidents have urged the favorable consideration, the Semate has passed the bill in three different ses sions, and the Committee on Agriculture have unanimously recommended its passage. Is it not at least worthy of some consideration by this body, directly responsible to the people? All that is asked is that this measure be fairly brought before this House for a vote.

Mr. Chairman, speaking for a constituency that is vitally interested in this measure, responsible directly to that constituency for my course, I ask for its consideration, in the belief that the necessity and the wisdom of the enactment of the bill will appeal to the judgment and patriotism of the Members of this body. It ought not to be necessary to plead for the consideration of a measure of this importance, whose effect is so far-reaching. It almost seems needless and perhaps futile to give any extended reasons for the passage of this bill, for the wisdom of establishing these reserves has been so clearly demonstrated by actual test, not only by this country, but for years by other nations who were long ago compelled to recognize the necessity of supervision and control of their forests, as to challenge contradiction. Our supply of gold may diminish and our real wealth not decrease, but not so with our forests and all they do to conserve other natural forces necessary to our commercial life. The Connecticut River, which is 375 miles long and drains a basin of 677,178 acres in area, is absolutely dependent for its regulation upon the preservation of the forests New Hampshire, as provided in this bill.

The committee, in making its report upon this bill, says:

The Connecticut, speaking only of the main river, has a total of 2.038 feet and is capable of being rendered one of the most valuable rivers in the world.

And quoting another authority: "The power developed at Holyoke, Mass., is the largest in the country, except that at Niagara." It is no wonder that this bill now on the Calendar has challenged the attention and won the approval of many not directly affected by its result. It offers the only means of protecting the territory covered by its provisions from the directing the territory covered by its provisions from the directing the territory covered by its provisions from the direction consequences of a deforested land. Already 24 per cent of the southern Appalachian region has lost the power to produce future forests, and in this section the rainfall is heavier than anywhere else on the continent, except on the northern Pacific coast. The New York Evening Post, in an editorial in its issue of December 28, 1906, says:

The rivers flowing into the Pacific have their headwaters protected by vast tracts of forest preserved from indiscriminate lumbering. Those flowing into the Atlantic, though their present commercial use is tenfold greater, rise in regions where the commercial unberman generally has full sway. As the Senate committee reported last year, the New Hampshire rivers "contribute more largely to the prosperity of other States than to hers. She ought not to be expected to burden herself with debt for the benefit of her neighbors; nor can they be expected to purchase land outside their own borders for the creation of a forest reserve."

And, further, the same article in the New York Evening Post adopts the language of the committee report in speaking for the Appalachian Reserve, and says:

The various States in which it is proposed to locate this reserve have already by legislative acts conferred upon the United States Government the right to acquire title to these lands and exempted them from taxation. They can not, because of the proposed location of the reserve in more than one State and their own lack of funds, be expected to go much further.

And the Post closes its editorial by saying:

State cooperation is thus assured, and the project simply waits upon

All that has ever been urged in favor of a forest reserve, either on the floor of this House or elsewhere, can be said in support of this bill, for it affects a locality which is the most thickly settled in the Union and one where the natural resources are most dependent upon the preservation of the forests.

In New Hampshire, where the proposed White Mountain Reserve is located, are the sources of all the principal rivers of New England. In 1900, in the State of New Hampshire, there was

cut 177 board feet per acre of wooded area, which was the largest cut per acre recorded in any State in the Union. In the section covered in this bill there are no public lands. In 1878 a law was passed by which the President was authorized to set aside "any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall by public proclamation declare the establishment of such reservations and the limits thereof."

Under this provision of law the forest reserves have been heretofore set aside. The Department does not intend to reforest this section. The preservation of the present forest lands is, particularly in the case of the White Mountain Reserve, the interests of States which own no land where the for-

ests are located.

This appropriation creates nothing. It preserves, and can not be regarded as an expenditure, but rather an investment which will yield a revenue to the Federal Government. The Secretary of Agriculture estimates that in five years the Department of Forestry will cost the taxpayer nothing. It is estimated that the standing timber now on the Government reserves is worth \$700,000,000 and that the entire property is worth \$1,400,000,000. Last year the receipts from these reserves amounted to \$1,125,000. The Province of Onrevenue of over \$3,000,000 annually from its forest lands. The net annual revenue from this source in France amounts to about \$59,000,000, and Swiss forests yield a revenue of \$8 an acre a year. At present there is but one forest reserve east of the Dakotas and none east of the Mississippi. The danger of a dearth of forests is increasing in a greater proportion than our population. Though steel has displaced wood for many uses, for fencing and shipbuilding, and though cement is displacing wood for building, and coal and gas for heating, still the uses of wood increase.

It is estimated that during the last forty years the consumption of wood has increased at the rate of from 3 to 5 per cent To-day we have no knowledge of the amount of timber consumed annually. It is easy to point to uses made of wood that were unknown only a few years ago. The demands of the country for steam-railroad extension, with the increase of electric lines giving a cheaper form of power, telegraph and tele-phone communication, with the wood-pulp mills, furnish a fitting illustration of the present day draft upon this article of commerce. J. T. Richards, chief engineer of the Pennsylvania

Railroad system, says, in speaking on this subject:

Many of the former sources of supply have been already exhausted. Our Pennsylvania roads now look chiefly to inland Virginia, West Virginia, and Kentucky for our white-oak ties, and the long-leaf yellow pine of the Southern States will soon disappear.

The Government Forester says, with reference to the necessity of taking hold of this matter in time, that-

Forest lands are passing out of the Government's ownership every day, lands whose preservation is absolutely essential to the well-being of the country where they lie. It will eventually cost the Government of the United States hundreds of millions of dollars to become possessed again of the areas which it once held, which are now in private ownership, and which are absolutely essential to the welfare of all of us.

Statistics can not be secured of the damage by flood and freshet caused by the indiscriminate cutting and depletion of our forests and the denuding of our forest lands. In the southern Appalachian region alone, from April, 1901, to April, 1902, floods did a damage estimated at \$18,000,000. The flow of all our rivers are dependent upon the conserving of the waters at their sources. A river is a nuisance rather than an advantage if its flow is to be spasmodic. We ought at least to be assured that it will furnish something more than freshets. To reach the full measure of usefulness intended by nature and essential to the commercial and material well being of the country, these rivers must be regulated in their flow and not intermittent. The falling of the leaves from the trees form a sponge which insures a well-regulated flow such as nothing else can furnish. The cupidity of man is such that the present generation would strip our forests without regard to those who might come after. It has been said that "it is the traditional policy of consumers of lumber and timber to ignore the possibility of the exhaustion of the timber supply, and invariably they fail to realize the fact until it has already taken place." Forests are peculiar in that they are an agency in place of which nothing can be sub-With the great growth of our country the former wasteful methods of our lumbermen must stop. Our responsi-Wasterful methods of our lamberment mass step. Our responsi-bility does not cease with providing for the present needs.

I am not unmindful of the force of the argument that what

this bill seeks to accomplish could in some measure be accomplished by the several States, and I am not one that wants to see all the power of the State surrendered to the Federal Gov-

ernment with a consequent diminution of the State's responsibility in the Government. But we have passed many measures provided for many conditions that the States might have legislated upon.

There is, however, a forestry department in my own State and a forest reserve. Trees are being planted, intelligent supervision exercised, a system of fire protection initiated, advice and cooperation given by the State forester to private individuals interested in preserving their own forest lands, and my State, alive to the necessity of such action, is doing its full duty to the extent of its power and ability. A plan is now being inaugurated in Connecticut to extend its present reserves, so that there will be established a forest reserve in each county in the State. It is to the credit of the foresight of many States that State reserves have been established. And the enactment of this bill does in no measure take away from the State's responsibility. The work of the Federal Government in this particular needs to be augmented by the States. It is not within the power of the thirteen States directly affected by this bill to control the sources of the principal rivers running through them, and the accomplishment of the purposes of this measure can not be secured except by its enactment into law. It is not an experiment. It is not a scheme. It preserves for future generations a necessity, and favorable action should be taken now to insure the full measure of benefit. [Applause.]

Mr. FOSS. I yield thirty minutes to the gentleman from

Wyoming [Mr. MONDELL.]

Mr. MONDELL. Mr. Chairman, I take advantage of the latitude allowed under the rule to discuss the question of the limitations of the authority of executive officers of the Government in the withdrawal of public lands from entry, amounting to a suspension of the land laws, and I shall more particularly address myself to the character and effect of certain orders, dated July 26, October 10, 15, 27, and 31, and November 12, of last year, under which approximately 64,000,000 acres, or an area more than twice the size of the State of New York, and located in the States of Colorado; North Dakota, Montana, Oregon, Washington, Utah, Wyoming, and the Territory of New Mexico, and all of the public lands in the Territory of Alaska were with-drawn from all forms of entry, filing, and selection.

The first order of withdrawal referred to was in the follow-

Interior Department,
Commissioner of the General Land Office,
July 26, 1906.

Sir: In accordance with the wishes and instructions of the President, I have to direct that you immediately suspend and withdraw from entry, filing, or selection under the public land laws all of the public lands in the townships described in the list inclosed herewith until further orders from the Department. Said list of townships are those on which the Director of the Geological Survey has advised the Department "workable coal is known to occur."

I also inclose for your information and for the files of your office copies of certain correspondence in relation to this matter.

Very respectfully,

THOS. RYAN, Acting Secretary.

This order of withdrawal was supplemented by several others withdrawing from all forms of entry under the public-land laws practically all the public lands believed to contain workable deposits of coal, and by departmental order of November 12, 1906, all public lands in Alaska were withdrawn from entry. By departmental order of December 17, 1906, these orders of with-drawal were modified so as to provide for the withdrawal of said lands from coal entry merely." This order is as follows:

"Said lands from coal entry merely." This order is as follows:

Referring to departmental order of July 26, 1906, and all subsequent orders, withdrawing from entry, filing, or selection under the coal and other land laws the public lands in certain designated townships in various States and Territories, in which townships the Director of the Geological Survey alleged "workable coal is known to occur," you are advised that all of said orders are hereby modified so as to provide for the withdrawal of "such lands from coal entry merely."

You will make this special and at once wire this modification to the local officers of the various land districts affected thereby.

You are also advised that departmental order of November 12, 1906, is hereby modified and is to be construed as a withdrawal of the public lands in Alaska "from coal entry merely," and you will at once wire the local officers at Juneau accordingly.

Very respectfully,

E. A. HITCHCOCK, Secretary.

On January 15 these orders were further modified by a letter from the Secretary of the Interior to the Commissioner of the General Land Office, as follows:

Sir: By direction of the President all orders heretofore issued withdrawing public lands from entry under the coal-land laws are hereby amended as follows:

"Nothing in any withdrawal of lands from coal entry heretofore made shall impair any right acquired in good faith under the coal-land laws and existant at the date of said withdrawal."

Very respectfully,

E. A. HITCHCOCK, Secretary The only official statements which have been made as to the reasons for these withdrawals are contained in the annual message of the President communicated by him to Congress at the beginning of this session, as follows

beginning of this session, as follows:

It is not wise that the nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question, however, can be properly settled only by legislation, which, in my judgment, should provide for the withdrawal of these lands from sale or entry, save in certain especial circumstances. The ownership would then remain in the United States, which should not, however, attempt to work them, but permit them to be worked by private individuals under a royalty system, the Government keeping such control as to permit it to see that no excessive price was charged consumers. It would, of course, be as necessary to supervise the rates charged by the common carriers to transport the product as the rates charged by those who mine it; and the supervision must extend to the conduct of the common carriers, so that they shall in no way favor one competitor at the expense of another. The withdrawal of these coal lands would constitute a policy analogous to that which has been followed in the withdrawing of forest lands from ordinary settlement. The coal, like the forests, should be treated as the property of the public, and its disposal should be under conditions which would inure to the benefit of the public as a whole.

And in the President's message of December 17, as follows:

And in the President's message of December 17, as follows:

And in the President's message of December 17, as follows:

The present coal law, limiting the individual entry to 160 acres, puts a premium on fraud by making it impossible to develop certain types of coal fields and yet comply with the law. It is a scandal to maintain laws which sound well, but which make fraud the key without which great natural resources must remain closed. The law should give individuals and corporations under proper Government regulation and control (the details of which I shall not at present discuss) the right to work bodies of coal land large enough for profitable development. My own belief is that there should be provision for leasing coal, oil, and gas rights under proper restrictions. If the additional force of special agents and mining experts I recommend is provided and well used, the result will be not only to stop the land frauds, but to prevent delays in patenting valid land claims and to conserve the indispensable fuel resources of the nation.

In what I shall have to say relative to these acts of with

In what I shall have to say relative to these acts of with-drawal I wish to have it clearly understood that I have no disposition to, or thought of, impugning the motives of anyone, much less of appearing in the rôle of a captious critic of, or faultfinder with, acts undertaken in good faith by any executive officer of the Government. In a discussion of the question of authority for these acts the question of good faith or of opinion as to the wisdom or unwisdom of acts of Congress held by executive officers can not properly be considered, and what I have to say I shall say because I feel it my duty to call to the attention of the House and of the country certain executive acts which I believe to be unauthorized by law and not warranted by any authority granted to executive officers either directly and specifically or by any possible construction of any statute and which, if unchallenged, will undoubtedly be considered as establishing a precedent for the exercise of even further and more far-reaching executive power in the same direction, if, indeed that is possible, without a suspension by Executive order of all of the land laws.

It is very clear that the orders of withdrawal above referred to are an entirely new departure from any previous practice by the Executive or the Land Department and are wholly without precedent. They were not made pursuant to any authority of Congress or for the furtherance of any Congressional legislation, nor were they made for any public use. On the contrary, their direct effect and purpose was and has been to suspend the operation of the public-land laws over a vast portion of the public domain. As originally made the orders withdraw these public lands from all "entry, filing, or selection under the public-land laws," and for the space of some five months no entry, filing, or selection of any character whatsoever could be received for any of these lands. It is true that as modified by the recent order, of December 17, 1906, the withdrawal now extends only to entry under the coal-land laws, but the present and continued effect of the orders is to completely suspend the operation of the public-land laws relating to the disposition of coal lands. All lands known or believed to contain workable deposits of coal have been included in these withdrawals, and in the Territory of Alaska, to which the coal-land laws were extended by act of June 6, 1900, no coal entry can be made in any part of the Territory except that the order of January 15 now allows the perfection of entries by final proof and payment where rights were initiated under the coal laws prior to the orders of withdrawal.

To remain silent in the presence of the far-reaching effect of these orders amounts to an acquiescence in their validity, and, as I am unable to find warrant of law for them and further believe that no condition exists surrounding the acquisition of public lands which would warrant or necessitate such orders even were they legal, I feel it my duty to vigorously protest against them.

THE POWER TO RESERVE OR WITHDRAW PUBLIC LANDS.

Examination of the statutes, decisions of the Federal courts, the land decisions and records of the Land Department show that the Executive orders reserving or withdrawing public

lands all fall into one of three classes:

pursuant to express legislative authority, or pursuant to a 754); Indian reservations under the acts of March 3, 1863 (12 Stat. L., 819), and April 8, 1864 (13 Stat. L., 39), and under various special acts and treaties between the United States and Indian tribes; sites for reservoirs, ditches, and canals under the act of October 2, 1888 (25 Stat. L., 526); forest reserves under section 24 of the act of March 3, 1891 (26 Stat. L., 1095), and the act of June 4, 1897 (30 Stat. L., 34), and for the reclamation of arid lands under the act of June 17, 1902 (32 Stat. L., 388).

In addition to these general acts there are numerous special

(1) Reservations of public lands for a public purpose made

acts of Congress disposing of public lands for public uses, and depending for their execution upon Executive order or proclamation of the President making a specific designation of the tracts reserved, the most important of which are the act of March 1, 1872, creating the Yellowstone National Park; the acts of September 25, 1890 (26 Stat. L., 478), and October 1, 1890 (26 Stat. L., 650), creating the Yosemite National Park, and the act of March 2, 1899 (30 Stat. L., 993) creating the Mount Ranier National Park, in Washington. All these reservations, it will be observed, were made under express authority of Congress.

(2) Withdrawals of public lands by the Executive for the purpose of carrying out Congressional grants of public lands. In this class fall the withdrawal by the Interior Department of lands within the limits of the grants in aid of canals, wagon roads, railways, and other public improvements. In many cases the authority to withdraw lands within the grant limits is expressly conferred by the granting act, and in all cases the authority is necessarily implied in furtherance of the granting act. The granting act carries with it "by necessary implication not only the power, but the duty of the Land Office to reserve from sale the lands embraced in the grant; otherwise its object might be utterly defeated." (Walcott v. Des Moines Co., 681, 688.

(3) Reservations of public lands by the Executive for public purposes, without specific authority of law, but under the general authority vested in him in the administration of the Governal eral authority vested in him in the administration of the Gov-ernment. Such were the reservations made by the President for military purposes prior to the act of June 26, 1834, and Oc-tober 21, 1869, for naval stations, light-houses, etc. The authority of the President to so reserve lands is recog-

nized by the Supreme Court in the case of Grisar v. McDowell

(6 Wall., 363), in which the court said (p. 381):

From an early period in the history of the government, it has been the practice of the President to order from time to time, as the exigencies of the public service require, parcels of land belonging to the United States to be reserved from sale and set apart for public use.

It is upon the authority and principle of this decision that the

Land Department upholds its power to reserve public lands without specific authority of Congress. See 1 L. D., 704.

It is expressly stated, however, that the power of the President is to set apart for public uses, and not to suspend from operation of the general land laws, where no public use is to be made of the land. Furthermore, the exercise of this power has always heretofore been restricted to small parcels of land which were required for some definite public use. were required for some definite public use.

Mr. LACEY. Will the gentleman from Wyoming yield for a

question?

Mr. MONDELL. Certainly.

Mr. LACEY. I would like to ask my friend this question. It has frequently occurred that the Executive has selected a particular tract of land for a national park or for some other public purpose requiring legislation in order to set it apart for public use. In the communication to Congress requesting such egislation the Executive has given notice of the withdrawal of the land pending the action of Congress on the proposed bill. Has the gentleman considered whether or not the Executive has the power even to go that far?

Mr. MONDELL. I have gone into that quite carefully, and I can find no authority either in the statutes, decisions of the courts, or decisions of the Department for such exercise of executive authority, except as to parcels of land withdrawn for public purposes, such as forts, light-houses, and the like.

Mr. LACEY. That was done in Wind Cave, and I think in

the Crater Lake.

That has been done in only one or two cases Mr. MONDELL. that I can recall by reservation of limited tracts of land temporarily, with a view to suggesting legislation for the disposition of such land; but I am of the opinion that there was no authority for such action, and where such action has been taken in the past it has never, in any instance, included more than a few hundred or, at the most, a few thousand acres of land so valueless for general purposes that no one took any notice of it.

The consequences which would follow the unrestricted exer cise of power by the Executive in land withdrawals are well pointed out by Secretary Lamar in the case of Fort Boise Reserration (6 L. D., 16), in which case a reservation was made by the War Department of more than 640 acres, authorized by the act of February 14, 1853. Recognizing the illegality of the Executive action in this respect, the Secretary stated (p. 19):

Will such an act take the lands out of the class of public lands and require their disposal by special enactment? To so hold would indicate that the Executive might in violation of law put in reservation for military purposes any amount of lands, and thus take them out of the operation of the general laws. To assert such a principle is to claim for the Executive the power to repeal or alter the acts of Congress at well.

That it was not the intent of Congress to permit this exercise of the implied Executive power of reservation or withdrawal to be used, except in a limited way, is clearly shown by the laws for the disposal of the public lands in the Oregon country. By the act of September 27, 1850 (9 Stats., 496, 500), the President was given specific authority to designate portions of the lands in Oregon—embracing the present States of Oregon, Washington, and Idaho—"for forts, magazines, arsenals, dockyards, and other needful public uses." Section 9 (10 Stats., 158, 159) specifically restricted, however, the area of land which could be thus designated and reserved. That section provides:

That all reservations heretofore, as well as hereafter made, in pursuance of the fourteenth section of the act to which this is an amendment, shall, for magazines, arsenals, dockyards, and other needful public uses, except for forts, be limited to an amount not exceeding 20 acres for each and every of said objects at any one point or place, and for forts, to an amount not exceeding 640 acres at any one point or

In 1873 the Commissioner of Indian Affairs recommended the establishment of an Indian Reservation at Chehalis, Wash., and the question of the authority of the Executive to reserve lands for such reservation was referred to the Attorney-General by the Secretary of the Interior. Mr. Attorney-General Williams (14 Op., 181) rendered an opinion to the effect that in the absence of either conferred authority by treaty or by statutory provision it is not competent to the Secretary of the Interior to set apart any portion of the public domain for the purpose of an Indian reservation.

No clearer statement has ever been made of the limitations of Executive authority than that given in the decision by the Supreme Court in Kendall v. United States ex rel. Stokes (12 Pet., 524). In that case Congress by act of July 2, 1836 (6 Stat. L., 665), had passed an act directing the Solicitor of the Treasury to settle and adjust the claims of the relator for certain services performed in the transportation of mail. The Solicitor did so adjust and settle the claims in accordance with the act of Congress, but the Postmaster-General, on being notified of the award, refused to carry same into effect. The court held that a writ of mandamus would lie to compel the Postmaster-General to carry into effect the act of Congress and in the course of the opinion said these pertinent words with respect to the relation of the executive and legislative departments (p. 612):

lation of the executive and legislative departments (p. 612):

It was urged at the bar that the Postmaster-General was alone subject to the direction and control of the President with respect to the execution of the duty imposed upon him by this law; and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that can not receive the sanction of this court. It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution and is asserting a principle which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of justice.

To contend that the obligation imposed on the President to see the laws faithfully executed implies a power to forbid their execution is a novel construction of the Constitution and entirely inadmissible.

Manifestly these withdrawals do not come within that im-

Manifestly these withdrawals do not come within that implied power of the Executive defined in Grisar v. McDowell, supra, "to order from time to time, as the exigencies of the publie service require, parcels of land belonging to the United States to be reserved from sale and set apart for public uses." gency of the public service exists at the present time any more than during the thirty-four years in which the present coalland laws have been in existence. No public use can possibly be contemplated for this vast area of the public domain. The tracts withdrawn are not "parcels of land," but areas tens of thousands of square miles in extent.

As respects the States of Oregon, Washington, and Idaho it would seem that the provisions of section 9 of the act of February 14, 1853, supra, limiting the area the President is authorized to withdraw for "needful public uses, except for forts," to 20 acres at any one point or place and for forts to 640 acres at any one point or place forbid in terms any such wholesale

reservation. This certainly was the opinion of Mr. Attorney-General Williams in the Chehalis Indian Reservation case, supra, in which he says "Those restrictions in terms apply to all reservations which the President is authorized to there make for public uses."

The plain if not the express purpose of these withdrawals is, in effect, to repeal or alter existing land legislation by the Executive. If the Executive is vested with this vast power over the public domain, it is clear, as said by Secretary Lamar in Fort Boise Hay Reservation, supra, that he "might in violation of law put in reservation any amount of lands, and thus take them out of the operation of the general laws. To assert such a principle is to claim for the Executive the power to repeal or alter the acts of Congress."

If an executive officer can do this, if he has the power to "repeal or alter a land statute," he has equally the power to repeal or alter any other statute, for the statutes can not be divided into classes, some of which may be set aside or an-nulled by Executive orders and some of which may not be. The land laws in no wise differ as to their force, validity, and effect from a tariff law. We may have a President some day who may not like some of the schedules of a tariff bill; he might consider them too high; he might be of the opinion that they harbored trusts and combinations; that their effect was to raise prices of necessities and to very greatly oppress and impoverish the people. Would be be justified in suspending or altering such schedules? If he has the right to alter, repeal, or suspend land laws, has he not the same right with regard to tariff laws?

I believe that the laws and decisions which I have cited very clearly indicate the limitations of the authority of the Interior Department to withdraw public lands from entry. Withdrawals of parcels of land can be temporarily made for public purposes; in other words, for such uses as are clearly public in their character for forts, custom-houses, post-offices

Mr. LACEY. Mr. Chairman, I would like to ask my friend another question. Suppose the Executive or the Land Department was furnished with information showing a widespread and general line of frauds being perpetrated in a State or land district, or was general in some particular locality? In the gentleman's opinion, would it not be within the power of the Executive to temporarily order all entries suspended in that location until further investigation could be had?

Mr. MONDELL. I was just going to discuss that proposition and I am glad my friend called my attention to it. Though it is true that there is no statute authorizing such action, nor has there been any decision of the courts recognizing such authority, so far as I know, Secretaries of the Interior have, in a very few instances, withdrawn limited tracts of land from entry temporarily where, in their opinion, there was imminent and immediate danger of the alienation of lands in violation of law, unless the entry of such lands was temporarily suspended. This has been done in but very few cases, generally affecting comparatively small areas of land, and in every instance the suspension has been very temporary. Such action has only followed upon report of conditions such as my friend refers to, but I desire to call to his attention the fact that these withdrawals are in no sense and in no way of the character that he refers to. Here is no claim of the existence of widespread frauds; no claim that coal lands were being taken under other laws, for if that was the case then a withdrawal from coal entry would be utterly ineffective.

The withdrawals in question were for the avowed purpose of preventing lands being acquired in accordance with the pro-visions of law, and no matter haw lawful, legal, and regular entries and applications may be they are refused and denied.

We should not lose sight of the very clear distinction be-tween temporary withdrawal of limited areas of lands to prevent their being acquired contrary to law and vast withdrawals for the purpose of preventing citizens from acquiring lands in accordance with laws as in the cases in question. an executive officer may consider a law unwise or its operation harmful can not be argued as an excuse for suspension of the operation of a statute by Executive action. If that doctrine were tenable the operation of laws, the enjoyment by citizens of privileges under them would always depend upon the whim and pleasure of some executive officer. If all land laws can be suspended and rendered inoperative by Executive order over all Alaska and a large portion of the States the homestead law and all the other land laws may be suspended in a like manner over all the public domain.

There is one particularly important respect in which these withdrawals from entry differ from any withdrawal or reservation of lands which I can recall heretofore made in accord-

ance with specific or clearly implied authority of law, and that lies in the fact that under instructions given to the registers and receivers of land offices by the Secretary of the Interior for over five months homesteaders and other entrymen who had been in actual possession of their land for years, had resided upon and improved them, and were approaching the expiration of the period when by the operation of law they must make final proof were barred from doing so, and these entrymen can only be saved from the loss of their land through the suspension by the Interior Department of the law placing a limit within which final proof must be made on entries.

Mr. BONYNGE. Can the gentleman state at this point how

many entries were thus suspended?

Mr. MONDELL. Mr. Chairman, I am not informed just how many entries were thus suspended, but I know that they ran into the thousands. Occupying as great a territory as they do, it is impossible without careful search of the land records to find just how many entries were affected.

Mr. BONYNGE. I believe that there were some 300,000, in the neighborhood of that, entries pending the first of the last

fiscal year or the first of the present fiscal year.

Mr. MONDELL. There were something less than 300,000 entries in all last year, but of course they were not all suspended, because the land laws were not suspended quite all over the United States.

Mr. BONYNGE. They were only suspended as to the lands that were withdrawn

Mr. MONDELL. Yes. Mr. BONYNGE. And the gentleman has no way of ascertaining how many of these entries were within that territory

that was withdrawn.

Mr. MONDELL. It would not be difficult, I think, from a search of the records to find how many there were, but they surely run into the thousands. In the first place, it suspended all coal entries in the United States practically, and there were over 2,000 of them—something like 285 in the Juneau district of Alaska—and in the case of the coal entries, these suspensions prevented the opening of the coal mines at a time when the Northwest was suffering from the greatest shortage of coal ever known in the history of that region, at a time when we are importing coal from Australia for the Pacific coast, and this action fixed a monopoly in the hands of those already engaged in the coal business; this order made it impossible to relieve the coal shortage by opening new mines.

Coal and mineral entrymen, who prior to the promulgation of these orders had entered upon lands, made discoveries and im-provements under the laws and filed statements declaratory of their intent to purchase said lands and pay the Government price therefor were barred from exercising the rights guaranteed by law. This situation has been relieved by the modifying orders referred to, it is true, but in the meantime valuable

rights under the homestead and other laws were denied.

While the modifying orders have finally relieved some entrymen and are a tardy recognition of the fact that the original orders were unjust, oppressive, and a denial of rights guaranteed by law, the conditions surrounding their issuance affords the strongest possible proof of the wisdom of Congress in withholding from executive officers authority to make sweeping withdrawals of land, for it developed in the effort to secure a restoration of the land to entry, or at least a modification of the orders, that the executive officials who were responsible for the orders did not understand their purport or effect, and insisted when approached on the subject that the original orders related to coal entries only; so it transpires that all of the land laws were repealed and all rights of entrymen suspended in all of Alaska, and over 64,000,000 acres of public land in the States I have mentioned without the officers who issued the orders fully comprehending the fact.

And so, Mr. Chairman, we have the edifying spectacle presented to us of all the land laws being suspended and the rights of all homestead and other entrymen set aside over an area of 700.000 square miles without those responsible for such action understanding the effect of their own orders, and I submit this is a condition of affairs too serious in its present effect or its future influence to be overlooked or ignored. It is true that when the full effect of this injustice and wrong was realized the Interior Department graciously issued to its "subjects" in the "provinces" of the West an imperial rescript restoring a part of the rights under law which had been taken from them, and thus we have passed, so far as land laws are concerned, from a government under law and by statute to a government under which laws are annulled, suspended, or modified at the whim and pleasure of executive officials, and yet this is supposed to be a republican form of government with three distinct branches--executive, legislative, and judicial.

THE COAL LAND SITUATION.

Having given some attention to the question of the authority of the Executive Departments of the Government to suspend the land laws and withdraw lands from entry, I propose very briefly to state some facts pertaining to the situation and conditions surrounding public coal lands and in proof of my assertion that if authority existed for the suspension and with-drawals in question, no condition existed necessitating or warranting such action. No one knows, even approximately, the area of land on the public domain containing workable veins of coal or coal deposits which at some time in the future may pay for working. Over 64,000,000 acres, or, as I have before stated, an area more than twice as large as the State of New York, not including the withdrawals in Alaska, have been withdrawn from entry as coal land. It is well known that very considerable areas of these lands contain no coal whatever; that other large areas contain coal of such inferior quality or in such limited quantities that it is never likely to be worked. It is also true that there are possibly considerable coal areas not included in the withdrawals, and it is probably a fair estimate to place the public land areas containing coal in sufficient quantity and of a quality to some time pay for working at 65,000,000 acres, in addition to which we have known coal areas in Alaska estimated by the Geological Survey at 8,305 square miles, or 5,315,200 acres, with the probability that the total area will be found to be much greater.

For a great many years the public lands were sold at a nominal price or granted for military and other services without regard to the coal they contained. While a law was passed as early as 1864 providing for the sale of coal lands, no lands were thus sold until the passage of the act of June 3, 1873, providing for the sale of coal lands in tracts of 160 acres, at from \$10 to \$20 an acre, depending upon the distance from railroad, and the lands of the thirteen original States, as well as the public lands containing coal disposed of prior to 1873, including the vast and valuable deposits of Pennsylvania, Virginia, Tennessee, Kentucky, Alabama, Ohio, Illinois, Indiana, Iowa, Missouri, and Kansas, aggregating over 125,000,000 acres, passed into private ownership as free grants or at the outside for \$2.50 an

Since March 3, 1873, we have had our present coal land law. and under this law we have disposed of 406,370 acres up to September 30 of the present year, the entries by years being as follows .

Statement, by fiscal years, of the disposal of coal lands from July 1, 1873, to September 30, 1906, under the act of March 3, 1873 (17 Stat. L., 607).

Fiscal year.	Entries.	Acres.	Receipts.
1874	8	1, 181, 59	\$14, 783, 50
1875	14	1, 904, 95	22, 249, 50
1876	12	2, 202, 40	32, 024, 00
1877	9	1, 115, 00	13, 500, 00
1878	2	200,00	4, 000, 00
1879	2	200, 80	2, 416, 00
1880	19	2, 947, 13	37, 408, 60
1881	49	5, 615, 58	70, 404, 50
1882	56	8, 705, 96	124, 641, 20
1883	119	19, 361, 04	356, 941, 40
1884	69	8, 118, 78	129, 628, 60
1885	44	5, 955, 13	94, 282, 80
1886	77	10, 146, 73	136, 260, 60
1887	106	15,741.30	210, 513, 50
1888	198	30, 226, 75	484, 843, 10
1889	211	31, 829, 00	554, 549, 70
1890	160	22, 259, 37	353, 099, 55
1891	73	9, 625, 83	164, 940, 80
1892	50	6, 326, 66	122, 533, 20
1893	86	12, 288, 84	207, 938, 50
1894	20	2, 705, 42	40, 943, 30
895	34	3,650.10	71, 402, 00
1896	39	4, 049, 10	73, 782, 00
1897	40	4, 209, 85	56, 895, 90
1898	37	4, 758, 63	88, 011, 60
1899	55	5, 591. 93	102, 905, 60
1900	96	12, 192, 67	225, 353, 90
1901	119	14, 355, 91	270, 733. 00
1902	132	18, 236, 90	232, 897, 70
1903	282	42, 168, 72	549, 075, 80
1904	197	29, 107, 42	400, 409, 90
1905	171	21, 336, 35	289, 802, 40
1906	261	44, 264, 75	565, 902, 90
July 1, 1906, to Sept. 30, 1906	31	3, 789. 64	64, 780, 00
Total	2,878	406, 370. 18	6, 169, 854, 55

These lands are located in the following States:

Alabama	Acres. 239, 40
Arizona	800, 00
California	3, 809, 89
Dakota	190, 687, 37 583, 57
Idaho	288. 79

Montana	34, 390, 54
Nevada	640, 00
New Mexico	19, 656, 37
North Dakota	3, 921, 84
Oregon	5, 143, 72
South Dakota	160, 00
Utah	33, 136, 04
Washington	41, 971, 10
Wyoming	70, 941, 55

Total 406, 370, 18

From these figures it will be seen that we have disposed of, under the coal-land law, in thirty-four years a trifle over 400,000 acres of coal land, or at the rate of less than 12,000 acres per annum. In the last five years the sales have been somewhat larger than any previous like period and have amounted to about 30,000 acres per annum. Last year the sales amounted to slightly in excess of 44,000 acres. Assuming that the remaining coal lands on the public domain, exclusive of Alaska, cover territory as great as that now reserved from coal entry and that the disposals are to continue at the rate of last year, it would require fifteen hundred and forty-five years to dispose of the public coal lands outside of Alaska.

While it is undoubtedly true that the demand for coal lands will very greatly increase in future, these figures are striking enough to furnish convincing proof of the fact that whatever it may be thought best to do with the remaining coal lands of the country, they are not now being absorbed with a rapidity that need cause any alarm or that would warrant their being with

drawn from entry.

Neither has there existed a condition relative to the enforcement and operation of the coal-land law that would warrant its suspension, even were there authority to do so by Executive order, for under our laws coal lands command the highest price of any class of Government land, while mineral lands, which may contain millions of values per acre, are sold at from \$2.50 to \$5 per acre, and other classes of lands are granted free under certain conditions or are sold at a nominal price. The coal entryman pays \$20 per acre for his land if within 15 miles of a railroad and \$10 per acre if at a greater distance. That the price is high is evidenced by the limited area sold.

It is alleged that in some instances entrymen under the coal laws have not taken up coal lands for their own exclusive use and benefit, but with a view of consolidating entries in a corporation or copartnership, in order to make large operations possible. It is probably true this has been done, for there are few places in the West where a coal mine can be successfully operated if confined to 160 acres of land, but certainly there is no violation of even the strained construction the Interior Department places on the law where the entryman retains an

interest in the operations, as is often the case.

As a matter of fact, there is nothing in the coal-land law to indicate that it was the intent of Congress that the entryman should purchase the land for his own exclusive use and benefit. Certainly Congress had no idea that every man purchasing a tract of coal land would have money enough to open a mine. In fact, up to the time of the suspension and withdrawals to which I have referred, no entryman who made a purchase of coal land by what is known as private entry, under section 2347, was ever required at any stage of the proceedings to swear or state that he made the purchase for his own exclusive use and benefit, as is indicated by the form for such entries prescribed in the regulations of the General Land Office issued in a pamphlet entitled "Coal Land Law and Regulations Thereunder," first issued in 1882 and reissued at various times thereafter and as late as 1905.

The coal-land law provides for a sale outright of coal land, and if the Interior Department would so construe and administer it there would be slight reason for the criticism of it made by the President that "it puts a premium on fraud by making it impossible to develop certain types of coal fields and yet com-

ply with the law."

In this, as in the case of a number of our land laws, the Department has placed a strained construction on the law and then proceeded to denounce and to attempt to prevent and punish as a fraud acts which violate neither law nor sound public

policy.

Some agents and officials of the Department have gone so far in their attempt to attract attention to themselves and to pose as particularly vigilant guardians of the public domain as to report and loudly proclaim as fraudulent and tremendously threatening to the integrity of the public domain acts recognized and authorized by the laws, as, for instance, the location and entry of coal land through an agent.

The feature of the recent withdrawals that caused the greatest immediate hardship and resulted in the greatest injustice is contained in the instructions to registers and receivers not to receive the purchase money tendered by those who since the

withdrawals have sought to purchase and pay for the lands in their possession under lawful claims established by them prior to the said withdrawals. This policy, which happily is no longer pursued, prevented the opening of new mines and the increase of the coal output at a time when the demand for coal was greater than it ever has been in the public-land States, when in many localities people were actually suffering for want of fuel.

The effect of this policy was to put a stop to new development in the entire intermountain and coast region and establish a monopoly in the mines already in operation. At the time the orders of withdrawal went into effect there were over 2,000 declaratory statements on file, 285 of them in the Juneau district of Alaska. Numbers of these intending purchasers offered their money to the land officers, who, under instructions, refused to receive it. Discouraged by this refusal, fearful that they would not be able to secure title to their lands, many ceased driving their entries, erecting buildings, putting in machinery, and a condition of stagnation, so far as new development was concerned, was established. Over a vast area where the cry for additional fuel is unceasing and where with the rapid increase of population and of industries the Government ought to be urging, aiding, and assisting the opening of new coal mines, all new development was strangled by the Secretary's orders. In the midst of limitess fields of coal and an ever-increasing demand for fuel, we were confronted with a Government notice to keep hands off.

PROPOSED NEW COAL-LAND POLICY.

I shall not attempt at this time to discuss at length the propriety or wisdom of the very radical change in our land policy involved in a proposed departure from our system of sale of lands in fee simple, and the adoption of a system under which coal, oil, and gas shall hereafter be retained in Government ownership, to be exploited and produced on a royalty basis, but I desire to emphasize the fact that there is nothing in the present situation warranting a suspension of the coal-land law, even were it authorized by law, during consideration of the policy of public ownership of all fuel in the public domain. Whatever one may think of the proposition of Government ownership of railways, there are few, I believe, who would applied the wisdom of any action which would render impossible the building or betterment of railroads in certain sections of the country pending a discussion by Congress of a plan for acquiring all the railways of the nation, though the fact that all development was arrested might incline some timid souls to agree to any plan of paternalism if that seemed the only avenue of relief from the situation thus created.

I desire to suggest the thought that the very radical departure in policy involved in government ownership and operation of coal, oil, and gas mines and wells is rather too large a one to be undertaken offhand without serious consideration. It is the most tremendous step thus far suggested in the direction of that state socialism, paternalism, and centralization which just

now seems to be so popular in certain quarters.

If this new and startling policy is to be undertaken with a view of correcting or preventing the evils of high prices of fuel, present or prospective, we ought at least to consider whether the proposed remedy is not worse than the disease, and not lose sight of the fact that in practically every part of the United States to-day, at least outside of the anthracite regions, there is the liveliest competition among coal operators, and the average price of coal at the pit mouth is, according to Government reports, but little over \$1 a ton; that the factors which enter into local high prices to consumers are transportation and the profits of middlemen and of the retailer, none of which could be affected to any appreciable extent, if at all, by a system of Government leasing, but all of which can be relieved, if they are the result of combinations, by existing law. The admitted evils of the ownership and control of coal mines by railroads have already been directly treated by Congress in the railway-rate bill. It should be further remembered that no action which we could take relative to the remaining public coal lands of the United States could ever beneficially affect the coal market of the country east of the Missouri River, for transportation charges place the limit beyond which coal mined from the remaining public lands could not go, even though it were placed on board cars without any cost whatever; so that the proposed system, while it threatens the development of the West, could not change the coal situation east of the Missouri River.

If this proposed paternalistic government policy, of which up to this time the Russian Empire has had an unenvied monopoly, is undertaken with a view of securing vast sums to the Federal Treasury in the exploiting of western coal and oil lands, as is indicated by the measures which have been introduced on the subject, the people of the West may well protest

against a reversal of our governmental policy, under which private enterprise was encouraged, under which the Government secured its revenues from the people who developed its resources; and the adoption of a policy under which the West, already suffering under countless handicaps and struggling against great odds to develop its resources, is to be made to pay a tribute of heavy royalties for the benefit of the balance of the

A CENTRALIZING AND PATERNALISTIC POLICY.

The lengths of paternalism and centralization to which the proposed policy would carry us is strikingly illustrated in the provisions of Senate bill 8013, a bill reserving from entry and sale all rights to coal and other materials used for fuel. It proposes a new form of patent for all public lands, under which the entryman and purchaser under all laws is prohibited the use and enjoyment of any fuels found in the land, while the right of way and easement over all portions of his land for the purposes of mining and developing and producing coal, oil, and gas is retained for the Government and its lessees. It provides for constant, continuous supervision and inspection by the Government of every process and procedure in mining, control by the Federal Government of the terms of employment, the character of the employees, and generally of those matters within the exclusive jurisdiction of the States

As a fitting corollary of this centralization, State socialism and paternalism, the prospector with his pick and shovel, his grub stake, and his pack mule, is to be banished from the public lands of the United States. Section 11 of the bill provides that none, except some favored person armed with a Federal license, shall henceforth go forth into the mountains, over the arid plains, across the deserts, seeking out, exploring, finding and bringing to the attention of the world the mineral resources of the country. Any venturesome American citizen, hopeful, industrious, hardy, and optimistic, who shall dare to attempt, on his own motion, to commit the unpardonable crime of crossing the trackless desert, climbing mountains, suffering heat, cold, hunger, and fatigue for the purpose of bringing to light and to development the mineral fuel resources of the Union is hereafter to be branded a criminal and a malefactor under our new system, in which we are to have not a government of, for, and by the people, but a people of, for, and by grace of the Government.

I commend a perusal of the bill in question to those who desire to have a faint glimmering and outline placed before them of the road we shall travel when we embark upon these schemes and policies of centralization and paternalism. It is true that under the royalties prescribed in that bill and under the limitations of such a lease as could be obtained under it, none could afford to embark in an operation for the development of the fuels of the West. Development would be arrested, suspended, but in the philosophy of the true paternalist, why care for that? The time would come when the necessities of the dwellers in that region, with the slight increase of population that will come in spite of all handicaps, would compel acceptance of such system, and then what a glorious thing it would be to have the Government in absolute control of all the mines, encouraging or retarding output to suit the purposes of an administra-tion, deciding who should and who should not be employed and how, and wringing from the necessities of the people of that region vast sums for the benefit of other parts of the Union.

It would seem that even a most superficial examination of the situation in the States containing public coal lands would be sufficient to convince anyone that what is needed there is encouragement rather than discouragement of coal mining and gas and oil development. The oil output of the States still containing any considerable quantity of public land is but a fraction of 1 per cent of the production of the country, while all of the States to be affected by the proposed legislation together produce less than 5 per cent of the coal mined in the United States, the output last year being as follows:

	Tons.
Colorado	8, 805, 214
Wyoming	5, 446, 525
Washington	2, 813, 898
Utah	1, 602, 528
New Mexico	1, 600, 000
Montana	1, 500, 000
North Dakota	300, 000
California	75, 000
Oregon	125, 000
	100

It is high time that we know whether the land laws of the country may be arbitrarily set aside by an executive officer of the Government. It is time that we knew what legislation is necessary to be written into a land law to prevent its repeal by Executive action and that we know what are the limitations on the authority of executive officers touching these matters.

The entire West is getting very restive under the policies and pronouncements of the present administration of the Interior Department. Our people are becoming alarmed at the growing menace of the usurpation of power by executive officers; over the growth of that system that now seems to be so strongly urged by certain Government officials, under which our public-land system is to be overturned, sales and dispositions of the public lands discouraged, and a system of permanent Federal landlordism established with an army of Federal spies, informers, inspectors, and tax gatherers to administer it. The withdrawal of all of our coal lands from entry and a demand for a leasing system is one of the manifestations of this policy. The effort being made with almost contemptuous disregard of the views of the people of the territory affected for The effort being made with almost contemptuous the establishment of a system of Government range under which settlement will be discouraged and retarded, the interests of a few large stockmen promoted at the expense of

the small stockman, farmer, and homesteader is another.

We of the West are still believers in the Anglo-Saxon doctrine of private ownership of real estate. We believe that trine of private ownership of real estate. We believe that Government landlordism is but little more tolerable than private landlordism and, far removed from the influence of local public sentiment as its administration would be, might become

much more intolerable.

The Congress is fully competent to pass upon the questions involved in the disposition and care of public lands; the Congress should be allowed to dispose of these questions free from undue influence on the part of the Executive Departments and free from Executive interference with the orderly operation of

Officers of the Interior Department have complained that there have been some violations of the land laws. All such violations that may have occurred pale into insignificance compared with the violation of law by the Department itself in the issuance of the orders to which I have referred. [Applause.]

Mr. FOSS. Mr. Chairman, I move that the committee do now

The motion was agreed to.

Accordingly the committee rose, and Mr. Dalzell, acting as Speaker pro tempore, having resumed the Chair, Mr. Sherman, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, and had come to no resolution thereon.

DAM ACROSS SNAKE RIVER, STATE OF WASHINGTON.

The SPEAKER pro tempore laid before the House the following resolution from the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES February 7, 1907.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 24928) "Authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company."

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6691. An act granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17. township 9 north, range 9 west, of Willamette meridian, in said State of Washington, and for other purposes—to the Committee on Military Affairs.

S. 7502. An act providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington-to the Committee on Ways and Means.

S. 8128. An act granting to the St. Johns Light and Power Company a right of way for street railroad purposes through the United States military reservation of Fort Marion, in St. Augustine, Fla., and through other Government property in said

S. 8186. An act to construct and place a light-ship at or near Ohio Shoal, Narragansett Bay, R. I .- to the Committee on Interstate and Foreign Commerce.

S. 8277. An act providing for stated leaves of absence to entrymen under the homestead laws.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3393. An act granting an honorable discharge to Galen E. Green.

H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to-

Mr. SOUTHWICK to withdraw from the files of the House, without leaving copies, the papers in the case of John V. Behan, H. R. 5652, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. Hogo to withdraw from the files of the House, without leaving copies, the papers in the case of George W. Haney, H. R. 9764, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. Huff to withdraw from the files of the House, without leaving copies, the papers in the case of Rev. J. H. Pershing, H. R. 8621, Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a report of rents received from property in Washington purchased as a site for a Hall of Records—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of State, recommending legislation to permit certain officials of the United States Government to accept decorations from the Emperor of Japan—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein panel as follows:

Mr. BURNETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22346) to authorize the Secretary of the Interior to sell the timber off of the lands in Mays Gulf of Little River in Alabama, reported the same with amendment, accompanied by a report (No. 7572); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 12857) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds, reported the same without amendment, accompanied by a report (No. 7574); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the

He also, from the same committee, to which was referred the bill of the House (H. R. 12858) permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest, reported the same without amendment, accompanied by a report (No. 7575); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school land, reported the same with amendment, accompanied by a report (No. 7578); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDWICK, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 7120) to further provide for the Presidential succession, reported the same without amendment, accompanied by a report (No. 7581); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House H. R. 24877, reported in lieu thereof a bill (H. R. 25550) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia

Indian Reservation, in the State of Washington, accompanied by a report (No. 7584); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5384) to amend rule 12 of section 4233 of the Revised Statutes of the United States relating to lights on water craft, reported the same without amendment, accompanied by a report (No. 7567); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5385) to amend an act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," approved June 7, 1897, reported the same without amendment, accompanied by a report (No. 7568); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5386) to amend an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," approved February 8, 1895, reported the same without amendment, accompanied by a report (No. 7569); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the resolution of the House (H. Res. 415) directing the Secretary of the Interior to inform the House of Representatives relative to lands in New Mexico, reported the same with amendment, accompanied by a report (No. 7573); which said resolution and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 21934) to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, reported the same with amendment, accompanied by a report (No. 7577); which said bill and report were referred to the House Calendar.

Mr. GREENE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 24930) prohibiting the distribution of circulars and certain other advertising matter on private property within the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 7579); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, reported the same without amendment, accompanied by a report (No. 7580); which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7017) extending the time for making settlement, final proof, and payment on public lands in certain cases, reported the same without amendment, accompanied by a report (No. 7582); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House H. R. 24644, reported in lieu thereof a bill (H. R. 25549) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations, accompanied by a report (No. 7583); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17013) for the relief of Charles A. Going, reported the same with amendment, accompanied by a report (No. 7576); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BUCKMAN: A bill (H. R. 25541) to amend an act entitled "An act permitting the building of a dam across the

Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25542) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE: A bill (H. R. 25543) defining the rights of children born of marriages solemnized between white men and Indian women, members of the Osage tribe of Indians, and providing that such children shall participate in all regular annuity and special payments made to the members of said tribe, and for the payment to said children of all sums now in

arrears—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 25544) to authorize the Commissioners of the District of Columbia to make regulations for the better control in said District of markets and other places where foods are sold, and of laundries and other similar places, and for other purposes—to the Committee on the District

By Mr. BOWERS: A bill (H. R. 25545) to establish an experimental wood distillation laboratory-to the Committee on Agriculture

By Mr. ALEXANDER: A bill (H. R. 25546) amending an act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906—to the Committee on Rivers and Harbors.

By Mr. HEARST: A bill (H. R. 25547) to prevent corrupt practices at Federal elections, defining and fixing the penalty for the crime of bribery thereat, prohibiting campaign contributions by corporations and the employment of workers at the polls, and for other purposes—to the Committee on Election of President, Vice-President, and Representatives in Congres

Also, a bill (H. R. 25548) to require railroad companies engaged in interstate commerce to furnish cars and other transportation facilities within a reasonable time after demand, and to regulate commerce among the several States-to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER, from the Committee on the Judiciary: A bill (H. R. 25549) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations—to the House Calendar.

By Mr. LACEY, from the Committee on the Public Lands: A bill (H. R. 25550) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Res-

ervation in the State of Washington—to the Union Calendar.

By Mr. CLARK of Florida: A resolution (H. Res. 823)
directing the Secretary of War to furnish the House with a
statement of expenditures in the Philippine Islands and the
revenues derived therefrom—to the Committee on Insular Affairs.

Also, a resolution (H. Res. 824) asking information from the Secretary of the Treasury as to revenues received from the Philippine Islands—to the Committee on Insular Affairs.

By Mr. FRENCH: Memorial of the legislature of Idaho, recommending the enactment of the House bill granting pensions to the participants, and their widows, of the battle of Beechers Island—to the Committee on Pensions.

By Mr. MARTIN: Memorial of the legislature of South Dakota, memorializing Congress to amend the Constitution relative to election of United States Senators by the direct vote of the people-to the Committee on Election of President, Vice-President, and Representatives in Congress

By Mr. HERMANN: Memorial of the legislature of Oregon, asking that relief be extended to certain settlers in Wasco County, Oreg.—to the Committee on the Public Lands.

By Mr. MILLER: Memorial of the legislature of Kansas,

recommending a revision of the tariff on certain commodities to the Committee on Ways and Means.

Also, memorial of the legislature of Kansas, recommending the abolishing of duty on certain articles—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 25551) granting an increase of pension to Starling Chandler-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25552) granting an increase of pension to Jacob Mitchell—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 25553) granting a pension

to Chesley D. Thompson-to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 25554) granting an increase of pension to Mary J. Baughman-to the Committee on Invalid

By Mr. GRANGER: A bill (H. R. 25555) granting an increase of pension to William Keirnan—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25556) granting an increase of pension to George W. Carney—to the Committee on Invalid

By Mr. HERMANN: A bill (H. R. 25557) granting an increase of pension to Littleton Mathews—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 25558) granting an increase of pension to Benjamin F. Keefer—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 25559) granting a pension to Angiline Carter—to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 25560) for the relief of Wil-

liam J. Allen-to the Committee on Claims.

By Mr. PUJO: A bill (H. R. 25561) for the relief of the heirs of John Schwartzenburg, sr., deceased-to the Committee on Claims.

Also, a bill (H. R. 25562) for the relief of the estate of Hal-

cott T. Burges, deceased—to the Committee on War Claims. By Mr. STEPHENS of Texas: A bill (H. R. 25563) amending the act of Congress of June 28, 1906, in so far as it relates to the disposition of the lands in pasture reserve No. 3-to the Committee on Indian Affairs.

By Mr. SCROGGY: A bill (H. R. 25564) granting an increase of pension to Joseph N. Dean-to the Committee on Invalid Pen-

By Mr. SHARTEL: A bill (H. R. 25565) for the relief of the heirs of Willis M. Allman, of Neosho, Mo .- to the Committee on War Claims.

By Mr. WADSWORTH: A bill (H. R. 25566) to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy—to the Committee on Naval Affairs.

By Mr. WALLACE: A bill (H. R. 25567) authorizing the Court of Claims to hear and adjudicate the claims against the

Choctaw Nation of Samuel Garland, deceased—to the Committee on Indian Affairs.

By Mr. ZENOR: A bill (H. R. 25568) granting a pension to Anna E. Curts-to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred, as follows:

A bill (H. R. 24611) granting an increase of pension to Volney B. St. John-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and

papers were laid on the Clerk's desk and referred as follows:
By the SPEAKER: Petition of Nome Miners' Union, No. 240,
of Nome Alaska, for legislation for an eight-hour day and for at least three mining inspectors for Alaska-to the Committee on the Territories.

Also, petition of Custer Lodge, No. 191; Worcester Lodge, No. 237, and Atlanta Division, No. 207, Brotherhood of Locomotive Engineers, and other organizations of labor, for bill S. 5133 (the sixteen-hour law)-to the Committee on Interstate and Foreign Commerce.

Also, petition of Sons of Veterans of Philadelphia; the Franklinville Gesang Verein, of Philadelphia; voters of Preston, Minn., and the Woman's Christian Temperance Union of Fillmore County, Minn., against passage of the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary. -to the Committee on the Judiciary.

By Mr. ACHESON: Petition of the Illinois Manufacturers' Association, for a waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

Also, petition of Edwin M. Stanton Post, Grand Army of the Republic, of New Brighton, Pa., for retention of the pension agencies—to the Committee on Appropriations.

By Mr. BATES: Petition of Central Labor Union of Erie, Pa.,

for extension of the Chinese-exclusion act to Japanese

Koreans—to the Committee on Foreign Affairs.

By Mr. BRADLEY. Petition of First Congregational Church of Howells, N. Y., for legislation relating to child labor—to the Committee on Labor.

By Mr. BURKE of South Dakota: House joint resolution No. 2 of the State of South Dakota, for an amendment to the Constitution for electing United States Senators by direct vote of

the people—to the Committee on the Judiciary.

Also, joint resolution No. 3 of the State of South Dakota, in accord with President Roosevelt's effort to secure equitable rates of railway transportation charges—to the Committee on Interstate and Foreign Commerce.

Also, petition of Alfred Johnson et al., for an amendment to the

free-alcohol law—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of H. A. Butler, of West Franklin, Me., favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Typographical Union No. 515, of Iowa City, Iowa, for the copyright bill (H. R. 19853)-the Committee on Patents.

By Mr. DUNWELL: Petition of the Merchants' Association of New York City, for a new post-office on the site of the terminal of the Pennsylvania Railway in New York City (previously referred to the Committee on the Post-Office and Post-Roads)-

to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS: Petition of citizens of Whitley County,
Ky., for increase of pay of the Army as per bill H. R. 23109—
to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Ellsworth Hag-

gard-to the Committee on Military Affairs.

By Mr. FLOYD: Papers to accompany bill H. R. 23988-to

the Committee on the Public Lands.

By Mr. FULLER: Petition of Festus J. Wade, president of the Mercantile Trust Company, of St. Louis, favoring bill H. R.

23017—to the Committee on Banking and Currency.

Also, petition of the Illinois Manufacturers' Association, for an appropriation for a deep waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

By Mr. GARRETT: Paper to accompany bill for relief of

Mary J. Baughman-to the Committee on Invalid Pensions. By Mr. GOLDFOGLE: Petition of the Merchants' Association of New York City, for an appropriation for a new post-office

building in New York City-to the Committee on Public Buildings and Grounds.

By Mr. GRANGER: Petition of the Providence Gas Burner Company, against the passage of the bill H. R. 23825, to protect the rights of owners of letters patent-to the Committee on Patents.

By Mr. KELIHER: Petition of the Boston Society of Civil Engineers, for \$50,000 to investigate the water resources of the United States-to the Committee on Rivers and Harbors.

Also, petition of the Massachusetts State Board of Trade, for the bill S. 4953 (forest reserves) -- to the Committee on Agri-

By Mr. LACEY: Petition of soldiers and citizens of Winfield, Iowa, favoring the service pension bill—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of Hezekiah Camp, heir of Ira Camp—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the Illinois Manufacturers' Association, for an appropriation for a deep waterway between Chicago and St. Louis-to the Committee on Rivers and Harbors.

By Mr. McCALL: Petition of the National Board of Trade, favoring reciprocity-to the Committee on Interstate and Foreign Commerce

By Mr. MARTIN: House joint resolution of South Dakota, for an amendment to elect United States Senators by direct

vote of the people—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of the Southern Brokerage and other firms and individuals, for legislation to secure reciprocal demurrage in railway transportation-to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of the Woman's Temperance Union of Williamson, N. Y., and Mrs. C. Goodroe, of Waterloo, N. Y.,

for the Littlefield bill—to the Committee on the Judiciary.

By Mr. PUJO: Papers to accompany bills for relief of Halcott T. Burges and the heirs of John Schwartzenburg-to the Committee on War Claims.

By Mr. REYNOLDS: Paper to accompany bill for relief of William H. McClellan—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of New York Typographical Union, No. 6, for the copyright bills (S. 6330 and H. R. 19853) to the Committee on Patents.

By Mr. SCROGGY: Paper to accompany bill for relief of Joseph N. Dean—to the Committee on Invalid Pensions.

By Mr. SHARTEL: Paper to accompany bill for relief of estate of Willis M. Allman—to the Committee on War Claims.

By Mr. STEENERSON: Petition of August Stenguist et al., for an amendment to the free-alcohol bill—to the Committee on

Ways and Means.

By Mr. STEPHENS of Texas: Paper to accompany bill for

relief of Henry E. Schoppmeyer-to the Committee on Invalid Pensions.

By Mr. STERLING: Papers to accompany bills for relief of Joshua Hendrickson and Charles H. Rowley—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of New York Typographical Union, No. 6, for the copyright bills (S. 6330 and H. R. 19853)—to the

Committee on Patents.

By Mr. WANGER: Petition of Colonel Croasdale Post, Grand Army of the Republic, Department of Pennsylvania, of Reigelsville, Pa., against abolition of pension agencies—to the Committee on Appropriations.

By Mr. WEBB: Paper to accompany bill for relief of William R. Watts (previously referred to the Committee on Pensions)-

to the Committee on Invalid Pensions.

SENATE.

Saturday, February 9, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Hale, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

AGRICULTURAL BANK IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a cablegram from the president of the Economic Association of the Philippines expressing his approval of the action taken by Congress relative to the establishment of an agricultural bank in the Philippines; which was ordered to lie on the table.

ALCOHOL IN THE ARTS

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of all the appointments and regulations made with his approval under the present denatured-alcohol law; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

RULES AND REGULATIONS OF DEPARTMENT OF COMMERCE AND LABOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 1st instant, a copy of all rules and regulations governing the Department of Commerce and Labor in its various branches; which, with the accompanying papers, was ordered to lie on the table.

CHARLES'S. HANKS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, stating, in response to a resolution of the 7th instant, that no person by the name of Charles S. Hanks has ever been employed by the Attorney-General in any capacity and that no payment has been made to him by the Department of Justice; which was ordered to lie on the table.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of Stony Creek Presbyterian Church, of McPhersonville, S. C., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Chair appoints the Senator from Nebraska [Mr. Burkett] to read the Farewell Address of George Washington on the 22d instant.

CREDENTIALS.

Mr. ALLISON presented the credentials of Jonathan P. DOLLIVER, chosen by the legislature of the State of Iowa a Senator from that State for the term beginning March 4, 1907;

which were read, and ordered to be filed.

Mr. HEYBURN presented the credentials of William E. Borah, chosen by the legislature of the State of Idaho a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross, with an amendment in which it requested the concurrence of the Senate.

The message also returned to the Senate, in accordance with its request, the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the

Senate:

H. R. 526. An act granting an increase of pension to Robert Cole;

H. R. 560. An act granting an increase of pension to Wilson M. Holmes:

H. R. 561. An act granting an increase of pension to Giles Townsend

H. R. 654. An act granting an increase of pension to Amos J. Loranger

H. R. 1171. An act granting an increase of pension to Alfred Nichols:

H. R. 1223. An act granting an increase of pension to Andrew Jarvis;

H. R. 1232. An act granting an increase of pension to John V. Buskirk:

H. R. 1242. An act granting an increase of pension to Luke Reynolds:

H. R. 1377. An act granting an increase of pension to Thomas G. Dallman

H. R. 1474. An act granting an increase of pension to Thomas C. Fisher

H. R. 1556. An act granting an increase of pension to Susan Wigley

H. R. 1574. An act granting an increase of pension to Frank-

lin Sampson; H. R. 1665. An act granting an increase of pension to Frederick E. Hayward;

H. R. 1728. An act granting an increase of pension to George C. Vance:

H. R. 1767. An act granting an increase of pension to James

H. Marcum; H. R. 1838. An act granting an increase of pension to Asa J.

Clother H. R. 1851. An act granting an increase of pension to Ralph

D. Parsons H. R. 1890. An act granting an increase of pension to Adam

Leak: H. R. 2064. An act granting an increase of pension to Daniel

Sullivan: H. R. 2270. An act granting an increase of pension to John

Lehn:

H. R. 2324. An act granting a pension to Christina Vetter; H. R. 2821. An act granting an increase of pension to Turner J. Preble:

H. R. 2905. An act granting an increase of pension to Burr Clark;

H. R. 2975. An act granting a pension to Kate B. Wheeler; H. R. 3239. An act granting an increase of pension to George

W. Stewart;

H. R. 3356. An act to correct the military record of Timothy Lyons; H. R. 3785. An act granting an increase of pension to Fred-

erick W. Wagner; H. R. 4150. An act granting an increase of pension to John C.

McGinis: H. R. 4553. An act granting an increase of pension to William

R. Wilkins:

H. R. 4757. An act granting an increase of pension to Edward Willis:

H. R. 5029. An act granting an increase of pension to Beverly W. Sullivan;

H. R. 5050. An act granting an increase of pension to Ephraim M. Boltz

H. R. 5162. An act granting an increase of pension to James F. Travis

H. R. 5202. An act granting an increase of pension to Jennie R. Hunt

H. R. 5388. An act granting an increase of pension to Silas Garrison:

H. R. 5497. An act granting a pension to Cora Allie Booth; H. R. 5627. An act granting an increase of pension to John

C. L. Hargis; H. R. 5634. An act granting an increase of pension to John Redding:

H. R. 5774. An act granting a pension to Cornelia Mitchell; H. R. 5800. An act granting an increase of pension to Joseph G. Maddocks;

H. R. 5926. An act granting a pension to Sarah C. Pitman;

H. R. 6206. An act granting an increase of pension to Stephen J. Henning;

H. R. 6237. An act granting an increase of pension to David Bethurum:

H. R. 6353. An act granting an increase of pension to John Shobert: H. R. 6767. An act granting an increase of pension to Hobart

P. Sweet;

H. R. 7242. An act granting an increase of pension to Marcus Davis:

H. R. 7255. An act granting a pension to Christopher Horn; H. R. 7374. An act granting an increase of pension to Elijah

Adelotte H. R. 7554. An act granting an increase of pension to Andrew

Cramer H. R. 7565. An act granting an increase of pension to Orville

Dickinson: H. R. 7578. An act granting an increase of pension to Levi

Hoskins; H. R. 7634. An act granting an increase of pension to Martha

G. Matlack H. R. 8408. An act granting an increase of pension to Richard

Prost H. R. 8503. An act granting an increase of pension to David

C. May H. R. 8682. An act granting an increase of pension to James

P. Bledsoe H. R. 8770. An act granting an increase of pension to Charles W. Burgess

H. R. 8775. An act granting an increase of pension to Carrie Diefenbach:

H. R. 8785. An act granting an increase of pension to John Finch;

H. R. 9256. An act granting an increase of pension to Martha E. Sanford;

H. R. 9445. An act granting a pension to Ida E. G. Pierce;

H. R. 9448. An act granting an increase of pension to Thomas B. Hockley

H. R. 9611. An act granting a pension to Robert N. Marshall; H. R. 9664. An act granting an increase of pension to Edwin C. Durfey

H. R. 9785. An act granting an increase of pension to William A. Lyon;

H. R. 9850. An act granting an increase of pension to Benjamin F. Williams;

H. R. 10023. An act granting a pension to Martha J. Lewis; H. R. 10164. An act granting a pension to Emma L. Beatty

H. R. 10212. An act granting an increase of pension to Charles M. Arnold :

H. R. 10241. An act granting an increase of pension to Joseph M. Parish;

H. R. 10287. An act granting an increase of pension to John M. Morgan;

H. R. 10301. An act granting an increase of pension to George N. Beymer : H. R. 10430. An act granting an increase of pension to Samuel

Ledgerwood; H. R. 10431. An act granting an increase of pension to Charles

W. Kenisston;

H. R. 10574. An act granting a pension to Edward W. Hoban; H. R. 10739. An act granting an increase of pension to N. Delmont McReynolds;

H. R. 10889. An act granting an increase of pension to William H. Garrison;

H. R. 10935. An act granting an increase of pension to Annie L. Boone; H. R. 11198. An act granting an increase of pension to Eman-

uel Sandusky; H. R. 11285. An act granting an increase of pension to William

Kirkpatrick H. R. 11401. An act granting an increase of pension to William

Kling H. R. 11621. An act granting an increase of pension to Hollis

Smith: H. R. 11845. An act granting an increase of pension to William

J. Clark H. R. 11848. An act granting an increase of pension to George E. York

H. R. 11995. An act granting an increase of pension to Wesley Layton;

H. R. 12240. An act granting an increase of pension to Albert

J. Ackerly; H. R. 12344. An act granting an increase of pension to Andrew

H. R. 12346. An act granting an increase of pension to Abraham D. Stouffer;

H. H. 12349. An act granting an increase of pension to Edgar M. Barber;

H. R. 12353. An act granting an increase of pension to Jacob Little:

H. R. 12563. An act granting an increase of pension to Andrew L. Hook:

H. R. 12580. An act granting an increase of pension to Charles E. Youtt:

H. R. 12631. An act granting an increase of pension to James E. Leslie:

H. R. 12969. An act granting an increase of pension to Alexander Buck;

H. R. 13012. An act granting an increase of pension to Charles L. Cole:

H. R. 13133. An act granting an increase of pension to Gilbert W. Clark;

H. R. 13163. An act granting a pension to Rittle Blackwell; H. R. 13200. An act granting a pension to Charles M. Steb-

H. R. 13334. An act granting an increase of pension to Erastus A. Doe:

H. R. 13810. An act granting an increase of pension to Abraham J. Simmons;

H. R. 13816. An act granting an increase of pension to Thomas McPeek:

H. R. 13963. An act granting an increase of pension to William H. Turner:

H. R. 14104. An act granting an increase of pension to Milton Brown:

H. R. 14228. An act granting an increase of pension to Abram

Nussbaum; H. R. 14244. An act granting an increase of pension to Edwin

R. Phillips;
H. R. 14322. An act granting a pension to Abbie L. Hanford;
H. R. 14361. An act granting an honorable discharge to David Harrington;

H, R, 14779. An act granting an increase of pension to Willard Wheeler;

H. R. 15197. An act to correct the military record of Arthur W. White:

H. R. 15241. An act granting an increase of pension to Samuel De Haven;

De Haven; H. R. 15320. An act to remove charge of desertion standing against Peter Parsch;

H. R. 15452. An act granting an increase of pension to Solomon Stanfield;

H. R. 15492. An act granting a pension to William L. Tyler;

H. R. 15543. An act granting an increase of pension to George W. Maynard;

H. R. 15688. An act granting an increase of pension to Esther C. Kelly;

H. R. 15779. An act granting a pension to Margaret A. Jordan; H. R. 15879. An act granting an increase of pension to Jacob Salat:

H. R. 16192. An act granting an increase of pension to Charles Reed;

Reed; H. R. 16221. An act granting an increase of pension to Job

H. R. 16261. An act granting an increase of pension to John P. Bare;

H. R. 16343. An act granting an increase of pension to Francis D. Matheny;

H. R. 16439. An act granting an increase of pension to Patrick Bogan;

H. R. 16607. An act granting an increase of pension to Mary Denny:

H. R. 16608. An act granting an increase of pension to Catharine McNamee;

H. R. 16687. An act granting an increase of pension to Jefferson G. Turner;

H. R. 16718. An act granting an increase of pension to James Miltimore:

H. R. 16819. An act granting a pension to John V. Sumner;

H. R. 16834. An act granting an increase of pension to Allan S. Rose;

H. R. 16839. An act granting an increase of pension to Benjamin F. Johnson;

H. R. 16905. An act granting a pension to Anna E. Marble;

H. R. 16925. An act granting a pension to Johanne Lange;
 H. R. 16939. An act granting an increase of pension to Patter-

son Reese;
H. R. 17002. An act granting an increase of pension to Levi Deater;

H. R. 17011. An act granting an increase of pension to Mary E. Brown;

H. R. 17091. An act granting an increase of pension to George Myers;

H. R. 17245. An act granting an increase of pension to Joseph Bateman;

H. R. 17307. An act granting an increase of pension to John A. Baker;

H. R. 17394. An act granting an increase of pension to Albert W. Boggs;

H. R. 17655. An act granting an increase of pension to Fritz Dittmann;

H. R. 17814. An act granting an increase of pension to Simon E. Chamberlin;

H. R. 17956. An act granting an increase of pension to John Shinolt;

 $H.\ R.\ 18040.$ An act granting an increase of pension to Thomas Akin :

H. R. 18110. An act granting an increase of pension to Asail Brown;

H. R. 18396. An act granting an increase of pension to John Nix;

H. R. 18515. An act granting an increase of pension to Martin Johnson;
H. R. 18518. An act granting an increase of pension to Wil-

H. R. 18518. An act granting an increase of pension to William W. Wertman;

H. R. 18519. An act granting a pension to Benjamin W. McCray;

H. R. 18556, An act granting an increase of pension to William H. De Bruler;

H. R. 18571. An act granting an increase of pension to Ann O'Neil;

H. R. 18604. An act granting an increase of pension to Thomas M. Luman;

H. R. 18653. An act granting an increase of pension to Richard Limbird;

H. R. 18814. An act granting an increase of pension to Francis
 G. Knapp;
 H. R. 18831. An act granting an increase of pension to James

R. Wilson; H. R. 18874. An act granting a pension to Nannie T. Johnson;

H. R. 18993. An act granting an increase of pension to James Shaw; H. R. 19065. An act granting an increase of pension to Wil-

liam R. Rodenberger;
H. R. 19669. An act granting an increase of pension to Cor-

nelius A. Willis; H. R. 19079. An act granting a pension to Phoebe Templeton;

H. R. 19106. An act granting an increase of pension to Margaret Epperson; H. R. 19125. An act granting an increase of pension to Mary

W. Humphreys;
H. R. 19239. An act granting a pension to Salome Jane Mar-

land; H. R. 19291. An act granting an increase of pension to Charles

Bachman; H. R. 19421. An act granting an increase of pension to Ella A. Hodges;

H.R. 19580. An act granting an increase of pension to Jane Williamson;

H. R. 19594. An act granting an increase of pension to Hosea
 Hudson;
 H. R. 19599. An act granting an increase of pension to Wil-

liam J. Large;
H. R. 19658. An act granting an increase of pension to Ary S.

H. R. 19658. An act granting an increase of pension to Ary S. Bennett; H. R. 19739. An act granting an increase of pension to Henry

D. Miner; H. R. 19794. An act granting an increase of pension to Henry C. Jewett;

H. R. 19932. An act for the relief of John Lavine;

H. R. 19937. An act granting an increase of pension to Mildred L. Allee;

H. R. 20003. An act granting an increase of pension to William Yahn;

H. R. 20004. An act granting an increase of pension to Isaiah Perkins;

H. R. 20057. An act granting an increase of pension to Cynthia Marsh:

H. R. 20062. An act granting an increase of pension to Philip Lape:

H. R. 20082. An act granting an increase of pension to William Van Alst; H. R. 20148. An act granting a pension to Flora Fenzl;

H. R. 20155. An act granting an increase of pension to Frank L. Weiss, alias Louis Weiss

H. R. 20170. An act granting an increase of pension to Matthias Mannes

H. R. 20183. An act granting an increase of pension to Catherine Way;

H. R. 20217. An act granting an increase of pension to Ferdinand Kunkle:

H. R. 20223. An act granting an increase of pension to William F. Clendening;

H. R. 20270. An act granting an increase of pension to Michael Dunn;

H. R. 20299. An act granting an increase of pension to Lizzie E. Enright:

H. R. 20352. An act granting a pension to Martha Stevens;

H. R. 20414. An act granting an increase of pension to Albert Launt

H. R. 20588. An act granting an increase of pension to Nicholas S. Cantine;

H. R. 20590. An act granting an increase of pension to Hannah O. Reynolds;

H. R. 20622. An act granting an increase of pension to Samuel

H. R. 20718. An act granting an increase of pension to Annie

B. Whitcomb: H. R. 20840. An act granting an increase of pension to Thomas M. Lord:

H. R. 20886. An act granting an increase of pension to William

W. Bell: H. R. 20890. An act granting an increase of pension to Lafay-

ette Doughty : H. R. 20952. An act granting an increase of pension to John

W. Howe H. R. 20954. An act granting an increase of pension to Henry

McDevitt: H. R. 20956. An act granting an increase of pension to James

H. R. 20059. An act granting an increase of pension to William

G. Dickey

II. R. 20061. An act granting an increase of pension to George F. Fogg:

H. R. 20963. An act granting an increase of pension to Rianzo M. Norton :

H. R. 20972. An act granting an increase of pension to George W. Rothrock

H. R. 20999. An act granting an increase of pension to John H.

H. R. 21038. An act granting a pension to Lucy A. Gaylord;

H. R. 21040. An act granting an increase of pension to Ella C. Washburn:

H. R. 21052. An act granting an increase of pension to Edmund A. Locker

H. R. 21055. An act granting an increase of pension to Archibald Bates

H. R. 21073. An act granting an increase of pension to Michael

H. R. 21085. An act granting an increase of pension to Anthony Patterson

H. R. 21130. An act granting a pension to Margaret Mc-Nally ;

H. R. 21131. An act granting an increase of pension to Cornelius Shea;

H. R. 21141. An act granting an increase of pension to George

E. Castor, alias George E. Coster; H. R. 21204. An act to amend section 4446 of the Revised Statutes to license masters, mates, engineers, and pilots;

H. R. 21244. An act granting an increase of pension to Levi E. Eldred:

H. R. 21262. An act granting an increase of pension to Margaret Adams :

H. R. 21267. An act granting an increase of pension to Jerome B. Clark;

H. R. 21284. An act granting an increase of pension to Wil-

H. R. 21306. An act granting an increase of pension to James

H. R. 21336. An act granting an increase of pension to Herman Hoffmeister;

H. R. 21337. An act granting an increase of pension to Henry J. Barrows

H. R. 21342. An act granting an increase of pension to Charles A. Parker

H. R. 21348. An act granting an increase of pension to William Seymour Alden;

H. R. 21352. An act granting a pension to Hester A. Parrish; H. R. 21413. An act granting an increase of pension to Mary S. Platt

H. R. 21415. An act granting an increase of pension to Caspar W. Tyler

H. R. 21430. An act granting an increase of pension to Alonzo Foster:

H. R. 21447. An act granting a pension to William W. Sparks; H. R. 21525. An act granting an increase of pension to John

H. R. 21559. An act granting an increase of pension to William

H. R. 21562. An act granting an increase of pension to Valentine Goebel:

H. R. 21608. An act granting an increase of pension to Louis Green;

H. R. 21639. An act granting a pension to Nannie E. Hays; H. R. 21659. An act granting an increase of pension to Rosa

H. R. 21711. An act granting an increase of pension to Thor Nelson;

H. R. 21721. An act granting a pension to John R. Kissinger; H. R. 21734. An act granting an increase of pension to Stephen B. H. Shanks:

H. R. 21746. An act granting an increase of pension to William N. Carlisle

H. R. 21784. An act granting an increase of pension to William

H. R. 21788. An act granting an increase of pension to Satina A. Waymer

H. R. 21818. An act granting an increase of pension to William Hardesty

H. R. 21827. An act granting an increase of pension to Francis Murray H. R. 21857. An act to correct the military record of Jacob

Rockwell: H. R. 21899. An act granting an increase of pension to Cath-

arine Koch; H. R. 21910. An act granting a pension to Emil S. Weisse;

H. R. 21911. An act granting an increase of pension to George

H. R. 21914. An act granting an increase of pension to Ferdinand Pahl

H. R. 21974. An act granting an increase of pension to John W. Lowell:

H. R. 21983. An act granting an increase of pension to James E. Pusev

H. R. 22041. An act granting a pension to John P. Walker;

H. R. 22055. An act granting an increase of pension to Maria Lorch:

H. R. 22063. An act granting an increase of pension to Horace F. Packard;

H. R. 22083. An act granting a pension to Amelia Schmidtke; H. R. 22093. An act granting an increase of pension to Lars Isaacson:

H. R. 22165. An act granting an increase of pension to John Hand:

H. R. 22169. An act granting an increase of pension to Cynthia M. Bryson;

H. R. 22170. An act granting an increase of pension to Beniamin James H. R. 22175. An act granting an increase of pension to Charles

Prendeville; H. R. 22199. An act granting an increase of pension to Wil-

liam Templin; H. R. 22210. An act to correct military record of Homer Quick

H. R. 22216. An act granting an increase of pension to Griffin A. Coffin:

H. R. 22251. An act granting an increase of pension to Samuel Manly

H. R. 22260. An act granting an increase of pension to James

H. R. 22283. An act granting an increase of pension to Stoddard Caswell;

H. R. 22294. An act granting an increase of pension to Perry Lamphere;

H. R. 22302. An act granting an increase of pension to Burrell

H. Gillam; H. R. 22326. An act granting an increase of pension to Mary Levina Williams: H. R. 22327. An act granting an increase of pension to Isabel

Manney H. R. 22328. An act granting an increase of pension to Susan

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H. R. 22329. An act granting an increase of pension to Margaret L. James :

H. R. 22330. An act granting an increase of pension to Mary C.

H. R. 22367. An act for the relief of Patrick Conlin;

H. R. 22392. An act granting an increase of pension to Eugene W. Rolfe:

H. R. 22395. An act granting a pension to Edward Miller;

H. R. 22426. An act granting an increase of pension to Louisa E. Robertson :

H. R. 22441. An act granting an increase of pension to Jacob

H. R. 22468. An act granting an increase of pension to William Kelso:

H. R. 22499. An act granting a pension to Mary A. O'Reilly; H. R. 22503. An act granting an increase of pension to Wil-

liam A. Clarke H. R. 22529. An act granting an increase of pension to Wil-

liam Truett: H. R. 22540. An act granting an increase of pension to Richard

Turnbull:

H. R. 22547. An act granting an increase of pension to John Hickeox, ir.

H. R. 22548. An act granting an increase of pension to Frank-

H. R. 22562. An act granting an increase of pension to George J. Abbey ;

H. R. 22592. An act granting an increase of pension to Andrew J. Frayer

H. R. 22613. An act granting an increase of pension to Isaac G. McKibban;

H. R. 22617. An act granting an increase of pension to Margaret O'Reilly

H. R. 22629. An act granting an increase of pension to Josiah N. Pratt:

H. R. 22630. An act granting an increase of pension to George

H. R. 22650. An act granting an increase of pension to Thomas

T. Baldwin; H. R. 22701. An act granting an increase of pension to James

R. Fairbrother H. R. 22703. An act granting an increase of pension to Benja-

min F. Richards H. R. 22707. An act granting an increase of pension to Sebas-

tian Gerhardt; H. R. 22709. An act granting a pension to Martha E. Muhlen-

feld H. R. 22727. An act granting an increase of pension to John

Miller: H. R. 22763. An act granting an increase of pension to Charles

H. Slocum; H. R. 22785. An act granting an increase of pension to Morton

A. Pratt: H. R. 22788. An act granting an increase of pension to Isaac

B. Gilmore: H. R. 22798. An act granting an increase of pension to George

W. Robinson; H. R. 22801. An act granting an increase of pension to Robert

McMillen: H. R. 22823. An act granting an increase of pension to John

H. R. 22859. An act granting an increase of pension to Samuel

Boyd; H. R. 22863. An act granting an increase of pension to Oscar

A. Fuller: H. R. 22894. An act granting an increase of pension to Louisa

Berry H. R. 22947. An act granting an increase of pension to Ben-

jamin F. Sibert; H. R. 22949. An act granting an increase of pension to George

W. Wells: H. R. 22950. An act granting an increase of pension to Heze-

kiah Poffenberger; H. R. 22964. An act granting an increase of pension to Eudocia

Arnett H. R. 22986. An act granting an increase of pension to George

W. Beeny H. R. 22987. An act granting an increase of pension to John

D. Lane; H. R. 22988. An act granting an increase of pension to Ben-

jamin F. Horton; H. R. 23031. An act granting an increase of pension to John

H. R. 23034. An act granting an increase of pension to Thomas A. Snoddy;

H. R. 23148. An act granting an increase of pension to Robert

Liddell; H. R. 23150. An act granting an increase of pension to Samuel H. W. Riter; H. R. 23173. An act granting a pension to Ann White;

H. R. 23175. An act granting an increase of pension to Henry A. Fuller :

H. R. 23198. An act granting an increase of pension to Lucie A. Allyn:

H. R. 23235. An act granting an increase of pension to James

L. Barney; H. R. 23280. An act granting an increase of pension to Bartholomew Burke:

H. R. 23282. An act granting an increase of pension to John W. Tumey :

H. R. 23311. An act granting an increase of pension to Jeremiah Burke H. R. 23312. An act granting an increase of pension to William

H. R. 23313. An act granting an increase of pension to Benja-

min D. Reed; H. R. 23323. An act granting an increase of pension to Robert

Foote . H. R. 23332. An act granting an increase of pension to Uriah

Blair : H. R. 23360. An act granting an increase of pension to Robert

Hastie: H. R. 23367. An act granting an increase of pension to Asa A.

H. R. 23407. An act granting an increase of pension to Hurd

L. Miller H. R. 23411. An act granting an increase of pension to George

H. Martin H. R. 23414. An act granting an increase of pension to Joseph

Riddle: H. R. 23426. An act granting an increase of pension to John S. Bergen ;

H. R. 23440. An act granting a pension to Carrie May Allen; H. R. 23442. An act granting an increase of pension to James.

H. R. 23443. An act granting an increase of pension to Louisa R. Matthews

H. R. 23467. An act granting an increase of pension to Michael Flanagan:

H. R. 23609. An act granting an increase of pension to Samuel Wallis: H. R. 23612. An act granting an increase of pension to Thomas

Adams H. R. 23626. An act granting an increase of pension to Richard

H. R. 23627. An act granting an increase of pension to William

B. Walton H. R. 23628. An act granting an increase of pension to Clara

E. Daniels: H. R. 23660. An act granting an increase of pension to Harriet

U. Burgess H. R. 23673. An act granting an increase of pension to John T.

Grayson: H. R. 23675. An act granting an increase of pension to Watson

F. Bisbee : H. R. 23677. An act granting an increase of pension to John D.

Dryden; H. R. 23682. An act granting an increase of pension to Joseph

R. Bartlett: H. R. 23685. An act granting an increase of pension to Robert Brake;

H. R. 23695. An act granting a pension to John Hearn;

H. R. 23698. An act granting an increase of pension to William H. Wyman;

H. R. 23709. An act granting an increase of pension to James M. Dick;

H. R. 23729. An act granting an increase of pension to John Vandegrift; H. R. 23732. An act granting an increase of pension to Ro-

sanna Kaogan :

H. R. 23733. An act granting an increase of pension to Gifford M. Bridge:

H. R. 23744. An act granting an increase of pension to John O. Cravens:

H. R. 23748. An act granting an increase of pension to Emily J. Vanbeber H. R. 23751. An act granting an increase of pension to Charles

D. Moody : H. R. 23763. An act granting an increase of pension to James Riley;

- H. R. 23791. An act granting an increase of pension to Calvin B. Fowlkes;
- H. R. 23797. An act granting an increase of pension to James D. Tomson;
- H. R. 23802. An act granting an increase of pension to Thomas J. Brown:
- H. R. 23806. An act granting an increase of pension to William F. Barker:
- H. R. 23834. An act granting an increase of pension to Samuel Langmaid;
- H. R. 23849. An act granting an increase of pension to Charles A. Mathews:
- H. R. 23850. An act granting an increase of pension to William Freeman;
- H. R. 23852. An act granting an increase of pension to James G. Crozier:
- G. Crozier;
 H. R. 23855. An act granting a pension to Sarah E. Selders;
- H. R. 23857. An act granting an increase of pension to Isaac C. Smith:
- H. R. 23860. An act granting an increase of pension to William G. Cummings;
 - H. R. 23862. An act granting a pension to Thomas Gagan;
- H. R. 23864. An act granting an increase of pension to James A. Miller;
- H. R. 23890. An act granting an increase of pension to Jacob
- B. Haslam; H. R. 23912. An act granting an increase of pension to James
- E. Fitzgerald; H. R. 23961. An act granting an increase of pension to Oscar
- N. Cowell;
- H. R. 23966. An act granting an increase of pension to Hugh Stevenson;
- H. R. 23967. An act granting an increase of pension to Henry Hill;
- H. R. 23968. An act granting an increase of pension to Alexander McWhorter;
- H. R. 23971. An act granting an increase of pension to Mary E. C. Butler:
- H. R. 23074. An act granting an increase of pension to John P. Bennett;
- H. R. 23982. An act granting an increase of pension to Thomas H. Seed:
- H.R. 23987. An act granting an increase of pension to Lucy Scott West;
- H. R. 23997. An act granting an increase of pension to Michael M. Field;
- H. R. 23999. An act granting an increase of pension to John F. Gough;
- H. R. 24000. An act granting an increase of pension to Mary Holle:
- H. R. 24002. An act granting an increase of pension to Michael F. Gilrain:
- H. R. 24015. An act granting an increase of pension to Aaron C. Sanford;
- H. R. 24022. An act to correct the military record of Morris H. Wilker:
- H. R. 24028. An act granting an increase of pension to George H. Bonev:
- H. R. 24030. An act granting an increase of pension to Andrew
- J. Foor; H. R. 24031. An act granting an increase of pension to John
- Downey; H. R. 24034. An act granting an increase of pension to Mary I.
- Banta; H. R. 24037. An act granting an increase of pension to Theo-
- ore Teeple;
 H. R. 24061. An act granting an increase of pension to Theodore Teeple;
 H. R. 24061. An act granting an increase of pension to John C.
- Nelson; H. R. 24068. An act granting an increase of pension to John
- Maginnis; H. R. 24079. An act granting an increase of pension to David
- Jones;
 H. R. 24100. An act granting an increase of pension to Henry W. Wilson;
- H. R. 24101. An act granting an increase of pension to George W. Ashton:
- H. R. 24148. An act granting a pension to Jesse G. Lott:
- H. R. 24161. An act granting an increase of pension to Hugh O'Neal;
- H. R. 24171. An act granting an increase of pension to Finus M. Wyatt:
- H. R. 24183. An act granting an increase of pension to Joseph
- H. R. 24189. An act granting an increase of pension to Frederick Hoffner;

- $\,$ H. R. 24194. An act granting an increase of pension to William Davis ;
- H. R. 24197. An act granting an increase of pension to Mary Ann Foard;
- H. R. 24210. An act granting an increase of pension to George H. Maddox;
- H. R. 24215. An act granting an increase of pension to George Hoell:
- H. R. 24220. An act granting an increase of pension to William P. Robbe;
- H. R. 24223. An act granting a pension to Martha A. L. Stephens;
- H. R. 24225. An act granting an increase of pension to William Irang.
- H. R. 24226. An act granting an increase of pension to Francis J. Eachus;
- H. R. 24228. An act granting an increase of pension to Jesse M. Sanders:
- H. R. 25269. An act granting an increase of pension to Wil-
- liam L. Stewart; H. R. 24288. An act granting an increase of pension to John
- Gooding; H. R. 24294. An act granting an increase of pension to Daniel
- R. Lanoreau;
 H. R. 24299. An act granting an increase of pension to Wil-
- B. Doyle;
 H. R. 24300. An act granting a pension to Sadie E. Hawthorn;
 H. R. 24308. An act granting an increase of pension to Lyman
- Thompson; H. R. 24334. An act granting an increase of pension to Emma
- Case; H. R. 24338. An act granting an increase of pension to James
- M. Gardner; H. R. 24343. An act granting an increase of pension to James
- M. Haney; H. R. 24344. An act granting an increase of pension to John H. James;
- H. R. 24355. An act granting a pension to Mary O. Learned; H. R. 24358. An act granting an increase of pension to John
- R. Cauley;
 H. R. 24394. An act granting an increase of pension to Mildred L. Stone;
- H. R. 24397. An act granting an increase of pension to David
- Prunkard; II. R. 24404. An act granting a pension to Lauraette La Fleur;
- H. R. 24405. An act granting an increase of pension to Mary H. Bishop; H. R. 24406. An act granting an increase of pension to Ed-
- mund Johnson;
 H. R. 24413. An act granting an increase of pension to Wil-
- H. R. 24414. An act granting a pension to Van C. Wilson;
 - H. R. 24419. An act granting a pension to Belle M. Ocker
- H. R. 24483. An act granting a pension to Clarence W. Thomas; H. R. 24493. An act granting an increase of pension to Theodric Gage;
- H. R. 24502. An act granting an increase of pension to A. Judson Conant;
- H. R. 24504. An act granting an increase of pension to John
- H. R. 24518. An act granting an increase of pension to Reuben Nye;
- H. R. 24530. An act granting an increase of pension to David Miller;
- H. R. 24531. An act granting an increase of pension to David E. Jefferson;
- H. R. 24532. An act granting an increase of pension to Absalom R. Shacklett;
 H. R. 24553. An act granting an increase of pension to Sarah
- H. R. 24553. An act granting an increase of pension to Sarah
 J. Reed;
 H. R. 24560. An act granting an increase of pension to Marga-
- ret Lesley; H. R. 24577. An act granting an increase of pension to John
- L. Flannery;
 H. R. 24586. An act granting an increase of pension to Jotham
 A. Vincent;
- H. R. 24599. An act granting an increase of pension to Thomas L. Richardson:
- H. R. 24635. An act granting a pension to Elizabeth Stuessi; H. R. 24638. An act granting an increase of pension to Bernard Shallow;
- H. R. 24681. An act granting an increase of pension to Lewis
- H. R. 24691. An act granting an increase of pension to Edward Burtch;

H. R. 24698. An act granting an increase of pension to Lydia

H. R. 24700. An act granting an increase of pension to Joseph Brooks

H. R. 24707. An act granting an increase of pension to Peter

H. R. 24710. An act granting an increase of pension to Jacob Riner

H. R. 24726. An act granting an increase of pension to Seldon R. Sanders

H. R. 24733. An act granting an increase of pension to John H. Morrison

H. R. 24740. An act granting an increase of pension to William

H. R. 24769. An act granting an increase of pension to John

H. R. 24776. An act granting an increase of pension to David

T. Taylor; H. R. 24792. An act granting an increase of pension to William H. Penfield;

H. R. 24801. An act granting an increase of pension to George G. Martin:

H. R. 24807. An act granting an increase of pension to Horace

H. R. 24829. An act granting an increase of pension to John

R. Robbins H. R. 24838. An act granting an increase of pension to Henry

H. A. Walker H. R. 24845. An act granting an increase of pension to An-

drew J. Price H. R. 24846. An act granting an increase of pension to Robert M. Wolf

H. R. 24851. An act granting an increase of pension to Oren S. Rouse

H. R. 24855. An act granting a pension to George W. Robins; H. R. 24861. An act granting an increase of pension to Otho E. D. Culbertson;

H, R. 24868. An act granting an increase of pension to John M. Stevens

H. R. 24899. An act granting an increase of pension to Mary W. Lusk

H. R. 24902. An act granting an increase of pension to John W. Rawlings

H. R. 24905. An act granting an increase of pension to Susan

H. R. 24907. An act granting an increase of pension to Lloyd

Roberts. H. R. 24910. An act granting an increase of pension to William H. Churchill;

H. R. 24911. An act granting an increase of pension to James C. Cosgro:

H. R. 24920. An act granting a pension to Rebecca Moore; H. R. 24921. An act granting an increase of pension to Patrick

F. Shevlin, alias Patrick Burns; H. R. 24924. An act granting an increase of pension to William

V. Munroe H. R. 24940. An act granting an increase of pension to Timothy H. Gibson;

H. R. 24946. An act granting a pension to Phebe Wright;

H. R. 24947. An act granting an increase of pension to Edward

H. R. 24957. An act granting an increase of pension to Francis H. Ferry

H. R. 24958. An act granting an increase of pension to Henry Kanline:

H. R. 24961. An act granting an increase of pension to Augustus H. Hansell;

H. R. 24965. An act granting an increase of pension to Jacob H. R. 24968. An act granting an increase of pension to John

H. R. 24969. An act granting an increase of pension to Charles

N. Stafford;

H. R. 24971. An act granting an increase of pension to Elijah

Devore; H. R. 24984. An act granting an increase of pension to Lauranah J. Hedgepeth;

H. R. 25005. An act granting an increase of pension to Emeline H. Hardie

H. R. 25016. An act granting an increase of pension to Frederick G. Ackerman; H. R. 25020. An act granting an increase of pension to Cinder-

ella B. McClure;

H. R. 25023. An act granting an increase of pension to Virginia C. Galloway;

H. R. 25025. An act granting an increase of pension to John Ham

H. R. 25069. An act granting an increase of pension to William A. Decker;

H. R. 25097. An act granting an increase of pension to Edmund P. Weatherby

H. R. 25101. An act granting an increase of pension to Nancy A. Meredith:

H. R. 25106. An act granting an increase of pension to Francis A. Biffar :

H. R. 25108. An act granting an increase of pension to William H. Brown;

H. R. 25112. An act granting an increase of pension to William Turner H. R. 25113. An act granting an increase of pension to John

H. Hays; H. R. 25120. An act granting an increase of pension to Charles

B. Spring; H. R. 25143. An act granting an increase of pension to Eliza-

beth Wolfe

H. R. 25145. An act granting an increase of pension to Charles Henry Weatherwax; H. R. 25149. An act granting an increase of pension to Joshua

H. R. 25172. An act granting an increase of pension to Bur-

gess N. Isaacs; H. R. 25174. An act granting an increase of pension to Henry

W. Casey; H. R. 25176. An act granting an increase of pension to Gott-

fried Haferstein;

H. R. 25211. An act granting an increase of pension to Alphonso Brown

H. R. 25214. An act granting an increase of pension to Robert H. Douglas

H. R. 25224. An act granting an increase of pension to David C. Smith;

H. R. 25229. An act granting an increase of pension to James T. Blair

H. R. 25247. An act granting an increase of pension to Warren Onan : H. R. 25248. An act granting an increase of pension to Knute

Thompson; H. R. 25254. An act granting an increase of pension to George

W. Warfel H. R. 25255. An act granting an increase of pension to Samuel

H. R. 25256. An act granting an increase of pension to Cyrus

W. Scott : H. R. 25257. An act granting an increase of pension to James

H. Phillips H. R. 25260. An act granting an increase of pension to Thomas

J. Richie; H. R. 25261. An act granting an increase of pension to Wil-

liam M. Helvy H. R. 25263. An act granting an increase of pension to Thomas

McDermott H. R. 25288. An act granting an increase of pension to Minna Y. Field ;

H. R. 25303. An act granting an increase of pension to Adeline Brown

H. R. 25305. An act granting an increase of pension to Edgar

H. R. 25309. An act granting an increase of pension to Joseph

H. R. 25325. An act granting an increase of pension to Polly Ann Bowman :

H. R. 25328. An act granting an increase of pension to James W. Barr

H. R. 25329. An act granting a pension to Catharine Messer; H. R. 25354. An act granting a pension to Alice House;

H. R. 25355. An act granting a pension to William Craney H. R. 25391. An act granting an increase of pension to Rich-

ard Gogin; H. R. 25440. An act granting an increase of pension to Cath-

rine Lipes;
H. R. 25445. An act granting an increase of pension to William E. Webster;
H. R. 25451. An act granting an increase of pension to William E. Webster;

liam H. Maxwell; H. R. 25455. An act granting an increase of pension to Emma

H. R. 25511. An act granting an increase of pension to Hiram Filkins.

Subsequently the foregoing House pension bills were sev-

erally read twice by their titles, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the Woman's Christian Temperance unions of Crothersville, Lindow, Duff, and Fairmount, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. HALE. I present in the form of a memorial a protest of eleven bishops of the United States, which instead of reading myself I ask that the Secretary may read, with the names of

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial as requested.

The Secretary read as follows:

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial as requested.

The Secretary read as follows:

The fact that the triennial meeting of the general convention of the Protestant Episcopal Church at Jamestown, Va., and the celebration of the tercentennial of its establishment in America coincides with the coming national exposition there furnishes an occasion and perhaps creates a duty for the expression of a criticism upon the proposed programme of the exposition by the bishops of the church, ministers of the gospel of peace.

In common with many others throughout the country we have been surprised and shocked at the transformation of the programme, which has now gone so far as only too fully to warrant the announcement which is made that the exposition will be primarily a military and naval celebration. That an international military and naval celebration was to have conspicuous place in the exposition's programme, as provided for by Congress in 1995, was well known and may have been conventionally proper; but the purpose to make the exposition "the greatest military spectacle the world has ever seen" was not avowed and has clearly been a gradually evolving purpose, whose carrying out, as now so elaborately detailed in the exposition's official organ and advertised throughout the country, can only work immense mischief to the country and to the world.

The present programme is utterly different in its order and proportions from that given when the plan of the exposition was first submitted to the public, when the various States were asked for and granted large financial support to insure its success. We are unwilling to believe that many of our States would, with knowledge of the predominant features of the present programme, in which an amount double the Government's total original grant of the exposition is to be devoted to military pageant alone, have made such appropriations. We are confident that such a plan as that now announced, calculated to stir up the fever of military peacer

Mr. HALE. For the present let the memorial lie on the table.
The VICE-PRESIDENT. It will be so ordered.
Mr. SCOTT presented a petition of the Woman's Christian
Temperance Union of Flemington, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on

Mr. FRYE presented a petition of sundry citizens of North Berwick, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service by providing a retired list for superintendents, keepers, and surfmen; which was referred to the Committee on Commerce.

Mr. KNOX presented a petition of Ibn Gabriol Lodge, No. 144, Independent Order of B'nai B'rith, of Pittsburg, Pa., praying that a commission be appointed to investigate the laws restricting immigration; which was referred to the Committee on Immigration.

He also presented memorials of General Hector Tyndale Post, No. 160, Department of Pennsylvania, Grand Army of the Republic, of Philadelphia; Yeager Post, No. 13, Department of Pennsylvania, Grand Army of the Republic, of Allentown; F. K.

Taylor Post, No. 182, Department of Pennsylvania, Grand Army of the Republic, of Bethlehem; Lieutenant Josiah White Post, No. 45, Department of Pennsylvania, Grand Army of the Republic, of Phoenixville; Colonel James Ashworth Post, No. 334, Department of Pennsylvania, Grand Army of the Republic, of Frankford; Colonel Croasdale Post, Department of Pennsylvania, Grand Army of the Republic, of Reigelsville; all in the State of Pennsylvania, remonstrating against the enactment of legislation abolishing pension agencies throughout the country; which were referred to the Committee on Pensions.

Mr. NELSON presented a petition of sundry citizens of Lansing, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was

referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance

Mr. OVERMAN presented a petition of sundry business firms of North Carolina, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. HANSBROUGH presented a petition of sundry citizens of Amenia, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the State of North Dakota, praying for the adoption of certain amendments to the present denatured-alcohol laws; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of sundry citizens of Littleton, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

He also presented a petition of the Commercial Telegraphers' Union, American Federation of Labor, of Chicago, Ill., praying that an appropriation be made for a scientific investigation into the industrial condition of woman and child workers in the United States; which was ordered to lie on the table.

He also presented the memorial of Charles J. Gockeler, of Washington, D. C., remonstrating against the enactment of legislation for the construction of a line of street railway tracks along K street NW. from Seventh to North Capitol streets; which was ordered to lie on the table.

He also presented a petition of the State board of health of Indianapolis, Ind., praying for the enactment of legislation providing for the prevention of tuberculosis in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of George A. King, of Washington, D. C., praying that an appropriation be made for a survey of the valley of Rock Creek below what is now embraced within the boundaries of Rock Creek Park and the Zoological Park; which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Board of Trade, of Washington, D. C., praying that an appropriation be made to equip and maintain an experimental cold-storage plant by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented petitions of sundry citizens of Rockland, of the Woman's Christian Temperance Union of Rockland, and of the congregation of the Methodist Episcopal Church of Rockland, all in the State of Massachusetts, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Com-

mittee on the Judiciary.

Mr. PILES presented a petition of sundry citizens of Ballard, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CULBERSON presented a petition of sundry citizens of Ochiltree, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. GAMBLE presented a petition of the Business Club of Deadwood, S. Dak., praying for the adoption of a certain amendment to the so-called "Madden bill," to amend an act to regulate commerce; which was referred to the Committee on Interstate Commerce

He also presented the petition of Ben Haigh and sundry other citizens of Cavour, S. Dak., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. LODGE presented petitions of 42 citizens of Boston, Mass.; of the National Federation of Churches and Christian Workers; of sundry citizens of Spuyten Duyvil, N. Y.; of the Foreign Missions Board of the United States and Canada, and of sundry citizens of Auburndale, Cambridge, Weymouth, Rock-port, Plymouth, Dorchester, Watertown, Roxbury, Boston, Taun-ton, Haverhill, Pittsfield, and Reading, in the State of Massa-chusetts, praying for the passage of the so-called "Lodge resolution" providing for an investigation into existing conditions in the Kongo Free State; which were ordered to lie on

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (8, 8274) to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn., reported it with amendments, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (S. 7302) to incorporate the American Medical Union, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 8365) authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project, reported it favorably with an amendment.

ADDITIONAL AIDS TO NAVIGATION.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, to report it favorably with amendments, and I submit a report thereon.

It is a bill of considerable importance, and it will necessarily go to conference. Therefore I am obliged to ask present consideration for the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRYE. I suggest that there is no need of reading the bill for the information of the Senate. It simply provides for lighthouses, monuments, buoys, and other aids to navigation. So I ask that the formal reading be dispensed with and that it may be read for amendment.

The VICE-PRESIDENT. Without objection, it is so ordered. The first amendment of the Committee on Commerce was, on page 2, after line 6, to insert:

A light and fog signal in New York Bay at the entrance to the dredged channel at Greenville, city of Bayonne, Hudson County, N. J., at a cost not to exceed \$75,000.

The amendment was agreed to.

The next amendment was, on page 2, to insert after line 12:

A light-ship, with fog signal, to be placed at or near Ohio Shoal, Narragansett Bay, Rhode Island, at a cost not to exceed \$50,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out lines 22 and 23, in the following words:

Beacon lights at La Trappe River, Maryland, at a cost not to exceed

The amendment was agreed to.

The next amendment was, on page 3, to strike out lines 17 to 19, in the following words:

Post lights on Fox River, Lake Winnebago and connecting lakes and channels, at a cost not to exceed \$500.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to insert:

A light-house and fog-signal station of the second order, together with a keeper's house and all necessary equipment, under plans prepared by the Light-House Board, at the easterly end of Gull Island, Apostle Group, westerly end of Lake Superior, Wisconsin, at a cost not to exceed \$75,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert: A steam tender for the use of the light-house inspector of the twelfth light-house district, at a cost not to exceed \$150,000.

The amendment was agreed to.

Th next amendment was, on page 4, to insert after line 18:

An additional strip of land to the eastward of the light-house at Pigeon Point, California, and added to the light-house reservation, at a cost not to exceed \$5,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 24, to insert: A light and fog signal station on Red Rock, upper part of San Francisco Bay, California, at a cost not to exceed \$30,000.

The amendment was agreed to.

The next amendment was, to insert after the preceding amendment:

A steam tender for the light-house service in Hawaiian and Pacific islands waters, at a cost not to exceed \$150,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 1, to insert:

A light-house and fog-signal station on Cape Spencer, at the entrance Cross Sound, in the district of Alaska, at a cost not to exceed

The next amendment was, on page 5, line 2, before the word "Bank," to strike out "Swift Shore" and insert "Swiftsure;" so as to make the clause read:

A light vessel at or near Swiftsure Bank, off the entrance of Juan de Fuca Strait, Washington, at a cost not to exceed \$130,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to insert:

Rebuilding and equipment of a light-house and fog signal at Cape rago, Oregon, at a cost not to exceed \$20,000.

The amendment was agreed to.

The next amendment was, to insert after the preceding amendment:

A light-house and fog-signal station on Eliza Island, Bellingham Bay, Washington, at a cost not to exceed \$30,000.

The amendment was agreed to.

The next amendment was, to insert after the preceding amendment:

A steel steam self-propelling light-vessel off Orford Reef, to be located about 1 mile north of Fox Rock and 5 miles north of Cape Blanco, Oregon, at a cost not to exceed \$120,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PORTLAND AND SEATTLE RAILWAY COMPANY.

Mr. PILES. I ask unanimous consent for the consideration of the bill (S. 8288) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its suc-

cessors and assigns,
Mr. CLARK of Wyoming. Has the morning business been concluded?

The VICE-PRESIDENT. It has not been concluded.

Mr. CULLOM. Will the Senator withhold his request until after the morning business has been concluded?

Mr. PILES. Very well.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2,

and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the matter stricken out and inserted by said amendment, insert the following:

For the thirteen consular clerks heretofore provided for by law, \$21,056.

From and after the 1st day of July, 1907, the salaries of consular clerks shall be at the rate of \$1,000 a year for the first three years of continuous service as such, and shall be increased \$200 a year for each succeeding year of continuous service until a maximum compensation of \$1,800 a year shall be reached, and section 1704, Revised Statutes, and its amendatory act of June 11, 1874, are hereby so amended: Provided, That the salary of no consular clerk herein provided for and now in the service shall be reduced by this act; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following

For allowance for clerk hire at consulates as follows:

London and Paris, at \$5,000 each, \$10,000;

Shanghai, \$4,500; Hongkong, \$3,500;

Havana, \$3,400; Mexico City, \$3,100; Liverpool, \$3,000;

Rio de Janeiro and Yokohama, at \$2,500 each, \$5,000;

Canton, \$2,200;

Berlin, Cape Town, Marseilles, and Seoul, at \$2,000 each,

Bordeaux, Bradford, and Manchester, at \$1,800 each, \$5,400;

Southampton, \$1,750;

Antwerp, Bahia, Brussels, Buenos Ayres, Calcutta, Chemnitz, Hamburg, Kobe, Lyons, Monterey, Montreal, Ottawa, Para, Pernambuco, Rotterdam, and Santos, at \$1,500 each, \$24,000;

Barcelona, Barmen, Birmingham, Bremen, Cairo, Callao, Coburg, Colon, Crefeld, Dawson, Frankfort, Havre, Panama, Port au Prince, Singapore, Toronto, Vera Cruz, and Vienna, at one thousand two hundred dollars each, twenty-one thousand six hundred dollars;

Belfast, Dresden, Glasgow, Guayaquil, Munich, Naples, Not-tingham, Nuremberg, Plauen, Pretoria, Reichenberg, Saint Gall, Sheffield, and Sydney (New South Wales), at one thousand dollars each, fourteen thousand dollars;

Santiago de Cuba, nine hundred dollars;

Annaberg, Beirut, Burslem, Christiania, Cienfuegos, Constantinople, Dundee, Edinburgh, Genoa, Kingston (Jamaica), Leiprig, Mainz, Mannheim, Maracaibo, Melbourne, Messina, New-castle-on-Tyne, Palermo, Prague, Rome, Smyrna, Stockholm, Stuttgart, Tangier, Vancouver, and Victoria, at eight hundred dollars each, twenty thousand eight hundred dollars;

Kehl, seven hundred dollars

Aix-la-Chapelle, Berne, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Halifax, and Lucerne, at six hundred and forty dollars each, four thousand four hundred and eighty dollars

Cologne, Cork, Florence, Huddersfield, Liege, Odessa, Tampico, Zittau, and Zurich, at six hundred dollars each, five thousand four hundred dollars;

Georgetown (Guiana) and Malaga, at four hundred and eighty dollars each, nine hundred and sixty dollars

In all, one hundred and forty-two thousand six hundred and ninety dollars.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out the sum named in lines 5 and 6 of said amendment and insert in lieu thereof the following: "one hundred thousand dollars;" and the Senate agree to the same.

> EUGENE HALE, S. M. CULLOM, Managers on the part of the Senate. R. G. COUSINS,

C. B. LANDIS. WM. M. HOWARD, Managers on the part of the House.

The report was agreed to.

CONSIDERATION OF THE RIVER AND HARBOR BILL.

Mr. FRYE. The Committee on Commerce will commence the consideration of the river and harbor bill Monday morning at half past 10 o'clock, meeting every morning at that hour until the bill is finally concluded. Monday, Tuesday, and Wednesday mornings the committee will hear Senators on the various amendments which they have proposed. There will be no hearings outside of those given to Senators.

S. W. PEEL.

Mr. CLARKE of Arkansas. I ask for the present consideration of the bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

In connection with the request, I wish to state that this same bill was called up some days since and the consideration of it was objected to by the Senator from Rhode Island [Mr. ALDRICH 1.

Mr. WARREN. It is a bill now on the Calendar? The VICE-PRESIDENT. The bill is on the Calendar.

Mr. WARREN. I think we ought to proceed with the morning business

Mr. LODGE. Let us have the regular order.

Mr. CLARKE of Arkansas. I ask permission to say to the Senator from Wyoming that the bill was reported from the Committee on Indian Affairs and its consideration asked a day or two since. The Senator from Rhode Island objected,

not then being sufficiently advised to permit the matter to proceed to final passage. The Senator from Wisconsin [Mr. SPOONER] likewise interposed an objection. Since that time they have looked into that matter, and they now authorize me to say that they have no further objection to the consideration of the bill.

The VICE-PRESIDENT. The regular order is demanded by the Senator from Massachusetts.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (8, 8401) directing the transfer to John Bullette of certain royalties derived from his allotment and heretofore credited to the Cherokee Nation; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Af-

Mr. CULLOM introduced a bill (S. 8402) granting an increase of pension to Elizabeth B. Thomason; which was read twice by its title, and, with the accompanying papers, referred

to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 8403) granting an increase of pension to John F. Biesen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DU PONT introduced a bill (S. 8404) granting an increase of pension to Nelson W. Jameson; which was read twice by its title, and referred to the Committee on Pensions

Mr. SUTHERLAND introduced a bill (S. 8405) giving jurisdiction to the Court of Claims to adjudicate the claims for removal of the Mississippi Choctaws; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KEAN (for Mr. Dryden) introduced a bill (S. 8406) granting an increase of pension to John F. Shedd; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 8407) granting an increase of pension to Reuben C. Webb; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 8408) granting an increase of pension to Lindsay Murdoch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LATIMER introduced a bill (S. 8409) to amend the act approved June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 8410) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906;

A bill (S. 8411) making personal taxes in arrears a personal claim against the person owing such tax to the District of Columbia:

A bill (S. 8412) to regulate the business of loaning money on security of any kind by persons, firms, and corporations, other than national banks, savings banks, and trust companies, and real estate brokers, in the District of Columbia;

A bill (S. 8413) to amend the Code of Law for the District of Columbia with regard to the receipt of usurious interest; and

A bill (S. 8414) to authorize the Commissioners of the District of Columbia to make regulations for the better control in said District of markets and other places where foods are sold, and

of laundries and other similar places, and for other purposes.

Mr. SCOTT introduced a bill (S. 8415) granting a pension to
William Finsley; which was read twice by its title, and referred
to the Committee on Pensions.

Mr. PILES introduced a bill (S. 8416) granting an increase of pension to William H. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 8417) providing for United States judge for the northern district of Alabama; which was read twice by its title, and, with the accompanying paper,

referred to the Committee on the Judiciary.

He also introduced a bill (S. 8418) granting a pension to James T. Cloud; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 8419) granting an increase of pension to James H. Crawley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTUS submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which

were referred to the Committee on Commerce, and ordered to be printed.

Mr. HEMENWAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

Mr. KEAN (for Mr. Dryden) submitted an amendment intended to be proposed by him to the bill (H. R. 13385) to increase the efficiency of the veterinary service of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

Mr. CULBERSON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and or-

dered to be printed.

Mr. CLAY submitted three amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. OVERMAN submitted an amendment relative to the establishment of a national forest reserve in the State of North Carolina, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

Mr. CARMACK submitted an amendment providing that William N. Hughes, United States Army, retired, detailed July 14, 1902, for duty at East Florida Seminary, Gainesville, Fla., be held and considered as having been detailed under the act of November 3, 1893, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LIZZIE DICKSON.

Mr. McENERY submitted the following resolution; which, together with the accompanying affidavits, was referred to the Committee on Claims:

Resolved, That the bill (S. 8363) for the relief of Lizzie Dickson, administratrix of Archibald D. Palmer, deceased, with all accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 3356. An act to correct the military record of Timothy

Lyons

H. R. 14361. An act granting an honorable discharge of David Harrington;

H. R. 15197. An act to correct the military record of Arthur W. White;

H. R. 15320. An act to remove the charge of desertion standing against Peter Parsch;

H. R. 19932. An act for the relief of John Lavine:

H. R. 21857. An act to correct the military record of Jacob Rockwell:

H. R. 22210. An act to correct the military record of Homer Quick:

H. R. 22367. An act for the relief of Patrick Conlin; and H. R. 24022. An act to correct the military record of Morris

H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots, was read twice by its title, and referred to the Committee on Commerce.

ARMY APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

The motion was agreed to.

Mr. KITTREDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Dakota?

Mr. WARREN. I yield to the Senator from South Dakota, if the bill he wishes to call up is one that will lead to no debate.

PATENTS GRANTED TO OFFICERS AND EMPLOYEES.

Mr. KITTREDGE. I ask unanimous consent for the consideration of the joint resolution (H. J. Res. 224) directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded

to its consideration.

Mr. DANIEL. I desire to suggest an amendment to the joint resolution. I move to add at the end:

He shall also report what royalties, if any, have been paid to officers or employees of the Government on the use of articles or processes patented.

Mr. KITTREDGE. Let the amendment be read.

The Secretary read the amendment; and it was agreed to. The joint resolution was reported to the Senate as amended. and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

WILLIAM H. KIMBALL.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4908, "An act granting an increase of pension to William H. Kimball," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

P. J. McCumber, N. B. SCOTT, JAS. P. TALIAFERRO, Conferces on the part of the Senate. H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Conferces on the part of the House.

The report was agreed to.

MICHAEL V. HENNESSY.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 822, an act granting a pension to Michael V. Hennessy, having met, after full and free conference have agreed to recommend and

do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

P. J. McCumber, N. B. Scott, JAS. P. TALIAFERRO, Conferces on the part of the Senate. H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Conferees on the part of the House.

The report was agreed to.

BETTIE MAY VOSE.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 6833, granting an increase of pension to Bettie May Vose, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

P. J. McCumber, N. B. SCOTT, JAS. P. TALIAFERRO, Conferees on the part of the Senate. H. C. LOUDENSLAGER, WM. H. DRAPER, WILLIAM RICHARDSON, Conferees on the part of the House.

The report was agreed to.

GEORGE A. TUCKER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 5041, "An act granting an increase of pension to George A. Tucker," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

P. J. McCumber, N. B. Scott, JAS. P. TALIAFERRO, Conferees on the part of the Senate. H. C. LOUDENSLAGER. WM. H. DRAPER, WILLIAM RICHARDSON,

Conferees on the part of the House.

The report was agreed to.

S. W. PEEL.

Mr. CLARKE of Arkansas. Mr. President, I now ask for the consideration of the bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication. It is the same bill for which I asked consideration a while ago, and the consideration of which was objected to several days since, the objection being made generally by the Senator from Rhode Island [Mr. Aldrich], now in his seat. The bill was also objected to by the Senator from Wisconsin [Mr. Spooner], who is also now present. Both Senators having withdrawn their objections to the bill, I now renew the request for unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to refer to the Court of Claims the claim of S. W. Peel, of Bentonville, Ark., for legal services rendered and expenditures had for the Choctaw Nation of Indians, of the Indian Territory, in an action in the Court of Claims wherein Yvon Pike and Lillian Pike, and Yvon Pike as the administrator of the estate of Luther S. Pike, deceased, were plaintiffs, and the Choctaw Nation was defendant, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT ON TIPPECANOE BATTLE GROUND.

Mr. BEVERIDGE. Mr. President

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. I do. Mr. BEVERIDGE. I I ask unanimous consent for the present consideration of the bill (S. 8012) to erect a monument on the Tippecanoe battle ground in Tippecanoe County, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$12,500 to be expended with the sum hereinafter named, under the direction of the Secretary of War, in procuring and erecting a monument upon Tippecanoe battle ground in Tippecanoe County, Ind., in honor of Gen. William Henry Harrison and the soldiers who composed the American army in the battle of Tippecanoe on the 7th day of November, 1811, upon the condition that the State of Indiana shall provide a like sum, to be expended for the purpose under the direction of the Secretary of War, in connection with the sum herein appropriated; and no part of the sum herein appropriated shall be available until the sum to be provided by the State of Indiana shall have been placed at the disposal of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ACTING ASST. SURG. JULIAN TAYLOR MILLER.

Mr. DANIEL. I ask unanimous consent for the present con-Mr. DANIEL. I ask unanimous consent for the present consideration of the bill (H. R. 18007) to authorize the appointment of Acting Asst. Surg, Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy.

The VICE-PRESIDENT. Does the Senator from Wyoming

yield to the Senator from Virginia;

Mr. WARREN. I will yield for the consideration of that bill

if it will provoke no discussion. Mr. DANIEL. I think it will not. Its passage is recom-

mended by the Navy Department.

Mr. WARREN. Very well; unless some question arises on the bill, I shall not object to its consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORTLAND AND SEATTLE RAILWAY COMPANY.

Mr. PILES. Mr. President

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Washington?

Mr. WARREN. I do.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 8288) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. PILES. I offer the amendment to the bill which I send to the desk

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The Secretary. In section 1, page 1, after the word "hundred," at the end of line 4, it is proposed to strike out "and fifty;" and in the same line, after the word "width," to insert "except that for bridges and other structures and approaches thereto he may, in his discretion, locate a right of way not exceeding 150 feet in width;" so as to make the section read:

ceeding 150 feet in width; "so as to make the section read:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, except that for bridges and other structures and approaches thereto he may in his discretion locate a right of way not exceeding 150 feet in width, through the lands of the Fort Wright Military Reservation, in the State of Washington, if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Portland and Seattle Railway Company, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: Provided, That the said right of way and the width and location thereof through said lands, the compensation thereof, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: Provided also, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

B. JACKMAN.

Mr. BURNHAM. I ask the Senator from Wyoming to yield to me that I may request the consideration of a bill which will not lead to debate.

Mr. WARREN. Mr. President, I want to accommodate all Senators, but after the consideration of the bill of the Senator from New Hampshire and a very short matter which the Senator from Texas [Mr. Culberson] desires to present I shall

have to insist upon the regular order.

Mr. BURNHAM. I ask unanimous consent for the present consideration of the bill (S. 2708) for the relief of B. Jackman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to B. Jackman, agent of the Maine Central Railroad Company, Vanceboro, Me., \$1,678.88 for refund of duties paid on 1,499 cases of condensed milk erroneously entered for consumption and shipped in transit through the United

States to Dawson, Yukon Territory.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

F. KRAUT.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. I shall yield to the Senator from Texas, but after that I shall have to ask for the regular order.

Mr. CULBERSON. I ask unanimous consent for the consideration at this time of the bill (H. R. 20168) for the relief

of F. Kraut, of Leon Springs, Tex.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to F. Kraut, of Leon Springs, Tex., \$325 in full settlement of claims for damage to property incident to

the target practice of the Army of the United States near Leon Springs, Tex.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

Mr. WARREN. Mr. President, when we adjourned last evening we had reached to the end of line 15 on page 40.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. HEYBURN. Mr. President, when we adjourned yester-day we had under consideration the language of the amendment prior to the point in the bill reached in the reading, and I suggested-

Mr. WARREN. I will say to the Senator from Idaho that it is our purpose to pass over the particular amendment which think he has in mind until the reading of the bill is finished. Unless the Senator desires to proceed now, I suggest that we

complete the reading of the bill.

Mr. HEYBURN. That is entirely satisfactory to me, but I should like to finish the sentence which I had begun, so that it will appear in the RECORD.

Mr. WARREN. Very well.
Mr. HEYBURN. I had called attention to the fact that the provision of the amendment on lines 17 and 18, on page 39 of the bill, would authorize the granting of less than the regular rates of fare to all employees of the Government. I propose to offer an amendment, when that amendment shall be reached for consideration, striking out the provision with reference to persons other than officers and enlisted men in the Army.

Mr. BURKETT. Do I understand that the amendment on

page 39 has been reached?

The VICE-PRESIDENT. The Chair would state that the amendment was reached last evening, and was passed over until the completion of the reading of the bill.

Mr. BURKETT. Has a point of order been made against

that amendment?

The VICE-PRESIDENT. The Chair understands that no point of order has been made.

Mr. BURKETT. Then, I desire to enter a point of order

against the amendment.

Mr. WARREN. Perhaps the Senator was not in the Chamber last evening

Mr. BURKETT. I was not when this particular matter was reached.

Mr. WARREN. I will state to the Senator that the amendment was laid over until the finishing of the first reading of the bill for amendment. We are now commencing beyond that point, and will turn back and take up later the amendment to which the Senator refers.

Mr. BURKETT. I merely happened to be out of the Chamber at that moment. I simply want to enter a point of order against that part of the amendment, so that it will be pending when we finally take up the amendment.

Mr. WARREN. I hope the Senator will allow the reading of

the bill to proceed.

Mr. BURKETT. I will withhold the point of order, of course, but I want to enter the point of order against the first part of the amendment.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 41, line 12, to increase the appropriation for clothing and camp and garrison equipage from \$3,000,000 to \$3,443,-069.28.

The amendment was agreed to.

The next amendment was, in the item of appropriation for construction and repair of hospitals, on page 42, line 8, after the word "dollars," to insert "said sum to be made immediately available;" so as to make the proviso read:

Provided, That not to exceed the following sums may be used in the erection and completion of modern sanitary hospitals at the posts named: Fifty thousand dollars at Fort Douglas, Utah; \$60,000 at San Juan, P. R.; \$45,000 at Fort Mackenzie, Wyo.; \$25,000 at Whipple Barracks, Ariz.; \$35,000 at Fort Riley, Kans. For the reconstruction and repair of the power house pertaining to the general hospital on the Presidio Military Reservation, San Francisco, Cal., \$30,000, said sum to be made immediately available.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to insert: Fort Matanzas, Matanzas Inlet, Florida: For the repair thereof, \$300.

The amendment was agreed to.

partment," on page 43, line 19, after the word "law," to insert "regulation, or contract;" so as to read:

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract.

The amendment was agreed to.

The next amendment was, on page 44, line 21, before the word "dollars," to strike out "twenty-two thousand" and insert "forty-four thousand two hundred and eighty-six;" so as to read.

Provided, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contaglous diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the nurse corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances, as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$644,286.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in line 21, page 44, after the word dollars," to insert the following proviso:

Provided, That the Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane natives of the Philippine Islands serving in the Army of the United States at any asylum in the Philippine Islands in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 47, line 15, to increase the appropriation for engineer equipment of troops from \$40,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 47, line 20, to increase the total appropriation for the maintenance of the Engineer Department from \$139,000 to \$149,000.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," page 48, line 10, after the word "Manufacture," to insert "or purchase;" so as to make the clause read:

Ordnance stores—Ammunition: Manufacture or purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., and Soldiers' and Sailors' State Homes, \$648,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 3, to insert:

The next amendment was, on page 50, after line 3, to insert:

It shall be the duty of the Secretary of War, whenever a new type of small arm shall have been adopted for the use of the Regular Army, and when a sufficient quantity of such arms shall have been manufactured to constitute, in his discretion, an adequate reserve for the armament of any regular and volunteer forces that it may be found necessary to raise in case of war, to cause the organized militia of the United States to be furnished with small arms of the type so adopted, with bayonets and the necessary accountrements and equipments, including ammunition therefor, at the rate of twenty rounds of ball cartridges for each small arm so issued to the militia: Provided, That such issues shall be made in the manner provided in section 13 of the act approved January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes:" Provided also, That to provide means to carry into effect the provisions of this act the necessary money to cover the cost of exchanging or issuing the new arms, accounterments, equipments, and ammunition to be exchanged or issued there under is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 51, after line 18, to insert:

Whenever the Secretary of War shall deem the enlargement of any military reservation necessary, and the title of the land required for such enlargement shall be in private ownership, the Secretary of War may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to homestead entry, the lands so exchanged to be of substantially equal value.

Mr. CARTEE. Mr. President that is rather an innovation

Mr. CARTER. Mr. President, that is rather an innovation The next amendment was, under the subhead "Medical De- upon the method of acquiring title for the extension of military reservations. I do not understand that any such exigency will arise between sessions of Congress as to require the exercise of this rather singular power of swapping land without any limitation whatever. It can readily be seen that many abuses may spring up or might possibly be indulged in under this

Mr. WARREN. The Senator can hardly say "without restriction" where it requires the approval, first, of the Secretary of War; second, of the Secretary of the Interior, and, third, of the President.

Mr. CARTER. That is as to the procedure. As to the land there is no restriction.

Mr. President, I think it is of great importance to limit to certain definite laws the disposition of the public domain. The amendment proposes to give to one Secretary, who desires to acquire land, the right to deal with another Secretary, who has land of the public domain, and between them to arrange or The extent to which this might reach is not adjust exchanges. material. The method proposed and the principle involved I think are quite objectionable. It is a method of swapping public land for private land, and I do not deem it a very good method.

In order to dispose of the matter, Mr. President, as the amendment is obnoxious to the rule, being general legislation, I make the point of order against it.

Mr. WARREN. Will the Senator withhold the point of order for a moment?

Mr. CARTER. I will be glad to do so.
Mr. WARREN. Mr. President, the design of this amendment is simply to prevent the expenditure of a considerable sum of money in order to straighten out matters as to two or three reservations. For instance, one of the reservations, where the Regular Army and the militia were in camp last year, has an area of some 64,000 acres set apart by the Government for a timber reserve. There are open parks in it, and it was considered better for all concerned that it might be turned over to the War Department as a military reserve, as well as a timber reserve, and be used for a short time each summer for encampments, thus preventing the expenditure of from \$1,500,000 to \$2,000,000, as has been proposed heretofore for certain encampment grounds.

I think it is within the memory of most of the Senators here although it occurred during the regrettable absence from the Senate of the Senator from Montana [Mr. Carter]—that there was inserted in the Military Academy bill an amendment appropriating something like \$2,000,000 to provide for military encampments. That amendment was ruled out on a point of order.

We have near Fort Russell and near Fort Sill, Fort Riley, and, I believe, at one or more other posts large bodies of land under reservation which can be used for encampment purposes. In one case the railroad has two or three sections within the reserve, and two or three settlers also have land included within its limits. In another case, I think, there is some land owned by the railroad and by settlers. The owners are willing to make the exchange, and thus the Government, without expense, would have in compact form this land for encampment purposes. On the other hand, the public domain would not be despoiled. The result of the amendment would simply be to exchange a few sections owned by individuals within reserves for land in other places, acre for acre.

The matter has been considered as a separate proposition by the House and a favorable report made upon it by the Public Lands Committee of that body. I do not know what the Public Lands Committee of the Senate may have done. The Senator from Montana can perhaps inform me. But there is no disposition to despoil or to take advantage of or to unduly extend the reservations at any place. It is not to extend them. It is merely to take out of the center of a body of land owned by the Government now as a reservation certain small parcels of land under private ownership and place them at some other point upon the public domain, so that the three or more cases to which have referred may be covered. That is all there is in the amendment.

Mr. CARTER. Mr. President, as to a particular case I should not make any objection. The Committee on Public Lands of this body has been engaged for some time in an industrious effort to dispose of what is commonly called "the lieu-land policy."
Whether the payment is made in land or in money is a matter of no consequence to the Government.

This amendment contemplates that the land transferred by the Government to a private individual in exchange shall be of equal value, and I warrant now that the private individual will never take land of less value than that surrendered.

In the older States the remarkable situation was finally encountered of obligations outstanding for public land far in excess of the superficial area of the States. I apprehend that this

Government will find itself ultimately in just that position with reference to the public domain. We have now outstanding indefinite claims against the public domain on account of various kinds of scrip, the soldiers' additional scrip being the largest unknown quantity.

It has always seemed to me that the public domain should be subject only to definite charges, so that the Government could at all times balance up the claims against the public domain as against the acreage. Unless Congress ultimately determines upon some policy which will reach an accounting, and thus a definite statement of these vague and indefinite outstanding claims, we will ultimately be compelled to appropriate money from the Treasury of the United States to meet the outstanding claims for the public lands which the Government can not satisfy because the public domain will be exhausted.

This is an easy way in which to make a trade as provided by the amendment; but I submit to the Senate that it is infinitely better to have the lands desired appraised in the regular manner, There will be no objection to such proceedings; and let the amounts be paid in cash rather than to arrange for this system of exchanges between the Secretary of War and the Secretary of the Interior, notwithstanding the approval of the President.

There is no method provided by the amendment for the appraisement of the land. It must be equal in area, it is true. It is further provided that the exchange must be for land of equal value; but there is no method to determine how that equal value is to be ascertained.

Mr. WARREN. That, of course, can be done under the direction of the proper officers of the Department.

Mr. CARTER. I think, Mr. President, that I shall have to insist on the point of order.

Mr. WARREN. Mr. President, I shall not contest the point of order. I admit that the point of order can be made. I wish to say just a word, however, and that is that this is a move not to involve any obligation on the part of the Government. The Senator can see that under the amendment there will be as much land returned to the public domain as there is taken I will say to the Senator that, while it does not appear on the face of the amendment, it probably would never involve beyond two or three or four small parcels of ground that are now surrounded by Government land, which it is desired shall be used by the Army.

Perhaps it would be better to appraise, condemn, and pay for these lands. I feel, however, that it is my duty, so far as the position in which the Senate has placed me has given me the authority to direct the expenses of the Government, to save as much as I can. The amendment is in the line of saving an expense of some thousands or hundreds of thousands of dollars, as the case may be.

But, Mr. President, I admit that the point of order can be made and that unless it is acceptable as a matter of general good and of economy it must go out, of course; but I appeal to the Senator to allow the matter to be voted on upon its merits.

The VICE-PRESIDENT. Does the Senator from Montana insist upon his point of order?

Mr. CARTER. I insist upon the point of order. The VICE-PRESIDENT. The Chair thinks the amendment proposes general legislation, and therefore sustains the point of

Mr. HALE. Mr. President, before going on further with the reading of the bill, I wish to call attention to the amendment on page 50. I was not here, being busy in the conference on the diplomatic appropriation bill when that amendment was reached.

Mr. WARREN. The long amendment?

Mr. HALE. The long amendment. I suppose it is subject to the point of order, because it increases an appropriation upon the bill, but at this time I do not desire to make the point of order, if I can get information as to the amount. It is left indefinite.

It says:

That to provide means to carry into effect the provisions of this act, the necessary money to cover the cost of exchanging or issuing the new arms, accouterments, equipments, and ammunition to be exchanged or issued thereunder is hereby appropriated out of any money in the Treasury not otherwise appropriated.

I think the Senator will agree with me that that is not a good way to appropriate large sums of money. It is not always practicable to state what a great experiment, as this is, will cost. It will cost a very large sum.

Mr. WARREN. This is not an experiment, I will say to the Senator.

Mr. HALE. It is an experiment so far as authorizing the Department to change all its guns for a new type

Mr. WARREN. No, no. Whenever it-Mr. HALE.

Mr. WARREN. May I say to the Senator that we have had quite a large quantity of Krag-Jörgensen guns in our Regular They have been replaced from time to time by a better arm of American manufacture, called the "late Springfield gun." I believe we have exchanged all or nearly all. We have sold a great many of the Krag-Jörgensens, and have issued the other gun to the States for the militia—used them for the scouts and others—the intent being to arm eventually the entire combative force of the United States with one arm.

Mr. SPOONER. The regular force?
Mr. WARREN. The regular combative force with one arm. The militia of the States—the National Guard—would, of course, become a part of the Army in case of any summons, as was the case in the Spanish war. We are manufacturing a large quantity of these guns every month. It has seemed better authorize here the exchange from time to time. shall have supplied the Regular Army, we then build up a reserve. The question is, Shall we have that reserve in Washington or at other points, packed away—the best guns we have, the Springfield-or shall we issue that reserve to the National Guard—the militia—so that they may be training and drilling in the manual of arms with the same arm they would have if they were in the regular service?

Mr. SPOONER. And in target practice?

Mr. WARREN. And in target practice, and so that the same ammunition may apply. It is in the interest of economy and

it is in the interest of efficiency.

Now, what happens? The State of Maine or the State of Wyoming may have a certain number of troops armed with Krag-Jörgensens, and they are willing to turn them in to the Government and get credit and have charged to the appropriations that we have made for them an equal number of Spring-field rifles. Then we will take these Krag-Jörgensens and either hold them in reserve, so that if we should want a very large army we can use them, or we can dispose of them by sale after we have arrived at a point in the manufacture and reservation of Springfields where we feel we have enough for a

In providing for the appropriation, it is merely what may incidentally be expended in effecting these exchanges. It is largely done with the money that is appropriated under another heading to each State for the arming of the militia—the National Guard. We already uniform the National Guard in exactly the same clothing or style of clothing that the Regulars

We want to arm them in the same way.

This is all guarded, as the Senator will notice, so that it can be done only as fast as it is convenient and reasonable for the

Government to do.

Mr. HALE. I have succeeded, by reading the amendment, in acquiring the valuable knowledge and information which the Senator has stated. My point was to ask the Senator how much this exchange, as applied to the militia, is likely to involve, if he knows? Could he put in the bill a limitation? We sometimes make these general appropriations, saying not to exceed a certain sum. Now, does the Senator know—that is the only thing upon which the amendment does not inform us how much it is likely to require?

Mr. BURKETT. If the Senator from Maine will permit me,

the amendment says:

Whenever a new type of small arm shall have been adopted for the use of the Regular Army.

It seems they do change the kind of small arm, and if you leave the amount unlimited, the number of the militia might not be the limit to the amount of money we would spend, for they could change the arm, and go on indefinitely, for this is to be a general law, and, of course, is to go on indefinitely.

Mr. HALE. Undoubtedly they can change it at any time.

Mr. BURKETT. So you can not tell what the amount will be. Mr. BACON. Mr. President— Mr. BACON.

The VICE-PRESIDENT. Does the Senator from Wyoming

yield to the Senator from Georgia? Mr. WARREN. The Senator from Maine has the floor.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly. Mr. BACON. I should like to ask the Senator from Maine whether I am correct in my understanding of this language from his standpoint, and also the Senator from Wyoming. I do not understand this provision to contemplate the payment for the manufacture of the arms. It is simply, if I read it correctly, to defray the expense incurred in the process of exchanging and of issuing the arms.

Mr. WARREN. That is what it states.
Mr. BACON. It can not be any very large expense. If it involved the payment of the cost of the manufacture of the arms

to be issued, then the suggestion of the Senator from Maine would be a very important one, because it might be a very large amount. But this does not, if I read it correctly, contemplate anything of the kind. It does not relate to the cost of the arms

Mr. WARREN. The Senator from Georgia is correct. Mr. BACON. It relates simply to the expense incurred in the process of exchanging the one for the other or in the issuing of the one, as the case may be. It seems to me, from the reading of the proposed law, that that would be the entire expense that could be incurred.

Mr. HALE. I will ask the Senator the same old question, whether he or the committee has any idea how much it will cost? The Senator understands that this is not a good way generally to appropriate. He is a veteran member not only of

this committee, but of the Appropriations Committee.

Mr. WARREN. That is entirely true, and the reason why the sum asked for this purpose is not put in is that we could not ascertain whether there would be anything needed in the next year or whether there might be a small sum. I would be glad, if the Senator from Maine has in mind some sum, to stipulate it.

Mr. HALE. No; I do not know anything about it. Mr. WARREN. I feel it is entirely safe, however, as it provides for no expenditure except that necessary in carrying out the exchange.

Mr. HALE. If the Senator is confident that the appropria-

tion will be very small—
Mr. WARREN. I admit that the Senator from Maine is perfectly right. There should be a specific amount named, if posterily right. But this seemed to be a case where we could waive that.

Mr. ALLISON. This is a continuing appropriation. It needs no legislation hereafter, in order to carry an appropriation. year from now the Department can go on and do this, unless the law is repealed.

Mr. SPOONER. If it does not work right it can be changed

next year.

Mr. WARREN. It could only proceed as far as the organized militia is concerned.

Mr. ALLISON. I do not see the necessity of the appropria-

Mr. WARREN. If the Senator thinks it safer, I am perfectly willing to accept an amendment to cut the appropriation part We can provide for it hereafter.

Mr. ALLISON. We make appropriations every year for the Army

Mr. WARREN. It is perfectly acceptable. Will the Senator

dictate an amendment. Strike out the last proviso. Mr. ALLISON.

Mr. HALE. Strike out the last proviso. That will cover it. Mr. ALLISON. Is it proposed to exchange arms during the

Mr. WARREN. I think so, to some extent. I think it would be better to allow a small amount for the current year. Yet I am so confident we will get information later-

Mr. ALLISON. We must appropriate for the Army at least

once in two years.

Let the proviso be stricken out, as suggested. The VICE-PRESIDENT. Without objection, the amendment will be regarded as open to amendment. The Senator from Maine proposes an amendment to the amendment, which will be stated.

The Secretary. It is proposed to strike out the last proviso, after the word "purposes," in line 19.

The amendment to the amendment was agreed to.

Mr. BURKETT. Mr. President, I do not understand this pro-

And when a sufficient quantity of such arms shall have been manufactured to constitute, in his discretion, an adequate reserve for the armament of any regular and volunteer forces that it may be found necessary to raise in case of war, to cause the organized militia of the United States to be furnished with small arms of the type so adopted.

I do not understand what that is or what it amounts to.

Mr. WARREN. That depends upon circumstances. If we were at war we might have a small reserve.

Mr. SPOONER. It explains itself. It says:

An adequate reserve for the armament of any regular and volunteer forces that it may be found necessary to raise in case of war.

Mr. BURKETT. That is the very reason why I asked the

Mr. WARREN. There is always a certain percentage for contingencies, the reserve of a few hundred or a few thousand, so that breakage can be made up. That is all.

Mr. BURKETT. Is there any legislation, aside from this, to

enable the Secretary of War to have a suitable reserve of arms?

Mr. WARREN. That is one of the fundamental principles,

and ought to be one of the fundamental laws, you may say, ef

the War Department. There is too great a necessity and too much legislation on the subject to explain it here, of course.

Mr. BURKETT. That is very true; and I am asking the Senator about it that I may have the information. We are by Innuendo here, it seems to me, giving even more authority than ever we specially legislated. If there is no limit except the limit of propriety, if there is no limit in the statute, if there is no law on the book in this matter enabling him to keep a reserve of arms, such as he may deem advisable, we are putting that authority in this bill. I am perfectly willing to give the Secretary of War authority to supply the militia with arms. think we ought to do that. But I do not very much like the idea of permitting him to change the type of the arms without let or hindrance quite as often as he might change it when some little improvement comes up.

But it does seem to me that we are by innuendo legislating him authority which perhaps he has not had, and an authority that may be construed to mean a great deal more than the Secretary of War should have, not with the present Secretary, or

possibly with any Secretary of War that we may ever have.

Mr. WARREN. That is all guarded by the appropriations each year. There is a specific amount appropriated for each specific purpose. That is all guarded each year, not in this bill. It is in the bill for fortifications.

Mr. BURKETT. Yet with the provision as it was in here, the amount was unlimited in the first place, and it seems to me it is as the bill stands. The appropriation is unlimited.

There is no appropriation at all. Mr. BACON.

Mr. WARREN. The Senator surely does not mean exactly hat he says. There is a natural limit, that of the expense of what he says. exchanging with the militia, and the militia is limited by the number now enrolled. Surely there is one limit, if no other.

BURKETT. I will ask the Senator what reserve there

is of the present small arms.

Mr. WARREN. I will answer that by saying that at the time of the outbreak of the Spanish war there was not perhaps reserve powder enough to load just once the guns this country owned, large and small, and there were not guns enough to organize an army of 20,000 additional men until we went abroad and bought them, and the Senate voted \$50,000,000 in a bunch, en bloc, with which to buy powder and ball and guns, because we had no reserve.

Mr. BURKETT. I submit that is not an answer to my question as to the present condition. We know the condition we were in then; and if the Secretary of War had this authority conferred upon him under general principles, as the Senator suggested, I submit that the Secretaries of War had not been

doing their duty. I will ask a question-Mr. WARREN. Congress had refus Congress had refused to give them the money with which to do their duty. It was not the fault of the officers of the Government. It was the fault of Congress. Congress would not appropriate money enough.

Mr. BURKETT. Does the Senator know how many they

have now?

Mr. WARREN. It is not the duty of the Senator from Wyoming to count the guns in the reserve that the Government has. It has practically no reserve except the guns that are in the hands of the State militia and the Army. When I say "practically," of course there may be a few thousand, but there is no great stock of arms. We are manufacturing these guns every day in the week, except holidays and Sundays. We are manufacturing them in quantities to make up the loss and wear and tear, and we hope to make them fast enough so that in the next fifteen or twenty years we will be able to exchange with the militia, so that the militia and the volunteer forces and forces shall have the same kind of arms.

Mr. BURKETT. Mr. President-

Mr. WARREN. I will go a little further, and I will ask the Senator from Nebraska if he thinks it would be a good thing for me, as chairman of the Committee on Military Affairs, to state from my place in the Senate, so that all the world, all the foreign countries, might know, just how much of powder and ball and guns we have in the reserve?

Mr. BURKETT. I will say to the Senator that if he does not think it is wise or if he does not know, he could answer it either way. I have not sought in any way to cross-question the Senator. I am sorry he shows any irritation in the

Mr. WARREN. I have no irritation in answering the Sen-

ator.

Mr. BURKETT. I submit that his replies have been really a sort of lecture rather than any attempt to answer the question. But I will say to the Senator that while I am here I will reserve the right to ask any question that I may see fit, and if the Senator does not know how to answer it, he may say he does not know how to answer. If he does not think it is proper to answer the question, he can reply in that But he can not lecture me as to the sort of questions shall ask him, so long as I keep within the rules of the Senate.

Mr. WARREN. I have not attempted to lecture the Senator.

Mr. BURKETT. I will leave that simply as it is now. still insist that as the committee brought the bill before the Senate, it does leave a greater loophole for the purchase of guns in the matter of reserve than those to be supplied to the militia, and I desired to know if there is any law for that reserve or if there was any limit to that reserve. ator does not choose to answer, I have nothing more to say.

The VICE-PRESIDENT. The question is on agreeing to the

amendment of the committee as amended.

The amendment as amended was agreed to. The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 52, after line 10, to insert:

The Secretary of War is hereby authorized to loan to the Jamestown Ter-Centennial Commission certain tents and camp equipage which have been used in the military service for the purpose of providing shelter for visiting commands of the organized militia and for detachments of foreign troops and marines: Provided, That such tents and camp equipage shall be returned to the proper bureau of the War Department within thirty days after the close of the Ter-Centennial Exposition: Provided further, That said commission shall indemnify the War Department for any loss or damage to said tents and camp equipage not necessarily incident to such use: Provided also, That the said commission shall give a bond with security satisfactory to the Secretary of War to conform to the conditions and requirements hereinbefore imposed. And the action of the commanding general of the United States forces in Cuba in furnishing tents, camp equipage, and quartermaster's stores for the use of the sufferers by earthquake and fire in the city of Kingston, Jamaica, with the approval of the Secretary of War, is hereby ratified and confirmed.

Mr. WARREN. I wish to perfect the amendment. I move

Mr. WARREN. I wish to perfect the amendment. I move to strike out all of line 13 after the word "equipage" and to insert in lieu thereof the words "in the custody of the War Department which have had prior use."

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment to the amendment, which will be stated.

The Secretary. On page 52 strike out all of line 13 after the word "equipage," as follows, "which have been used in the military service," and insert in lieu thereof "in the custody of the War Department which have had prior use.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. I was not present yesterday afternoon when the bill was considered, being engaged in conference on the diplomatic appropriation bill. But in reading the debate I see it was stated by the Senator from Wyoming that an opportunity, of course, would be had to go back. I wish to return to page 34, lines 12, 13, 14, and 15. The subject-matter of providing for Army posts has always been considered in the sundry civil appropriation bill, and the committee deals with all of these in that bill. Therefore, without formally making a point of order, which I could do as a new subject of appropriation, I ask that the amendment may be disagreed to, not in any hostility, because I think it is a meritorious provision, but that it may be considered by the committee which deals with all such ques-

Mr. MALLORY. I did not catch what the Senator from Maine said. I should like to inquire what is the ground on

which he bases his objection?

Mr. HALE. That all of these matters for the purchase of land for Army posts are considered on the sundry civil appropriation bill by the Appropriations Committee, and it is better that they should all be in that bill. Therefore I am asking the Senator from Wyoming, without making a formal point of order, which I could make, that the amendment may go out, and the Committee on Appropriations on the sundry civil bill will consider it. I have no doubt it is a meritorious proposition, but we ought not to divide these Army posts around in different appropriation bills.

Mr. WARREN. The Senator from Maine has stated the case exactly as it is. Of course this item was estimated for and was estimated under a heading that would naturally bring it in this

bill, and it was put in.

It is true, however, that these appropriations for large sums, for expenditures for buildings, more than \$20,000 each, belong in the sundry civil appropriation bill, and in the sundry civil appropriation bill, in connection with these appropriations, it is usual to provide that none of the appropriation therein contained shall be expended for land except as directed and stated, and then the posts are enumerated where land may be bought.

I will say that the Committee on Military Affairs were a unit as to the necessity of this appropriation, and I trust, in fact I believe, that should we strike it out the general Committee on Appropriations will take it up and provide for it in another bill.

Mr. HALE. I have no doubt that will be done. But the Senator sees as I do that instead of dividing these around in different appropriation bills we ought to keep them all to-

Mr. WARREN. I assume the Senator from Maine proposes to leave in the next amendment?

Mr. HALE. I do not deal at all with that, because it is subject to a different consideration.

VICE-PRESIDENT. Without objection, the vote by which the amendment between lines 12 and 15, on page 34, was agreed to will be reconsidered.

Mr. TALIAFERRO. I wish to state that after hearing the statement of the Senator from Maine and also the statement of the Senator from Wyoming, both of whom are on the Committee on Appropriations, I shall not resist the proposition of the Senator from Maine to have this amendment disagreed to. But I do not understand how a point of order would lie against the proposition when it comes into the Senate as a regular estimate from one of the Departments, properly directed to the committee that brings in this bill, and has been by that committee regularly incorporated in the bill. It seemed to me that under those circumstances the matter would be in order on the Army bill.

It is a very important provision. The Secretary of War heartily concurs in it and recommends it. But rather than detain the Senate by a discussion or resistance of the suggestion of the Senator from Maine at this time, I will consent that the provision objected to may go out, retaining that part of the amendment from line 16 to 24.

Mr. HALE. I do not make any request as to the next amend-

The VICE-PRESIDENT. Without objection, the amendment

I should like to ask the Senator from Wyoming Mr. BACON. a question, as I understand he is now through with the amendmeats proposed by the committee. It is a point on which I think w ought to have some information. I ask him whether or not in the appropriation for the expense of the Army there is included the increased cost of the Army by reason of the occupa-tion of Cuba by a part of our forces? I wish to know, if possible, to what extent this appropriation bill has been swelled by such expenses as may become necessary on account of that occupation.

Mr. WARREN. I am very glad to answer that question. The bill contains only \$50,000 that is directly caused by the occupation of Cuba, and it is for the Signal Corps. The Department estimated for \$100,000 for the following year, on account of the occupation of Cuba, and the committee thought that \$50,000 was enough. But the Senator will bear in mind that this bill is for the fiscal year ending June 30, 1908

Mr. BACON. I understand that fully.

Mr. WARREN. And that the expenses now accruing must come up in a different way.

Mr. BACON. I do not misunderstand that proposition at all. Mr. WARREN. I suppose the Senator could perhaps estimate the expenses about as well as I. Of course all the troops are under regular pay anyway, whether they are here or whether they are there. There is the cost of transportation there and back, an estimate of which I have not at hand. Naturally that would not come up in relation to this bill.

Mr. BACON. Of course the Senator can hardly consider that I have overlooked the fact that this bill contains appropriations for the ensuing fiscal year and does not in any manner relate to the expenses of the current fiscal year.

Mr. WARREN. Perhaps I could answer in this way, then. I do not know of any estimates contained in this bill for the coming year other than the one I mentioned. That is the only one I know of

Mr. BACON. What I want to ascertain is whether, when the War Department laid before the Committee on Military Affairs the estimates for the expenses of the Army for the ensuing year, there was brought to the attention of the committee the increased expenses which will be devolved upon that Department by reason of the occupation of Cuba, which, of course, is somewhat indefinite as to its duration. I simply want to know for information whether the executive department has communicated to the legislative department through this committee any information on that subject.

Mr. WARREN. We have had no estimates before the committee for the reasons I have stated. I assume, for instance, there is increased expense in one matter-transportation. Of

course the subsistence, the clothing, and the pay proper would

I want to make myself plain. As to transportation, that is involved with so many other things-the rate law and others that all we can judge from is whether the amount for transportation is larger or smaller than last year. We have only made it enough larger, and hardly that, to cover the additional troops we have authorized through the artillery bill. We have not added anything on account of Cuba.

Mr. BACON. The Senator misunderstands the point of my inquiry entirely. I am not asking the Senator to give me an I am trying to find out whether in the information which is given to that committee by the executive department there has been any effort to enlighten Congress, through the committee, on the question as to how much increased expense there is, or will be, rather, on account of that occupation, so far as can be anticipated for the ensuing year.

I intended to follow it up with another question, but the Senator goes on into a supposition that I am trying to get from him an estimate. I am not. I want to know whether or not there has been any communication of this information from the War Department.

I have answered that directly—that we have Mr. WARREN. no information whatever in the committee, that I am aware of, that there were any other expenses there, except by inference, than in the Signal Service, nor have we asked for any, because it was a subject which would not be considered in connection with this bill, and we have attended to such matters at present as pertain particularly to this bill.

Mr. BACON. In the question of the transportation of

Mr. WARREN. As I said a moment ago, the transportation of troops in the matter of Cuba is not included in any manner in the estimates.

Mr. BACON. That is what I want the Senator to state, because the Senator must know that necessarily in the appropriation there must be included what would be necessary for the transportation of men and of supplies, and I am simply trying in the simplest way possible to get the information.

Mr. WARREN. I understand the Senator, and I want to give

him the information.

Mr. BACON. The Senator does not answer me directly. am just trying to get from the Senator, if I can, the information whether or not the War Department communicated to the committee an estimate of how much of increased expense there will be on account of this occupation. I am not trying to get the Senator to tell me how much it will be as a matter of personal estimate of estimate of the committee. I understand from the Senator that there has been no such communication from the War Department.

Is the Senator through and ready to wait Mr WARREN for an answer?

Mr. BACON. Except as to the Signal Service.

Mr. WARREN. Is the Senator ready for me to answer?

Mr. BACON. Certainly; I am through.

I answer that there has been no estimate Mr. WARREN. whatever particularly for Cuba. If the Senator will permit me, will go further and say that in transportation there may be no reason for it, because the removal of troops for many, many years has been considered necessary or advisable about once in a certain period from post to post. The removal of troops from a post here in the United States to Cuba and from there back to some other post might not possibly cost more than the direct removal across the country. Therefore, so far there has been removal across the country. Therefore, so far there has been no appreciable expenditure because of the occupation of Cuba. I think myself there will be more if we shall maintain a force there in the coming year.

Mr. BACON. Mr. President, the object I had in asking that question was not to get, as I said before, the estimate of the Senator, but to find out to what extent the executive department is taking into its confidence the legislative department in regard to this Cuban matter.

As I understand by way of possible inference from what the Senator has said, there has been no communication to the committee, as there certainly has been none to Congress that has fallen under my notice, of the amount of expenditure which has already been made from which a legitimate inference can be drawn as to how much expenditure there will be in the future.

I am frank to say that I have not been entirely satisfied with the attitude in this matter of the executive and of the legislative branches. I think that Congress has been remiss in acquiescing in this assumption. The question of the proper action of this Government toward Cuba is, in my opinion, not one which rests exclusively and solely in the determination of the executive department. I think it is one which should most particularly and emphatically belong to the lawmaking power. Otherwise the executive department is clothed in this regard with the most unlimited, unrestrained, and autocratic power.
While I have not myself called the attention of the Senate

to this omission by Congress, because there were many delicate considerations which would possibly require that we would pass by things which we did not think are entirely in accord with the theory upon which our Government is based, and the practices which it has always heretofore observed, at the same time I have not been unmindful of the fact that from my point of view Congress was not taking the part in this matter which it should. I am frank to say that I do not find in any legislation which we have had so far any authority devolving upon the executive department of the entire determination of all the questions which relate to the occupation of Cuba, the setting up of a government in Cuba without any authority on the part of Congress, with unlimited power; power to make law, power to set aside law, power to dissolve parliament, power to call parliament.

As I said, I do not propose to go into that question; but I think it would be unfortunate, Mr. President, if this Congress should expire and there be no word uttered in either branch of Congress to indicate that Congress thought it had the power and the right and the duty to prescribe what should be the action of this Government in Cuba, and that on the contrary it understood that it was a matter which, without any special delegation of power on the part of Congress, devolved it exclusively upon the Executive and without reference to any opinion

of Congress or any action of Congress.

Mr. President, I do not intend to go at length into this matter and I do not desire to discuss it, but I simply discharge the duty which I think devolves upon me, as I see it, no more than upon any other Senator, to take the opportunity that this utterance shall be made in order that it may not, through our silence, be considered as a continued recognized fact that in such matters Congress has no voice and that it is a matter exclusively for the functions and offices of the executive department.

Mr. TILLMAN. Mr. President, in connection with what the Senator from Georgia has just said about the conditions in Cuba, I should like to make an inquiry. I hardly know from whom to make it, because the Senator in charge of the bill has indicated that he has not been taken into the confidence of the War Department in this matter. Therefore I expect to direct my inquiry to the chairman of the Committee on Foreign Relations.

Mr. WARREN. I hope the Scnator will not put me in the position of saying or assuming or allowing that I have been de-

barred from the confidence of the War Department or the Ex-

Mr. TILLMAN. I do not understand the Senator. Mr. WARREN. The Senator said I had not been taken into the confidence of the War Department, as I understood him.

Mr. TILLMAN. In regard to the expenditures about which the Senator from Georgia has been making inquiry.

Mr. WARREN.

The Senator did not qualify it.
That is what I meant, of course. Mr. TILLMAN. want to put the Senator in any false attitude or to indicate that he is not absolutely in the confidence of the War Department.

Mr. WARREN. Mr. President, I undertook to say then, and I want to repeat now, that I know of no reason why we should have asked or why there should have been sent to my committee the matter of expenses in Cuba just at this time, that did not pertain to this bill or to provisions to be made, because they would naturally go for the present year into the deficiency bill and would not come to the Committee on Military Affairs.

Mr. TILLMAN. I said I thought the inquiry had better be made of the Committee on Foreign Relations. I had taken cognizance of the fact that the Senator in charge of the bill did not

feel that he was qualified or called on to say anything.

Mr. CULLOM. Does the Senator put a question to me?

Mr. TILLMAN. The inquiry I wish to make is simply this:

Has the Senator any information as to when we will get out of Cuba again, if ever?

Mr. CULLOM. None whatever.
Mr. TILLMAN. Then is the Senator prepared to explain why it is that the Engineer Corps of the United States Army—I think I saw it stated two companies had been ordered there within the last week or two-are making a survey of a foreign country?

Mr. CULLOM. I have no information on that subject, either. The VICE-PRESIDENT. The Senator from South Carolina ill suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary

Table Calendar No. 23, Senate resolution The SECRETARY. No. 214, by Mr. Carter.

Mr. CLAPP. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Senator from South Carolina will proceed.

Mr. TILLMAN. Then, Mr. President, in pursuit of information from somebody, if anyone here is qualified, I would ask the chairman of the Committee on Foreign Relations whether there has been any communication whatever to his committee in regard to the present status in Cuba?

Mr. CULLOM. Nothing whatever has been received from the War Department or any other Government official on that sub-

ject, except what is in the messages of the President.

Mr. TILLMAN. Then I want to express the humble opinion that it seems to me a little odd our Committee on Foreign Relations does not itself take the initiative to get some information in regard to the anomalous condition now existing in Cuba.

For instance, I saw in another paper some days ago a statement coming from Georgia that a distinguished cifizen of that State, a bishop of the Methodist Church, who has recently been on a pastoral journey in the island, returned home and made a report something to this effect: That Secretary Taft, while in Habana, had issued an order regarding the insurrectionists, or rebels, or patriots, or whatever other aggregation of ragamuffins it was who run Palma's government in the ground, or up a tree, and made him call for help—that Secretary Taft had issued an order under which private property had been seized; and an illustration or an incident was given of some person down there who owned a very fine stallion. A negro stole the horse, joined the rebels, or the insurrectionists, and under Secretary Taft's order the property in the possession of these rebels, or patriots, whichever you term them, was left in their charge without regard to whether they came by it honestly or not; and the man who bought the horse, who imported him from the United States, sees his horse every day in the possession of this negro patriot and he can not claim him. The Secretary of War has given this fellow title to it, and nobody is allowed to interfere or to take any cognizance of this remarkable transaction.

Now, when our Army engineers are surveying the island—a very necessary thing probably after a while when we get to having a good deal of war down there and we shall have to see how we shall stop these negroes from interfering with sugar plantations-I say it is a little odd that Congress, the Senate, that nobody seems to think it worth while to make any inquiry or get in communication with the War Department or understand why all these remarkable transactions are being carried

While I, of course, have no purpose or desire to criticise the committee or to suggest what it shall do, I call attention to these little transactions, which are to me strange and need some explanation.

Mr. CULLOM. Will the Senator allow me?

Certainly.

Mr. TILLMAN. Mr. CULLOM. The President of the United States himself in his messages told us all about the condition in Cuba at the beginning of the present session, and I assume that the thing is going along about as it was when he reported to us. We need nothing from him or anybody else, except to try to straighten out matters down there, until something occurs that requires him to give or justifies him in giving us another account of the situation. I think the condition is about the same as it has been for some months, and I am sorry to say that it does not appear to have quieted or settled down in any way.

Mr. TILLMAN. I have not read in the newspapers of a solitary instance of any recent outbreak or any bloodshed or any assembling of dissatisfied elements or people who do not like the existing status. I confess I would like to know when we are going to have an election down there and whether we

are coming away at all or not.

Mr. CULLOM. The Senator will find out in due time, I

have no doubt.

Mr. TILLMAN. I suppose we will, from the overlord at the White House, whose agent goes down there and destroys private property by Executive order, gives a negro a horse belonging to another man, and various other things like that. If that sort of thing goes on, it is no wender that the Executive at the White House feels that Congress has no concern and no interest in the matter and no business with it. I reckon after a little we will be told it is none of our business.

Of course, if I can not get any information from the committee about this negro stealing the horse, as to why General Taft felt called upon to make an order of that extraordinary character, I will have to subside and wait for light in the future, after it is all over; but I presume, speaking seriously, that when the bill comes in for the settlement of these matters

the Senate will very humbly and in a proper spirit of humility appropriate the money without a word, and we will pay for this very same horse and a good many other things

Mr. NELSON. Mr. President, I understand the amendment on page 39 is pending.

The VICE-PRESIDENT. It was passed over.

Mr. WARREN. It is now pending. One or two Senators have contemplated offering amendments.

Mr. NELSON. I desire to offer an amendment to it. After the word "men," in line 18, page 39, I move to insert the words of the Army, Navy, and the Revenue-Cutter Service;" so as to read: "or to prohibit the transportation of officers and enlisted men of the Army, Navy, and the Revenue-Cutter Service.

Mr. WARREN. I assume the Senator expects to include the

marines under the head of the Navy.

Mr. NELSON. Yes, sir.
Mr. WARREN. I have no objection to the amendment.
Mr. NELSON. My object is to include the men in the Revenue-Cutter Service.

The VICE-PRESIDENT. The amendment of the Senator from Minnesota will be stated.

The Secretary. On page 39, line 18, after the word "men,"

insert "of the Army, Navy, and the Revenue-Cutter Service."

Mr. PERKINS. I desire to add "and the members of the Coast and Geodetic Survey."

Mr. WARREN. Are they any part of the Navy?

Mr. PERKINS. No; but they are doing as much for commerce and navigation as any other Department of our Government, and I think we should include the members of the Coast and Geodetic Survey.

Mr. WARREN. Does the Senator from Minnesota accept the amendment suggested by the Senator from California?

Mr. NELSON. I accept that amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be read as modified.

The Secretary. After the word "men," in line 18, insert "of the Army, Navy, the Revenue-Cutter Service, and the members of the Coast and Geodetic Survey.

The amendment to the amendment was agreed to.

Mr. TALIAFERRO. Are amendments to the bill in order

The VICE-PRESIDENT. The committee amendment is now

under consideration as amended.

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho rise to the pending amendment?

Mr. HEYBURN. Yes; I rise to offer an amendment to the pending amendment.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

The Secretary. On page 39, line 16, after the word "rates," strike out the words "to the Government."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho to the amend-

Mr. CLAPP. I should like to have an explanation of that

amendment to the amendment.

Mr. HEYBURN. I will explain it, with the permission of the Senate. The amendment just read is proposed to be followed by one striking out, on line 17, after the word "transportation," down to and including the word "transportation" on line 18, and on line 19, by inserting, after the word "rates," the words "when traveling under official orders."

Mr. CLAPP. I shall object to that, Mr. President. Mr. HEYBURN. The effect of this amendment is that it confines the exception to the interstate-commerce act to officers and enlisted men in the service of the United States. I propose to strike out the words "to the Government," in line 16, in order that this exception may be allowed to the officers and enlisted men without going through the Department at Washington in every case, and I have provided for that by inserting "when traveling under official orders." The effect of that would be that if an order were telegraphed to a body of troops on the Pacific coast, for instance, to be transferred to Texas, they would be entitled to receive the transportation upon application at the point from which they move without waiting for the matter to be presented by the Government to the railroad company. In other words, the railroad company could not urge against an application for immediate transportation that they were prohibited from granting it under the provisions of the interstate-commerce act. It renders the movement of troops more readily controlled and managed by the officers where the movement is to take place. The other portion of the amendment, which is to strike out on lines 17 and 18, eliminates from this measure all persons or property other than officers or men in the military service of the United States

As the amendment was proposed originally, it would have permitted the Government to make terms with the transportation company for all Government employees, civil and military, because of the way the sentence is framed. I am quite sure it was not the intentien of the committee reporting this amendment, nor would it meet with the approval of the Senate, that we should repeal the interstate-commerce act to the extent of permitting the Government of the United States, through whatever source it might act, entering into a contract with the railroad companies that would give either free or cheaper transportation to its employees generally. The term "persons or property" would cover every class of employees of the Govern-ment. That certainly was not intended.

The other amendment is simply to make that effective. The amendment proposing to strike out the words "to the Government" is merely intended to make it more convenient for the commanding officer at headquarters, wherever the order may be received, to immediately make the arrangement. For instance, in a time of emergency, where it was necessary to secure the immediate transportation of troops to quell a riot or on some great emergency that might arise, it would be very important that the commanding officer should have a right to arrange for transportation without waiting for Government action through

official headquarters.

Mr. President, another suggestion important to be considered in connection with this proposed amendment is this: The Government of the United States, being the representative of all the people on all financial matters, anything that is paid out of the Treasury is paid by all the people, and I do not think it was intended that the Government of the United States should be in any way limited by the interstate-commerce act in the doing of anything that was for the general benefit of the people financially or otherwise. It was the Government that was acting for the purpose of an equal and even distribution of privileges and rights to all the people individually; but when all the people are interested, if they did not reserve the right, it should have been done, for the Government to make any contract for the benefit of all the people in the way of cheaper transportation of men or of commodities.

Mr. CLAPP. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. CLAPP. If I understand, the Senator's amendment is to strike out the word "Government," in line 16.

Mr. HEYBURN. The only purpose of that-Mr. CLAPP. I am only asking for information.

Mr. HEYBURN. I propose to strike out three words, but it is for the purpose of incorporating the same sentiment in better language, on line 19, by inserting the words "when traveling under official orders."

Mr. CLAPP.

Mr. HEYBURN. It substitutes action by the commanding officer for action through the War Department at Washington, in the interest of expedition. That is the purpose. It is merely in the interest of expedition. That a question of the method of doing it.

Mr. FULTON. Do I understand the Senator to apply his amendment limiting the operation of this provision to the Army?

Mr. HEYBURN. To the Army.

Mr. HEYBURN. To the Army.

Mr. FULTON. To the officers and enlisted men of the Army? Mr. HEYBURN. To the officers and enlisted men of the Army

Mr. FULTON. Why should it not apply to the Navy as well?
Mr. HEYBURN. This is not a naval appropriation bill. I
think that probably when the naval bill comes here—

Mr. WARREN. I will simply say that I suppose that matter

will be included in the naval appropriation bill.

Mr. HEYBURN. Yes. In any event, I should think that would be more properly taken care of in a bill providing for the government of the Navy. Of course the amendment as amended has not yet been acted upon, and it is subject to a point of order; but in order that it may be presented in the best form before the point of order is insisted upon I have offered this amendment.

Mr. CLAPP obtained the floor.

Mr. SPOONER. Before the Senator from Minnesota proceeds, will be permit me to ask to have the three or four lines

read as proposed to be amended?

The VICE-PRESIDENT. Does the Senator from Minnesota rise to the amendment proposed by the Senator from Idaho [Mr. HEYBURN]

Mr. CLAPP. I do.

Mr. SPOONER. I ask the Senator from Minnesota to yield for the moment in order that the lines proposed to be amended

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Idaho [Mr. HEYBURN]

The Secretary. It is proposed in the amendment of the The Secretary, it is proposed in the amendment of the committee on page 39, line 16, after the word "rates," to strike out the words "to the Government;" after the word "transportation," in line 17, to strike out the words "of persons or property, or to prohibit the transportation;" and in line 19, after the word "rates," to insert the words "when traveling under official orders;" so that if amended that part of the amendment would read:

Provided further, That nothing in the act of Congress entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, shall be held to prohibit the allowance of reduced rates for the transportation of officers and enlisted men of the Army and Navy, the Revenue-Cutter Service, and the members of the Coast and Geodetic Survey in the service of the United States and their families at reduced rates when traveling under official orders.

Mr. CLAPP. Mr. President, all I care to say on that subject is this: Of course, this amendment ought not to be in this bill; it is not the proper way to amend the interstate-commerce law; but conceding that there should be an amendment, I am in favor of an amendment that goes to the benefit of the United States Government. That is why I object to striking out the words "reduced rates to the Government." The Government should get these reduced rates. The Government can make its contract with the railroad, and then it eliminates the suggestion of an entering wedge here for a class of people, on their own responsibility, although under cover of official service, coming as an entering wedge into the law which we passed last spring; and unless it can be distinctly limited to negotiations between the Government and the railroads for the transportation of persons and property of those in the service of the Government-I do not care how many services you include—I shall make the point of order against the amendment.

Mr. McCUMBER. Mr. President, I made the point of order yesterday against this provision. Some Senators have spoken to me, expressing a desire that the point of order be not insisted upon if the provision could be so amended as to meet with general approval. It can not be amended, Mr. President, in any way to meet my approval so long as it allows the Government. or any person or any officer, any privileges that are not accorded to every American citizen. I do not regard the Government as standing in any better position to secure special legislation in its favor than I do the position of any individual or society seeking special legislation in his or its favor. For that reason, Mr. President, I am opposed to it. We labored strenuously a year ago, all through the long months of the winter and along into the summer, to enact a railroad rate bill. We finally secured the passage of a bill which I believe to be a very good one. ably one of the best provisions there in that law is the provision against any railway company granting any special privliege to any class, either in the transportation of persons or the transportation of freight. That, Mr. President, was the very life and spirit of that whole enactment.

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. I do.

Mr. FULTON. I confess I can not understand how the Senator contends-perhaps he can explain it-that this amendment would operate against the interests of the people. When you give the Government preferential rates, reduced rates, are you not, in effect, giving them to the people? How can it be contended that that operates to the disadvantage of the people when the people have to pay the rates?

Mr. McCUMBER. Mr. President, that is not the extent of the amendment we are considering; but I will answer the Senator in this way: What is paid by the Government is from taxes levied equally on all classes of the people—not especially upon one class, but equally upon all classes of people—either by a direct tax or by the other method of securing Government funds. This applies to the matter of transportation alone. The traveling public, the public that are compelled to do the traveling, must pay ultimately the difference; the people who pay for freight must ultimately pay the difference in freight be-tween what is a reasonable compensation and what the Gov-In other words, if the Government gets its ernment pays. freight for nothing, the people who pay for freight must pay the difference, and if the Government officials and others travel for nothing the traveling public must pay the difference.
Mr. FULTON. Who pays it?

Mr. WARREN. Who is the Government?

Mr. McCUMBER. I stated to the Senator-and I presume that he understands it—that we pay it by general taxation against all the people; but if I pay general taxes and I do not travel I am not paying the difference between the Government getting its transportation free and I having to pay for my own.

Mr. FULTON. If the transportation under regular rates, we will say, costs the Government the sum of \$50,000,000 per annum, and by the reduced rate proposed by this amendment it will only cost the Government \$25,000,000, would not the taxation be less for the people?

Mr. WARREN. It does not necessarily follow that rates are

Mr. FULTON. But the Senator from North Dakota is talking about a reduced rate to the Government, and I am assuming that it is a reduced rate. My question implies that I believe that the reduced rate to the Government is a reduced rate to the people of the Government.

Mr. McCUMBER. A reduced rate to the Government is a reduced rate to a portion of the people of the Government; and that is what I have tried to make clear to the Senator.

Mr. WARREN. If the Senator will allow me right there-

Mr. McCUMBER. Let me make that clear.

Mr. WARREN. Very well.

Mr. McCUMBER. The railways, in order to pay their dividends and their running expenses, must receive the money from those who use their traveling facilities. They do not collect it from those who do not use those facilities. Therefore, if they must raise \$25,000,000 additional, they must raise it, not from the man who does not travel, but they have got to raise it from the traveling public; and that completely answers the assertion of the Senator.

Mr. SPOONER. Is the Government any more than an agency of the people for the transaction of the people's business? The Government can not be called a "class," as contradistinguished from the people; it is a mere agency to carry on the affairs of the people, constituted by the people, instituted by the people, and maintained by the people.

Mr. SCOTT. The Senator from North Dakota is one of the

people.

Mr. SPOONER. No; he is one of the Government; he is not one of the people. Is it a fair illustration of the principle for which the Senator is contending—equality among shippers?

Mr. McCUMBER. I think it is. The equality among shippers pertains to an equality not among all of the people, but to equality among the shippers. If the Government becomes a shipper and somebody else is also shipping-if the Government ships \$50,000,000 worth, to the extent that that would mean an amount paid out of \$50,000,000 a certain portion of the public pay the expenditure of \$50,000,000—then, if the Government gets its freight carried for nothing, the other public-not all of the people, but mainly the ones who have to pay for shipping-will pay the difference. That differentiates it entirely.

Mr. SPOONER. But everyone has the benefit of the Gov-

ernment, whether he patronizes the railroad company or whether he does not. The Government is the agency of all the people. I have always understood the theory upon which we abolished passes to be to deprive the railroad corporations of the country of the power to discriminate by means of free transportation

ad libitum between shippers.

Mr. McCUMBER. That is one reason. Mr. SPOONER. And the principal reason. It was to destroy discrimination. If the Senator and myself lived and carried on the same kind of business in the same community, if you please, it was to prohibit the railway company from any longer giving rebates, from giving to the Senator and his family and their friends and his friends free transportation without limit, while they charged me, his competitor in the same community, shipping over the same line, and selling in the same market, full prices for transportation for myself and all of mine. That is a very subtle instrumentality, which has always been employed by transportation companies to attract business, to draw a shipper from one railroad to another, and to discriminate against one man in a community in favor of another. It never entered my mind that the Government of the United States, in the transaction of public business for which the people pay every dollar of expense, was to be regarded as a shipper, as the individuals of the country, the business men of the country, are shippers. I beg the Senator's pardon for interrupting him so long.

Mr. McCUMBER. I want to see where the Senator's argument is going to land the Senator and the country. It is going to land us in paternalism, if it is carried out to its logical sequence. Let us see. The propositon is that the people are

always interested in the Government saving wherever it can on expenses, because the people have got to pay those expenses. I maintain, upon the other hand, that that is not the proper solution of the differences between the Government and the governed. For instance, I maintain that business of every character, although it could be carried on more cheaply by the Government and although the people have to pay more because it is not carried on by the Government, should still be carried on by the people. Let us take a case in point. I have no doubt but what the Government could erect the proper buildings and machinery and go into the business of manufacturing everything that is necessary to build its war vessels, and that it could build them more cheaply than it can hire the shipping interests to build them; but I should never be in favor of its doing so, unless the shipping interests had it by the throat, so that there would be no competition whatever. I believe that we should pay more and have the work done by private shipping interests. Otherwise we would be thrown competition with the shipbuilding interests, and the Government has no right to enter into competition with the shipbuilding interests. In this case it would enter into competition with the merchants and other people who are paying for the transportation of freight. The Government has no right to enter into competition against any of its own people.

So it might manufacture its powder more cheaply than the

private manufacturers can manufacture it, and the Government would gain by it; but I insist that the Government has no right to go into the manufacture of powder. It could perform a great many other things that are done by private interests much more cheaply, because there would be no profit to be earned, no people to be supported by reason of the profits; but I certainly am against the Government going into any character of private business. It may get its business done as cheaply as it can in honest competition with private business; but it never ought to ask the railroads or the shipbuilders or anyone else to give it preferences.

Suppose it wants to build a war vessel costing \$10,000,000 and it should go to one of the great shipbuilding concerns and "I want this ship built for \$5,000,000. The public gets the benefit of it. We will tax the public for the other five millions. In other words, you build it for less than it costs you and let the public pay the difference." That is a case that is exactly parallel with the case of the Government asking the railroads to furnish transportation for half of what it costs and making the public pay the difference. Neither of them is a correct principle of government.

Mr. President, there are other things in this bill to which

I will not now advert. As I say, we tried in the railroad rate bill to get a square deal for all and special privileges for none.

Mr. WARREN. Will the Senator allow me right there?

Mr. McCUMBER. Yes.

Mr. WARREN. When the Senator expresses the sentiment that we provided absolutely the same rates for everybody without exception he forgets that railroad men and their families go free; he forgets that the Government, through its Post-Office Department, is able to transport its employees free, but when it comes to the War Department, and it is necessary to send officers and men and property over the railroads, the Senator would debar it from sending them free or at reduced rates. It seems to me the Senator is pushing the matter too far.

Mr. McCUMBER. The Government is conducting the Post-Whether it That is a part of its governmental duty. done under private control, I do not know.

Mr. WARREN. It is conducting it precisely the same as the War Department is conducting its business.

Mr. McCUMBER. The Senator will bear in mind that the Government does not ask the railread companies to carry the mail for half the price they charge private individuals for carrying the same thing. I believe we pay fully as much as the private individual pays for a like kind of service. The Government pays all along for everything.

Mr. WARREN. The Senator is wrong about that. The Con-

gress of the United States provides what shall be paid for carrying the mails, and also that certain postal employees shall be

carried free of charge.

Mr. McCUMBER. I did not say that Congress did not so

provide.

Mr. WARREN. Of course there are no others engaged in the United States in the same business, but almost from time immemorial the Government, in the matter of the mails, has contracted for their transportation at such rate as it saw fit, whether that rate exceeded or whether it was one-half what the rate might be for other merchandise.

Another thing: The Government, in the telegraph business,

forces upon the companies a cut rate for Government business, and we do not contend against it.

Mr. McCUMBER. I do.

Mr. WARREN. It seems to me the logic of the Senator's argument is that we shall take the profit of transporting the families of these officers, who can hardly support themselves and their families even when not compelled to take these enforced trips, and distribute it among those who are shipping freight over the road in the shape of lower freight rates. words, we must, in a way, insist upon contributions from them; we must compel the railroads to charge them full rates, although the railroads are willing to give them half rates, so that the shippers of freight may get that amount of money, wrung from the slender means of the officers of the Army, who, as General Funston says, are getting less than bricklayers, plumbers, carpenters, and others in San Francisco.

Mr. McCUMBER. Mr. President, my heart bleeds equally with that of the Senator as I see the poor military man go down with his wife and his family in his carriage to the depot. I see the footman alight to help them out, my heart bleeds for them to think that they must pay just the same prices as other citizens; that they must pay just the same as the poor fellow of the sod shanty in my own State, who is attempting to make a living. My heart is as sympathetic for them as is that of the Senator from Wyoming. But while I am giving this aristocracy that we are building up in this country my heartfelt sympathy, I do not feel that the fellow out in the sod shanty should pay the difference; and, if he should happen to want to come East should be compelled to make up the difference between the half rate and the full rate for the benefit of these

downtrodden people.

Now, Mr. President, I believe that we spent too much time in trying to get a perfect rate bill last year to attempt now to make an insidious attack upon it by getting special privileges for any class. We have already got amendments in here to include the Coast and Geodetic Survey, and then I know of no reason why we should not include the Geological Survey. I do not know where we are going to stop if we make any exception

When we excepted the railroad employees we excepted them because we felt if they took their families they were taking them with them in their work, not for the purpose of traveling generally over the country, but to allow their families to accompany them if they saw fit. That was going a little further than strict justice required, I think.

Mr. WARREN. And we seek to do the same when an officer of the Army is ordered from here to the Philippines and is

compelled to take his family with him or suffer a separation of two or three years, maintaining the expense of two homes, one for his family here and one for himself in that part of the world to which he is sent by the imperative orders of the War Department.

Mr. McCUMBER. Why not do the same when an officer of the civil service is going from one portion of the country to another? There is no more reason why we should include one

another? There is officer than another.

We have provided for them. Mr. SPOONER. We have provided for them. Mr. WARREN. We have provided for other Government employees

Mr. McCUMBER. Yes; in a certain way, I think; but to that extent it is wrong.

Now, I want to call attention to another feature—
Mr. HOPKINS. Will the Senator allow me to interrupt him?
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. Yes.

Mr. HOPKINS. In relation to civil officers of the Government, is it not a fact that the Government pays all the expenses of post-office inspectors and other inspectors, as, for instance, in the Secret Service? They are all civil officers.

While they are on duty.

Mr. McCUMBER. So it does for Army officers. It pays all their expenses when they are on duty. But the Government does not pay for the transportation of the families of civil officers, and it ought not to pay for the transportation of the families of military officers.

So much has been said, Mr. President, about this poor class, that I really think it is time we should understand a little about the care that is given by the Government to the military and naval arm of the nation. They receive emoluments and benefits that are not accorded to any other class, so far as I know. They have higher pay. If I write and ask what is the salary of the Lieutenant-General, they will write back and tell me it is \$11,000 a year; but, if I make an investigation, I ascertain that the Lieutenant-General has served for fifteen years, and then I discover that he gets 30 per cent more than \$11,000.

Mr. WARREN. Mr. President, I am sure the Senator does not want to be regarded as making that statement. was and it is not now the law. The Senator ought to know it, and the Senate itself must know it at this point.

Mr. McCUMBER. To which class of officers does the length

of service provision apply?

Mr. WARREN. It does not strictly apply to any officers but lieutenants and captains, because there is a maximum as to the majors, lieutenant-colonels, colonels, brigadiers, major-generals, and the Lieutenant-General.

Mr. McCUMBER. Here I have the list of major-generals. There are eight of them in active service and their regular

salary is \$7,500.

Mr. WARREN. That is right.

Mr. McCUMBER. That is the initiatory salary. Do they at any time receive more than that?

Mr. WARREN. That is the maximum salary that they can

ever receive

Mr. McCUMBER. There is \$7,500 for that. What are all of these provisions on page after page of the bill for length-of-service pay—a new appropriation for length of service?

Mr. WARREN. What is the question?

Mr. McCUMBER. I am asking the Senator to explain what is meant in this bill by the additional appropriation almost under

every heading for length-of-service pay?

Mr. WARREN. It applies under every heading where pay is rated for lieutenants, captains, majors, colonels, and lieutenantcolonels, because the minimum that a colonel can get and the maximum are different, although not to the extent of the 40 per cent that may apply to a captain or a lieutenant. A lieutenant gets \$1,400 unmounted and \$1,500 mounted. After five years he gets an additional 10 per cent; after ten years, 20 per cent; after fifteen years, 30 per cent, and after twenty years 40 per cent, and that is his maximum. The same is true of captains. A captain receives \$1,800 unmounted and \$2,000 mounted; a major, \$2,500; a lieutenant-colonel, \$3,000, and a colonel receives \$3,500. The maximum salary of a colonel is \$4,500; the maximum of a lieutenant-colonel is \$4,000, and the maximum of a major is \$3,500; so that the extra pay applies only up to that maximum.

Mr. McCUMBER. The Senator gives that as the maximum. What is the amount of their retired pay? Is it three-fourths? Mr. WARREN. It is three-fourths of whatever salary the

officer receives at the time of retirement, according to the rank he had attained when retired.

Mr. McCUMBER. I will take the Lieutenant-General. The Lieutenant-General is rated at \$11,000. I find that on the retired list the average annual salary is \$8,250. I find the majorgenerals receive \$7,500 each.

Mr. SCOTT. May I interrupt the Senator from North Da-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from West Virginia?

Mr. McCUMBER. Certainly.

Mr. SCOTT. The Senator speaks of the Lieutenant-General. He will find that this bill dispenses with that rank entirely. So he need not discuss that at all.

Mr. McCUMBER. We have not dispensed with the rank of those who have been retired. They are still receiving the same. The major-generals receive an annual salary of \$7,500. They retire at \$5,625.

Mr. WARREN. Not \$7,500 on the retired list. Threequarters of that

Mr. McCUMBER. No; I mean on active service. I am giving the active and the retired pay. These are given under the annual average salary of officers of each grade; and if the major-generals receive \$7,500—and I understand the Senator to say that is the highest—then why is it placed under the head of average.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly. Mr. NELSON. I desire to call the attention of the Senator from North Dakota to the fact that these officers, where they are not residing in Government quarters, are entitled to an allowance for quarters. So the Government practically furnishes them a residence in addition to the salary.

Mr. McCUMBER. Yes; but that is not mentioned in connection with the salary. I want to call attention to that. When an officer is on duty at the barracks he does not have to pay rent. We generally give them pretty good buildings to live in. Such quarters as he uses where he may be stationed would

cost him from \$1,800 to \$2,000 per year in the city of Washington. He gets that free. If he, however, goes to the city of Washington and performs his duty there, he is given a certain allowance for his rooms, which probably is equivalent to from \$1,500 to \$2,000 a year.

Mr. SCOTT. I will ask the Senator if he knows what the allowance is. What are the officers allowed for each room? If the Senator will figure it up, he will find that it does not amount

to anything like the sum he stated.

Mr. McCUMBER. If he gets ten rooms, and if he is allowed \$15 for each room, it would be a hundred and fifty dollars a month. There are those who can give better information than I can.

Mr. WARREN. I hope the Senator will confine himself a little more closely to the facts. I know he wants to do it. The allowance of rooms commences at two for a lieutenant and extends along up possibly to ten for a Lieutenant-General.

Mr. McCUMBER. Ten, at how much a room?

Mr. WARREN. The maximum allowance is \$12 a month

per room.

Mr. McCUMBER. For how many rooms? Mr. SCOTT. Say, for a first lieutenant. Mr. WARREN. For a first lieutenant, two

For a first lieutenant, two rooms; a captain, three rooms—\$24 to \$36 a month.

Mr. SCOTT. That is far distant from \$1,800 or \$2,000.

Mr. WARREN. It does not apply in any case except to

officers detailed away from their permanent quarters.

Mr. McCUMBER. I stated that the quarters furnished an officer of the higher grade at the place where his duties are to be performed ordinarily would be equivalent, in rent, in the city of Washington, to from \$1,500 to \$2,000.

The Senator is entirely wide of the mark Mr. WARREN. about that. He is running wild in his statements.
Mr. McCUMBER. Mr. President—

Mr. WARREN. Will the Senator permit me to say a word?

Mr. McCUMBER. Certainly. Mr. WARREN. The Senator is giving the salaries of the few higher officers of the Army. What kind of a display would it make if some Senator, to illustrate life-insurance salaries, were to get up here and state the incomes of the life-insurance presidents, the salaries of the general officers of the great railroad corporations, omitting all those of the lower rank—the agents, the bookkeepers, etc.—and taking the few higher ones? What would such a comparison amount to?

Now, a man in order to be taken in the Army must be a selected man. Boys applying for entrance to West Point must have a physique that will pass a rigid inspection. They must have a mental equipment that is excellent; and, as a matter of fact, only about one in three is accepted. Not more than half of those at first accepted pass West Point. There are many officers who have left West Point and gone out and received salaries of twenty or thirty thousand dollars, and I know as high, in one instance, as \$40,000. They are men who have been in the Army. The Army to-day includes just as good men as you can find in the life insurance companies, just as good men as you can find in the great railroad corporations. When you come to the high-salaried officers, there is one Lieutenant-General until the present officer's term expires and then none; you have seven or eight major-generals and fifteen brigadiergenerals in the line, and possibly nine more in the departments, as heads of departments, a matter of twenty-five or thirty high salaries in the entire Army, and they go to men who have charge of this great property and men who have charge of the distribution of these great amounts that we appropriate, and have devoted their lives to Army work and service. I say it is unfair to undertake to hold up here to ridicule the comparatively few officers of the Army who get high salaries as illustrating the general pay of Army officers—

Mr. McCUMBER. I will not allow the Senator's statement to go unchallenged that anyone has ridiculed anything. want to say to the Senator that I have my views on what is just and proper, and I will express those views to the best of my ability, and I will not submit to the statement that there is any spirit of ridicule in any statement that has been made

is any spirit of ridicale in any statement that has been made in the discussion of this matter.

Mr. WARREN. Mr. President—

Mr. McCUMBER. I yielded for a question and the Senator made an argument. I will take up the argument with him.

made an argument. I will take up the argument with him.

Mr. WARREN. Will the Senator yield until I apologize?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. I yield to the Senator for whatever purpose he wishes

Mr. WARREN. I had no right, perhaps, to make a speech and for that I apologize. If I have wrongfully accused the

Senator of ridiculing, I apologize most humbly for that also. But when he stated that the officers of the Army drove to the depot with footmen and drivers-men getting \$1,400 a year-it seemed to me as if it were ridicule. I take it back, however, and will assume it was not ridicule, if the Senator will say that he spoke fairly and in good faith about carriages, footmen, drivers, etc.

Mr. McCUMBER. When the Senator, in most sweeping terms, spoke of the poverty of these officers, I thought it was but proper to give the opposite side. That is as far as I have

Mr. WARREN. You do not think that officers are usually driven in carriages, accompanied by footmen and drivers, do you?

Mr. McCUMBER. Mr. President, I was considering these salaries for the purpose of determining whether it is the duty of Congress to make an exception for the families of officers different from all the rest of American citizenship. If there is such a case made as to justify us in making a different law for the traveling officer and the traveling public, then we ought to understand upon what basis such a proposition is

Mr. SCOTT. Will the Senator allow me?

Mr. McCUMBER. I wish to finish, and then I will yield.

Mr. SCOTT. An ordinary citizen does not have to move un-less he so wills it. But an officer at the command of the Secretary of War is compelled to move. He may be compelled to move from the Pacific coast to the Atlantic, and it may cost him seven or eight hundred dollars to make the move.

Mr. McCUMBER. When he goes upon his official duties the Government pays the traveling expenses

Individually, but not for his family. Mr. SCOTT. Mr. McCUMBER. The Government pays for it. Mr. SCOTT. Not for his family.

Mr. McCUMBER. Certainly not. When the Senator goes away on official business, if he takes his family with him, the Government does not pay for his family either.

I take these salaries just as they are given me from the War Department, and I say that when you take the benefits that these officers are receiving, as a whole, they are better paid than are the civil officers of the Government, because they have privileges that are not accorded to civil officers, for the most part. I do not know exactly what is the value of four or five rooms. It would depend upon what building they were in. If they were at one of the hotels, at \$5 a day each, it would be considerable. I do not know what allowance is made. Undoubtedly a greater allowance is made for the higher officers than for the lower ones. I am not complaining that the allowances are unjust. I simply say that, for the most part, they must be taken into consideration in discussing the question of the salary for the purpose of determining whether we ought to change this law which we made last winter.

Now, that is not all. Every officer not only for himself, but for his family, as I understand, and the Senator in charge of the bill can correct me if I am in error, has the privilege of purchasing all of his goods from the Commissary Department. That means considerable. He purchases practically at wholesale rates. What I mean by wholesale rates is the original cost of the goods and 10 per cent added, if I am correctly informed, and 10 per cent would cover in most cases the freight from the point of purchase to the place of sale. The difference between the wholesale price and the retail price with the ordinary family of five would probably amount to at least \$500 a year. It might amount to considerably more. Officers have the benefit of that as well. I can not say what it amounts to.

Mr. WARREN. I think if the Senator will consider that it is the difference between the two profits—that of the retailer

and that of the wholesaler-and that if the family is small, he

will admit that \$500 is too much.

As I keep house, I understand something Mr. McCUMBER. about it. I am keeping house and know something about it. live in the city of Washington, and the difference between the wholesale price and the retail price is very, very great—perhaps three or four times as great as it is in my own section of the

country.

Mr. WARREN. What would the Senator estimate the percentage of difference to be between wholesale and retail? That is a good way to get at it.

Mr. McCUMBER. In the neighborhood of 50 per cent.

Mr. WARREN. Oh! On sugar, for instance.

Mr. McCUMBER. That is between wholesale and what it is sold for at retail. I mean the ordinary goods. It runs all the way from 25 per cent on groceries and little things of that kind to from 40 to 50 per cent on meats. In some branches of the

grocery line the difference between wholesale and retail is very light indeed. But we must take this as a general rule.

I notice that we are still increasing salaries in this bill; that giving that which is equivalent to an additional salary. Here is a provision on page 27:

Provided, That hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regula-tions as the Secretary of War may prescribe.

I call attention to it simply as an additional saving to the

Mr. WARREN. That is putting them back just where they were formerly and giving that which was taken away when salaries and allowances, etc., were reduced about the year 1870. It seemed to the committee that, in view of the increases in prices that have been made since the year 1870, it is not too much to restore what the officers originally had.

Mr. McCUMBER. But, Mr. President, the Senator must not consider me as ridiculing this at all or as criticising it. I simply call his attention to the matter to show that we are favoring these officers in many ways in this bill—assisting them

As to the lower officers, as I look over this bill, I agree with the Senator most emphatically that every one of the officers of the lower grades is receiving too little. There is no question about it. For my part I can not see any reason why we should have a difference of nearly \$4,000 between major-general and the Lieutenant-General, or why there should be \$2,000 between brigadler-general and major-general, or another thousand be-tween the next two grades. I think there is too wide a gap in all these instances between the several grades, and that there cught to be a leveling process, not necessarily by bringing the higher ones down, but by bringing the lower ones up. So we agree entirely upon that. I am in favor of granting a compensation that will be just and proper to every one of these officers.

I wish now to call the Senator's attention to another provision of this bill, to which I myself am opposed, and if I can raise a point against it, although it has already been adopted, I shall do so. I call the attention of the Senator to a provision of the bill on page 15, under the Bureau of Insular Affairs:

For officers of the Bureau of Insular Affairs, \$9,000: Provided, That the Secretary of War is hereby authorized to detail an officer of the Army, whom he may consider especially well qualified, to act as principal assistant to the Chief of the Bureau of Insular Affairs of the War Department, and said principal assistant while acting under said detail shall have the rank, pay, and allowances of a major.

There is another method of raising the salary of at least one of them. The objection that I have to that is the delegating of Army officers to perform civil functions. If there is any one thing we should guard against, it is against reaching the military arm into all the civil branches of the Government. I do not believe that we should create so many officers that we do not know what to do with them. It is true that we probably have to-day twice as many officers as we need, and so to give employment and to help out in salaries we are continually attempting to crowd them into the civil business of the country. If it is necessary that we should have some one connected with the Bureau of Insular Affairs who is especially by education qualified in military affairs, there may be some reason which would justify the amendment.

Mr. WARREN. Will the Senator permit me right here?

Mr. McCUMBER. Certainly.

Mr. WARREN. The Senator is in error, at least from the standpoint of the Army and I think from the standpoint of the public generally, when he says we have too many officers. On the contrary, we are short of officers, and there have been so many details to military schools, for submarine mines, and tor-pedo purposes, etc., that the companies have but one and two instead of two or three commissioned officers each; and that is true throughout the Army.

The Insular Bureau is entirely within the War Department,

and this amendment seeks to permit the employment, at the pay of a major, of an assistant to the chief. There is no doubt about the necessity of it. It is simply a matter of whether the Department shall be compelled to use a captain or a major. If a major is selected there will be no increase of salary. If a captain is selected there will be an increase the same as that given to officers at West Point and elsewhere for special duties.

Mr. McCUMBER. The increase may be absolutely proper. It may be appropriate. What I object to is projecting the arm of the Army into the civil affairs of the Government. That is What I object to is projecting the arm the custom in the old countries, until we find officers connected with every branch of the civil Government. I do not want to see it grow in this country.

I call the attention of the Senator and of the Senate to an-

other matter that pertains to the salaries, and I speak of it as pertaining to the salaries only as bearing upon this proposition, and that is the salary of retired officers. A retired officer receives a salary equivalent to three-fourths of his active salary. If he had to pay a life insurance company for the purpose of securing an annual income of this amount, how much would he have to pay? Have we ever thought of that proposition?

Mr. President, that privilege alone is worth millions upon millions of dollars to the Army. That privilege alone, the right to retire at a certain age and be protected for the balance of his life, is equivalent to an enormous sum paid to a life insurance company for the same purpose. I believe it would average an increase of salary equivalent to 50 per cent to provide that much of an income after a certain age, or very nearly that; perhaps more than 50 per cent in the case of those of the lower grades Those things it seems to me should be taken into consideration.

Mr. WARREN. Will the Senator allow me right here? Mr. McCUMBER. Certainly. Mr. WARREN.

Mr. WARREN. Of course that is no new thing. That has been the practice almost ever since the formation of an army. It applies to the Army and the Navy and the enlisted force.

Mr. McCUMBER. I know it is not a new thing, but it is a

thing we ought to take into consideration.

I wish to say to the Senator right here that the greatest privilege which can be accorded to any young man in the United States is that of being educated by the Government of the United States in the very best educational institute for boyhood, and to be then assured a commission in the Army, and to be then assured a life income after he has gone out of the Army. I can not imagine any greater boon to any young man than that of having the privilege of entering the Army or the Navy of the United States. It can be granted to but few of the American citizens. But what I want the man who has entered one of these great seats of learning to feel is that when he has stepped over the threshold his blood does not change from red to blue, that he is still a good American citizen, receiving this great blessing, receiving this privilege from the American people, and that he should not be accorded special privileges and rights that are not accorded to the one who had to be left out and was unable to secure the same privileges.

The Senator speaks very highly of the class of young men who enter the Army. Mr. President, I will agree with the Senator that they are among the best young boys that we have in the country, but I desire to call the Senator's attention to another thing: We select these young men when they are from 15 and 16 to 18 years of age. We do not know what is in a man until he has shown his mettle in the struggle for existence against other men. You can not measure the quality and the character of an individual between the ages of 15 and 20 years, and I would generally select, for practical knowledge and not mere theory, for any character of labor, not the man who has been educated in this way, but the man who has been educated in the hard school of struggle and experience. He is worth more from a practical standpoint than any officer you can select for that purpose, and I would select him for every civil duty and not select an officer of the Army for it.

Mr. President, I desire to say that everything I have uttered upon this subject has been simply to enforce my plea that we shall treat American citizens exactly alike and that no one shall have a special privilege, and I ground my point of order upon

Mr. WARREN. I assume that the point of order will not be pressed until there has been an opportunity to reply.

Mr. McCUMBER. Certainly not.

Mr. WARREN. I should like to ask the Senator before he sits down if he thinks it is quite fair to an enlisted man who may have a family and who certainly does not get a large salary, when a railroad is willing to carry his wife and children free or at reduced rates, to deny him the privilege of having that done?

The soldier may have served his time faithfully and well in the Philippines. He is entitled upon expiration of his term to go to the place of his original enlistment, but instead of that he does what the Government is anxious to have him do, if he is a good soldier—reenlists. He reenlists in the Philippines. When the time comes for his next discharge, he is entitled to a discharge in the Philippines. He may want to go to his home, say, in New Jersey or Massachusetts or somewhere on the Atlantic coast.

It has been customary for the transcontinental roads and others to give him a very low rate, including his family, if he has one. Does not the Senator think that we ought in some way to relieve a situation like that?

Mr. McCUMBER. Yes, Mr. President.

Mr. WARREN. We laid this hardship upon him by the law under discussion, the interstate-commerce law.

Mr. McCUMBER. But why should we assume this method Why should we do indirectly that which of relieving him? every impulse of duty declares we ought to do directly? No American citizen should be asked to serve his Government for the sum of \$13 a month. Pay the soldier what he ought to have. Pay him honest compensation. Then let him do with his money as he sees fit. Pay him what is proper. I believe our soldiers ought to receive more than double what they are receiving today, and then they could afford to pay their railroad fare.

Mr. SPOONER. Mr. President, this provision, as it has

finally been worked out without the amendment which is proposed to it, seems to me rather a ridiculous one. It says:

That nothing in the act-

Which is mentioned-

shall be held to prohibit the allowance of reduced rates to the Government for the transportation of persons or property, or to prohibit the transportation of officers and enlisted men of the Army, Navy, Revenue-Cutter Service, and the members of the Coast and Geodetic Survey, in the service of the United States, and their families at reduced rates.

I can see no reason in the world why the members of the Coast and Geodetic Survey and their families should be preferred in the matter of reduced transportation to other civil employees of the Government. They certainly are no more important than the Cabinet officers and the thousands of officials who are constantly in the civil employment of the Government. As it stands it is illogical and, to my mind, absolutely absurd.

Mr. President, coming for a moment-and I will take but moment-to the remark of my friend the Senator from North Dakota [Mr. McCumber], whose ability I grant and whose friendship I am proud to have, that the suggestion which I made led to centralization of government, I beg to say that I can see no possible theory upon which that can be deduced from any observation which I made. The Government does not enter into competition with the individual citizen. If the Government chooses to manufacture its own powder, which in the last analysis in the interest of all the people it must have the power to do, it does not enter into competition with the manufacturers of ammunition throughout the country, because it manufactures only for its own use and not for sale, not for profit, whereas the citizen who manufactures it manufactures for sale as a part of his business and for profit.

Mr. McCUMBER. Do we not limit the market of the citizen

then to that extent?

Mr. SPOONER. Oh, that is almost socialistic. But that argument, Mr. President, would prevent the Government of the United States, if the powder factories of the country should be destroyed or if some great combination should take the Government by the throat when war is imminent, from manufacturing its own powder in order to protect our coasts and to defend our flag. That can not be possible, and any argument based upon it can not be a sound argument.

It costs the Government, I think, more—and always has and, I presume, always will—to manufacture or to carry on works than it would cost to have it done by contract, or than it costs, combinations being omitted, by purchase from individuals. But there is nothing I have said—for I am as much opposed to centralization as any man in this Chamber or who will ever enter this Chamber—that warrants a suggestion that it favors infer-

entially or any other way centralization.

Now, Mr. President, a word about the Army officer. The Senator from North Dakota has gone very carefully through the details as to the allowances to Army officers. So much is allowed for quarters. I lived once in some of their quarters. I would not want to do so again. Hundreds of these Army officers have spent almost all their life on the frontier, in tents and cabins, and on the plains, through the winters where the quarters were by no means comfortable. I spent a winter a good many years ago in a fort not far from where the Senator lives. I was an officer. I had company quarters. They were almost intolerable, and they were as good as there were to be had in that region.

Mr. McCUMBER. The Senator will find very excellent quarters there now

Mr. SPOONER. Possibly better than in the Philippines, better than an Army officer may find anywhere to which the Commander in Chief orders him to go and fixes his destination.

There is one phase of the Army officer's life which the Senator from North Dakota leaves out of account. The West Pointer, of course, gets his education at West Point. It is an admirable education. It is an education, however, more intended to fit him for Army service than it is for business life. The young man who graduates from West Point graduates from that institution with an honorable obligation resting upon him to serve as an Army officer the Government which has educated him to be an Army officer; and, Mr. President, some of the years of his life, while in active service, he may have pleasant assignments. He may live for a time in Washington. He may ride in an Army ambulance with a driver to the depot.

But every day and night of his life, until he shall have retired, he is resting under a solemn obligation at the word of command to move; it may be to the Philippines; it may be to Cuba; it may be to the frontier, if there be any frontier left. He is sworn to stand under the flag and be shot if need be. It is a part of his contract to serve the Government. He does not always have good quarters. It is not the contract of his service that he shall be pampered. He may not always have his family with him; but he marches under the burning sun, and he marches through the jungle, and he marches through the pouring rain, and he sleeps not in a soft bed, but sometimes in the swamp, sometimes in the rain, often, often on the ground. Some phases of his life are pleasant, but there is the uncertainty of his life, the fact that he is always subject to the command of another as to his movements. Whether he shall go into danger or sleep in comfort on a canopied bed is not for him to say. He parted with his choice long, long ago. He is a machine. He can have no permanent home. He can not be sure for a month that he may not be obliged to part from those he loves, and part from them for a year, aye, Mr. President, forever.

This contract of the soldier, this never-ceasing obligation to go where he is ordered, to face death in one form or another, to leave his family, perhaps never to see them again, is something that with any right-thinking man counts for more than commutation of quarters, or the right to buy at wholesale goods purchased by the Government for distribution among officers.

Are the officers of the Army to be called blue blooded? means aristocratic. They are a class. They do not make of themselves a class. They are segregated. The man who enters it segregates himself by his oath and his loss of liberty, of the freedom to go where he will and to do what he will. Of course he is of a class. But, Mr. President, when the bullet of the enemy strikes the officer's body or that of the soldier as he fights and falls under the flag, the blood which gushes from it is not blue blood, it is the best of loyal and patriotic and selfsacrificing red blood.

It is not quite fair, Mr. President, to make a standard of the allowances and the salary of the Lieutenant-General; they are very, very few relatively; or the major-general, or the brigadier-general, or the colonel. The Army is filled with men who have been there many, many years, who have been traveling along the weary road from the second lieutenancy to the rank of major, to the rank of lieutenant-colonel, aye, to the rank of captain.

The Senator from Wyoming tells me that there are to-day in the Army captains over 50 years of age. Beginning at West Point and serving on the frontier, having no soft and beautiful assignments or details, it is a long journey from West Point to 50 years of age and the epaulette of a captain.

I have not known many officers who have accumulated much. Now and then, I suppose, Army officers have been able to take advantage in a legitimate way of opportunities outside of the service to make money; but I venture to say that the great mass of the Army officers have relied upon their pay and what

little they could save from their pay.

There is another thing about it. The Army officer with a wife and children, daughters and sons, loves civilians do their wives and their children. He is as anxious that the daughter should have the accomplishments and the education which fit her to be the daughter of an officer and an accomplished woman as anyone in the world can be. You can not get that traveling all over the world. I have known many of these officers who have denied themselves and sacrificed much with their wives, that they might send their daughters to satisfactory schools and academies in the States while they were serving on the frontier and protecting the border and the settlers of the West from the ravages of Indian tribes.

We have to average this thing, Mr. President; not to pick out the most favored and make them the standard for all, because that is not the standard of all, nor is it the standard of

It does not change the rate law. I think if we could have proceeded to the enactment of the rate legislation in the usual Senatorial way, with less of friction, more of conference and discussion, such as is usual when the Senate acts within itself, perhaps some provisions of the rate law which are to-day found to be objectionable, and others the objections to which have not yet been discovered, would not be found to exist in it. But if

there is anything in the rate law, so far as Army officers are concerned, which is not just, it ought to be eliminated, and this is a good place to eliminate it.

Take the enlisted men. Does the same principle, so far as logic is concerned, not apply to them? They have, in a way, allowances, too. They are ill paid, I think, although their pay has not been changed for many years, as I recollect it.

Mr. WARREN. They are allowed food and clothing, which, of course, the officers are not.

Mr. SPOONER. Yes; they are allowed food and clothing, and they are allowed shelter except when they have no shelter, bunks except when they sleep on the ground under the stars or under the clouds

Mr. WARREN. They are allowed all the real necessities of

Mr. SPOONER. The Senator says they are allowed all the real necessities of life. Now, I do not believe that an Army officer, certainly not an enlisted man, can, without special provision, transport his family with him to a foreign post. It is a very grievous burden upon the average officer, if he must pay for it at full rates, to take with him his wife and perhaps his children to a post far away, a service or tour of duty which perhaps may take him a year or more. How many Senators would be willing to leave the wife and the family and enter upon a service which would preclude them from association with the family for a year, perhaps more? The officer is a better officer if he can have thrown around him the sacred and sweet influences of home, of wife and children, and the enlisted man is a better soldier; he is less liable to temptation; he is more stable in his service of the Government. I do not myself begrudge them, and I think the people of the United States who have been well served always by the Army on the frontier and everywhere

Mr. WARREN. At San Francisco. Mr. SPOONER. Yes; at San Fran Yes; at San Francisco and everywhere, as they have been by the Navy, will begrudge the opportunity to these men, officers and enlisted men of the Army and the where it is proper and consistent with a due discharge of military duty, to facilitate the transportation of their families, so that, as far as possible, they may live together. It does not compete; it does not injure any person in the United States appreciably. I have no idea that among \$5,000,000 people the trifling sum which would be taken out of the aggregate of railway transportation for the transportation of our little Army, the officers, and their families would amount to a discoverable sum; nor do I think that the principle is bad.

I go back to the proposition with which I started a while ago, that this is the people's Government. The Army is the people's Army. The officers are the agents of the people for purposes of defense and protection. Government is only an agency in this country and under our system through which the people govern themselves; that is all. These men are their agents. Every reasonable allowance and concession should be made to them; and the Army, more than almost any other class I know,

should have the concessions which are proposed in this bill.

We provided in the rate bill that the railway companies might give free transportation to the ex soldiers and sailors of the war of the rebellion. That costs the people something, on the argument of my good friend from North Dakota [Mr. McCumberl. Why is that done? That is done out of gratitude-not the payment of a debt, but out of gratitude by the people of the United States to the men who in the long ago preserved the Republic and made it the Government which it is and which it will always be, "an indestructible Union of indestructible States.'

The day may come-I hope it will not, for I hope war will not come to us again, but no man on this earth can tell-when we may be grateful to the present Army and those who are to swell their ranks. But if it is proper for us out of gratitude to concede this thing to the members of the old Army, why is it not the decent thing to concede it to the members of the existing Army, who may be called to China, as they were not long ago, who may be called to the Philippines, or called to God only knows where they may not be called under the contract they assume to obey, and to face death and danger anywhere the orders of the commanding officer may

direct them to go.

Mr. ALDRICH. Mr. President, the difficulties which surround this amendment, as they present themselves to my mind, are entirely disconnected from any question as to the adequacy of the pay either of the enlisted men or the officers of the Army of the United States, or any question connected with the character of their services. No Senator can have a higher opinion of the soldiers of the United States Army than I have. But this is entirely a practical question which we are dealing

with as the representatives of the Government of the United States in connection with the transportation of merchandise and soldiers for its benefit.

As I understand the Senator from Wyoming, in charge of this bill, the proposition involves the practical reduction of rates of transportation 50 per cent on all soldiers and all goods transported for the United States connected with the Army-that is, on certain roads.

Mr. WARREN. Mr. President-

• The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Wyoming?

Mr. ALDRICH. Certainly.

Mr. WARREN. In explanation of that: From later information I am not certain but the Interstate Commerce Commission might yet decide that the rates as to merchandise might be as The complication arises in this way: Originally various roads, fifty or

Mr. ALDRICH. I would much prefer that the Senator would simply state whether in a general way my suggestion is correct—that the statement made by the Senator the other day was that certain roads transported soldiers and material for the Army at 50 per cent of their published rates, and that it is proposed to equalize that by having other roads give the same rates

Mr. WARREN. It is proposed by this measure to give them the privilege of equalizing it.

Mr. ALDRICH. Yes; of carrying at one-half.
Mr. WARREN. I will later on explain it. I do not wish to

interrupt the Senator now.

Mr. ALDRICH. I suppose when the words "reduced rates' are used in the bill that means reduced below their published tariffs, the rates which they give to everybody in the United States, and which are published for the information of all shippers without regard to whom they are.

In our recent legislation we provided that these tariffs should be made over every conceivable road in the United States; and that they should be published and adhered to. We made it an offense punishable by a fine and imprisonment to depart from those rates, or for any person to give or to accept a rebate from those rates, or lot any person to give of to accept a redact right those rates, and I believe that under that act or the previous act, known as the "Elkins Act," punishment has been meted out to offenders, even offenders who were working under a contract. Now, what is this proposition? It is that the Government of

the United States, through Congress, is to ask the railroads of the United States to carry their merchandise and their material at one-half of the published rates.

Mr. BACON. Will the Senator permit me a moment?

Mr. ALDRICH. Certainly.

Mr. BACON. I understand the suggestion to be that there are certain roads which, under the law, are now compelled to carry for 50 per cent-at half rates.

Mr. ALDRICH. Under contracts which were made some time

Mr. BACON. Yes; I understand that, if the Senator will

Mr. ALDRICH. And other contracts were made void by the

passage of the act of last year or of two years ago.

Mr. BACON. If the Senator will pardon me a moment, I have not completed the statement I desired to make. I am informed by the junior Senator from Arkansas [Mr. Clarke] that there is one road running through Arkansas, a land-grant road, which is compelled to haul the troops and munitions of the United States free.

Mr. WARREN. There are several in the United States. Mr. BACON. The question I wanted to ask was, if we are going to modify the rate law for the purpose of meeting the conditions spoken of by the Senator from Wyoming, that they shall haul at half rates, what are we going to do as to this other class? Are we going to modify the law so as to make provision for the entire free transportation of all troops and munitions of war? If we are to have equality, we shall have

Mr. ALDRICH. I was myself coming to that point. Mr. BACON. I beg the Senator's pardon.

Mr. ALDRICH. I was aware of the fact that there were certain railroads which were required by their charters to carry munitions of war and soldiers free of any transportation charge. Now, as the Senator from Georgia [Mr. Bacon] very well suggests, we could save I do not know how many million dollars-the Senator from Iowa [Mr. Allison] knows much better than I-but we could save certainly a number of millions of dollars, looking at it purely from that standpoint, if we provided that all the railroads in the United States should transport all of the materials of war and all of our soldiers free of cost.

Mr. WARREN. These railroads had previously obtained value received in bonds and in loans of credit; and for that reason, and in consideration of those benefits, they are handling this transportation for 50 cents on the dollar. Some other railroads, anxious that the Government-aided railroads should receive no

greater benefits than they, desire to share in this business.

Mr. ALDRICH. I suppose the Senator from Wyoming is as well aware as I am that at the time we passed the so-called 'Elkins Act," in 1902 or 1903, there were in existence in the United States, to a considerable extent, contracts between the railroads and individuals for carrying freight at much less than the published rates, giving to large shippers advantages and rebates, which were not at that time unlawful, but which were made unlawful by the Elkins Act and by subsequent legislation.

Does the Senator from Wyoming think that those contracts ought to be recognized by law and held to be valid as against the declaration of public policy made by the act to which I have referred?

Mr. WARREN. If such contracts were made by shippers with the railroads and payments in full were made in advance for a long term of years, then I think such contracts ought to be respected.

Mr. ALDRICH. Does the Senator think the Government of the United States ought to put itself in the position of recogniz-ing a contract in violation of a principle of law which it itself enacted and which it enforces as against every other shipper in the United States?

Mr. WARREN. The Congress of the United States, having committed an error in the legislation heretofore enacted, would of course have a right to correct it by subsequent legislation.

Mr. ALDRICH. In my judgment this body can never commit an error of that kind, or it never ought to commit an error of that kind. I believe that the purpose of our legislation in regard to railroad rates was that every person should stand equal before the law with reference to rates of transportation for merchandise and for persons. That was the undoubted purpose of the legislation, and that which is now proposed has no place here; it can have no place here in the opinion of any man inside or outside of this Chamber, unless it is based upon that theory

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Oregon?

Mr. ALDRICH. I do. Mr. FULTON. I ask the Senator if he does not think there is a marked distinction between prohibiting preferential rates to an individual by a private individual or a corporation and prohibiting them to the Government? In other words, is not the law prohibiting preferential rates to one competitor against another in the interest of the whole people? It is to protect the entire people. Now, when you give the Government a preferential rate is it not in the interest of the entire community? This legislation is for the public, for the people; and what harm can result, what injury can result from giving the whole people the benefit of these preferential rates?

Mr. ALDRICH. Let us carry that out to its logical conclusion. Suppose we adopt the suggestion of the Senator from Georgia [Mr. Bacon] and provide that all transportation for the public service of all kinds shall be free.

Mr. BACON. Does the Senator understand that I suggested that that should be done?

Mr. ALDRICH. Yes; if we are going into the matter at all. Mr. BACON. I never said that.

Mr. ALDRICH. Let us see what is the effect of it.
Mr. BACON. I did not suggest that that should be done

Mr. ALDRICH. The Senator suggested the possibility of it.

Mr. BACON. Oh, yes.

Mr. ALDRICH. Let us see what the effect of it would be. It is true that the Government of the United States would save a certain amount of money, but who would get the benefit of it? It certainly would increase the cost of transportation to every other shipper in the United States and to every other passenger in the United States. Now, are those the same people who get the benefit of the original saving to the Government? You are taking money from one class of people and any means. putting it into the pockets of another class. You can not do that. That argument falls of its own weight. You can not undertake to carry it to its logical conclusion. The Senator shakes his head. He has been talking about the people of the United States as though they were one person and as if you took the money out of one pocket and put it into the other; as if it only affected one person. I say to the Senator that the people who pay the taxes in the United States, who support the Government of the United States by gratuities and revenues, are very rarely, and I may say never, the same people who are com-

pelled to pay the additional cost of the transportation of merchandise and of passengers; and they never could pay in the same proportion. That is out of the question.

The suggestion which I am making is this: If the rule is a good one to make—and we have made it in the most rigid form why should we not adhere to it? We have said to the people of the United States we propose by this law that there shall be one fixed rate for every person in the United States, without reference to the amount of transportation or the circumstances which surround it; that every person shall stand, so far as the interstate commerce of the country is concerned, exactly in the same position, and now comes this proposition that the Government of the United States, having the power to do it, through Congress is to give to itself the advantages of a preferential rate 50 per cent below that charged to the public. I suggest that if the soldiers of the United States, either the enlisted men or the officers, are not paid sufficiently, it is the duty of Congress to raise their pay and increase their salaries, and if their families can not be properly moved from one part of the country to another on account of the inadequacy of their pay, we should make their pay sufficient. If it is proper that the Government of the United States should pay the cost of transportation for the families of the officers and soldiers, then let the United States pay it; but do not undertake to violate the principle or the terms of an act which has been passed in answer to a public demand that there should be equality before the law as to all people who use the interstate-commerce facilities of the country.

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Wisconsin?

Mr. ALDRICH. Certainly. Mr. SPOONER. This is not a gratuity afforded by the railway companies to the Government.

Mr. ALDRICH. Then, what is it?
Mr. SPOONER. It is not a gratuity. It is a contract for which the Government has paid hundreds of millions of dollars in land grants. Every land-grant charter provided that, in consideration of the land grant, of the aid given by the Government out of the public domain to the construction of a railroadferred upon a private corporation—they would carry munitions of war and troops of the United States at a price to be agreed

Mr. ALDRICH. The Senator was probably out of the Chamber when I made the suggestion in regard to private contracts which were violated and abrogated by the adoption of the various acts of 1902 and 1904.

Mr. SPOONER. Those were contracts which were held to

be by legislation void and against public policy

Mr. ALDRICH. Precisely.
Mr. SPOONER. And they were discriminatory contracts; but these are contracts made by the Government many years ago, executed by the Government, and now the other party is performing the consideration it-agreed to perform, and why not?

Mr. ALDRICH. But I will say to the Senator that the suggestion is not that we should abrogate contracts which existed. not that we should require that the railroads should be required to carry goods and persons free, but that the Government should be charged the same rate as all others are charged. If every railroad in the United States having no contract and having no land grant-which is not bond aided-should be reduced to the

Mr. SPOONER. No. Mr. ALDRICH. That is the proposition here, as stated by the Senator.

Mr. SPOONER. No; not that they shall be reduced, but that they may if they will.

Mr. ALDRICH: That Congress shall exercise that moral

suasion, which in this case would be absolutely controlling. That is the proposition.

Mr. SPOONER. No; but that these people may, if they choose, equalize themselves as to the cost of the transportation

Mr. ALDRICH. Equalize themselves how? By a distinct violation of the laws that we have enacted. By giving to us as a Government a transportation rate 50 per cent less than is charged anybody else? That is the equality which the Senator is trying to produce.

Mr. SPOONER. Now, if the Senator will permit me-Mr. ALDRICH. I will permit a question, of course.

Mr. SPOONER. It is not a proposition that anybody shall violate the law; but it is that the law shall be changed by the body which made it, so that the railway companies, which were not aided by the Government in the construction of their roads and which are bound to carry at a lower rate-simply as to the Army of the United States, munitions of war, troops, and all

that-charge rates on the same basis as the bond-aided and land-aided companies, which are under contract with the Government. It is no proposition to violate the law; but it is a

proposition to change it.

Mr. ALDRICH. I agree to the suggestion now made by the Senator from Wisconsin; but it is a proposition to violate the principle of the law, and a principle which will apply to every other person in the United States. It is to change the law so that the principle which we laid down as the basis of this legislation shall be entirely changed and reversed as to the relations between certain railroad companies and the Government of the United States

Mr. SPOONER.

Mr. ALDRICH. We having the power to do it and not having the power to do it as to other people.

Mr. SPOONER. This is not compulsory, Mr. ALDRICH. I understand that.

I understand that.

Mr. SPOONER. But, Mr. President, the Senator must admit that the Government of the United States, in the transaction of the public business, in the transportation of troops and munitions of war, is not from any standpoint on the same basis as the great industrial corporations of the country. The Government does none of its business for profit, while they all do business Is there no difference? for profit.

Mr. ALDRICH. I suppose the Senator would not contend that benevolent institutions who do not do business for profit, if they were loan or cooperative associations which made no profit, but simply distribute their products among themselves, would be entitled to different rates? Suppose the Government

is a benevolent institution-

Mr. SPOONER. The Senator himself voted for a proposition in the rate bill that would permit the carriage free, or at largely

reduced rates, of children in the care of benevolent associations.

Mr. ALDRICH. I voted for it because I was obliged to do so in order to have the bill passed. I did not vote for that proposition pure and simple, and I should not, because that is an entirely separate thing.

Mr. SPOONER. I do not think it is. Mr. ALDRICH. Entirely separate. Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. I do.
Mr. TILLMAN. Is there any evidence here that any of the transcontinental railroads, which are competing against the land-grant railroads that have contracts between the Government and themselves, and which the Government has already performed and which the railroads have not performed—is there any evidence that any of those railroads are here asking the privilege of hauling at half rates? If so, I have not yet heard of it.

Mr. WARREN. With the permission of the Senator from Rhode Island, I will make a statement about that; but if the Senator from Rhode Island does not desire it inserted in his

remarks I will wait until he concludes.

Mr. ALDRICH. I am quite willing that anything should be inserted in my remarks, but I should not like the Senator to make too long a speech.

Mr. WARREN. I understand.

Mr. TILLMAN. I suggest that I merely asked if there is any evidence that we had railroads who are here begging to have the privilege of hauling at half price for the Government? If so, I think that is an overwhelming proof and an unanswerable argument in favor of a reduction of railroad rates all over the country, especially across the continent. I agree with the Senator from Rhode Island [Mr. Aldrich] that the rule we established here last spring-

Mr. ALDRICH. We thought we had established it. Mr. TILLMAN. Yes; we thought we had, and here at the very first session of Congress after the passage of that act is a proposition to abrogate that principle in favor of the Government itself, which, at least, is not a beggar.

Mr. WARREN. Will the Senator from Rhode Island allow me now?

Mr. ALDRICH. Certainly. Mr. WARREN. I do not know of a single railroad or a single railroad man who has even mentioned this matter. I am supporting it entirely from the standpoint of reducing the expenses of the War Department, but more especially and far more emphatically in favor of the officers and enlisted men themselves, and the transportation of their families.

I will say that it is not certain yet that the Interstate Com-merce Commission will rule that the railroads can not take care of the Government's business at reduced rates; but the railroads have, when applied to for rates, up to now assumed

that the Commission would so construe the law. Therefore, on an application of the Government to a railroad which had paid its indebtedness, the railroad replied, "We will be compelled to charge full fares for troops, notwithstanding that our competi-tors are entitled to charge a half rate."

As to the readiness of the railroads, all I know about it is that when the matter came up for adjustment some years ago the War Department and others found themselves in this condition: I have a map here-it is not large enough to spread on the wall-which shows in different colors the number of free roads, the number of half-fare roads, and those that charge full fares. There are at the present time fifty-six land-grant or bond-aided roads. Those fifty-six practically amount now to more than twice that number, because in several cases a large system of railroads has been built up of fifteen or twenty smaller roads or branches and of those branches some are landgrant roads and some are not. So on almost any route you take from here to San Francisco you pass a part of the way over land-grant, part of the way over nonland-grant, and again over land-grant railroads alternately, and consequently you have got a spotted and speckled route. If you have to conform to the principle that the roads must charge full rates, which is half fare in one case and 100 cents on the dollar in another, the complication and inconvenience of it, the almost impossibility of equitably doing it, must be apparent to anybody in billing out a train of troops or in selling tickets over the road.

Some of the land-grant and bond-aided roads are as short as 2.6 miles, and some are over 2,000 miles long. As I say, here is a system made up of a number of other roads, part land-grant and part nonland-grant. We find that by the rate law we have made inequalities, rather than prevented them. We find that condition to exist unless the Interstate Commerce Commission shall construe, as I think the Interstate Commerce Commission may yet construe it-to mean that the Government can make rates that are equal, so far as the Government is concerned.

This amendment was reported by the committee in order to obviate this inconvenience; in order to place the Government right; in order that there might be no uncertainty as to how the Interstate Commerce Commission might construe the law. Furthermore, because the roads can afford to do it, we want to adopt this amendment. Railroads surely can haul a lot of troops over a road a long distance for a much smaller rate per capita than they can allow by picking up individuals who may offer themselves here and there from day to day. That is perfectly obvious.

I have here a list of forty-four railroads that have either paid their indebtedness or that are nonland-grant, or that are part land-grant and part nonland-grant. These forty-four roads cover almost the entire mileage of the central and western portion of the United States. They came in long ago and contracted, or offered to come in and contract, to do the business upon the same basis as the land-grant roads, in order to avoid all of these difficulties. Hence the business has been done for years upon that basis, except where bids were submitted which were for a lower sum. So that, in starting out to go a thousand miles, where you would be on half a dozen land-grant and nonland-grant roads alternating where there was a uniform rate not exceeding 50 per cent, it was convenient, and it was abundantly profitable to the roads, and the Government and all the taxpayers got the general benefit.

Mr. PATTERSON rose.

Mr. WARREN. If I may be permitted, I do not care so particularly about the property feature of the amendment. I am perfectly willing to reduce it, if you please, in that event, however, taking care of the matter of admitting half fare or less for the families of the officers and enlisted men, and let the Interstate Commerce Commission, if they have not settled it, settle it as they will as to merchandise, etc., and we can take that up at some other time.

Mr. HOPKINS. Mr. President-

Mr. ALDRICH. I believe I have the floor. I beg the Senator's pardon. Mr. HOPKINS.

Mr. WARREN. I thank the Senator from Rhode Island for

allowing me to interrupt him.

Mr. ALDRICH. I should like to ask the Senator from Wyoming if he understands the Interstate Commerce Commission has a right to reduce rates for certain shippers and not for

Mr. TILLMAN. That inquiry struck me. The Interstate Commerce Commission are not authorized to construe that law and shade it away for the Government or anybody else.

Mr. ALDRICH. That was the inference I got from the remarks of the Senator from Wyoming.

Mr. WARREN. I was very careful, as the Senator will observe, not to undertake to discuss or question the higher power.

I said it was doubtful in my mind, although I am inclined to think they would so rule. It was my idea that it was better while we were dealing with this matter to make it perfectly plain. I will not undertake to say how they will rule on it; but I will give you my guess that they will rule that the roads can carry the property of the Government at reduced rates, provided the same reduction is applied all over the United States.

Mr. ALDRICH. That it can reduce rates to one party?

Mr. WARREN. I do not put it that way.

Mr. ALDRICH. That is the logical and practical effect of it.
Mr. WARREN. No. They may apply the same rates to the
Senator from Rhode Island if he wants to put enlisted men in bodies of ten cars each, etc.

Mr. ALDRICH. Do you understand that the Interstate Commerce Commission have power to do that sort of thing?

Mr. WARREN. I am not questioning the power of the Inter-

state Commerce Commission.

Mr. ALDRICH. If so, they must have much greater power than any of us thought. They have a right to consider rates that are complained of, but not to establish a rate for the whole United States—on the transportation of soldiers of the United States, for instance, or powder or munitions of war-and fix a rate for all the railways of the United States, which would be entirely different from the published rate. If they have any such power as that, they certainly are a higher power.

Mr. WARREN. Will the Senator permit a question right

there?

Mr. ALDRICH. Yes.
Mr. WARREN. Does the Senator think it is a practical way to do business to compel one road to charge 100 cents and another road beside it to charge 50 cents for the same business and doing it under a rate law which was supposed to equalize rates?

Is that a fair proposition?

Mr. ALDRICH. If I were a merchant, required by law to treat everybody equal in regard to the transportation of mer-chandise or the transporting of passengers, I would expect to If I were a great government and had made a law which all of its citizens were bound to obey under penalties of fine and imprisonment, I would not plead my own rights, either by contract or otherwise, to take advantage of the situation and have my freights and my passengers carried at a less rate than those of other people.

Mr. PATTERSON and Mr. BACON addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. CULLOM rose.

Mr. ALDRICH. The Senator from Illinois has given

Mr. PATTERSON. I desire to ask the Senator from Wyoming a question for information.

Mr. CULLOM. Mr. President— Mr. BACON. I want to make a suggestion to the Senator from Rhode Island.
Mr. ALDRICH. The Senator from Illinois [Mr. Cullom]

has given a notice for this afternoon. I did not realize that it was so late.

Mr. CULLOM. I rose to inquire whether there is any disposition to go on with this bill at this time? I gave notice on yesterday that I would ask to call up resolutions in reference to a deceased Member of the other House.

Mr. WARREN. I will say that while I am very anxious indeed to finish this matter, I prefer that the Senator from Illinois shall decide whether I shall proceed or not. It is his

due and right that under the circumstances he should.

Mr. CULLOM. I have inquired somewhat, and I find there is considerable disposition to discuss this bill much longer. I therefore ask leave now to call up the resolutions from the House of Representatives.

Mr. WARREN. Before that is done I will give notice that I shall ask to take this bill up again immediately after the morning business on next Monday morning.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MARSH.

Mr. CULLOM. Mr. President, I ask that the resolutions from the House of Representatives in commemoration of Hon. Benja-MIN F. MARSH, late a Representative from the State of Illinois, be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions referred to by the Senator from Illinois, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, December 5, 2906.

Resolved. That in pursuance of the special order heretofore adopted the House now proceed to pay tribute to the memory of Hon. BENJAMIN MARSH, late a Member of this House from the State of Illinois.

Resolved. That as a special mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises to-day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CULLOM. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions submitted by the Senator from Illinois will be read.

The Secretary read the resolutions, as follows:

Resolved, That the business of the Senate be now suspended that opertunity may be given for tributes to the memory of Hon. BENJAMIN F. Resolved, That the business of the Senate be now suspended that opportunity may be given for tributes to the memory of Hon. Benjamin F. Marsh, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives; and

Resolved, That the Secretary be instructed to communicate a copy of the resolutions to the family of the deceased.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. CULLOM. Mr. President, I ask the indulgence of the Senate that I may say a few words of tribute and respect to the memory of my friend the late Benjamin F. Marsh, who served for sixteen years as a Representative in Congress.

I knew General Marsh intimately for more than forty years and always had great admiration for him as a citizen, as a soldier, as a Member of the House. He was a brave, strong, sturdy character, of the type of the early pioneers, almost all

of whom have passed away.

Unlike most of the noted men of our State, he was a native son of Illinois, having been born in Hancock County in 1835. From his early manhood until his death he had a more or less prominent part in the public affairs of the State. of the great men in our history he was reared on the farm, but his father was a man of means for those days and was able to give his son the luxury of a liberal college education.

On leaving college he chose the law as his profession and was admitted to the bar in 1860, just when the nation was about to be torn in twain by the greatest civil war of all history.

As he was entering his career as a lawyer, President Lincoln issued his first call for volunteers, and young Marsh was one of the earliest to respond. Failing to secure the acceptance of a company of cavalry which he had raised, he enlisted as a private in the Sixteenth Illinois Infantry, with which regiment he served in Missouri. Later his company of cavalry was accepted, and he was made its captain. It formed a part of that very distinguished cavalry regiment, the Second Illinois. He was afterwards promoted, step by step, until he was finally made colonel of his regiment, in which position he remained until the end of the war.

He did not receive his promotions as a result of favoritism or political influence. Every promotion which he received was for gallantry on the field of battle. The Second Illinois Cavalry saw active service in different parts of the country and participated in some of the greatest battles of the war and in

countless minor engagements.

General Marsh's record as a soldier was a brilliant one. His bravery and heroism were never questioned. He served from the beginning to the end of the war, and his military record is one of the most precious heritages which he could leave to his children.

For ten years, after the close of the war he practiced his profession. He was a successful lawyer of far more than the average legal ability. Naturally he took an interest in public affairs, and was for many years one of the leading men in

his section of the State.

He was a Republican always. He witnessed the very beginning of the Republican party, in 1856, and from that time until his death he never for a moment wavered in his intense loyalty and devotion to his party. He advocated its principles on the platform, and as a speaker he was earnest, forceful, and

General Marsh during the later years of his life manifested a specially great admiration and devotion for two great men one, the present distinguished Speaker of the House, of Illinoisand the other, the late governor and Senator, Richard J. He was appointed by Governor Oglesby as a member Oglesby. of the railroad and warehouse commission of Illinois, one of most important places in the State administration, and, needless to say, he filled it with credit and distinction.

Aside from his record as a soldier, General Marsh will be remembered as a distinguished Member of Congress, where he

served for sixteen years.

He was elected first in 1877, and was twice reelected, retired in 1883, and ten years later was again elected and served until 1901, when he was defeated by a small majority. His district

was normally Democratic, and I doubt very much whether any Republican could have been elected. A new apportionment of the State having been made, he was elected to the Fifty-eighth Congress and reelected as a Member of the Fifty-ninth Con-

General Marsh was a very useful Member of Congress, attending punctually to his public duties, always having in mind the interest and welfare of his country which he loved and had .

He was a prominent member of the Military Committee and chairman of the Committee on the Militia, and took an active part in framing all of the important legislation coming from those two committees.

It was a great satisfaction and a matter of pride with him that he was a Member of Congress during the Spanish-American war. He was one of the earliest sympathizers with Cuba. His feelings were wrought up to the highest pitch on account of the inhuman treatment of the Cubans; he believed that war alone would bring about their freedom, and he was one of the most earnest advocates in Congress of the war with Spain. He was never more earnest, never more the personification of the brave soldier that he was, than during this period in his advocacy on the floor of the House of a declaration of war. He chafed under the months of seeming hesitancy and delay on the part of the late President McKinley. An aggressive man himself, his sympathetic nature thoroughly aroused, General Marsh did not try to conceal his impatience.

When war was finally declared, I believe, had his age and health permitted, he would have enlisted himself and gone to the front, where he would have probably been given an important command, and would have been a distinguished hero of

two wars.

He witnessed with patriotic delight the success of our arms on land and sea, was in thorough sympathy with the treaty of Paris, realizing its important results, and later saw with pride our country taking one of the foremost places among the nations of the earth. He believed in the doctrine of expansion, was not afraid to take up the white man's burden, and had supreme faith in the great future destiny of the Republic.

General Marsh at the time of his death occupied an important position in the House; and, although a very aggressive man, having strong convictions and not hesitating on any oc-casion to give expression to them, he enjoyed in the highest degree the respect and esteem of his colleagues. He passed away at his home in Warsaw, where he was born and where all of his life was spent, an honored Member of Congress and one of the foremost public men of his State.

Mr. HOPKINS. Mr. President, Col. Benjamin F. Marsh is a great figure in the history of Illinois. He was born in Hancock County, that State, in 1835. Chicago was then a straggling village of only a few thousand inhabitants, and the northern half of the State of Illinois was largely unoccupied prairie.

His father, who was one of the prominent men of his sec-

tion of the State, owned a beautiful place in Hancock Countythe same that was owned and occupied by Colonel Marsh at the time of his death. It was here that his early boyhood was passed, and under the environments of the pioneer life of that

day his character was molded and developed.

Fortunately for him, his father's financial condition was such to enable him to give Colonel Marsh a liberal education. Under the direction of the famous Bishop Chase he took a four-year course at a small college in Illinois. It did not have the educational advantages of a Yale or a Harvard, but in Bishop Chase he found a noble character, whose influence in the personal relations that existed between student and instructor brought out the finest traits of character in Colonel MARSH.

Bishop Chase rendered a work in the then outskirts of American civilization that should make his name immortal. His life and great talents were devoted to the education of the young men and women of the then great West.

Among the splendid men who justified the sacrifices that he made in the cause of education not one made a better record than did Col. BENJAMIN F. MARSH. After he had finished his academic course he commenced the study of law in Warsaw, Hancock County, and in due time was admitted to the bar and became a partner of his elder brother in the practice of the law.

Illinois has an exceptionally proud record as respects the bench and bar of the State. Judges Breese, Caton, and Scofield, on the State bench, and Drummond and Blodgett in our Federal courts in the State, will rank with any of the great judges of any other State in the Republic or with any of the distinguished Federal judges whose records have enriched the pages of the judicial history of our country.

At the bar in Illinois we have had some of the most brilliant men that have practiced in any courts in this country or in England. Stephen T. Logan, Browning, Lincoln, Colonel Ingersoll, Leonard Swett, and the celebrated E. D. Baker were lawyers who would rank with the bar of any State, and among this number were lawyers and advocates who would rank with any of the leaders of the English bar.

It was under the inspiration and influence of such names as I have mentioned that Col. Benjamin F. Marsh commenced the practice of law in the little town of Warsaw, Ill. He gave promise of a great future at the bar, but before he had been long in the practice of his profession dark clouds of civil strife overshadowed our national horizon, and when President Lincoln called for men to defend the flag and the Constitution of our common country Colonel Marsh was one of the first to respond. He went to the front as captain of Company G, Second Illinois Cavalry. At the close of the war he returned as colonel of that regiment.

This brief statement of his several promotions is enough to show the brave and fearless soldier that he was. The Second Illinois Cavalry has a proud record. Colonel Marsh, as commander of the regiment, did his full share in making that one of the first cavalry regiments in the Federal service during the

My personal acquaintance with Colonel Marsh commenced many years ago at one of our State Republican conventions. knew of him as having been a Member of Congress for a number of years, and at the time of my personal acquaintance he was serving as one of the railroad and warehouse commissioners of the State under a commission issued to him by Governor Oglesby, of that State. He presented to me a man of strong personality. He was over 6 feet in height, and straight and soldierly in his appearance, with keen and piercing eyes. He would attract attention anywhere. Our homes were separated by several hundred miles. We met only on rare occasions until we both became Members of the Fifty-fourth Congress. with him in that Congress, in the Fifty-fifth, and Fifty-sixth. During this service I learned to know him well and to appreciate the manly qualities of head and heart that he possessed. There was no Member of our delegation who was more thoughtful of his constituents and more earnest in his efforts to serve their many demands made upon his time and strength. It was a pleasure to me to see and hear him in a running debate in the House, especially in the consideration of questions that grew out of the civil war. He was an excellent debater, keen and inci-sive and direct in his utterances. He presented what he had to say with a force and fire that you would hardly expect in one of his years.

His personal relations with the Members of his own delegation were always of the most kindly character; and what is true of them is true of the membership of the several Houses of Representatives in which he served. He was a strong partisan, and on all political questions was radical in his utterances; but he was always a fair fighter and always commanded the respect and admiration of his opponents.

Colonel Marsh was popular with both Democrats and Republicans during his entire service in the House of Representatives. His death was not only deplored by the constituency that had honored him so many times, but by the people of the State of Illinois. We are proud of the record he made and proud of the service that he rendered his State and his country.

DEATH OF REPRESENTATIVE JOHN F. RIXEY.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. John F. Rixey, late a Representative from the State of Virginia, and transmitted the resolutions of the House thereon.

The VICE-PRESIDENT laid before the Senate the following resolutions of the House of Representatives; which were read:

IN THE HOUSE OF REPRESENTATIVES,

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. John F. Riney, a Representative from the State of Virginia.

Resolved, That a committee of seventeen Members of the House, with such members of the Senate as may be joined, may be appointed to attend the funeral at Culpeper, Va., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The Speaker announced the appointment of Mr. Jones, Mr. Hay, Mr. Lamb, Mr. Flood, Mr. Maynard, Mr. Glass, Mr. Slemp, Mr. Southall

Mr. Saunders, of Virginia; Mr. Foss, of Illinois; Mr. Meyer, of Louisiana; Mr. William W. Kitchin, of North Carolina; Mr. Gregg, of Texas; Mr. Williams, of Mississippi; Mr. De Armond, of Missouri; Mr. Bueton, and Mr. Slayden, of Texas, members of the committee on the part of the House.

Mr. DANIEL. Mr. President, this forenoon, as the Members of the two Houses of Congress were assembling for their daily task, intelligence came that the Hon John Franklin Rixey, who for five terms has represented the Eighth district of Virginia in the House of Representatives, had this morning departed this life at his residence in this city.

I move, Mr. President, that this body, having received official notification of his death, adopt the resolutions which I send to the desk.

The VICE-PRESIDENT. The Senator from Virginia proposes resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved. That the Senate has heard with deep sensibility the announcement of the death of Hon. JOHN F. RIXEY, late a Representative from the State of Virginia.

Resolved. That a committee of seven Senators be appointed by the Vice-President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved. That the Secretary communicate these resolutions to the committee appointed to the funeral of the deceased.

Resolved. That the Secretary communicate these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Virginia.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed as the committee on the part of the Senate, under the second resolution, Mr. Daniel, Mr. Taliaferro, Mr. Dick, Mr. Patterson, Mr. Ankeny, Mr. Flint, and Mr. Clarke of Arkansas.

Mr. President, as a further mark of respect to Mr. DANIEL. the memory of the deceased, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 11, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Saturday, February 9, 1907.

The House met at 12 o'clock noon.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

We come to Thee, O God, our Heavenly Father, praying for that light which never shone on sea or shore, but which illumines the mind, quickens the heart, and makes for righteousness in man, proving his Divine sonship and making the whole world akin; which dignifies the smallest duty, renders easy the hardest tasks, and leads on to heroism and glory when heroes are needed.

Our hearts are profoundly moved this morning by the sudden death of one who for years in modesty and humility worked faithfully and well upon the floor of this House, rendering to his country a service worthy to be recorded by the angels above. We most fervently pray that his colleagues, his friends, and the dear ones of his heart may be comforted by the thought that sometime, somewhere, they will be united to him where sorrows never come. Hear us in the name of Christ, the Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 22580. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6364) to incorporate the National Child Labor Committee.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8074. An act to establish a fish-hatching and fish-culture station in the county of Newcastle, Del.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 8074. An act to establish a fish-hatching and fish-culture

station in the county of Newcastle, Del.—to the Committee on the Merchant Marine and Fisheries

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the amendments of the Senate to the Indian appropriation bill be nonconcurred in, and that a conference thereon with the Senate be asked.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I think the House ought to have some information as to what the amendments are.

Mr. SHERMAN. Why, I can not tell the gentleman how many there are or just what they do. The bill was passed yesterday afternoon, but there are a good many amendments. The bill, of course, will eventually go to conference, and the proposition that it go at once to conference I am sure is entirely agreeable to the minority members of the Indian Committee.

Mr. WILLIAMS. Has the gentleman consulted with them? Mr. SHERMAN. Not since the bill passed; no.

Mr. MANN. Mr. Speaker-

Mr. WILLIAMS. I see none of them in their seats.

Mr. SHERMAN. The gentleman from Texas [Mr. STE-PHENS], the senior member of the committee, is not in his seat this morning.
Mr. WILLIAMS.

Will the gentleman defer his request?

Mr. SHERMAN. I will, until later in the day.

Mr. MANN. Mr. Speaker, will not the gentleman from New York [Mr. Sherman] ask to have the bill printed with Senate amendments? There were a great many amendments proposed in the Senate.

Mr. SHERMAN. Of course; all of them were defeated be-

fore the bill was passed.

Mr. MANN. And let it lie on the table pending the printing

with the Senate amendments.

The SPEAKER. Without objection, the bill with Senate amendments will be printed and lie on the Speaker's table until Monday.

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that general debate on the naval appropriation bill be considered as

The SPEAKER. The gentleman from Illinois asks unanimous consent that general debate on the naval appropriation bill be considered as closed.

Mr. GROSVENOR. Mr. Speaker, certain time had been accorded to me to participate in the general debate upon this bill. I now ask unanimous consent that I may be allowed to print my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print his remarks in the RECORD. Is there objection?

Mr. WILLIAMS. Upon what subject?
Mr. SLAYDEN. Mr. Speaker, a certain time was also allotted to me in the general debate, which, under the circumstances, I am willing to abandon with the privilege of printing my remarks in the RECORD.

Mr. WILLIAMS. Upon what subject? Mr. SLAYDEN. The naval bill.

Mr. GROSVENOR. I do not want any mistake to be made. I will state to the gentleman from Mississippi that part of my remarks will be upon the bill and part upon a topic which I consider to be cognate with the subject of the bill.

Mr. WILLIAMS. Upon what subject?

Reserving the right to object, I want to Mr. SHERMAN. state that I was in the chair, and certain gentlemen have asked me if I would accord them time, and I have told one or two that if the time were in the control of the Chair on Monday that I would recognize them. I do not know whether there will be other disposition of the time. Under these circumstances, I should rather hope that the chairman of the committee would not insist upon his request just now, although, of course, I shall not object, but I wanted to announce that situation to him.

Mr. FOSS. I wish to say to the gentleman from New York that the circumstances of the case make it necessary to act in

this way.

Mr. WILLIAMS. I have no objection, with the understanding, of course, that the matters upon which gentlemen are to print remarks are not of a political nature. I think that general political speeches ought to be made on the floor. With that understanding I do not object. The SPEAKER. Did the gentleman from Ohio give atten-

tion to the statement of the gentleman from Mississippi?

Mr. GROSVENOR. I have heard the statement, and I agree

with him entirely.

The SPEAKER. Is there objection to the request of the gentleman from Ohio and the gentleman from Texas? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Illinois, that all general debate shall be closed on the naval appropriation bill? [After a pause,] The Chair hears none.

Mr. SPARKMAN. I ask unanimous consent to extend my remarks on the river and harbor bill in the Record.

A MEMBER. You have five days

Mr. SPARKMAN. I want a little further time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DEATH OF HON, JOHN F. RIXEY.

Mr. JONES of Virginia. Mr. Speaker, it is with inexpressible sadness and unfeigned grief that I announce to the House the death of my colleague, the Hon. John F. Rixey, which occurred at the residence in this city of his brother, the Surgeon-General of the Navy, about 9 o'clock this morning. At some future time I shall ask the House to set apart a day that Members may have an opportunity to pay tribute to the personal virtues and public services of my colleague.

I now send to the Clerk's desk and ask to have read the resolutions which I offer, and for which I ask immediate considera-

The Clerk read as follows:

Resolved. That the House has heard with deep regret and profound sorrow of the death of Hon. John F. Rixer, a Representative from the State of Virginia.

Resolved, That a committee of seventeen Members of the House, with such members of the Senate as may be joined, may be appointed to attend the funeral at Culpeper, Va., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved. That the Sergeant-at-Arms be authorized and directed to

of the House.

Resolved. That the Sergeant-at-Arms be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved. That the Clerk communicate these resolutions to the Senate and transmit a copy to the family of the deceased.

The question was taken; and the resolutions were unani-

mously agreed to. The SPEAKER. The Chair announces the following com-

mittee.

The Clerk read as follows:

Mr. Jones of Virginia, Mr. Hay, Mr. Lamb, Mr. Flood, Mr. Maynard, Mr. Glass, Mr. Slemp, Mr. Southall, Mr. Saunders, Mr. Foss, Mr. Meyer, Mr. William W. Kitchin, Mr. Grego, Mr. Williams, Mr. De Armond, Mr. Burton, and Mr. Slayden.

Mr. JONES of Virginia. Mr. Speaker, as a further mark of respect to my deceased colleague, I move that the House do now

adjourn.

The SPEAKER. Pending the motion, the Chair will announce that the gentleman from Massachusetts, Mr. Lovering, will preside over the session of the House to-morrow.

The motion to adjourn was then agreed to.

Accordingly (at 12 o'clock and 18 minutes) the House adjourned until Sunday at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriations for service for prevention of deposits in New York Harbor-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for appraisal and survey of abandoned military reservations—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Navy, transmitting a statement of expenditures on the battle ships Tennessee, Washington, Dubuque, and Paducah—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for temporary clerks in the land office and reproducing records in the office of the surveyor-general of California—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a

copy of a letter from the Secretary of the Interior submitting

an estimate of appropriation for relief of Charles H. Dickson and certain Indians-to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for defraying expenses of collecting the revenue from customs for the year ending June 30, 1908the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a telegram from the president of the Economic Association of the Philippines, approving an agricultural bank—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Trustees of the German Lutheran Church of Orangeburg, S. C., against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Francis F. Curtis against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DE ARMOND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 25472) to fix the limitation applicable in certain cases, reported the same without amendment, accompanied by a report (No. 7586); which said bill and report were referred to the House Calendar.

Mr. BANNON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10) to authorize the courts of the United States to require a party to submit to a personal physical examination in certain cases, reported the same with amendment, accompanied by a report (No. 7587); which said bill and report, together with the views of the minority, were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 25482) to amend section 878 of the Code of Law for the District of Columbia, reported the same with amendment, accompanied by a report (No. 7588); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24945) for the relief of M. I. Gallups, R. S. Smith, W. N. Gill, J. A. Weaver, I. S. Cadenhead, Davis Gillenwaters, and John McLemore, reported the same without amendment, accompanied by a report (No. 7585); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and memorials of the following titles were introduced and severally referred as follows:

Mr. WANGER: A bill (H. R. 25569) to amend an act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, approved June 28, 1902-to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: A bill (H. R. 25570)

amending an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, approved February 8, 1887-to the Committee on Indian

By Mr. HAMILTON: A bill (H. R. 25571) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Pensions.

By Mr. HERMANN: A memorial from the Oregon legislature, asking for increase of pensions to Indian-war veterans-to the Committee on Pensions

Also, a memorial of the legislature of Oregon, asking that increased pensions be extended to survivors of the Indian wars of 1847 to 1848 and 1855 to 1856, in Oregon-to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:
By Mr. RUSSELL: A bill (H. R. 25572) for the relief of

Floyd Wiggington-to the Committee on War Claims.

By Mr. TYNDALL: A bill (H. R. 25573) granting a pension to William J. Clayton-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the National Wool Growers' Association of the United States, against creation of forest reserves of land where there are no forests—to the Committee on the Public Lands.

By Mr. ANDRUS: Petition of New York Typographical Union, No. 6, for bills S. 6330 and H. R. 19853 (the copyright to the Committee on Patents.

Mr. CALDER: Petition of the National Convention for the Extension of Foreign Commerce with the United States, for a maximum and minimum tariff-to the Committee on Ways and Means

By Mr. DRAPER: Petition of the Chicago Real Estate Board, for an appropriation to widen and deepen all branches of the Chicago River—to the Committee on Rivers and Harbors.

Also, petition of the National Wool Growers' Association of the United States, against forest reserves of land not already covered with forests-to the Committee on Agriculture.

Also, petition of the International Association of Machinists, for sanitary improvement of the foundry of the Naval Gun Factory in Washington—to the Committee on Naval Affairs.

By Mr. DUNWELL: Petition of the National German-American Alliance of the United States, against further restriction of immigration—to the Committee on Immigration and Naturali-

petition of District Grand Lodge No. 1, Independent Also. Order B'nai Brith, against further restriction of immigrationto the Committee on Immigration and Naturalization.

Also, petition of the Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National League of Employees of Navy Yards, Naval Stations, Arsenals, and Gun Factories, for liability bill and a half-holiday bill-to the Committee on Naval Affairs.

By Mr. FULLER: Petition of George P. Blow, of La Salle, Ill., for increase of pay of Army and Navy officers (S. 7330 and H. R. 21400)—to the Committee on Military Affairs.

Also, petition of the Haddorf Piano Company, of Rockford, Ill., for an amendment to the free-alcohol act—to the Committee

on Ways and Means.

By Mr. HUGHES: Petition of C. E. Lewis, secretary of the West Virginia Live Stock Association, for bill S. 7326 (private distilleries for denaturized alcohol)-to the Committee on Ways and Means,

Also, petition of T. C. Atkinson, master of the West Virginia State Grange, for bill H. R. 15346-to the Committee on Agri-

Also, petition of E. J. Humphrey, president of the West Virginia State board of agriculture, for legislation to prevent sending papers or publications after subscriptions have expired—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of the Chicago Real Estate Board, for an appropriation to widen, deepen, and improve all branches of the Chicago River—to the Committee on Rivers and

Also, petition of New York Typographical Union, No. 6, for the new copyright law (S. 6330 and H. R. 19853)—to the Committee on Patents.

Also, petition of the International Association of Machinists, for sanitary improvement of the Naval Gun Factory foundry, in city of Washington-to the Committee on Naval Affairs.

By Mr. OVERSTREET of Indiana: Petition of the Alliance of German Societies of Indiana, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen of Indianapolis, Ind., for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Paper to accompany bill for relief of William D. Patton-to the Committee on War Claims.

By Mr. RIORDAN: Petition of the National Convention for Extension of the Foreign Commerce of the United States, for a maximum and minimum tariff-to the Committee on Ways and Means.

Also, petition of National Wool Growers' Association of the United States, against forest reserves on land not covered already with forests-to the Committee on Agriculture.

Mr. VOLSTEAD: Petition of Charles Leaman et al. amendment to the free-alcohol law-to the Committee on Ways and Means.

By Mr. ZENOR: Paper to accompany bill for relief of Annie E. Curts—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

Sunday, February 10, 1907.

The House met at 12 o'clock noon, and was called to order by Hon. William C. Lovering, of Massachusetts, Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Almighty God, our heavenly Father, we are met here on this holy day in memory of the men to whom the hour is set apart that their virtues may be extolled and a proper and just estimate placed upon their public service that those who come after

them may be inspired by their example. This is fitting, since the life and perpetuity of our Republic depend upon individual loyalty and patriotic service. and character of these men measure up to the high estimate of American citizenship. We thank Thee for what they did in their respective cities and States and for what they did here on the floor of this House for the people of our Republic. We thank Thee for the blessed hope of the immortality of the soul, that men's deeds not only live after them, but that the soul goes marching on to larger attainments. Comfort, we beseech Thee, the colleagues, friends, and kindred of these men that some-how, somewhere, they shall meet again and be forever blest through the dispensation of God's eternal love and providence, and glory and honor be Thine forever in Jesus Christ our Lord.

Amen. The Journal of the proceedings of vesterday was read and approved.

MEMORIAL EXERCISES-HON. ROCKWOOD HOAR.

Mr. WASHBURN. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. Rockwood Hoar, late a Member of this House from the State of Massachusetts. Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved. That the Clerk communicate these resolutions to the

Resolved, That the Clerk communicate these resolutions to the

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. WASHBURN. Mr. Speaker, coming here as the successor of Rockwood Hoar, I am glad to speak of his life on this occasion in the place where his last work was done and where he is so much beloved.

We were nearly of the same age; we were both born in Worcester; we had the same friends; we were graduated at the same college.

As a boy he was manly, generous, chivalrous, fond of study, active in sports—ambitious to excel in whatever he undertook. His ideals were of the highest, and the characteristics of the boy remained the characteristics of the man.

His death not only terminated a useful life, but removed from the rolls of public men a name that from colonial days has had a conspicuous place in the Commonwealth of Massachusetts and in the nation.

Concord was the home of his family, a town rich in its associations with our history, our literature, and our philosophy.

In 1775, "on the 19th of April, the curtain rose on that mighty drama in the world's history of which the quiet villages of Lexington and Concord were the appointed theater.

Here lived and wrote and talked Emerson, Thoreau, and Hawthorne. Here Samuel Hoar was born in 1778, of whom Emerson said, "His character made him the conscience of the community in which he lived."

Samuel Hoar's father, two grandfathers, and three uncles

were at Concord bridge, in the Lincoln company, of which his father was lieutenant.

He was distinguished among the great lawyers who then adorned the Massachusetts bar. The Commonwealth selected him to test in Charleston the constitutionality of certain laws of South Carolina relating to the imprisonment of negro seamen, but the temper of the times prevented the carrying out of the purpose

Harvard College chose him to protect its interests when the legislature sought to change its corporate form, and of his service then President Walker said: "Other men have served the college; Samuel Hoar saved it."

He was a member of the Massachusetts legislature and was for one year in Congress, succeeding Edward Everett for the Middlesex district in 1835.

In 1812 Samuel Hoar married a daughter of Roger Sherman, of Connecticut. His three sons were all lawyers. ter practicing for a time successfully on the Pacific coast, came back to Concord to spend his remaining years in his garden and among his books. Ebenezer Rockwood filled a large place in the public affairs of Massachusetts and of the nation. He was a great lawyer, was judge of the court of common pleas, justice of the supreme judicial court, Attorney-General in Grant's first Cabinet, and Member of Congress. Lowell well described him when he said:

The jedge who covers with his hat More wit and gumption and shrewd Yankee sense Than there are mosses on an old stone fence.

The third son, George Frisbie Hoar, was born in Concord in 1826 and moved to Worcester in 1849, for the reason, as he has said, that-

That city and county were the stronghold of the new antislavery party, to which cause I was devoted with all my heart and soul.

Here, in 1853, Mr. Hoar married Mary Louisa Spurr, a woman of great personal charm, who died in 1859. Her grandfather, Gen. John Spurr, of Charlton, Mass., was one of the Boston Her mother was descended from Rev. John Camptea party. bell, the first minister of Oxford, Mass., whose line runs back to the early Scottish chiefs, and among her ancestors are men who served in the colonial wars and in the war of the Revolution. A brother of Mrs. Hoar, Thomas Jefferson Spurr, a graduate of Harvard University, received a commission in the Fifteenth Regiment of Massachusetts Volunteers, was wounded at Antietam and died in September, 1862, of whom it was said: "He was loving and tender and brave and heroic." Of such an ancestry Rockwood Hoar was born in Worcester, August 24,

He prepared for college in the public schools of Worcester and entered Harvard in the class of 1876. This was the college of his family, of which Leonard Hoar was an early president, where many of the name had graduated and on whose governing boards his father, uncle, and cousins had served at different times. Rockwood was an excellent student, serious minded, and a considerable reader, greatly liked by those who knew him well, and respected by all his classmates. He had great pride in the achievements of his family and an earnest desire to do his part in maintaining the high standards for which the name had always stood. After graduation he read law in his father's office in Worcester, and later was graduated from the Harvard Law School, in 1878, and was admitted to the Worcester County bar in 1879. He at once entered upon the general practice of the law and always held a prominent place at the bar. He was assistant district attorney for Worcester County from 1884 until 1887, and was district attor-ney for two terms, from 1899 until 1905. He performed the duties of this important office in a spirit that was just, generous, and sympathetic. He was councilman in the city of Worcester for four years, ending in 1891, during which year he was president of the council.

He was an aid-de-camp on the staff of Governor Oliver Ames from 1887 until 1890 and judge-advocate on the staff of Governor Roger Wolcott from 1897 until 1900, and during the Spanish war was chairman of the board charged with equipping the Massachusetts troops.

He was always prominent in the educational, literary, and church life of the community in which he lived, and rendered faithful service in governing boards of the public institutions of the State. Like his father he could always be relied upon to champion the cause of the weak, the unfortunate, and the oppressed.

In his home life he was at his best, most tender and affectionate in his relations with his family.

It was with the deepest satisfaction that he entered upon his

service in Congress. It began just as the long and distinguished career of his father ended. Possibly a consciousness that much was expected of him may have stimulated him to efforts too great for his physical strength. I know that when engaged in his committee work of the revision of the statutes he said to a friend, who urged him not to overtax himself, that his uncle when in Congress had been occupied in the same work, and that he considered it a great honor to have an opportunity to participate in it. Of his service here others will speak; that it was of a character highly satisfactory to his constituents is evidenced by the fact that he was renominated without opposition.

Mr. Hoar was taken ill in September and died November 1. the progress of his disease, tumor of the brain, being beyond the power of human skill to stay. His two cousins, sons of Judge Ebenezer Rockwood Hoar, have died within a few years—Sherman, in 1898, who served in the Fifty-second Congress and was United States attorney for the Massachusetts district, whose labors in behalf of our soldiers returned from the Spanish war induced the disease which ended his life at the early age of 38; and Samuel, a lawyer of great attainments and reputation, a fine type of rugged American citizenship, who died in Concord less than three years ago in his fifty-ninth year. Of this great race of patriots, lawyers, statesmen, and scholars, Rockwood Hoar was the last of the men of his name and generation conspicuous in the affairs of his State and of the nation.

Mr. BOUTELL. Mr. Speaker, when Rockwood Hoar entered the House at the opening of this Congress he looked forward confidently to a long term of service, and his constituents had every reason to expect for him a career of exceptional usefulness not only to them, but to the nation. He was well equipped for service in this body, for he brought to the discharge of his public duties a well-trained and scholarly mind, sound judg-ment, ripe experience as a lawyer who had dealt with large professional and business interests, combined with firmly established principles. Rockwood Hoar came of a long line of Puritan ancestors, many of whom rendered distinguished services to their Commonwealth and to the nation. The question is often asked. What is the chief trait that has been handed down to their descendants by the Puritans of New England? It is a certain stability and erectness of intellect that glories in a fearless devotion to a principle when the crowd is hurrying another way. Many a large man of bluff manners and a boisterous independence of speech and of undoubted physical courage mentally and morally slouches and leans upon the sterner, truer intellects of men of greater uprightness of mind. The true descendant of the Puritans is the man who, while he may have discarded many of the grim beliefs and somber practices of his forefathers, still rejoices, as they did, in a sort of sublime devotion to truth for

Such a man is never a hypocrite in religion, a trimmer in politics, a time-server in morality, or a weathercock in his friend-Ralph Waldo Emerson was a true and noble descendant of the Puritans. So was Samuel Hoar, his friend and neighbor at Concord, the grandfather of our colleague, a learned lawyer and broad-minded philanthropist, who served in this House in the Twenty-fourth Congress. So was our colleague's father, the illustrious Senator, who through a long public service gave many illustrations of this fearless devotion to absolute truth in the performance of his public duties. So was Rockwood Hoar, and it is this shining trait in his character which comes prom-

inently before my mind at this time.

One of the pleasantest features, Mr. Speaker, of service in this body is the bringing together in our mature life of the friends and associates of our childhood and youth. What the gentleman from Massachusetts [Mr. Washburn] has spoken of this morning reminds me that in 1876 Rockwood Hoar, Mr. Justice Moody, and I, together with other classmates, met in one of the small upper rooms in old University Hall at Harvard College, in the popular course of Roman law, in which we all took a great interest, owing largely to the inspiring methods of our teacher. No one of us, at that time surely, ever dreamed that thirty years thereafter we should meet together here in Washington in the public service.

Those who met him first on this floor soon recognized this trait, for he often gave quiet evidences of it. I remember one occasion early in the last session when his attitude called forth approving applause from his fellow-Members who differed with him in their views. A rising vote was taken on a question involving indirectly the policy of the Government toward our new possessions. The great majority of the House, regardless of political divisions, had voted in the affirmative. Ordinarily a new Member of the House finds himself voting almost automatically with the majority. It is the easy, the popular, and therefore the natural thing to do. But the Puritan mind never looks for the easy or the popular thing, and when the noes were called for on this vote ROCKWOOD HOAR stood up for the truth as he saw it to the surprise of those Members who did not know him, but with the admiring approval of all. He vo father would have voted under similar circumstances. He voted as his

It was my good fortune to know Rockwood Hoar as a kinsman, as a classmate at college, as the friend who stood beside me during the most important event of my life, and as an associate in our service in this House, and I know that in his death a strong, true nature has left us. But while we lament our apparent loss let us not forget that the influence of such a life never perishes.

ROCKWOOD HOAR was the finest type of the descendants of the Puritans, and during his life and at the hour of death he nobly maintained the loftiest traditions of his race. us an example of how a modern Puritan should live and how an

ancient Puritan could die.

Mr. McCALL. Mr. Speaker, only those who knew Rockwood HOAR can appreciate the great loss his country suffered in his death. He had unfolded to his friends a fine capacity for public service which he did not have a full opportunity to exhibit He was permitted to serve only a single session to the country. He was permitted to serve only a single session in the House of Representatives—a session that was passed in familiarizing himself with the procedure, in becoming acquainted with his colleagues, and in learning exactly the character of his new duties. That he would have distinguished himself in a longer service there can be no manner of doubt. He had many of the qualities that made the career of his father illustrious—the insight to see clearly into the meaning of things; the power to give adequate expression to his thought; industry; an unbending courage and spirit of independence, and shrewd, penetrating, Yankee common sense. Much as he owed to inheritance, he owed as much, if not more, to education. He was trained in the best schools, but far better than the best schools must be reckoned the influence of his father and the splendid ideals which he illustrated in his life. Our colleague [Mr. BOUTELL] has referred to one of his votes in the House which shows his independence of mind and his sympathy with his father in the latter's heroic and ever-memorable struggle in behalf of the people of the Philippine Islands. Rockwood Hoar was a man who took a wholesome and hopeful outlook, and the words of Emerson may well be applied to the view according to which he lived his inspiring and noble

Life is too short to waste
The critic bite or cynic bark,
Quarrel or reprimand;
'Twill soon be dark;
Up! mind thine own aim, and
God speed the mark.

Mr. McNARY. Mr. Speaker, Rockwood Hoar was the scion of families distinguished in the annals of two States. One of his ancestors, Roger Sherman, as a representative of Connecticut in the Continental Congress, signed the Declaration of Independence, and the Hoar name has been identified with the public life of Massachusetts from Revolutionary days to the present. Upon several occasions two members of this distinguished family were prominent in public life at the same time, and their independence of thought and catholicity of mind was shown by the fact that, while rendering good and loyal service to the country, they frequently disagreed upon political ideals and principles.

Coming from a stock of such renown, it may truthfully be said that more in the way of capacity and achievement was expected of Rockwood Hoar than of the ordinary man who entered this great representative body when he became a Member of the Fifty-ninth Congress. His great father, the late Senator Hoar, beloved by all the people of his State, in the rich fullness of his years of great and distinguished service, had recently passed from these scenes to meet in another world the

reward of an honorable life.

It is given to but few men of any day or generation to have the strength of character, the beauty of disposition, the depth of mind, the power of statement, the aptness of illustration, the height of eloquence and soul-stirring power of oratory of George Frisbie Hoar.

The service of ROCKWOOD HOAR in this body was all too brief to get a complete view of his distinguished talents and ability. The earnest study which he gave to the great subjects of national legislation, the independence of view which he showed, the wisdom of the conclusions which he drew, proved clearly that he had great capacity for thought and leadership, which, ripened and strengthened by experience, would have placed him on a high level among his associates and given additional luster to the honored name he bore.

Rockwood Hoar brought to the National Legislature of his country many rich gifts of mind and character. He had the broad and liberal culture given by the university course of Harvard, widened and deepened by the thorough training of its law school. Unlike many men of education, breeding, and social position, he did not disdain the humbler spheres of public life, but gave to his native city of Worcester, in the legislative branch of its government, the benefit of his training, culture, and excellent judgment. He regarded such work as an honorable duty and discharged it with faithfulness and honesty.

His public service of most usefulness and of most distinction previous to his entrance into the sphere of national legislation was in the line of his profession as district attorney of the county of Worcester. He discharged his duties with energy, ability, and punctuality. He had all the characteristics of a good prosecuting officer—determined, aggressive, vigorous, and possessing a high degree of executive force, quick to decide and to act. He was always ready to fight strenuously for what he knew was right. Compassionate and generous-hearted by nature, he was equally ready to temper justice with mercy; to spare the weak, help the unfortunate, defend the injured and oppressed, and to relieve the distressed. He had a horror of the law's delays, and suggested and obtained a number of improvements in court procedure and legislation which were of benefit to the tribunals, the accused, and the community.

He viewed all his duties and responsibilities seriously, and accepted them with a loyalty and a single-mindedness of purpose

which commanded admiration and respect.

In his personal attributes he was a lovable man, though his manner was often brusque and his speech aggressive. Through this outward bluntness and seeming roughness, however, shone such an honesty of intention, straightforwardness, and candor that it possessed a strong attractiveness in its evidence of his sincerity and manliness. Like all courageous men, he was at heart gentle and generous, and he never, even though secure in his positions of power, wounded by insinuation, invective, or scorn.

In his moments of relaxation he showed a boyish light-heartedness, a pleasant and wholesome humor, and a quick and apsympathy. His private life was clean, wholesome, and honorable. Of the serene contentment and happiness of his family life, which we all saw and knew, it is not my place here to speak.

To whatever higher point his talents and abilities would have carried him had his life been spared we may not know. But this we do know, that his standing among his fellow-men would never have been measured by his success in amassing wealth. It would have been in appreciation of his work for the uplifting and the benefit of his people and his country and in a sincere admiration of his character. For, above all else, the respect for ROCKWOOD HOAR among men was for the sterling qualities of his strong character.

In these days when stories, in many cases true, of dishonesty and dishonor in public and in business and professional life are rife, it is being borne in on the people with ever-increasing force that the future life of the nation, its success or failure, does not depend on the culture, the brilliancy, the talent, the ability of its leaders in legislative or business life, but in the

honesty and uprightness of their character.

No taint of corruption or dishonor ever stained the purity of ROCKWOOD HOAR'S probity. His character was too strong to be vitiated by the enticements of luxury and wealth. In the light of his light and example we can safely believe that the days of honesty, of honor, of high ideals, are not over in the Commonwealth and in the nation, and that the underlying moral firmness of character among our people assures the future welfare of the Republic.

Mr. SHERLEY. Mr. Speaker, it so happened that without any previous acquaintanceship with Rockwood Hoar before he became a Member of this Congress, I afterwards was in, perhaps, more intimate daily contact with him than any man in the House. Therefore it is fitting that I should bear testimony to the very valuable, quiet work that he did-a work unknown to most of the Members of the House. He was appointed a member of the Committee on Revision of the Laws, the labor of which was very constant and unremitting. He brought to that work a knowledge of the law, a determination, and a high-mindedness possessed by few men, and without regard to the fact that the work of necessity would never be known or appreciated save by a limited number of people, he gave liberally of his time and energy during his whole service in the House. The questions that came before the committee were varied and difficult enough to test thoroughly the character of the man and the workings of his mind. The one trait that shone forth

above all was the trait that has been spoken of by others here to-day, and that was the absolute integrity of his mind. Most men have honesty, as we commonly know the term, but honesty in the final analysis, as it applies to the workings of the intellect, is one of the rarest as it is perhaps the greatest of gifts. He never hesitated to follow the conclusions of his intellect no matter where they led. But this integrity of mind was wholly free from any dogmatism. Limited, as all men are, by his ancestry, limited by environment, by association, and by training, yet repeatedly when his natural disposition in a given direction was found to run counter to what proved to be the law and the settled will of the whole country, there would be a willing acquiescence in such judgment that showed not the least evidence of reluctance in yielding his own personal views.

I knew him also in a personal way because out of the labor that we were together engaged in grew up a warm personal friendship. He was always the gentleman, illustrating the true meaning of that word, a gentle man-a man who thought kindly-who was always generous, happy in his association with his fellow-men; and because he was never suspicious of other men's motives, never needed to do anything from a politic motive, but simply out of his faith in mankind, he gave to the world what he expected from it-honesty and fair dealing.

Mr. LAWRENCE. Mr. Speaker, not quite two years ago there was held in this House a memorial service to a great Senator. Death had taken from Massachusetts her foremost citizen. people of that Commonwealth loved and respected Senator Hoar, because through a long and noble life he had shown courage, self-sacrifice, a high sense of duty, and an absolute fidelity to the highest ideals. Though a man of undoubted loyalty to the State his object had ever been his whole country. It is not surpris-ing, therefore, that when he passed away sorrow was not con-fined within the limits of Massachusetts, but that from every State in our Union there came sincere expressions of a sense of And when the Members of this House gathered here to offer their tribute to the patriot who had gone men from all sections and of differing political faith eagerly bore testimony to their affection for him and to their admiration of his great abilities, the purity of his life, and the nobility of his character.

A few days after the death of this beloved statesman the Republicans of the Third Congressional district of Massachusetts, at a convention held in the city of Worcester, chose Rockwoon Hoar, the Senator's only son, as their candidate for Representative in Congress. The people who had so long followed and honored the father knew that the son would not be unmindful of his noble heritage and emphatically ratified the nomination at the polls. On the first Monday of December, 1905, Rockwood HOAR took the oath of office and began his work here with every promise of a long and useful life in the public service. But that promise was not to be realized. A few months went by and then his colleagues, who in that brief time had learned to love and esteem him, were shocked by the sad announcement that he

had passed away.

It is in accord with an honored custom of this House that this day has been set apart for heartfelt tributes to the memory of an able and devoted associate. Rockwood Hoar was brave, straightforward, and honorable. He was direct and genuine. Despising humbug, sham, and hypocrisy, he rang true in all the There was nothing negative about him. relations of life. Active and practical in whatever position he was placed, he became a positive force and made his influence felt. He thought for himself and had developed those qualities so essential to suc--courage and self-reliance. During his short service in the House he, on more than one occasion, showed that courage and independence of which I speak. He had convictions and spoke and voted here in accord with those convictions. While he was an active working Republican, a partisan, who believed sincerely in the principles and purposes of his party, he never hesi-

tated to vote against that party when he believed it to be wrong.

Before coming to Congress Mr. Hoar had played an active
part in the life of his city and county and State. Wherever there was a demand for disinterested work he was ready to do his share and always labored for that which was highest and best. He was very industrious and his work was characterized by intelligence and earnestness of purpose. He entered upon his work as a Member of Congress with great enthusiasm, was constant in his attendance, and showed unflagging industry in the important work of the committees to which he had been assigned. It is certain that he would have gained a position of influence. Honors would have come to him through the faithful performance of public duties, for his life here would have been characterized above all else by an unyielding devotion to duty.

Senator Hoar shortly before his death said: "It has been the good fortune of the Massachusetts delegation of late years that

they have been a band of brethren and friends, increasing the influence of the old Commonwealth by cordial cooperation in everything that has made for her interest or for the interest of the country as her people conceive it." It was in that spirit of country as her people conceive it." It was in that spirit of friendship and fraternity that Rockwood Hoar became a member of our delegation. We perform no perfunctory duty to-day and shall forever sacredly cherish the memory of this friend who proved himself so kind and helpful an associate. His noble manhood and lovable personality can not fail to be a genuine inspiration during the years that are to come. It is therefore indeed fitting that we should record here our affection for him and our appreciation of his honorable and useful life.

Mr. OLCOTT. Mr. Speaker, I want to add but a word or two as tribute to the memory of Rockwood Hoar. I count it as one of the pleasantest experiences that I have had in this Congress that in the distribution of seats it was my good for-tune to be placed next to him. I think I never in my maturer years have made an acquaintance which so quickly ripened into friendship. Seeing him every day, talking with him during much of the session, I can say that from his expressions and from his actions I think he was a man who never offended his own conscience. I do not think that there would have been any consideration that would have made Mr. Hoar do anything that he did not believe was right. There was another sterling quality in him. He had that pride of great and distinguished ancestry that made it his ambition not only not to sully the reputation of that ancestry, but to add to its luster. His pride of ancestry did not beget supineness, but it stimulated industry and ambition to do well.

The last time that I saw him was on the other side of the water, and he was looking forward with such anticipation of pleasure at returning here to his work, especially upon that committee of which the gentleman from Kentucky [Mr. Sher-LEY] has spoken, that it was as if he could scarcely wait to have the time pass when he could get back here in harness again. But it was not to be; and so not only his friends from Massachusetts, but all who have had any association with him on committee or on the floor of this House, must think of him only as a dear and tender memory.

Mr. GREENE. Mr. Speaker, as we meet to-day for the purpose of recording our words of tribute to the memory of one of our lamented colleagues, I am reminded of the uncertainty of human life and how brittle is the thread which binds us together in our earthly careers.

As Rockwood Hoar had always resided in a portion of the Commonwealth of Massachusetts remote from the city in which I reside, I had seldom met him until he took his seat in the first session of the Fifty-ninth Congress and began his Congressional life. Frequent conferences of the Massachusetts delegation upon matters relating to the political and material interests of the State brought me into more intimate relations with him. I had known his father, the late Senator Hoar, for many years, and I thought I discerned in the son some of the prominent features which made the father one of the best beloved of the long line of public servants who had been called upon to serve the great Commonwealth in the stirring periods of the nation's life.

ROCKWOOD HOAR had convictions upon public questions which he never hesitated to assert. Sometimes I noticed, when the roll was called, he and I were found recorded in opposition to each other, but I always felt that he had been guided by his conscientious convictions. His father had never sought to look for popular acclaim, and Massachusetts always held him in the highest esteem, and her citizens gave to him their continuous confidence and support even when many of her most prominent men were inclined to look upon some public questions in a manner very much different than he had freely and frankly expressed himself.

ROCKWOOD HOAR gave promise of a distinguished career, and if his life had been spared to the general allotted period of manhood, his record of accomplishment would have brilliantly adorned the pages of history. He had barely passed the half century of life, and apparently had many years of usefulness before him. He came from sturdy Puritan stock. Naturally he was a student. With his home training and the advantage accorded by the public school system of the city of Worcester he was enabled to graduate from Harvard College in his early youth, and only a few years thereafter he engaged in the practice of law, became assistant district attorney, and subsequently district attorney, which last position he occupied at the time of his election to Congress.

His quiet demeanor and peaceful appearance would not lead one to think that he had an aptitude for military life, but he served as a private in the Massachusetts militia and also on the military

staff of two governors of the Commonwealth, once serving as judgeadvocate-general, besides being president of a military board of advisers during the Spanish war. In these capacities he was fulfilling the high duties of American citizenship, inherent in his nature from the ancestral stock from which he sprang in the town of Concord, where the earlier conflicts of the Revolution first awakened the patriotic natures of the sturdy farmers to the laying of the foundation of the Republic which it was his ambition to serve faithfully and well.

He was assigned by Speaker Cannon to the Committees on Elections and on Revision of the Laws. These committees were engaged in a line of work which was congenial to him, and I frequently heard his associates speaking in the highest terms of his very faithful and efficient service. If his life had been spared, the entire membership of the House would have had an opportunity to have estimated his public service by the standard which those associated with him in committee work were enabled to place upon him. The work of the revision of the laws is of great importance, and during the long period of his first session in Congress he gave to that work his best talent. The result has been printed, and it will add to the glory of his earthly accomplishments, and it will be of immense advantage to countless millions of his countrymen in their future transactions in the courts of law and in the extension of their commercial relations in the activities of business life.

Mr. Hoar seemed to enjoy his work here. He was ambitious to be useful because of the good he could do for others. There was no apparent selfishness in his nature. His wife and children seemed happy and contented, and to the ordinary citizen there would seem to be every element which marked the prospect of success and a long and brilliant career. But the all-wise Ruler of the Universe, by causing "the silver cord to be loosed and the golden bowl to be broken," finished the work which human wisdom had regarded unfinished. We can not penetrate the mystery of death. It attacks the youth, with his years of hope and promise of future fulfillment, and sooner or later all must yield to its dread call. And we who are permitted to remain to fulfill our earthly careers must take up the burden where our colleagues have laid it down.

It was my privilege to be appointed one of the committee to

pay the last tribute of respect to his lamented father, and also I was assigned to the same sad duty to my departed colleague. The services of both were held in the same church. The citizens of Worcester attended the obsequies in large numbers, and there was an expression of grief that pervaded the entire community.

I shall cherish the memory of our departed colleague, and willingly pay this feeble tribute to his worth and work.

Mr. HOUSTON. Mr. Speaker, in the first days of the Fifty-ninth Congress I met for the first time Rockwood Hoar. It was my good fortune to be assigned to committee work with this man. As members of the same subcommittee of the Committee on Revision of the Laws, requiring detailed and continuing work, we were thrown very closely together, and I had the opportunity in the intimate association in which we were necessarily thrown to observe very fully the manner of man he was. The character of this committee work seemed congenial to the tastes and preference of the man, and he at once impressed me with the enthusiasm and spirit that inspired him in the work. He brought to this labor a great deal of knowledge and research. In addition to the marked ability that was manifest there was a sense of justice that stood out so prominent in all his expression of views that his opinion commanded at-tention and respect always. He was earnest, yet in no sense dogmatic or arbitrary. While he was tenacious and loyal in his views, yet he was ever painstaking and careful in the consideration he gave to the opinions of others. He was a modest man, a trait so becoming to man as well as woman.

There are many here who know the life and character of the distinguished dead better than I, but I trust that although a stranger to him until a few short months before his death that it is meet that I should express my regard for the man and pay my tribute of respect and love to his memory to-day. When I had known him a few days I felt that I had met a man and a brother. My heart went out to him in perfect trust. He was gentle, cordial, and kind, yet there was a manly dignity about him that spoke courage and strength. His was a charming personality. In manner he was affable and without restraint; in conversation he was winning indeed.

His ready speech flowed fair and free In phrase of gentlest courtesy. He came from a family noted in several generations for their patriotism and distinguished public service. To those who came in contact with Rockwood Hoar it is unnecessary to say that his early environments and advantages were of the highest order. He was the result of the best conditions of our day and times and a credit to our civilization. He bore the visible stamp of this degree, and it is a matter of just pride to belong to a race and a civilization of which he was the natural product.

His public service and life history I leave to others to tell. I only speak of the man—the individual, as he impressed me. While he was a worthy scion of a noble stock, with a lineage illustrious and great, yet in him was illustrated that—

Kind hearts are more than coronets And simple faith than Norman blood;

for while he was of noble lineage and gentle blood, to my mind the richest grace and strength of his life and character was imparted by his own kind heart and gentle faithful soul.

In his right hand he carried gentle peace-

And he was-

To those that sought him sweet as summer.

I sought him and so I found him. I conceived for him an affectionate regard that will abide with me. It enlarges the ideals of life to have known such a man. It gives a richer conception of manhood, and, to myself, I hold it a blessing to have known him. This acquaintance was of short duration—seven months embraced it—but that time was long enough for me to form a lofty estimate of the man, and I esteem it a privilege to bring my offering to-day and join in with those who knew him long and well in paying my humble tribute to his memory.

He was at the high tide of a useful and promising career when he was called to go and his friends left to mourn.

The voice of the weeper
Wails manhood in glory,
The autumn winds rushing
Waft the leaves that are serest,
But our flower was in flushing
When blighting was nearest.

Why this, to our short sight, untimely breaking of the bands of mortality; why this dispensation we can not answer; we do not ask. It is the inscrutable decree we can not fathom, but it is the will that must be done and that we must accept. Have we the power to accept it with resignation? Let us hope for that power, that gift. We now see through a glass darkly; let us trust and abide in the hope of that brighter vision yet to come, for the eye of faith looks through the shadows and gloom of death, and hope makes radiant the shore beyond.

Mr. WEEKS. Mr. Speaker, while I esteem it a privilege to take part in these memorial exercises, I feel peculiarly ill fitted to put into words the adequate and deserved tribute which I know is due to the memory of my friend Rockwood Hoar. In this country we feel a just pride in the self-made man who, from an humble origin and unpropitious surroundings, rises to a position of influence and usefulness in the community, and it is natural that we should honor and applaud such a man and his accomplishments. Is there not equal reason to admire and praise that son of a distinguished ancestry who has not only maintained the high standards of his family, but has at the same time contributed to it some additional valuable quality, which is essentially true in the case of Rockwood Hoar? Few men can count among his ancestors so many who have reached the very highest rank in nearly every walk in life and in every period of our national existence. Among them were distinguished jurists, humanitarians, lawyers, educators, military men, statesmen and financiers, a president of Harvard College, a signer of the Declaration of Independence, a Senator from Consigner of the Decraration of Independence, a Senator from Connecticut, a Secretary of State, a Senator from New York, and an Attorney-General of the United States. In the direct line his grandfather was a distinguished lawyer, a valuable State officer, and Member of Congress; while his father, whose death was so generally mourned only two years ago, served his State for thirty-five years in the halls of Congress, leaving a heritage of duty well done unexcelled in the history of Massachusetts and probably not excelled in the country at large. George Frisbie Hoar retained his vigorous intellect and capacity for work until near his end, although he lived eight years beyond the allotted time of man, an age which strangely has marked the end of many members of his great family. And, while he was sincerely mourned not only by those associated with him in public life, but by all the people of Massachusetts, there should have been incorporated in this mourning a spirit of thankfulness for his long life and the great public work which he had been able to perform, a feeling that, though a great man had fallen, he had accomplished his life work, and that the time had come for him to pass his burdens on to others; and in a large sense this statement would hold true of all of the earlier members of this distinguished family.

But this normal and happy condition ended with the generation which included among its members Judge Ebenezer Rockwood Hoar and George Frisbie Hoar. The former left two sons, Samuel and Sherman. Samuel Hoar, like so many of his ancestors, was a distinguished lawyer, and his end came suddenly, when he was hardly past the prime of life; while Sherman Hoar, after being elected to Congress at an age when he was scarcely eligible, ended his life prematurely as a result of disease contracted in providing for and caring for our sick soldiers returned from Cuba during the Spanish war. The only remaining son of the family of his generation, and Senator Hoar's only son, was he whose memory we are gathered to-day to pay tribute to. It will be seen from what I have said that ROCKWOOD HOAR labored under that peculiar disadvantage which those descended from or connected with very distinguished persons must always face, and especially when, as in his case, the distinguished person is a father; for not only does he have to meet the natural criticism that whatever he does, either as a public man or in any semipublic capacity, is largely influenced, if not entirely due, to the recognized wisdom of the senior, but in the case of a son he very often, and properly, refrains from assuming public positions or semipublic duties for which he is amply fitted, feeling that such a course might adversely influence the future of his father. There is little reason to doubt that such motives governed Rockwood Hoar in his career prior to his election to Congress, for until his nomination to that office, which occurred the day his father was laid to rest, he had never held a political office other than those offices which were appointive and directly connected with his profession, the law; and such canvass as he had made for the nomination was only undertaken when it was apparent to all that the days of his father's political activities were numbered. There is no other suitable reason for his refraining until his fiftieth year from undertaking a political career, for which he was undoubtedly fitted to an unusual degree, in which he would have, without question, filled a place which, while possibly not as brilliant as that of his father or some others of his family, would have been an honor to himself and a satisfaction to his friends and constituency. I do not make this statement in the spirit of fulsome praise, for I would not offend his memory or my ideas of the proprieties of such an occasion as this by indulging in flattery, but I make it because there were certain characteristics which belonged in a degree to every member of his family. These characteristics were the foundation of their success, and they were quite as marked in Rockwood Hoar as in those who had preceded him; and so with our mourning for his untimely end is mixed a deep sense of regret that his work could not have been carried on to its full fruition.

I do not feel at liberty in the time allotted me to make a complete enumeration of the qualities to which I have referred or to take up the ones I do refer to in great detail, but a reference to a few of the more prominent will easily show that I am justified in making the statement.

All of the members of his family have been scholars, not always specialized scholars, but more frequently scholars developed and perfected by careful reading, travel, and the best associations. Rockwood Hoar was in this sense a scholar. While busily engaged in the active affairs of life, he kept in close touch with standard literature, and sought the companionship of the best people, and was an educated man; his studies had not ceased, and would not have done so as long as life lasted, so that it was natural to assume that if he had reached the allotted span of life he would have become one of the most accomplished of men.

All the members of his family have been idealists, not the kind of idealists whose enthusiasm led them to seek perfect conditions without the practical qualities which must be used in the improvement of mankind, but the reverse. Rockwood Hoar was the latter kind of an idealist. While we have not had in our generation to deal with a great moral question, like slavery, for instance, which has been convulsing in its character, yet there are always with us questions of right and wrong on which every man must take a stand. He could always be found on the side of the right, defending the oppressed, and attempting to uplift mankind by those practical methods which were a part of his everyday life.

All the members of his family had an intense patriotism, to which was allied a keen sense of public duty. One of these qualities should be a corollary of the other, for patriotism in ordinary times is not dying for one's country, but living for it, living to better it. He had no opportunity to show his love of country on the battlefield, but he did have the opportunity to help make his country a better one, and he never missed a citizen's opportunity to assist in bringing about better civic conditions or a better public service.

All the members of his family had a broad religious tolerance. His honored father especially, among his ancestors, displayed this quality to a marked degree. While having strong and pronounced views regarding the future life, nothing met his vigorous opposition more quickly or more surely stirred his combative temperament than any attempt to restrict religious belief or practice. Rockwood Hoar displayed the same characteristics. He was a liberal, a Unitarian in his religious belief, but being a liberal did not mean that he was vague or indefinite in his views or careless in their practice. He was the reverse, but he would have fought with all his resources any attempt to force on others views in which they did not believe or any attempt to discriminate against his fellow-men because their creed differed from his own. Neither did he proclaim one standard and live another.

Other members of his family, almost without exception, had vigorous prejudices and were combative to an unusual degree. They had a capacity to utter bitter sentences as well as an unusual loyalty toward those who had been tried and found not wanting. Rockwood Hoar had this latter quality. He may have had the second; though if so, he was extremely chary about using it. But in place of the first he had a charming and genial personality, and was entirely devoid of prejudice and of the combative temperament to which I have alluded. Therefore, if my estimate is not overdrawn, there is ample reason why the people of Massachusetts should have been shocked at his untimely taking away in the prime of life, for I believe political conditions were such that he might have been returned to this House again and again, better and better prepared to represent his people up to the highest standards of the past. There is also good reason why the Members of this House, without limitations to party lines, should feel that they have met a personal loss, for his honored name, his genial, sterling character, his gracious presence and bearing had drawn all to him in a way which promised unusual popularity and usefulness in Washington. Very few men have commenced their Congressional careers under more favorable auspices; very few have done more in one short year to convince those associated with them that their preparation was complete for a successful legislative career.

Mr. PARSONS. Mr. Speaker, in these days when so many doubts are expressed of the value to the individual and the nation of inherited wealth, it is refreshing, by contrast, to meditate on the life, character, and services of Rockwoon Hoar and in them observe the boon to the individual and the nation of inherited worth.

Seldom will it happen that a Member of this House is the son of a former Member who, too, was the son of a former Member. Rockwood Hoar was all this and more. In his veins coursed the blood of the embattled farmers who fought at Concord Ridge. Fit indwelling place was he for that—

Spirit that made those heroes dare To die and leave their children free.

With a strong character, well-trained mind, wide experience, gentlemanly bearing, and high purposes, he combined sense of humor and geniality of soul that made his companionship a delight to his friends. In the short service that fate permitted him here many had come to recognize these qualities. The first time that he was called to the Chair in Committee of the Whole, the unusual compliment of applause was paid him, and that from both sides of the Chamber. Had he lived two characteristics of his would have become increasingly prominent. One would have been his usefulness as a legislator, due to his ability, industry, experience, and inherited knowledge of government. The other would have been his obedience to conscience—his courage to speak and vote as he was given to see the right, whatever the odds. A man of his upbringing, his culture, and his nobility of tradition had a perspective not possible to many. He would have stood a bulwark for the best in Anglo-Saxon evolution. He would have been strong in—

The strength that can not seek By deed or thought to hurt the weak.

Of ROCKWOOD HOAR there can well be said what was written of another of Massachusetts's noble sons:

He left the example of high powers nobly used and the remembrance of a spotless name.

Mr. BENNET of New York. Mr. Speaker, it is said that Oliver Cromwell once in answer to an inquiry from a portrait painter as to how he wished to be painted said, "Paint me with the wart." Our friend, I know, possessed a similar spirit and was one of those who could best afford to exhibit it. Like my colleague from the Thirteenth district, I had before coming to Congress read and re-read with pleasure, with interest, and with profit, the autobiography of the late Senator Hoar. His was one of

those lives to which all look up, and when in the initial drawing of seats in the first session of this Fifty-ninth Congress I found myself immediately in front of a genial, dignified, courteous, fine-appearing man, it was one of the great additional pleasures of this service to find that that man was the son of Senator I appreciated it as a privilege at that time to be associated with one from such a distinguished ancestry, but it was only a matter of days before I learned to appreciate it as a pleasure, not only to associate with the son of Senator Hoar, but to form an acquaintance which ripened into friendship with ROCKWOOD HOAR. Our late friend was one of the most human men who ever came to Congress. I never met a man who ex-celled in doing the right thing in little things as did he. On the public side every thought was for his service here and for his service to his district. I had myself been educated in a school of practical politics, and yet it had never occurred to me, nor to colleagues of mine similarly situated, to send the Congressional Record to the fire houses in my district because there the men would have time to read them, but Rockwood Hoar thought of that. He had a large delegation from his district, ladies, come here during Easter vacation. Any man with the means could have thought of the delightful lunch which he gave them in the Capitol, but few besides Rockwood Hoar would have had the additional thought of giving to each one a session pass for the gallery signed with his own hand. He was loyal to his friends. There was a subject in which he and I were interested, in which our views were in accord. One day coming into the Chamber he said, "My friend, Mr. So-and-so" (here to-day), "is to make some remarks on this subject this afternoon on the opposite side. You have given a good deal of thought to this subject, and if you are mean enough to do it you can ask him questions and make suggestions that might tend to annoy or confuse him in some parts of it. If you do that, you will have me to deal with as long as we both stay here in Congress. He is sincere and as long as we both stay here in congress. He is sincere and entitled to his views and is entitled to have them go to his people in the way he wishes them, and I want to say to you that so far as you and I are concerned you interrupt him this afternoon at peril of our friendship."

It is hardly necessary to say that after that, knowing Mr. Hoar, I did not attempt any but helpful interruptions.

On that same subject he prepared a speech better than has ever been delivered in this branch of Congress in relation to that subject. He prepared it with toil, labor, thought, and genius. After the final vote had been taken he took it from his desk, handed it to me, and said, "Bennet, I wish you would read that." I did, and I said, "Hoar, why didn't you make that speech? It would have put you in the front ranks of the Members of this House in the Fifty-ninth Congress, no matter how long others have served." He said, "Those are my thoughts, my belief, and that is the way I voted, but the gentleman who led the opposition was from my own State and is my friend. In some ways I did not think he was being treated fairly, and I did not desire to nor would I add to his defeat the humiliation of an attack from a member of his own delegation."

Allusion has been made here to the occasion when Mr. Hoar was almost alone on this floor in a rising vote. I happened through the fact of sitting so close to him to be a very near witness on that occasion. He was a modest man, and it was a hard thing to do, and as I sat in my seat here I turned around and looked at him and saw him standing in the aisle gripping the desk on either side, with every muscle tense, but still standing.

One who has traveled through Massachusetts even to a limited extent can understand, I think, the spirit which animates such as our friend. It is the survival of the town meeting; it is reenforced by constant inspection of the memorials of brave deeds. It is in a way helped by the very air of the State. We lose much here through the going of Rockwood Hoar. I am glad that the occasion occurred to which my colleague from the Thirteenth district alluded, when he was greeted with applause on taking the chair, and I am confident that when that applause came the most surprised man in the House was its recipient. He never fully realized his position in the hearts of his friends, and such a token as that helped somewhat, I am glad to know, his realization of how he stood.

But while he was loyal to his friends mere friendship never led him on a vote. As my colleague from the Fifteenth district has said, we all know that his vote was in accordance with his conscience.

One day the friend of his on the opposite side of the Chamber to whom I have referred came and asked me to vote with him on a matter, not of large moment and to which I had given, I regret to say, rather scanty attention. I promised to do so and I did so. After my name on the roll was called came Mr. Hoar's, and when his name was called he voted the opposite

way. I turned to him in some surprise and said, "Why, Hoan, why didn't you vote with our friend and me?" He said, "Because you are wrong;" and it would never have occurred to him

to have done differently because of friendship.

Allusion has been made to his distinguished ancestry, but there is a consideration which I desire to suggest. In a sense it is a handleap to a man to come here the son of a great man. His performances are measured by standards hard to live up to. Rockwood Hoar worshiped the memory of his father, but I know upon one or two occasions when he was able to do something which his father had not been able to do that it was a source of some gratification to him to say, "This is the act of ROCKWOOD HOAR.

In that connection I recall a little thing in which our colleague who has just left us, Mr. Rixey of Virginia, was concerned, when he and Mr. Hoar secured the small appropriation for a road on the battlefield of Balls Bluff. Mr. Hoar had a tender regard for that place simply because Massachusetts men had fought there. He had an added pride in getting the appropriation because his father had twice tried to and failed.

We lose much, but those nearer and dearer lose more. not care, perhaps I could hardly trust myself, to speak upon that side, but I can simply say that the tenderness and solicitude which he evidenced here for his colleagues on both sides of the Chamber were magnified and intensified in his nearer relations.

I last saw him in life, to recall particularly, on a beautiful summer evening toward the close of the last session, and we sat and planned our work when we should come back. He spoke with joy of his coming European trip, and then with equal joy of the work he expected to do in the short session. The stars looked down, and in the beautiful balm of that summer evening there was no man who had a right to plan for the future better than he. We can not even guess as to these manifestations of Divine Providence. We know that he died in an assured belief, and we rejoice in that. The same stars look down now and the same balm of evening comes, but for Rockwood Hoar the mystery of what lies beyond those stars, what great hand guides the coming and the going of the balm of the evening has been solved. To him the window has been opened, the dawn has come, and he looks out not backward, but forward into life.

Mr. MURPHY. Mr. Speaker, the frail body is a vehicle carrying us down the pathway and through the avenues of life to no uncertain destination. Sooner or later, Mr. Speaker, you and I and all of us will reach the end of our journey and be called before the great presiding officer, there to report our compliance with or disregard for the rules written upon tablets of stone. Can we answer that we have had no other God save him alone? Can we answer that we have loved our neighbor as ourselves? Can we say, "Thou hast commanded, we have obeyed?" The taking from our midst of one we loved is to again remind us of the uncertainties of life. Can it be that a time was selected and ROCKWOOD HOAR exalted to impress us with the nearness of our approach to the great beyond?

It was my pleasure, Mr. Speaker, to serve with Mr. Hoar upon committee, and I had every opportunity to judge his very nature. No man could but be impressed with his kind and gentle disposition, his absolute fairness, his honesty of purpose, his high qualities of statesmanship, and his firm devotion to his duties, his country, his flag, and his God. He loved all mankind as his neighbor; he had a pleasant smile and a kind word for every Every inch of him was a man. I believe he lived a life

the God intended all men should live.

We are taught that no man is perfect. If this be true, the imperfections of Rockwood Hoar were beyond the discernment of the human. Days and months and years will come and go, but the services of Rockwood Hoar are recorded in the history of his country, there to perpetuate his memory forever. And when in after years we turn back the pages of time, it will be said of him that he brought sunshine into the world and it is better for his having lived. He will be missed in the committee; he will be missed in this House. His place can never be filled in the hearts of his friends.

When I left this city last summer he was the last to say "good-by." Little did I think it was to say good-by forever. No, Mr. Speaker; I do not believe it was forever. He died, no doubt, as he wished to die, in the service of his country. He

died as he lived-a man,

Mr. CHANEY. Mr. Speaker, Massachusetts has played a prominent part in American civilization. From my earliest recollection our schoolbooks, our declamations, and our stories came from New England. The home of American literature We looked toward Boston Harbor as the early settlers did to Southampton and Liverpool. About old Cambridge town

and Concord repose the remains of my father's ancestors who served their modest part in the primitive times of the Great Republic. Old South Church and Faneuil Hall are dear to the American name. It is no disparagement to Virginia, the mother of Presidents, and the home of my maternal ancestors, the Crawfords, to say that the fire of patriotic devotion to a wider liberty burned fervently in the Old Bay State, and that her sons always marched abreast of progress. At no period of American history is there a blank page for Massachusetts. The Hancocks, the Adamses, the Warrens, and Paul Revere are among the first of liberty's heroes. The Websters, the Sumners, the Wilsons, and the family of Rockwood Hoar embellish the achievements of the United States. They all had the reputation of doing all things well. They lived in the years which spoke to the centuries to come. Under their ringing strokes science was ascertained and out of superstition there came revealed religion. Puritanic they were, but generally open to reason and conviction. To pronounce a eulogy upon them is but to recite page from every chapter of our glorious history.

To Rockwood Hoar nature and an honorable ancestry seemed to have created a choice environment, and to have marked out

a lengthy career.

An ancestor of his signed every charter of American liberty. A distinguished father had set a great example. His education was well planned and faithfully improved. In the public schools of Worcester he caught the inspiration of genius and the true American spirit. In far-famed Harvard he became a bachelor and master of arts. Although born in 1855, he yet succeeded to the bar in 1879. Chosen assistant district attorney for the middle district of his State from 1884 to 1887, his services were so well and favorably remembered that he became the district attorney from 1899 to 1905. In his community he took the active part of a useful man and was universally regarded as a conservation of the mallia read was universally regarded as a conservation of the mallia read was universally regarded as

servator of the public good.

He and I came into the Congress of the United States together, and each of us succeeded a worthy Democrat. It being the first term to touch elbows with the lawmakers of the Union, we naturally stood at the distance of the discreet observer. "A fellow-feeling makes us wondrous kind," and so we became fast friends. I esteemed him as a man who lived as mothers would have their sons live, for he was faithful and true; and I looked upon him as a man who died as fathers would have their sons die, harnessed to duty, faithfully working out an honorable destiny. July was in his sunny heart, October was the friendship in his hand.

Some men in political life, and everywhere else for that matter, see only the passing error in things done. Rockwood Hoar observed the supreme purpose in transpiring events. There are served the supreme purpose in transpiring events. There are those who have picked their paths at the mountain's base so long that they see only the waning sun. The subject of our sketch breathed the morning ozone and watched the early orb of day brightening earth's duties and beauties. He was highly regarded for his moral and intellectual worth in Worcester. He was ardent and thorough in every duty and lent an honorable

hand to every good cause among his neighbors.

In Congress he rendered distinguished service to his country on the Committee on Revision of the Laws, and his voice and vote were always given to legislation in recognition of the services of the soldiers who saved the country whole and the flag so

glorious.

While living in comparison with a distinguished name, he yet did not shine by reflected light. He had capacity, ability, and great energy and honorable ambition. He had practical judgment and stood close to the people. He served well his city and his county at home, and he served his district and country well here.

His associates throughout his career from his earliest days in college to the last hour of his life were men worthy of an exalted life and a splendid manhood. It is said that the good things of the universe can not be defined. Neither can intellect or soul be defined. And, of course, immortality is entirely beyond human comparison and comprehension. The things that make for good are nevertheless understood and appreciated. The soul is a star which dwells apart and commands individual attention. The personality of Rockwood Hoar reenforced his mental calculation. He was original in thought and action. He contributed to the subject under consideration. He did not seek to dominate, but to elucidate. This is a quality which requires industry, study, and dispassionate reflection. With him oratory was not in the rhetorical roundness of a period, but in the aptness of the thought and the pleasing persuasion of its application.

It is not greatness I would attribute to our friend, but usefulness and a common importance belonging to a useful life. be, and not to seem, was this man's wisdom."

Cut down by the grim and unreasoning reaper at the milepost,

where great and good manhood scarcely touches high twelve, he yet lived a life and in a time wherein his fifty years wrought a century of accomplishment. In high ideals he honored his day and generation; under the light of splendid example he nourished his household, and in manly devotion to duty he rounded out a life of satisfying success.

Man is no star, but a quick coal Of mortal fire; Who blows it not, nor doth control A faint desire, Lets his own ashes choke his soul.

IMr. TIRRELL addressed the House. See Appendix.1

Mr. MACON. Mr. Speaker, I did not have the pleasure of knowing the distinguished and lovable subject of this memorial occasion until I met him at the beginning of the present Congress, and I account myself greatly the loser because I was not fortunate enough to know him at an earlier period of his life, for after being intimately associated with him as a member of the Committee on the Revision of the Laws of the United States for seven long months I was constrained to believe that the world had been made better by the worthy life he had lived, and hence all who had been denied an acquaintance with him had been deprived of many of the social pleasures that come to mankind through the avenues of intimate association with the earth's noblest and gentlest sons. From the first moment of our acquaintance I was firmly impressed with the fact that a gentleman born and bred, in whom there was no guile, had joined the forces of legislative life, one who fairly lived the sacred sentiment of that grand old song that was sung in the long ago by stainless tongue upon Judea's lofty heights: "On earth peace, good will toward men." He was blessed with an open, honest face; a bright, intelligent eye; a mellow, winning voice; a proud, manly bearing; a courageous, but sweet spirit that was as full of fraternalism as anyone it was ever my privilege to know, a fraternalism that was intended by its Creator to be as free and as pure as the waters that flow from the fountains of eternal life, as harmonious among men as the notes of the song bird that are warbled forth as he rises from his night of rest and flaps the morning sun rays into a thousand glittering gems, as sweet and as sacred as the music

that is flung by angelic fingers from the strings of angelic harps.

The fraternalism that animated and controlled his every act would have staved the murderous hand of a sin-cursed Cain, would have stifled the impetuous words of an angry Lot, would have prevented the theft of the birthright from innocent Esau, would have stopped the sale of Joseph into Egypt by his brethren, and would have brought a blush of shame to the cheek of unrighteous Saul to have even thought of hurling a javelin at the head of the youthful and sweet-spirited shepherd boy of the plains. The kind of fraternalism that found lodgment in his noble breast, though often and bitterly assailed, thank God has survived the tyranny of tyrants, the cruelties of bigot kings, the vices of avarice and greed, and the inhumanity of man to man. It has put bread into the mouths of millions of hungry souls and has clothed as many tattered forms. Mr. Speaker, if such fraternalism as that that guided and controlled the acts and words of the lamented Rockwood Hoar was lived and practiced by the peoples of the world every hovel would become a palace and every man and woman a saint. seemed to be his only taskmaster, and faithfully and efficiently did he meet and discharge every obligation that was laid upon him by that exacting overseer. When assigned to the Committee on the Revision of the Laws, he discovered that its work had been sadly neglected for several years, and hence he found more than a double task before him if he and his colleagues on the committee were to revise the laws during the life of the Fifty-ninth Congress. It was his ambition that ere the gavel fell to tell of the close of the Congress that the laws would have been revised and the work of the committee ended. therefore entered upon the duties before him with great fidelity, energy, and superior intelligence, and never did he fail or falter in his work, no matter how many or how long the hours of labor or how voluminous or arduous the task. His Congressional career was short, but it was as successful, as complete, and useful as that of any Member of that body of which I have knowledge whose term of service was not longer than his.

I therefore beg of his constituents to know that in his election no mistake was made and that in honoring him they honored themselves to a high degree. He was alike the son of an illustrious sire and of a proud State, but the knowledge of that fact did not seem to make him feel that he was any better than the humblest citizen of our broad land, if that citizen was only honest. He despised bigotry, and pharisaical professions were abominations in his sight. He possessed none of the elements of the demagogue and under all conditions dared to do the

right. He was ever courteous, generous, and kind. While his carriage was that of a proud man, his head was never held so high as not to see the humblest of his fellows as he passed them by. As indicated at the beginning of my remarks, I was not acquainted with his early life, but if his boyhood and early manhood are to be judged by that period of his life familiar to me, I am constrained to believe that no act of his ever brought sorrow to a loving mother's heart or a flush of shame to a proud father's face. I am sure that he impressed himself upon everyone and everything with which he had to do in a most favorable manner, and, in my judgment, if he had not been stricken down in the flower of his manhood he would have made an imprint upon the institutions of his country that the relentless forces of time and tide only could have effaced. He was too broad of mind and great of soul to be a petty partisan or a narrow sectionalist, and in none of the many conversations that I had with him did I ever hear him utter an unkind word concerning any section of our Union or any of its citizens. While he was supremely proud of his native State, he did not regard it as the wheel that moved the world or its capital city the hub around which it revolved.

He believed in the rights of individuals, communities, and States, and he thought that every individual, community, and State, no matter where domiciled or located, possessed the very same rights and was entitled to the very same considerations. Little did I think, when he gave my hand a warm, friendly clasp at the close of the last session of Congress, that it was for the last time. But the fates decreed that it should be, for only a few short months after our friendly parting the sad news came to me that he had departed this life. But, sir, I am in a measure consoled by the thought that he so lived while upon this earth that when he came to die he did not go to his grave like a "quarry slave, scourged to his dungeon," but, comforted and sustained by thoughts of noble deeds well performed. he was able to "wrap the drapery of his couch about him and lie down to pleasant dreams."

Mr. Speaker, truly a just man has been called to his well-Peace to his ashes and joy to his soul. earned reward.

Oh, may the shaft that keeps silent watch over his sacred tomb be able to withstand the tempest's fiercest blow; may the sun shine brightest above the spot where lies his precious remains, and may flowers sweetly bloom around his untimely grave until time, in its last revolution, breaks on eternity's shore, and his great soul rest in the bosom of his Lord forever and forever, is the earnest prayer of his southern friend.

Mr. BUTLER of Tennessee. Mr. Speaker, it is with feelings of pleasure mingled with sadness that I unite with others in this House in paying just tribute to the memory of Hon. Rock-WOOD HOAR, late Representative from the State of Massachusetts, whose life and character we are here to commemorate and whose death we deplore.

Although my personal acquaintance with him was limited and of short duration, I esteem it as a high privilege to unite with others who had known him longer and better in commemorating

his many virtues.

I first met the distinguished Congressman at the beginning of the first session of the Fifty-ninth Congress, and although strangers at the time, our acquaintance soon ripened into warm

personal friendship.

During that session I had the honor to serve with him on the Committee on Elections No. 2, before which contests of a very heated and highly partisan character were pending. Although we differed as widely as the north pole from the south on questions of public policy, he proved himself to be a man who could rise above the clamor of party prejudices and base his judg-ment on important questions arising before the committee on truth and justice, with an eye single and alone to the right between the opposing parties.

With marked ability and fairness he examined the evidence with a view of eliciting the truth. This accomplished, his action

was prompt and decisive.

His service as a Member of this House began with my own, and during the first session he was prompt in his attendance, active in the discharge of his duties, and displayed the ability and courage worthy of the high position he occupied in the councils of the nation to which his people had honored him.

In his untimely death this House has lost one of its most useful Members, his district a Representative of whom the people were justly proud, and the nation a statesman who promised to

become one of its most brilliant.

His political career was of short duration, but during that time he showed himself to be a man of the highest integrity and ability, a gentleman in the true sense of the word, who was destined to carve his name high up on the roll of honor.

We join with his family and those who knew him best, as well as the nation at large, in mourning his untimely death.

Mr. LOVERING. Mr. Speaker, we gather to do mournful reverence to our late colleague, ROCKWOOD HOAR.

His life was all too short to fill out the full measure of its promise. He was a man of whom it could be said that, had he lived, he would have trod the paths of greatness, whither his footsteps were surely and steadily leading him.

Born of an illustrious family, distinguished in the history of our Government, it may yet be said that he stood upon his own intellectual feet and carved out an independent career worthy of his great inheritance.

His nobility of character, his determined purpose to solve the great problems of human government, his intuition of common sense, and his untiring devotion to the duties of life, public and private, constitute a legacy that enriches us all.

In every relation of life he was the loving, courteous, and

honorable gentleman.

Tried by all the best instincts of human nature, his heart rang true to his fellow-men.

I would that I could borrow from his own storehouse of choice English appropriate terms to express the sentiments that rise in my heart and press for utterance.

Mr. Speaker, it is not my purpose to measure his worth; that is better known than I can state. But, my friends, let it be our pleasure, as it is our duty, to hold up the life and services of Mr. Hoar as a noble and worthy example of what the human character is capable of accomplishing, so that it may be to the young men of this country the rich incentive to patriotism, honor, and that higher life which is the mark of every true American citizen.

Mr. GILLETT. Mr. Speaker, the life and character of our late colleague have been already so fully set forth that I can not hope to add anything of value, but my regard for him was

so strong that I can not be silent on this occasion.

He came here to find a cordial prepossession in his favor, for he was elected to Congress just as his father finished his long and distinguished service, and I think all men cherished the hope that the magnificent public record of the father might be taken up and long continued by the son. We do not in this country yield honors to heredity. We are a new people, demo-cratic and informal, and part of our creed has been to give recognition only to the merit of the individual, not to descent. We have had no sympathy with the European habit of admiring most the youngest branches of the family tree, of honoring the latest scion of a house more than the originator, and regulating respect and giving precedence to men according to their distance from the founder of a family. On the con-trary, we "smile at the claims of long descent," and give most to the man who by his own effort and achievement has brought luster to his name. Certainly our creed seems most logical and reasonable. That member of a family who is first able to raise himself to eminence above his fellows is most likely to have the genius or the energy or the masterful will power which all men admire. And his descendants, enjoying the opulence and the respect which his exertions won for them, relieved from the need of struggle by his success, are likely to dissipate and lose in ease and idleness the virile qualities which they may have inherited from him. They will naturally make more agreeable carpet knights, they will shine better in courts, and please better a society which values only elegance and courtesy; but the iron will disappear from the blood, and dissipation and corruption are too likely to become their main distinction. Human nature is too indolent to retain long its vigor except under the spur of necessity.

'What shall I do that my son may make a figure in the world?" a nobleman once asked a lord chancellor of England. "I know of but one way, my lord," was the reply. "Give him parts and poverty." And so the tendency of a rich and distinguished family is to deteriorate and degenerate, and the farther from the fountain head the less likely to deserve respect.

Our public opinion goes to the other extreme from Europe. Rough power, mere success, we value most. We idealize the individual. Humble birth, unfavorable surroundings, an early struggle against oppressive obstacles, are the surest claims to general admiration and popularity. We are too busy and prac-tical to pay much heed to shrinking and delicate virtues or perhaps to sufficiently value culture and courtesy and refinement; we worship power and practical achievement. It is unusual with us to give honor to successive generations of a

And yet we are not without sentiment. I think we all rejoice when the scion of an honored but decayed house regains

ancestral honors or wins new distinction. We vote with an added interest, not of reason, but of sentiment, for the man whose grandfather we have voted for before. We all exult with the broadening girdle of Scott's White Lady of Avenel. And so we all take more than common delight, and our judgment and our sentiment alike are captivated, when we see the talents and character of a great father renewed and perpetuated in a worthy son. Our late colleague gave promise of that attractive inheritance. He came to find among us partial friends. and in his short association with us he gave us reason to expect, as well as hope, that the duty to which three generations of eminent public service inspired and pledged him would be faith-

fully and honorably and adequately performed.

What would most impress you on first acquaintance was that he was a courteous, cultured gentleman. You might suspect that the ordinary process was going on and that the rugged strength of the founder of the family was being refined away, but a closer knowledge would assure you that though not obtrusive the firmness was still there; that though gentle he was resolute and could be obstinate; that the fiber of his brain was tough and unimpaired, and that there was in him, when roused, the stuff of which martyrs are made. Yet there was about him, and to me it was one of his most charming characteristics, a delicacy and refinement which you never forgot. The steel was of so fine a temper that the edge was keen, but there was a solid weight of metal behind it. While yielding and accommodating in small matters, yet you soon discovered that his will and his conscience were both alert and that he would be immovable when either prompted him to resistance. He was industrious and ambitious in the performance of his duties here, and gave evidence of the qualities to make him popular, influential, and most useful.

We have in Massachusetts two notable families where have been transmitted for generations from father to son not only talent, and character, and capacity for public service, but, more remarkable, the virile energy and vigor and enterprise which, in this competitive age, are indispensable for large success. Our late colleague was the last male representative in his generation of one of these. Such families are a rich possession for any Commonwealth. We have sentiment enough in practi-cal and busy Massachusetts to prize and honor them, and we trust that coming generations may renew their fame and in-

crease our pride.

LEAVE TO PRINT.

Mr. WASHBURN. Mr. Speaker, because of the fact that several Members of the House who wish to be heard on this occasion are unavoidably absent, I ask unanimous consent that general leave to print be granted for a period of ten days, and ask that this leave also cover the memorial exercises about to be held for the late Representative Lester, as well as for those that are now concluded on the late Representative HOAR.

The SPEAKER pro tempore (Mr. McNary). The gentleman from Massachusetts asks unanimous consent that leave to print

be granted for ten days. Is there objection?
There was no objection; and it was so ordered.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RUFUS E. LESTER.

Mr. LIVÍNGSTON. Mr. Speaker, I submit the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. Rufus E. Lester, late a Member of this House from the State of Georgia.

Resolved, That, as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House at the conclusion of these services shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore (Mr. Overstreet of Georgia). The question is on agreeing to the resolutions.

The question was taken; and the resolutions were unani-

The SPEAKER pro tempore (Mr. LAWRENCE). The Chair

will recognize the gentleman from Georgia [Mr. Overstreet].

Mr. Overstreet].

Mr. Speaker, I do not think it is an exaggeration of the truth to say that of all the great and good and useful men who have lived and died in south Georgia since the civil war none stood higher in the esteem and affection of the people than did the Hon. Rufus E. Lester, my distinguished and lamented predecessor. For eighteen years he served continuously as a Member of this House without opposition for the Democratic nomination, save once, and on this occasion he was opposed by one of Bulloch County's favorite sons, one who had made a success and achieved a reputation in both branches of the general assembly of my State; but the love of the people

for the veteran of 1861-1865 returned him to this House, where he remained up to the time of his tragic death.

It was not my good fortune to know him intimately. him best as my father's friend. They had been comrades in the civil war and had marched and fought for the same cause, and had suffered all the hardships and privations of a Confederate soldier's life. I have heard him often say: "Rufe Lester was as brave a soldier as ever shouldered a musket and a friend as true It was his unswerving loyalty and devotion to his friends that made Mr. Lester so formidable in a political contest. Not that this attribute was his only political asset, for he had many others, but it is a strong point that goes to make up the character of any man. And just here, Mr. Speaker, I desire to advert to a circumstance to show in what high and affectionate regard he was held by Members of this House. I did not have to wait for these solemn and impressive services to be told that our lamented friend occupied a position here that would be hard to fill. Hardly had I taken the oath of office as a Member of this body when gentlemen came to me from different parts of the House, and, without regard to party affiliations, expressed sentiments of sincere and profound sorrow at his death. not attempt on this occasion to speak of his record here. will leave for more eloquent lips than mine-for his colleagues from Georgia and other fellow-Members, who day after day had felt the warmth of his friendly greeting and the pressure of his strong, manly hand.

He lacked but little in living out his allotted time, threescore years and ten, for he was born in Burke County, Ga., December 12, 1837. After a course in the common schools of his native county he entered Mercer University, Georgia, from which he graduated in 1857. Two years afterwards he was admitted to the bar in Savannah, but in 1861, upon the first declaration of war, he entered the military service of the Confederate States, enlisting with the Twenty-fifth Georgia Regiment, and remained until the end. At the close of the great struggle, in which he took a conspicuous part, and during the gloomy days of reconstruction, when the rapacious carpetbaggers and unsavory scalawags swarmed in Georgia as did the locusts in Egypt of old, he stood in the State legislature shoulder to shoulder with other true and tried sons of Georgia in defense of southern civilization and white supremacy until the people of my native State succeeded in driving out the harpies that preved Than he there was not in all the State during the trying days of reconstruction a more potent factor in bringing order out of chaos, and when duty called he obeyed and never flinched. For eight consecutive years he served in the upper branch of the general assembly of Georgia with signal ability, and from the first he was conspicuous as a leader in the discus sion of all important legislation. Twice he was elected president of the senate, and he made a model presiding officer. It is said of him that "in the chair he was impartial, firm, courteous, quick, and clear in his decisions, and being thoroughly versed in parliamentary usage, was rarely reversed by a majority of senate on appeal from any ruling.

Mr. Speaker, in order that the country and the world might better know what manner of man he was I quote the words of ex-Governor Allen D. Candler, of Georgia, his schoolmate and lifelong friend. Said he: "I do not hesitate to say that with my intimate knowledge of the man and his character, acquired in those close and intimate associations in school, in the army, in the State senate, and in the National Congress, I have never known a truer man or one more loyal to his State, his country, and conviction of right, and I do not believe that all the gold of Ophir or the diamonds of Golconda could ever have tempted him to betray a friend, a trust, or an honest conviction." Surely such words as these come from a heart that speaks the truth.

In 1883 he was elected mayor of the city of Savannah, and he was reelected twice consecutively afterwards, resigning in 1889 upon being elected to the Fifty-first Congress of the United States. In the office of mayor he displayed executive ability of the highest order, and his administration will go down in history as one of the wisest and best the city ever had.

If there is one specific deed for which the people of my immediate section will hold him in grateful remembrance, it is the prompt, brave, and invaluable service rendered by him in 1873 to a large number of our citizens who were summarily arrested for violating certain provisions of what was known as "the enforcement act of the reconstruction laws." These men were arrested by United States marshals, ruthlessly taken to Savannah without an opportunity of giving bond or saying good-by to their families, and were about to be enchained in a felon's cell. When Colonel Lester heard of this the hot southern blood coursing through his veins in the meridian of his manhood began to boil with resentment and indignation, but the calmer judgment which he had prevailed, and he set at work to have the defend-

ants released. With promptness he procured bail for all of the parties and sent them back to their homes, and in many cases where they had not the money to pay their railroad fare, he quickly and cheerfully advanced it to them. In the course of time he succeeded in having all the prosecutions dismissed, and all this he did without money and without price if the defendants were men of limited means.

All his public service has met the approbation of his countrymen, and our great and good friend has reared a monument in the hearts and affections of the people more lasting than marble and more enduring than bronze.

We often attempt to perpetuate the memory of our departed friends by erecting stately shafts which may portray them in grandeur to future generations, but all these in the course of time will yield to the silent forces of nature and dissolve and crumble into dust; even the little spot of ground that holds our sacred dead will some day be forgotten, not while we live, but generations to come after us will forget, and the marble slab that marks their final resting place will perish from the face of the earth and be swept into the sea of oblivion, but the impress of a great life upon the character of one's country "will survive the wreck of matter and the shock of time."

The remains of our departed friend rest in the city he loved so well, near where the waters of the Savannah empty into the sea. Such is my humble tribute to the memory of Georgia's gallant son.

The SPEAKER pro tempore (Mr. Overstreet of Georgia). The Chair will now recognize the gentleman from Georgia [Mr. Bartlett].

Mr. BARTLETT. Mr. Speaker, on the occasion of the memorial exercises in this House on the life of the late Senator Colquitt, Hon. Rufus E. Lester, then a Representative of Georgia, said:

"Mr. Speaker, we come at this hour to speak a word for our dead. No praise or censure can affect him in memory of whom we lift our voices to-day. The lesson of his life, like the lesson of the lives of all men, is for the living. Merely to have lived and to have died, to have moved through the short span of life, teaches nothing except that fact imprinted on the face of nature to be seen of all men, that there is a life and a death. But good deeds and a life that exemplifies virtuous qualities implanted by the Author of all Good in the human mind make that valuable tribute to humanity that gives a life its value to the world and gives good title to fame and immortality to which all men aspire. * * *

"Laying aside the implements of war, with nothing saved but honor, the citizen soldier resumed his civic duties with a perfect adjustment to the conditions. * * *

perfect adjustment to the conditions. * * * * "He served his people. They honored him living and mourn him dead. In the Pantheon devoted to illustrious memories we place his name."

This was the last speech he made in this House. Physical infirmity prevented him from again addressing the House.

Thus he spoke of a Georgian who had been a Confederate soldier, governor of the State, and Senator of the United States. Well might I quote these words of our dead colleague on this occasion, now, and say no more, because they so well typify his own life. But it is proper that more shall be spoken by me.

On the 16th day of June last, as the summer day ended and twilight shadows gathered around, there passed from earth to immortality the soul of Rufus Ezekiel Lester. Ripe in years, having nearly reached the allotted span of three score years and ten, there ended the life of as generous, noble, chivalrous, and courageous a man as it was ever my fortune to know.

He had served his county, his State, and his people in many positions, and in all was faithful, true, and devoted. Born and reared in that civilization which was peculiar to the South, he to his dying day held fast to all those ennobling qualities which have peculiarly marked the men of that generation. Born in Burke County, Ga., on the 12th of December, 1837, his early education was obtained at the country schools of that county. He then entered Mercer University, then located at Penfield, Ga., and graduated from that university in 1857, at the age of 20 years, receiving the highest honor given to his class. Entering the law office of Wilson & Norwood, at Savannah, Ga., he began the study of law under this firm of distinguished Georgia lawyers. He was admitted to the bar in 1859, becoming a junior member of the firm of Wilson & Norwood. He at once began the practice of his chosen profession, which he continually followed, except during the four years of the civil war, from 1861 to 1865, and until after he entered Congress in 1889, after which he retired from active practice, but continued to be a member of the firm of Lester & Ravenel to the day of his death. He was also a member of the firm of Fleming & Lester, the senior

member being a distinguished Georgia judge. The firm of Lester & Ravenel was formed in 1880, and, as stated, continued until the time of Mr. Lester's death.

When Georgia seceded and war was declared, and the Southern States formed the Southern Confederacy, young Lester immediately entered the Confederate army, enlisting in the Twenty-fifth Georgia Regiment of Volunteer Infantry, commanded by Col. C. C. Wilson, and soon thereafter was promoted to the position of first lieutenant. During the first two years of the war he served under General Mercer and General Walker, in the coast defenses on the Atlantic seaboard, having been promoted to the office of adjutant of the regiment. When General Walker's brigade was transferred to the western army of the Confederate States, in 1863, Colonel Lester became a member of that army and participated with it in the operations around Vicksburg and the battles around Jackson. During this campaign he was again promoted to the office of acting assistant adjutant of the brigade commanded by General Wilson, who had succeeded General Walker. He followed the fortunes of this army and was actively engaged with it in the battle of It was at this battle that he displayed that heroism and bravery which, from his earliest life to his last moment, so characterized and distinguished him. There it was that, though twice wounded and twice his horse was shot from under him, he continued in the fight until the end, and was mentioned in the dispatches of the commanding general for distinguished gallantry. Though disabled from the wounds he re-ceived, he did not leave the service, but continued until the end came, reporting again for duty as soon as he was sufficiently recovered. Being too weak to return again to the field and take active part in the operations in the field, he was appointed inspector-general under General Mackall, at Macon, Ga., where he remained on duty until the surrender of General Lee at Appomattox. After the surrender at Appomattox he returned to Savannah and resumed the practice of his profession. To use his own language on another occasion:

Laying aside the implements of war, with nothing saved but honor, the citizen soldier resumed his civic duties with a perfect adjustment to the conditions.

But darker days than those of war came upon Georgia and the South, and during that period he was most active in standing with his people and lending his aid, energies, and talents to relieving them from oppression and restoring them to better government. In 1868 he was elected to the State senate from the Savannah district while still a young man and without political experience or strong political friends. But the powers that controlled Georgia in that dark period of her history did not want such a true and tried son of Georgia to legislate for her, and he was unseated and his seat given to Aaron A. Bradley, a negro lawyer of Boston, at that time temporarily residing in Though deprived of his seat, he still remained at Savannah. the capital to represent his people and their interests. These were the dark days of military rule and carpetbag ascendency in Georgia, and this was doubtless the severest struggle of his political life and put to the fullest test his manhood, energy, honesty, and vigilance. It was then that he exhibited that same unswerving moral courage that he exhibited on the battlefield and which always characterized him until the day of his death. These services rendered by him as a tribune of the people, though he was deprived of his seat, were duly appreciated by his constituency in Savannah. He had not much of the world's means, yet he had borne all the expense of his stay at the State capital during this period. His constituents of fered him compensation, but this he declined. At the next election, in 1870, he was elected to the State senate, and for successive terms was reelected and served for nine years without opposition. During the last three years of his service he was president of the Georgia senate. At the expiration of that term he declined reelection to the senate. In his office of senator and as president of the senate he discharged his duties manfully, impartially, and courageously; at all times courteous and urbane, yet also at all times firm and unbending in undertaking to carry out the right as he saw and understood it.

It was during the period of his legislative service that the legislature of Georgia, like those of other Southern States, was engaged in lavishly spending the money of the people, collected by taxation from them at that time when they were struggling with poverty and depression, when the property had but little value, and when the revenues from it would scarcely pay the exactions of the taxgatherer. Bonds were being issued ostensibly for the purpose of building railroads, and exploiters of every kind flocked to the State capitol in order to plunder the treasury. To the issuance of these bonds by the Bullock administration for the railroads Colonel Lester entered his opposition and manfully resisted it. While the act authoriz-

ing their issue was passed, at least \$10,000,000 of them were never intended to be used, and were never issued legally, but were issued fraudulently. When the people of Georgia came to their own again the course of the young senator was vindicated, and the governor who had issued these fraudulent bonds took flight, and after a full investigation these bonds were declared to be void and not binding upon the State, and all recognized the fraud perpetrated by the legislature and the executive which Mr. Lester sought to prevent. After leaving the State senate, and declining reelection, he began again the practice of his profession and took front rank at the Savannah bar, a bar which at that time was not surpassed in any city for ability, character, and worth. Within a year, however, the people of Savannah called him to the mayoralty of the city, and during six years he served in that capacity.

The necessities of the city were such that economy and reduction of expense were demanded. This he promptly aided in doing, and in order to set the city an example of reducing expenses he commenced by reducing his own salary. For six years he served that city, and gave them an administration which was honest, faithful, clean, and above suspicion. He found time during this service to practice his profession, and was pursuing it with remarkable success and stood at the forefront of his bar when, in 1888, after a long and continual struggle in the convention to nominate a candidate for Congress, he was nominated by both factions, when he was not a candidate and was not seeking the office. From March 4, 1889, until June 16, 1906, he was successively returned at every succeeding election by the constituency of the first district of Georgia, although his increasing years and physical affliction greatly weighed upon him. Had he survived until the end of his term, he would have been a Member of this House for eighteen years. He had intended voluntarily to retire, It was impossible to defeat him in his district, and but one effort was made to do so during the entire period of his service. love and devotion of his people to him were beautiful. He had always served them faithfully and courageously and devotedly, and they were willing that he might represent them as long as

Mr. Speaker, it is not my purpose to go into details as to his service in this body. He had not long been a Member before men on both sides were attracted to him by his manliness, by his courtesy, and by his attention to his duty, and I apprehend I speak but the simple truth when I say that no man has served here during the time that he did who had so many friends—warm, true, and loyal—on both sides as did our lamented colleague. His duties in the matter of legislation were principally shown in the work upon the river and harbor bill, the city which he represented being peculiarly interested in that character of legislation, and to his untiring and faithful work, to his influence upon his colleagues on that committee and upon the House is due the fact that to-day the work there done by the Government has made that city the great chief export city of the Southeast.

he would consent to do so.

I will, however, call attention to one small thing, because it is the small things, at last, in life that show how we appreciate a man. Just a few days before the terrible accident, which ended in his death, he had succeeded in passing through this House a bill in which his heart was deeply interested. True, it was merely a private bill, one from the Committee on Military Affairs, one which sought to restore to the rolls of the Army a young Army officer, who was the son of Gen. William H. T. Walker, whom Colonel Lester had followed, until his death, in battle. It was against the rules of this House to call up such a bill or to ask unanimous consent for its consideration. They were assigned to particular days, which meant they were never to be called again. Yet I can recall the incident very vividly when this friend of ours of whom we speak to-day rose in his seat and asked permission of the House that this bill might be considered out of its order against the rules of the House. Every man present consented to it. It was a tribute to the man which we seldom see in this House or elsewhere.

One of the characteristics that marked the life of our deceased colleague was his courage—not the courage which any man may exhibit to whom physical fear is unknown, but that courage which fears no danger when the right is involved; that courage which the ancient Roman called "virtus," and which he regarded amongst the highest virtues, and from which our language derives its word "virtue;" that courage which renders the tender and gentle the bravest and the loving the daring; for our departed friend possessed to a remarkable degree that courage which springs from sincere convictions, and this made him fearless and outspoken, and he had the ability to defend these convictions. In their defense he dealt heavy blows, but always in an open field and at fair play.

Added to his courage and manliness were those traits which

distinctly marked the old-time southern gentleman. He cherished no animosities; he was courteous and gentle-as gentle as a woman—and at all times the same true and loyal friend and devoted to his duties. Whatever the position he filled, whether as the soldier in the ranks, the officer in command, he was the same brave, conscientious, and faithful devotee to Whether as citizen, legislator for the State, mayor, Representative in Congress, the one thing that controlled his action was to discharge the duties these various positions imposed; and right well did he perform them, with a conviction and a courage that few have equaled and none surpassed. In the defense of his convictions he was ever ready to stand up and face all opposition and every danger.

Possessing so many rare and generous attributes it is not strange that he should have found warm friends amongst those with whom he associated here and everywhere, and that some of those warmest friends should have been his political opponents. Everybody loves a truly noble and brave man, and Mr. LESTER was both noble and brave. It has been well said-

He who is truly courageous fears but two things—God and himself; he fears lest his own rash passions or mistaken views may lead him to do what is wrong; but once assured that he is right he cares not for one man or many men, he cares not for their ridicule or contempt. That which you think is right, do; that which you think is wrong, avoid, without regard to the smiles or frowns of any or all others. Only so can you prove yourself courageous.

No braver man, no more courageous man than Rufus E. Lester ever came within my knowledge and none ever lived, in my opinion, and though endowed with many other noble and attractive traits and virtues his chief characteristic was his courage. He was resolute, fearless, and independent. He never

Crooked the pregnant hinges of the knee Where thrift might follow fawning.

He yielded to neither blandishments on the one hand nor to intimidation on the other, but stood erect, manly, brave, unmoved.

But brave as he was, courageous as he was, neither his cour-

age nor his bravery could overcome the great enemy of mankind. His work on earth is done, and he is at rest.

Peace to his memory.

And from heaven of heavens above God speaketh with bateless breath— "My angel of perfect love Is the angel men call Death!"

But his name and fame will survive with those other heroes, eloquent and distinguished men who have made Georgia's history illustrious, and whose fame does not belong to Georgia or the South alone, but to the whole country—to the Republic—a reunited, indivisible, indestructible Republic—a Republic that shall never die.

We can not lift the veil that shuts from the public view the private grief in the family circle. We will, however, be permitted to say that our hearts go out in sympathetic love to-day to the lonely woman who was his helpmeet all the days of his manhood life, hers the desolation of an irreparable loss, but with the consolation that his life, his character, his worth, his deeds, will always be cherished by all who knew him. Peace be with her

Mr. Speaker, we carried his body to the city where he lived, and the whole city, with closed stores, closed shops, assembled to pay reverence to him and to weep at his grave. We buried him in Bonaventure Cemetery, beside the grave of his daughter. and Masons, Knights of Pythias, Odd Fellows, lawyers, citizens, both white and colored, were present to show to us, to the committee, and to the world how they loved him and how they mourned his loss. I will call attention to one simple fact at the grave and to the ceremonies which were there performed. After the solemn ceremonies of the Masons and other orders had been performed at the grave, the coffin was lowered into the grave, one portion of it wrapped with the Stars and Stripes and the other with the battle flag of the Confederacy.

Beneath the moss-draped limbs of Bonaventure's funereal oaks the last sad rite of the church had been uttered. Knights.

Odd Fellows, and Masons had successively paid their tribute of

respect. A moment's hush fell on the vast concourse and in the whispering winds overhead one who loved him and loved his friends heard far voices calling to him from many quarters to speak for them a fond farewell. With faltering speech this is what he said:

Before this solemn ceremony is finally concluded let me say a few words for those who could not be present this afternoon, for the hundreds and thousands of his absent friends throughout the district.

I have met them in the town, at the crossroads, around the hearthstone, and have seen their eyes kindle, their countenances light up at the mere mention of the name of RUFUS E. LESTER.

For all of them, for each of them, I would say, as I stand by this open grave:

open grave: RUFUS E. LESTER, brave as a lion, true as steel, kind, generous, sym-

pathetic, as yonder sinking sun sinks to rest in the glowing west, so thy body draped in the Stars and Bars goes down to sleep in its grave of glory, and to it we bid a sad good night.

But the light of thy bright intellect shall suffer no eclipse, the flame that burned on the altar of thy loyal heart shall be kindled again on high, and some happy day, to thy glorified spirit, we shall say "good morrow, dear friend, God bless you and keep you, now and forever."

Mr. Speaker, it is appointed unto man once to die. Both nature and the revealed word proclaim this sad and unalterable truth. The decree is universal and irrevocable. Neither station, nor position, nor acquirements of the highest order will exempt us. Wordly things can furnish us no aid; human love can not succor us.

The boast of heraldry, the pomp of pow'r,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour.
The paths of glory lead but to the grave.

Frequently and constantly are we here reminded of this truth.

The angel of death has constantly hovered over the National Capitol during the Fifty-ninth Congress, the darts of the insatiate archer fly swift and thick into the ranks of the national representatives—thrice has the Senate been called upon to mourn the loss of one of its members-and each recurring Sabbath finds the House devoting itself to memorial services for some colleague who has fallen a victim to the fell destroyer who has entered it and stricken our comrades from the roll.

Well may we pause to reflect how transitory, how unsatisfactory are the prizes for which we so arduously and ardently strive and struggle; ambition's rewards are at last empty. Power, reward, fame, all are valueless when we stand face to face with the great enemy of mankind, and our tired, unsatisfied spirit turns from all these to seek something more enduring.

What is life—a bubble, floating on that silent, rapid stream, Few, too few its progress noting, till it burst and ends the dream.

But we have the belief in the immortality of the soul, which takes away from death its terrors. It is this which makes us believe and rest secure in the assurance that the grave is not the end of man. We shall not go hence and be no more seen; and we are comforted with the reflection, which our revealed religious teachings assure, that death is "but the middle point between two lives—between this and another." Our faith looks beyond the grave and inspires us with the hope and confidence of immortality.

Our own intuitive consciousness and the almost universal belief of mankind are in accord with the Scriptures in asserting that the soul of man shall survive the tomb. The poet has given expression to this consciousness of immortality in the following lines:

A voice within us speaks that startling word,
"Man, thou shalt never die!" Celestial voices
Hymn it into our souls: according harps
By angel fingers touched, when the mild stars
Of morning sang together, sound forth still
The song of our great immortality;
Thick clustering orbs, and this our fair domain,
The tall dark mountains and the deep-toned seas,
Join in this universal song.
Oh! listen ye our spirits! drink it in
From all the air! "Tis in the gentle moonlight;
"Tis floating midst day's setting glories: night,
Wrapped in her sable robe, with silent step
Comes to our bed, and breathes it in our ears;
Night and the dawn, bright day and thoughtful eve,
All time, all bounds, the limitless expanse,
As one vast mystic instrument, are touched
By an unseen living hand, and conscious chords
Quiver with joy in this great jubilee.
The dying hear it; and as sounds of earth
Grow dull and distant, wake the passing souls
To mingle in this heavenly harmony.

Mr. BURTON of Ohio. Mr. Speaker, it is a deplorable fact that a man's worthiest deeds rarely receive deserved recognition In the busy whirl the passing throng is all too while he lives. indifferent to the merits of contemporaries. It is not until after the final leave-taking that the world realizes how great its loss when a good man dies. It is meet to-day that we should review the life of our deceased colleague, Mr. Lester. In his allotted span of a little less than seventy years he was associated with and bore a prominent part in many very important events. He was one of that multitude of young men, North and South, who turned aside from professional duties to the titanic struggle of the greatest of civil wars. The all-absorbing demands of the conflict caused them to withdraw from chosen occupations and from cherished hopes to take part in a great war which must decide great principles.

He entered the Confederate army. There was a time when there was a marked repulsion between the Union and the Confederate soldier, but time, which gives clearer judgment and greater charity, will teach us to forget all the animosities of the past. Time buries hatreds. It allays asperities and forever puts an end to distrust and ill will. We shall recognize, and, indeed, we now recognize, that heroic devotion to a cause can not arise from perverseness, but only from conscience and from courage, and thus we can bare our heads and speak with honor and with praise of the living and the dead who fought on either side, and at the final roll call it is not an extravagant stretch of imagination to believe that the bells of heaven will ring while the blue and the gray march side by side to the great white throne. Wounded in the struggle and defeated, he returned with broken hopes to civil life, but his merits soon gained recognition, and after a brief interval he was elected a member of the Georgia senate, where he served for ten years in a very trying period, during three years of which he acted as presiding officer. Those of us who have been longest here will remember that during his service in this body on occasions he presided in Committee of the Whole House, in all of which he showed his ability and fairness as a presiding officer. One of his decisions especially has been accepted as a precedent in the settlement of very important principles of parliamentary law. In a brief interval after the close of his service in the senate of his State he was elected mayor of Savannah, and in those difficult problems which pertain to municipal government he manifested the essential qualities of fidelity to his trust and executive ability and the possession of that progressive spirit which should prevail in a growing city. There were no aspersions on his name while mayor of Savannah; there was no scandal arising from the awarding of contracts. There was no one who could criticise the honesty or fearlessness of his course. One of the most striking instances of his career as mayor was the saving of an intended victim from lynching.

With a soldier's courage and prompt decision he pointed out a dead line, and with a soldier's word of command ordered that none should pass it, thus saving a human life, so that it might be dealt with in the ordinary course of justice. His career in Congress is known to many of us. It lacked but little of eighteen years. I regret to say that during the eleven years in which I knew him best he was a victim of fell disease and suffered from those limitations which pertain to ill health. Physical pain and weakness deprived him of that energy and alertness which had belonged to him in earlier days, and in his mental activities there were those caves of gloom that shut out the brightest rays of hope. The general consciousness may be expressed in the words addressed to the rebel angel: "Fallen Cherub, to be weak is to be miserable." Few realize the diminished energy and the disappointed hopes which ill health im-

posed on Mr. LESTER.

Yet in it all there was a patience, a fortitude, a devotion to duty on his part, which not only won for him admiration, but rendered his service as a legislator a most useful one. I remember having several times said to him while the committee of which we were members was engaged in inspection trips, This will be an arduous day, Mr. LESTER; you must not feel compelled to go out with the rest of us; would you not prefer to rest?" But he was always on hand. A desire to perform the work in which he was engaged gave him the same promptness and regularity as that which was displayed by younger and healthier men.

Accordingly, while he did not have that ruggedness which belongs to perfect health, he displayed in the consultations of the committee room a poise and an intelligent comprehension of the commercial needs of the country, which gave to his judgment the very highest value, so that in the work of the bore an important part, notwithstanding his committee he infirmity and his disadvantages. He deserves the praise due to a man who was always patriotic, always careful, and always

wise in the consideration of great public questions,

After all, it is not so much as a soldier or as a legislator, but as a man that we remember those with whom we have associations, and in this particular Mr. Lester merited our special com-He was an affectionate husband. He at all times enjoyed his home, the surroundings of the domestic circle, and found there his chiefest delight, and we tender, one and all, to his bereaved widow and to his grandchildren our tribute of sympathy and sorrow not only because they have lost one who bore so important a part in public affairs, but much more because of the irreparable loss to their home life.

Those cruel words employed in describing nature-

So careful of the type she seems, So careless of the single life,

indicate how transient is the life of each individual.

One by one we shall be taken away from this Chamber, and our work must be done by others who succeed us. But is it not true that in Mr. Lester, and of those who with him served on

both sides in the great conflict, that there is a type which will not be reproduced? Do we not owe to them a special homage for their courage, their devotion to duty? While the life of a public man in its influence is more or less ephemeral, because he is soon almost forgotten, yet in the life of our deceased friend there will be an inspiration and a source of hope to all those who knew him, and who, like him, seek to meet the responsibilities of life in the pathway of duty and of truth.

Mr. SPARKMAN. Mr. Speaker, the poet has sung in melancholy strains:

They are slipping away, the sweet, swift years, Like a leaf on the current cast. With never a break in their rapid flow Into the beautiful past.

This is a sad truth, and yet it does not tell the whole story, for going with them and departing as they depart are the millions of earth into that past which receives the ever-retreating years.

How often are we reminded of this melancholy fact here and elsewhere? Each year's history records the death of many acquaintances, perchance many close personal friends. Every day a flower is plucked from the garden of time; a breach made in some happy home or friendly circle; a jewel stolen from some treasure of love. Each hour—yea, each moment—some reaper in the summer field of life is himself taken by the reaper Death, who in his gleanings is no respecter of persons or station.

It may be the youth, hopeful and generous, with the morning sun full in his face, or the man, honorable and true, who has reached the summit from which he may look down the heights he has climbed or the declivity he must descend; or it may be the weary toiler of many summers, rich with labor's returns and crowned with many honors-for none are spared, but all are

sought and gathered by the grim Reaper.

At our homes, in the communities in which we live and move, we so frequently hear the sound of mourning, so often are required to stand at the grave of some friend or acquaintance while the sod has fallen over the "cold and pulseless clay." And here, too, in these historic halls has death found many of its shining marks. How often in the past decade, indeed in the past year, have we paused in the daily proceedings of this body to note the fall of an associate here and pay the last tribute of love and respect to some departed friend and colleague who has been cut down by the ruthless, untiring hand of death.

Of one among the last of these it is now my sad duty to speak. On the 16th day of June last, within two weeks of the close of that history-making session of the Fifty-ninth Congress which ended with that month, Rufus E. Lester, of Georgia, was taken from the field of his labors here to the great beyond.

He was born in the State of Georgia in 1837, during a period of American history and in a section of the South which has given the country some of its brightest intellects and grandest characters. His biography is embraced within ten lines of the Congressional Directory, and yet in these ten lines is the epitome of a life work of which any might be proud:

Graduated at Mercer University, Georgia, in 1857-

It goes on to say-

admitted to the bar in Savannah and commenced the practice of law in 1859; entered the military service of the Confederate States in 1861; remained in the service until the end of the war; resumed the practice of law at the close of the war; was State senator from the first senatorial district of Georgia 1870–1879; and president of the senate during the last three years of service; was mayor of Savannah from January, 1883, to January, 1889 was elected to the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-seventh, and Fifty-eighth, and reelected to the Fifty-ninth Congress.

Modestly expressed, and yet how much of history and of startling events, of duty done as he saw it, of privation and hardships, of gallant deeds and blood-stained battlefields, do these brief words contain. Elaborated as it might have been, it would have comprised an account of early struggles for an education and for that distinction which soon came in his chosen profession. It, too, would have recounted the distinguished and honorable part he took in one of the greatest military conflicts ever recorded in the annals of the past, in which the chivalry of the South met the valor of the North in bloody battle until the southern cause went down at Appo-mattox; but, nevertheless, a conflict, inevitable, perhaps, which has left the country grander and stronger and better.

Then, too, it would have contained an account of a career no less illustrious in civil life. Few have shown as bright or attained higher distinction than be in the legislative halls of his State. Entering there in the dark days of reconstruction, he rendered his State a most valuable service in assisting to raise her from the depths into which she had been thrown by unfriendly hands and in placing her feet on that highway of

progress which she has since followed, until to-day she is abreast of the most flourishing Commonwealths in the Union.

Leaving this useful field of labor, his biographer could turn with equal satisfaction to his career as mayor of the city of Savannah, a position held by him with honor and distinction for six years—from 1883 to 1889—during which time Savannah made rapid strides in her wonderful career of progress. In this capacity no one ever served the city in which he had his home for a half century with greater distinction or more to the satisfaction of the people of that progressive southern city.

But, Mr. Speaker, it is here perhaps that his biographer could find some of the best material for the life history of Rufus E. Lester. His long service in Congress, extending over nearly two decades, shows the esteem in which he was held by his fellow-citizens, while the results of his efforts in their behalf justified the high value placed by them upon his services. Few have been able to do so much; none perhaps have accomplished more for his State than did he during his stay in Congress. Many matters of legislation attest the truth of this assertion; but if his fame as a legislator in State and nation had naught else upon which to stand it could rest securely upon the work he did for the country, his State, and his home city in the improvement of the harbor at Savannah. Greatly inadequate when he entered Congress for the commerce centering there, he, through his untiring energy, had improvements initiated and carried out which have made that harbor one of the finest of the South Atlantic seaboard, and thus conferred a lasting benefit upon the commercial interests not only of that locality, but of the whole country as well.

But his labors did not end here. He never tired in his efforts to benefit his constituents, and the whole State received the benefits of his fidelity to Georgia and her people. Indeed, if I were to undertake to name his leading characteristic, I would say it was absolute fidelity to the interests he represented; only another way of saying he did his duty.

He was among the earliest acquaintances I met when I came

He was among the earliest acquaintances I met when I came here as a Member of the Fifty-fourth Congress, and aside from services he so often and so kindly rendered me I was greatly impressed even then with his loyalty to his people. That magnificent public building which Savannah possesses, together with the harbor and other interests there, were then receiving his attention, and from that time until his death he never for a moment lost sight of them. Though in failing health during the last years of his life, scarcely a day passed that found his seat unoccupied by him on this floor.

The last conversation I ever had with him was at his desk a few hours before he met with the accident that, in his enfeebled condition, caused his death. A movement was then on foot to establish a subtreasury somewhere in the southeastern part of the country, and his desire was that I should indorse the claims of Savannah for this subtreasury. I promised him to do this and kept the promise, but never saw him again in life. The next day, or night, the summons came, and Georgia lost one of its best friends and brightest ornaments; but in going hence he left behind him monuments to his fidelity and energy which will last for generations to come.

But his civic and military careers did not fill up his entire life, nor were his achievements in public life the only monuments he builded to his memory, for in his private life he was beloved wherever known as he was admired in his public career. He was a devoted husband, an affectionate father, spending every moment he could spare from his public duties or business demands with his family. Kindly in his disposition, generous in his feelings, sincere and unswerving in his friendship, just in his dealings with his fellow-man, he had few, if any, enemies, and left his memory enshrined in the heart alike of constituent, acquaintance, and friend.

Of his professional career I will leave others more familiar with that part of his life to speak, but it may not be amiss for me to say that he was as successful in the practice of his profession as he was in any other undertaking during his long and active career. He brought the same talents, the same energy, the same good judgment and devotion to duty to bear upon the practice of his profession that he did to public duties, whilst his honesty and his fairness with his clients, his professional brethren, and the court brought him the respect and the confidence of all.

It is of men such as he one loves to speak. Richly endowed with those qualities of mind and heart which ennoble the race to which he belonged, ever pursuing the path of duty until success full and complete crowned his efforts, his life should be an inspiration to the young and the old alike wherever its history is written and read. From it comes an influence for good which will be felt far beyond the district in which he lived and which will long survive the grave in which he lies buried.

I was one of those, Mr. Speaker, whose sad duty it was to accompany his remains to their last resting place, and when I saw the vast throng, young and old, rich and poor, merchant and laborer, professional man and layman, who attended the funeral at the church and followed the cortège to the grave, each paying solemn but loving tribute to his memory, I saw again revealed that wonderful hold he had upon the people among whom his life had been spent and for whom his work had been done. We bore his body to Bonaventure, that beautiful resting place of Savannah's dead, and there, close to the city he loved so well and near that historic stream for whose commerce he had done so much, we laid him to rest beneath the soil of his native State, there to sleep while comrade and friend covered his bier with loving flowers and draped his grave with the battle-scarred flag which he followed through years of bloody strife. It was a scene long to be remembered, and just as the early summer sun was sinking in the west we left him, with the soft southern winds singing his requiem, to sleep until the last trump shall sound. Yes; only to sleep, for he is not dead

He sleeps, but in that sleep beneath the sod.

No dreams shall come, those dreams that banish sleep;
No watchers there, naught save the eyes of God,
To watch his slumber long and still and deep.
Then mourn him not as dead; he can not die,
And mourn him not as sleeping in that day,
He wakes, he lives, not far in yonder sky,
But near us, though unseen, he walks to-day.

Mr. Speaker, it is true that death is a mystery, but "life is" also "a mystery as deep as death can ever be," and it can not be that all there is of this mystery of life is encompassed in the short stretch between the cradle and the grave. Certainly man, with his hopes and aspirations, with his rich endowments of mind and heart, such as our friend had, is not "like the beasts that perish."

We may not fathom this mystery of life, nor yet that of death, but we do believe that beyond the grave there is a brighter world, where friends and the beloved ones on earth may meet again. "If a man die, shall he live again?" has been asked by prophet and priest, by king and people, while down the ages the answer has come from divine lips: "After death there is life; after the grave the resurrection morn."

"Behold! I show you a mystery; we shall not all sleep, but we shall all be changed, in a moment, in the twinkling of an eye, at the last trump; for the trumpet shall sound, and the dead shall be raised incorruptible, and we shall be changed."

Mr. LIVINGSTON. Mr. Speaker, Rufus Ezekiel Lester was born on the 12th day of December, 1837; graduated at Mercer University in 1857; admitted to the bar and began the practice of law at Savannah, Ga. He entered the Confederate army in 1861, serving to the close of the civil war. He served his State from the first senatorial district from 1870 to 1879, and for two years of that time was president of the senate. He served the city of Savannah as mayor for six years. He was elected to the Fifty-first Congress and continuously up to and including the Fifty-ninth Congress. In all this service, both to the State of Georgia, the Confederate States, and the United States, there is not left a blot or stain upon his fair name. He was sociable, strictly honest, kind, and obliging. In all his intercourse with his fellow-men, both in private and public life, he was not obtrusive, exacting, or censorious. He was not a kicker-a characteristic which renders some of our public men disagreeable and com-paratively useless. He was not a seeker of favors at the expense of others. He was not unreasonably selfish. It was always a pleasure to meet him for an hour of greeting and pastime. There was nothing repulsive in his appearance or manners. His days of service in the House were trying and embarrassing on account of his afflictions, yet he bore it all in the discharge of his duties without a murmur. Peace to his ashes. Respect and reverence to his memory.

Mr. ADAMSON. Mr. Speaker, I wish to bear testimony to the excellent character of Colonel Lester as a man and a public servant. I shall leave others, more familiar with that part of the subject, to speak of his distinguished career as a soldier—four years, in which he struggled as a member of an immortal band against unnumbered odds of men and means, and lost that fight in defense, as he believed, of the eternal principles of local self-government and the integrity of constitutional safeguards which had never before been disputed but warmly advocated by his adversaries, and which, as passion and prejudice fade away before advancing enlightenment and patriotism, are one by one again being recognized, invoked, and utilized, even, by those who physically prevailed in that contest.

As he was several years my senior and we resided on opposite sides of the State, I knew nothing of him until I reached man's

estate and entered upon the practice of law more than thirty He was then, and had been for many years, prominent and active in Georgia politics and legislation, honored and loved throughout the State as an upright, honest, and lovable man, able and faithful lawyer, and legislator both efficient and profound. Long subsequent service as mayor of his beautiful and beloved home city by the sea demonstrated his great executive ability. It was, however, only as a Member of Congress that I came to know him well and to love him. The first week of my official service he came to me, a new Member, so ready to receive and appreciate such kindness, and offered assistance and encouragement, and never to his dying day ceased to help and cooperate in the most kindly and effective manner in anything I wished to accomplish, his last journey in life being taken with his committee, at my instance, to the district I represent to investigate and promote the interests of my constituents. I feel that I have lost a friend, indeed. Others may speak more fully of his domestic life, but as I often enjoyed the society of him and his elegant wife, who helped him so much to be good and useful, I greatly admired his tenderness and devotion as a husband and father.

As a legislator, his course and conduct were most admirable. He was void of petty jealousy and envy of his fellows. He was exquisitely considerate of his colleagues. He was calm, dignified, and polite as Chesterfield, but persistent and indefatigable in his industry, always intelligent and well ordered. He rarely failed in what he undertook, for he undertook nothing but what was right and never failed to do what was necessary to accomplish it when once undertaken. He was willing to do what he could to advance and rise as his merit justified, but he realized that there were others, and felt willing for them to rise and advance also. He would scorn a personal advantage secured at the expense of a comrade's interest, dignity, or feelings. He worked not alone for himself and the district which elected him. He worked for all his colleagues and for the whole country. Being too great for selfishness, he was too broad for sectionalism; too noble for unfair self-aggrandizement, he was magnanimous enough to rise high above partisanship in discharge of public duty. No man in Congress was ever more beloved by his colleagues, and his attributes inspired his fellows with such confidence that he was able as a member of the Committee on Rivers and Harbors to secure longdelayed attention to the rivers and harbors of the Southeast, and prove himself more useful to his part of the Union than any Member who has come to Congress from that region in fifty years

It has been a benediction to know and love such a man, and I feel and assert the right, while uniting in heartfelt sympathy with his stricken family, to claim a personal share in his loss Fulsome eulogy would not befit a discourse about the life and character of such a man. He scorned unjust laudation as much as he detested any other form of folly and wrong. His life was nothing but plain, intelligent truth, honesty, and industry. He despised sham, pretense, littleness, and meanness, and loved and lived justice, fairness, and uprightness. Blessed are we if the mold of his virtues be not lost to this earth. Happy the land, if the Lord raise up many like unto him to illustrate the beauties of true character in private, social, official, and political life, for the admiration and imitation of our people, to the end that righteousness and good government may dominate this goodly land to perpetuate our benign institutions forever.

Mr. BURGESS. Mr. Speaker, the Hon. Rufus Ezekiel Les-TER is dead, and we are met here this Sabbath evening, as his colleagues and friends, to pay our sad tribute to his memory. In whatever form death comes to the sons of men, whether he lays his icy hand on happy childhood, bright youth, active manhood, or calm old age, he comes a most unwelcome guest. If he comes, as he did in this case, swift and unheralded, to work his will, the soul, powerless, bears his grim tyranny.

It was my good fortune to grow singularly intimate with this gallant gentleman, so much older than myself. I served for several years with him on the Committee on Rivers and Harbors, and during the last long session of Congress I lived at the same hotel with him. I frequently noted the intense devotion he bore to his two little grandchildren. It is doubtless true that his devotion to these dear children was indirectly the cause of his death. There is no doubt that in the search for them in the twilight of the evening of the 15th of June last, without thought of death or danger and not knowing the frailty of his footing, he walked out on the skylight and fell to

He was born in Burke County, Ga., December 12, 1837. attended the country schools common to those times and that section and graduated from Mercer University at the age of 20. He was admitted to the bar in Savannah in 1859, and immediately began the practice of his profession. At the be-

ginning of the great civil war he enlisted as a Confederate soldier in the Twenty-fifth Georgia Regiment of Volunteer Infantry, and fought through the whole war until its close. Shortly thereafter, having returned to the city of Savannah and resumed the practice of his profession, he was elected in 1868 to the senate of his State, and served continuously in that distinguished body for eleven years.

The last three years of his service he was president of that The last three years of his service he was president of that senate. He refused to stand for reelection, and shortly thereafter was elected mayor of the city of Savannah. He served continuously in that position six years and until his election, in 1888, to Congress. He was continuously reelected and served in this House up to the time of his death. Such, speaking broadly, was the career of our friend and colleague, one covering almost half a century of distinguished service to his country, as a soldier, as a lawyer, and as a legislator.

As a soldier he was the bravest of the brave. He knew no call but duty, and he dreaded nothing but God and conscience. He rapidly rose in rank and participated in many important engagements. On the bloody field of Chickamauga he was twice wounded, had two horses killed under him, and still he fought gagements on, and the surrender found him on the soil of his native State, Georgia, at Macon, conquered but dauntless as of yore. He returned at the close of the war to his city, where he had been licensed to practice law, to resume his practice and turned his back upon these bloody years of his record as a soldier.

In the language of a great orator:

I have but one sentiment for soldiers, living or dead, and that is, cheers for the living and tears for the dead.

In his chosen profession of the law he also rose rapidly, taking high rank in his section as one of the leaders of the bar of southwest Georgia. He brought to the discharge of the duties of that profession that high sense of honor so essential to the success of a real lawyer. Industrious, of tireless energy, of spotless character, with a mind of splendid analytical qualities, it is not surprising that he achieved high success in this most noble profession. As a legislator he also took high rank. senate of his own State he rapidly rose in power and influence, and became the presiding officer of that body, and was recog nized widely as one of the finest and fairest that the State had ever possessed. As a legislator in Congress he also attained high rank. There was but little of the play to the galleries about this gallant gentleman. There was, however, much thought, much earnestness, much honest endeavor to do the best for his city, his district, his section, and the whole country that the circumstances would permit. He achieved as a member of the Committee on Rivers and Harbors, not only for his immediate town and his district, but for the whole State of Georgia many splendid things, of which I shall not take time to speak, for they are there as monuments to his worth, his service, and his loyalty to the people among whom he lived and died, and toward whom he bore such deathless love.

He is gone. He leaves behind him a splendid southern woman, his wife, to mourn his loss. He leaves behind him an adopted daughter, the daughter of an old friend and former law partner. He leaves behind him two dear grandchildren, the children of a daughter of his who died two years before his death, and he leaves also a host of friends who love him as sincerely in life and in death as it has ever been the fortune of any Member of this House to have been loved by those who knew him. Let these all catch consolation to assuage their grief from the fact that this man in his death left them the heritage of a stainless name, the tender memories of an affectionate husband, of a devoted father, and of a faithful friend.

Mr. Speaker, none of us are and none of us claim to be saints, but whatever our Christian creed and howsoever practice may be of its tenets, each of us can thank heaven for the firm faith that beyond the dark river stands the great Jehovah, and that the portals of heaven open wide ever to welcome the spirits of just men made perfect to an eternal life of unutterable happiness. Let us believe that this gallant spirit in his last moments consciously faced the end and with unfaltering faith in the Saviour of mankind peacefully, courageously, resignedly undertook his last great journey from his earthly home to heavens." "an house not made with hands, eternal in the

Mr. BRANTLEY. Mr. Speaker, the custom long prevailing in this House of paying tribute to the memory of those associates called hence by Divine summons into another and better world is one fit and worthy to be observed so long as time itself shall last. It is a custom founded in love and affection and drawing its strength and support from that indefinable and undefined something that, in the presence of death, calls forth all that is best and tenderest and most charitable within us. When the last dread summons comes no entreaty, no tears, no beseeching can stay or impede the departure of him who has been called; and as we can not restrain, neither can we recall.

The friend and associate whom yesterday we knew we know to-day and to-morrow no more forever. In the broad way of life, where in conscious manhood he walked upright and erect, seen and known of all men, his figure no more appears. In the quiet, sequestered paths of life, where we were wont to hold sacred and sweet communion with him, the place where he was is void. Out of our lives, out of each and every pathway of life of each and every one who knew him, he has gone. Only the memory of him remains; and as we can not preserve the body, we meet to perpetuate in enduring and lasting form all of him that yet abides with us—his memory—the memory of that which was good and attractive in him and that which gave him a place in our hearts.

It was my privilege to know Mr. Lester before he came to Congress; it was my privilege to be his constituent during the first four years of his service here, and it was also my privilege to be a delegate to the convention giving him his first nomination to Congress and to assist in that nomination. Little did I suppose when, in 1888, I sat in the convention at Brunswick, Ga., and assisted in his nomination that in a few years later I would take my seat here to serve with him as his colleague. The formation of a new district after the census of 1890, among the other results, gave me almost ten years of service with him hère. When I entered the House he was the dean of our delegation, and so he remained until the hour of his death, respected and honored by all his colleagues.

Colonel Lester lived almost the allotted time of man. Could he have been permitted to serve out the time for which he had been elected, almost full threescore years and ten would have been to his credit.

The years he lived were not idle years, as the achievements he won and the things he wrought so well attest. Throughout his manhood, until the hand of affliction fell heavily upon him a few years ago, he was an active practitioner at the bar. He there won and established for himself a reputation for ability, for fairness, for aggressive earnestness in the cause he espoused, and for a fearless discharge of duty that will live through many years of time.

In forensic battle he was a foeman worthy of any man's steel, and his personal popularity was so great as to make him almost an invincible power before the juries in the many counties in which he practiced his profession. The verdicts accorded him, as shown by the court records, bear silent testimony to the strength and the power and, as well, the faithfulness of his services at the bar. Long before his record as a lawyer was made, however, he had made for himself a higher and yet a nobler record still, for he had proven himself a man. Great as was his courage, it did not exceed his patriotism, and when in 1861 the call to arms resounded throughout the South he was among the first to respond, and from then until Appomattox he bore a soldier's part, and no man bore it better. He was one of those heroic soldiers of the South whom hardship could not dismay nor danger make afraid. He saw his duty and, unfalteringly and unmurmuringly, through hunger and cold, through bloodshed and suffering, did it. For four long years, from one red battlefield to another, with courage undaunted, with hope undimmed, and with faith ever clear and strong, he followed the flag of the Confederacy through victory and through defeat, until it went down, never again to rise.

With his manhood thus tested and proven by fire, it is no wonder that his people, the people who knew him, loved and trusted him and were unstinting in the honors they heaped upon him in the years following the war. For nine years he was a State senator, and during the last three years of his service he was president of the State senate. For six years he was mayor of his beloved city of Savannah. At one time he was a formidable candidate for governor of his State, and that he was not elected was not due to any scant following or want of support in the end of the State in which he lived. elected to Congress in 1888, serving his first term in the Fifty-He was reelected eight times, making a total service to which he was called of eighteen years. Such length of service is not given to every man who is received in this body. Indeed, it is given to but few, and when it is given it is the indisputable evidence of character in the man who is so honored. Time, in its ceaseless revolutions, exposes this side and that side of a public man's life, until the exposure is complete and the people know and understand all that is in When that time comes, and it comes before eighteen years in the lime light, the people approve or they condemn. goguery, noise, and specious pleading may win for a while, but it is character and character alone that achieves permanent

and lasting success. Mr. Lester stayed here because his people knew him. The eighteen years of service to which he was called was a tribute to his character. All the honor of his length of service, however, was not to him alone, for his people in honoring him likewise honored themselves. Creditable as it was to him to have and to hold the esteem and affectionate regard of those he served, it was equally creditable to them that they had the discernment to see and to know a worthy public servant and the gratitude to reward him.

The city of Savannah is the home of chivalry, of courage, and of patriotism. It is rich in the history of things done and in the lives of the men who did them. It is a city that stretches back to colonial days, and within its life is written the life of the Republic. It is a city of traditions and of memories that inspire to lofty ideals, and it was from this city that Mr. Lester came to Congress, and it was for this city that he gave the best service of his many years in Congress. Throughout his entire career he remained true to the high ideals of the people and the city he served, and no stain or blot in a lifetime of public work has ever appeared upon his record. No higher eulogy, no loftier tribute can be paid him than to say, as we in all candor and truth can say, he lived and died a clean and honest man.

The city from which Mr. Lester came preserves in marble and bronze, in song and in story, in eloquent speech, and in faultless diction the memory of those who have proven themselves worthy, thereby preserving and perpetuating virtues and excellences as an inspiration and an encouragement to the generations to follow. In this city there may have been and may be those more gifted in fluent speech and polished phrase than our dear departed friend; there may have been and may be those riper in deep and profound scholarship than he; there have been and are very many richer in wordly goods than ever he was; and yet, I venture to assert, without fear of successful contradiction, that not one possessed a kindlier heart, a truer manhood, or a more patriotic spirit, and not one ever gave to Savannah greater love I venture to assert further that not one has to his credit more and greater substantial achievements for the material good and real prosperity of his city than is to the credit of Rufus E. Lester. His record is made up; it is finished and complete, and as we can not add to it, neither can we take from it, so long as we reverence truth. His service here marks Savannah's great commercial growth. The extension of her transportation facilities, of her trade; the growth of her exports, of her bank clearings; the erection of her stately buildings, the expansion of her power and influence are all traceable to the recognition and assistance that he, with tireless and ceaseless energy, from year to year, prevailed upon the Congress to show and to give to the improvement of her great seaport; a recognition greater in some respects than that accorded any city on the Atlantic coast.

I do not know that any monument will ever rear its stately head to perpetuate the memory of his devotion to the city of his love; but, better than that, he lived to see his monument in the marvelous growth and development of this city and of the section of country in which he lived—a growth and development that came as a noble response to the things he did. And, better yet, he builded for himself in the hearts of his people, in their unfailing love and devotion, a monument more lasting and enduring than marble.

The value of his services as a legislator, however, is not to be measured alone by the value of what he did for his district; for while he held to the faith that his first duty was to those who sent him here, he was none the less, at all times and on all occasions, a careful, painstaking, and conservative legislator, and ever had before him the good of our common country. He was possessed of strong convictions, which, on proper occasions, he was ready to express, and his judgment was ever a factor in molding correct legislation and in protesting against that in which he did not believe. He was wise in counsel and courageous in action, and faithful always to the high obligations he assumed mean becoming a member of this hedr

assumed upon becoming a member of this body.

Quiet and unassuming, Mr. Lester never boasted of his achievements, nor did he claim any credit for that which he did. He was content to have things done, for it was not for himself but for resul's that he labored. He was peculiarly free from the spirit of boastfulness, and his strongest and most striking characteristic was the candor and frankness with which he met all people and dealt with all propositions that came before him. He practiced no deception and he knew nothing of concealment. What he thought he spoke, and what he believed to be right he did. His inherent sincerity could never be hidden, and it was this quality, more than all others, that gave to him his hold upon the affections of those he served, and made for him a friend out of every man with whom he was here associated. He was a true and manly man—one whom it was a privilege to know and a still greater privilege to claim as a friend. His

useful, unselfish life, the good that he did here and elsewhere, the sunshine of good cheer that he scattered wherever he went, the encouragement and assistance that he was ever willing to render, are things that we can not soon forget and that we will ever delight to recall. A gentleman by nature, he lived without fear and without reproach, and as he lived so he died.

Within the knowledge of those of us present, in the battle of life he fought a good fight and kept the faith, and now that he has passed from life unto death and we have met to pay sweet tribute to his memory, the thoughts that come to us as we retrospect his life are that his life was not in vain; that he performed the mission assigned to him; that he illumined the bright word "duty" and added a new glory to faithful and conscientious labor. The memory of his genial and wholesome nature, of his loyal and unswerving friendship, will ever abide with us, a benediction and a blessing.

Mr. DAVIDSON. Mr. Speaker, Col. Rufus E. Lester was one of nature's noblemen. To know him was to admire, respect, and love him. My only regret is that I was not permitted to know him earlier that I might have enjoyed his friendship for a longer period, and especially when he was in the full strength of manhood and before disease had impaired his physical qualities.

From the period of his young manhood to the hour of his death his strength, his energy, and his talents were given to the State he loved and which he so faithfully served. He had but barely commenced the practice of his chosen profession, the law, at Savannah, when there came upon this country a conflict the most notable in the history of the world. Colonel Lester was among the first to respond, and he gave his best service to the cause which he believed was right. Gradually advanced because of meritorious service, he rose to the position of adjutant on the staff of Gen. C. C. Wilson, in which position he discharged many perilous duties in a highly creditable manner. At the close of that conflict he returned again to the practice of law.

The citizens of Savannah, noting his integrity and his devotion to duty, did not permit him long to remain a private citizen. For nine years he served in the senate of the State of Georgia, the last three of those years as the presiding officer of that body. Upon his retirement from that office the people of his city elected him as their chief executive, in which position he served with great ability for six years. He was then elected to the Congress of the United States, and for eighteen years he represented in this Hall the First Congressional district of the State of Georgia.

During that entire period he devoted himself not only to the service of his State, but to the service of the nation, and every proposition which looked to the betterment of the nation and the advancement of its citizens received his cordial approval and his earnest support.

During sixteen years of that period he served on the Committee on Rivers and Harbors, where his services were greatly appreciated by his colleagues on that committee, who always found him an earnest, intelligent worker, striving to perfect legislation which would develop the commerce of the country. His position upon questions which came before that committee was assumed without fear or favor and solely with the view of doing what he thought was absolutely right and fair.

Those who were closely associated with him were always impressed with his tenderness of heart and his affection for those he loved. They were not surprised, therefore, to learn that the accident which resulted in his death came from an effort on his part, prompted by the affection of a most tender heart, to look after the two little children—his grandchildren—intrusted to his care. No obstacle was too great for him to attempt to overcome, no path too steep or rugged for him to attempt to climb, if by so doing he could make more certain the safety and comfort of those two children.

The Speaker of this House conferred upon me the honor of being one of the committee which escorted his remains to his late home.

Arriving at the city of Savannah, we were immediately impressed with the sorrow which hung like a pall over that city—a sorrow which seemed to be personal with every man, woman, and child, from the greatest to the humblest, with whom we came in contact.

The services in honor of his memory at the church were largely attended. The city was represented by its chief officials. The bar association attended in a body, as did also the several fraternal societies to which he belonged—the Masons, the Odd Fellows, the Knights Templar, and the Knights of Pythias. In addition to these, and to the thousands of people who gathered on that occasion, was the association of Confederate veterans,

his comrades in the service, many of them showing the effect of age and of hardships endured, and all of them by the evidence of grief, their genuine affection for their late comrade. At the close of the church service the remains were escorted to Bonaventure Cemetery. The services at the grave consisted of a prayer by the rector of the church, and a portion of the burial ritual conducted by each of the fraternal societies to which he belonged. While the grave was being covered with wreaths and bouquets of beautiful flowers, a quartet dered those appropriate and always beautiful hymns, I Would Not Live Alway, Asleep in Jesus, and Lead, Kindly Light. At the conclusion of these exercises the Confederate veterans, in honor of and as a last tribute to the memory of their comrade, dipped above his grave the flag which he had so faithfully followed. And there at early twilight, and just at the hour when the sun, in all its majestic grandeur, after its triumphal progress through the clear blue vault of heaven, was slowly sinking behind the western horizon, we laid to rest in the family lot and near the grave of his only daughter, whose death but shortly preceded his, the body of our late colleague. How appropriate the hour. His earthly career had been one of triumphal progress and success. He had faithfully discharged to the utmost degree the duties of every position to which he had been called until, at the evening of life, his work done—and well done—he sank to sleep, and there remains beneath the shadow of the spreading oak, the drooping cypress, and the towering pine.

The members of the committee turned their faces again toward the national capital, where their duties awaited them, conscious of the fact that they could best revere the memory of their late colleague by keeping ever before them his public career as an example of true devotion to public duty.

career as an example of true devotion to public duty.

I have spoken of Colonel Lester and of his career. I would be recreant to the promptings of my heart if I did not in this hour of sorrow and of mourning extend my sincerest sympathy to her who was his companion in life for so many years and between whom no word was ever spoken that either would wish to recall. She who encouraged by her love and ambition his every effort, and who now with patient care and tender love guards the health and comfort of the two little grandchildren who were so recently bereft of a mother's love. Deprived of his counsel, his support, his love, she sits amid the ruins of a broken family circle and at her lonely fireside alone "waiting, waiting, waiting for the touch of a vanished hand, for the sound of a voice that is still."

Mr. LAWRENCE. Mr. Speaker, so much has already been said, and said so well, of Rufus E. Lester's long and distinguished services to his State and country that I realize it is unnecessary for me to attempt to add anything. And yet my affection for him and my admiration for his ability and character prompt me to say a word. I knew Colonel Lester quite intimately and was very fond of him. For several years we had served together upon the same committee. It is not a political committee. Its work is directed toward the development of the whole country, and there is in the committee room of the Committee on Rivers and Harbors no political line and no sectional line.

While Colonel Lester was intensely devoted to his State and to the beautiful city of Savannah, where he lived, and ready to work and if necessary to fight for their interest, he was very broad in his views and his efforts were most earnest and patriotic for the progress and development of the Union. He never asked that favoritism be shown to the projects in his own locality. Keenly as he realized the great benefit conferred on his section by liberal appropriations for river and harbor improvement, he never asked that his own projects be approved at the expense of those from other sections of the country. He simply asked for fair play and was always ready to grant to others that which he insisted upon having for himself and for the people who had relied upon him as their Representative for so many years.

had relied upon him as their Representative for so many years. Practically all of Colonel Lester's life was given to the public service. His constituents were loyal and devoted to him, and in return he gave the best that was in him. With no thought of self, his service was absolutely disinterested. He was intensely patriotic. We all know how he loved the Southland. During the dark days of civil strife he showed that he was willing to die for its people. His military record was marked by a splendid fearlessness. He fought with the army of the South until the end, and when that end came he showed a like fearlessness in his struggle with the distressing difficulties which followed it. He resolutely devoted the rest of his life not only to the rebuilding of the stricken South, but to the welfare of his whole country. I am sure no one rejoiced more earnestly than he in the real Union which now exists. If there was in him any trace of sectional hate or bitterness, I never

discovered it. When he passed away our country lost a very devoted and patriotic public servant.

Colonel Lester was a true southern gentleman—courteous, kindly, brave, the very soul of honor. He hated hypocrisy. He loved frankness, candor, and sincerity. The words spoken here to-day are not flattery. They are merited by a long and honorable record which is without stain. For many years he had not been well, and his work here was carried on in the face of difficulties which would have discouraged a less man. But he did not flinch. And he never inflicted his troubles upon his friends. He evidently believed with all his heart in the gospel of cheerfulness, and his genial presence always made the world seem brighter and happier. I sometimes think we do not fully appreciate how helpful is such a temperament. Companionship with Colonel Lester brought hope and courage, drove away melancholy, and made life better worth living. We shall miss this man who, in spite of physical ills, always carried sunshine with him.

I can not trust myself to speak of the more intimate relations of his life; but I do wish to extend my tenderest sympathy to one whose love and genuine helpfulness were indispensable for his happiness and for his success.

It had been my privilege on more than one occasion to visit with him the State of Georgia, and so I had been given an opportunity to witness the affection and respect in which he was held by the people of a Commonwealth to whom he had rendered such long, devoted, and effective service. It is pleasant to remember that in his lifetime he knew there was so much of regard and appreciation. I was prepared, therefore, for the deep grief shown by the people of his city and State when I attended his funeral. The people knew that they had lost a true and loyal friend, who had ever held their interests above his own. was evidently a very clear realization of the loss which had come to the city of Savannah, the State of Georgia, and to the whole

The passing years will show more and more clearly how great is that loss. He represented with absolute fidelity a noble constituency, which will ever hold in grateful remembrance this

manly and useful life.

Nothing is here for tears, nothing to wall Or knock the breast, no weakness, no contempt, Dispraise or blame—nothing but well and fair; And what may quiet us in a death so noble.

Mr. HARDWICK. Mr. Speaker, it is with no little diffidence that I venture to offer my simple tribute to the memory of Colonel Lester. Others who have already spoken knew him longer

and possibly some of them knew him better, but none of them respected him more highly or loved him more dearly than I.

I feel, therefore, that it is not only my duty as a Representative from Georgia, but my right as his friend to add my simple wreath to the more complete, elaborate, and ornate tributes that

have been paid him to-day.

Many men, Mr. Speaker, enjoy through life and at death a much higher reputation than they would have if their real characters were known. On the other hand, still other men, whose reputations are not all that could be desired, would be much more highly esteemed if their true characters were known. Fortunate, indeed, is the man who possesses and bequeaths to posterity the enviable combination of high reputation and real character. He leaves to his family and his people a heritage far richer and more desirable than lands and gold, than stocks and bonds. Our friend, Colonel Lester, had this good fortune in a most marked degree. He not only left a high reputation, but, better still, he left to his family and his friends the consciousness that that reputation was fully deserved, and was but the just reward of his noble character.

In every relation of life, civil and military, public and private, professional and personal, he uniformly exhibited those splendid traits of character that made him so highly respected and so universally beloved here and at home. Since his death I have frequently heard Members of this House, on both sides of the Chamber, make this remark about him: "He was a splendid type of the southern gentleman of the old school." To my type of the southern gentleman of the old school." To my mind, Mr. Speaker, this is the most splendid tribute that can be paid any man. It is the epitome of compliment, the climax of encomium, and I know of no case where it has been more appropriately said or more justly deserved. "A southern gentleman of the old school!" How eloquent are the words with the memories and traditions of the most courtly race of gentlemen who ever lived upon this earth! Just and fair to his causely politic and considerate of his inferiors and recognizing equals, polite and considerate of his inferiors, and recognizing no superiors save the God he worshipped and the woman he loved, the southern gentleman of the best type was a real cavalier, like the knightly Bayard, "without blemish and without reproach." High and unpretentious courage filled his soul most distinguished sons, and to lay my wreath of rue and gar-

as naturally and as automatically as the air he breathed filled his lungs. He was as incapable of treachery or of double dealing as he was of either public or private dishonesty. Brave as a lion, tender as a woman, and simple-hearted as a child, he worshipped candor and abhorred deceit, he loved the truth and despised a lie, living his life under the clear skies of the Almighty and fighting his battles in the open.

As such a gentleman we loved Colonel Lester in life and as

such we mourn him in death.

Of his public services and public career I will not undertake to speak in detail, as others have already done so. I will only undertake a very general summary. In his young manhood he devoted four of the best years of his life to the defense of his country, as God gave him the light to see, under the Stars and Bars, and no more knightly a soldier ever followed that historic banner through seas of blood and carnage to its final furling, with its honor unbesmirched and its glory undimmed by de-The same steadfastness of purpose and loyalty of that marked his subsequent career distinguished his military record; returning to a desolated and impoverished home at the close of the civil war, he was one of the most forceful, active, and influential of those patriotic Georgians who undertook and accomplished the work of bringing order out of chaos and of redeeming our State from the miserable misrule of the hated and hateful carpetbagger and of the still more hated and still more hateful "scalawag." In 1870 he was elected a State senator from the first senatorial district of Georgia, and for nine years he rendered conspicuous and brilliant service to the people of Georgia as a member of that body. During the last three years of his service he was president of the senate, discharging the duties of that office with uniform and unfailing courtesy and with broad and comprehensive statesmanship.

In 1880 he was a candidate for the Democratic nomination for governor of Georgia, and had a large and enthusiastic following; but the convention being unable to make a nomination between himself and the late General Colquitt, he declined to allow his name to be used as a candidate in the bitter and unseemly wrangle that followed. A short time after this he was elected mayor of Savannah, Ga., and served as its chief executive for six years continuously, his record as mayor being clean, forceful, and satisfactory to the people of his city. In 1888 the people of the First Congressional district of Georgia elected him as their Representative to the Fifty-first Congress of the United States, his service beginning on March 4, 1889. From that date until his death, a period of a little more than seventeen years, he served continuously as a Member of this House, vigilant in defending the rights and active in supporting the interests of his immediate constituency, broad in his statesmanship, liberal in his views, and loyal in his devotion to the interests and welfare of the whole people. His most valuable service here was rendered in connection with river and harbor legislation, he having been for many years a member of the Committee on Rivers and Harbors, and for several years immediately preceding his death its ranking Democratic member. To his active interest and to his earnest, untiring advocacy the people of Savannah are largely indebted for the generous appropriations that have been made for her harbor, and to him the people of the entire State of Georgia are indebted for generous and unselfish aid and support for every deserving project that they have submitted to the Rivers and Harbors Committee.

As a Member of this House, few men have been so highly re spected and so generally beloved, and the sorrow with which the entire membership received the announcement of his death,

in June, 1906, was deep, sincere, and general.

Mr. Speaker, skeptical philosophy might suggest that for the pulseless brain and throbless heart of our late colleague and friend there is no morrow; that when "dust to dust" is spoken all is said. I will not, I can not, subscribe to so cruel, materialistic a creed. Death does not, can not, end it all. Somewhere in the misty realm beyond the night life's broken cord is mended. Somehow, in the silent land beyond the grave, under divine guidance and in accordance with divine law, the spirit will be cleansed of all its earthly dross and, glorified and purified, shall stand at last in the presence of its Creator and

"If this be not true, then indeed is all of our faith vain." If it be true, each of us may cherish the hope that in the life yet to come we shall meet in friendship and greet in love one of the most gallant, loyal, and loyable gentlemen that it has ever been

my good fortune to know.

Mr. THOMAS of North Carolina. Mr. Speaker, as a North

land of flowers upon his grave in the "Sunny Southland," where the mocking bird sings and the magnolias bloom.

shall not attempt to coin phrases of speech, for, after all, the best eulogy I can pronounce is the heartfelt expression of my respect and admiration for him.

During my service in Congress with Colonel Lester, it was my good fortune to be brought somewhat frequently in contact with him. When first elected to the Fifty-sixth Congress, upon a trip to Florida I spent some days in the beautiful city of Savannah, Ga., with its handsome avenues of foliage and asphalt streets, and was entertained by him. It was a pleasure to me to meet him in the House during our sessions, and I lived at the hotel at which he came to his untimely end. As a young man, I was attracted by his uniform courtesy and kindly and dignified speech and manner. I regarded him as a gentleman of the old school, a type of the true southern gentleman; as a wise and discreet statesman having the best interests of the South and of his country at heart.

Mr. Speaker, I believe fully in a reunited country, an in-separable union of sovereign States over which floats now and forever the Stars and Stripes; but I also treasure all the memories, traditions, and history of that part of our glorious Union in which I was born and reared. Its skies, it seems to me, are brightest, its climate the most balmy, and its people I regard as among the best and most conservative citizens of the Republic. I refer to the South with no feeling of sectionalism, but with pride in her past glory and in her present greatness and prosperity. Since Appomattox and the surrender of the Confederate army, when Robert E. Lee, the greatest captain of modern times-according to the present occupant of the White House, greater than Marlborough or Wellington, and surpassing even his last great adversary, Grant-commanded his soldiers to lay down their arms, the South has risen from the ashes of war and resumed once again her proud position in the sisterhood of resumed once again her proud position in the sisterhood of States. The great world's supply of cotton, iron, coal, timber, marble, granite, are in her fields and forests and mountains, and the great world's factories must do their work in her midst. In His own good time and in His mysterious way, through the storm of battle and humiliation of poverty and defeat, the Almighty has led the South out of the darkness into the light and showered His blessings upon her. We have a so-called "new Statk" but will be the in true, and our prouds have achieved South," but, while that is true-and our people have achieved success industrially after having passed through the crucible of war-I would not forget the sweet memories and traditions and glory of her past. The old South possessed an infinite idealism and conservatism which may yet prove the salvation of the

Of this old South, and yet withal abreast of the times in his work and activity, Rufus E. Lester was an exponent. His career did not begin until after the war, but in his bearing and manner he always impressed me as a representative of the manner he always impressed me as a representative of the old as well as the new South in which he was reared and with whose history he was identified. Born in Georgia in 1837, graduated at Mercer University in 1857, his active career began with his admission to the bar in 1859, and until the accident which resulted in his sudden death in June, 1906, his whole life was filled with activity and distinction. He was an honest, brilliant lawyer, a fearless soldier, a faithful, able statesman. Colonel Lester entered the military service of the Confederate States in 1861, soon after his admission to the bar, and remained in the service until the end of the war, having risen to the rank of colonel of the Twenty-fifth Georgia Volunteer Infantry. As a soldier, as well as in all his professional and public life, like the Chevalier Bayard, he was "without fear and without reproach." I am informed by his colleagues of the Georgia delegation that he did not know the meaning of the word "fear."

I shall not recount the military service of my departed friend.

It was as brilliant as his subsequent career as legislator, mayor of Savannah, and Member of Congress. It is sufficient to say that he served Georgia and the South, which he loved, fighting for the principles for which the South contended, in the Confederate States army, from the very beginning of the civil war until that last fateful day at Appomattox, when that banner, bearing the St. Andrew's Cross and the Stars and Bars furled forever in defeat, but unstained and undishonored.

After the war Colonel Lester resumed the practice of the law. He was State senator from 1870 to 1879, being president of the State senate in 1877, 1878, and 1879.

Avery, in his History of Georgia, refers to Colonel Lester as

Repeatedly sent to the senate by the polished constituency of his district, twice president of the senate, and one of the leading favorites for governor in the last campaign, when Governor Colquitt was elected, Mr. Lester has richly deserved his unusual enjoyment of political leadership. He is one of the promising young men of the State, and the possessor of ability, eloquence, and decision. Rather a small person, yet with an erect, sturdy figure, and an open, characterful face, he has an unusually win-

ning style of public speaking. His voice is silvery and resonant, his logic concise and clear-cat, and his language terse and fluent. Men have not been made firmer and more sincere than Lester. Possessing a blended simplicity and amiability of manner, he is a most fearless and positive person. An incident will illustrate the man, and it is an incident as uncommon as it is striking. He gave a client some advice about a deed that proved, after a stubborn litigation, to be unsustained by the courts. Several thousand dollars' worth of property was lost. As soon as he was able to do so Colonel Lester handed his client a check for the amount, and thus reimbursed his loss. It was a noble act of punctilious professional integrity, and it indicated an uncommon man.

Avery again says in his history:

Avery again says in his history:

The legislature of Georgia, in 1877, was organized by the election of Hon. A. O. Bacon (now Senator from Georgia) as speaker of the house and Hon. Rufus E. Lester as president of the senate. Major Bacon had evidenced such extraordinary qualities for a presiding officer that he was chosen speaker without opposition. Colonel Lester was also a fine presiding officer, directing the deliberations of a much smaller body, the senate, and one easier to handle, but his parliamentary qualities were none the less thorough than those of Speaker Bacon. Colonel Lester was also elected president of the senate in 1878 and 1879.

In the crusade against Governor Alfred H. Colquitt in one of the greatest and most exciting conventions ever held within the State of Georgia, after a campaign in which the whole State was aroused, Colonel Lester was one of the most prominent candidates for governor. Had it been possible under existing conditions to nominate anyone else but Colquitt it is likely that Colonel Lester would have been the nominee of the Democratic The convention, however, adjourned without any nomiparty. nation being made, Governor Colquitt being within a few votes of the two-thirds necessary; but having been, nevertheless, by resolution recommended as the choice of the party for governor, which choice was ratified at the polls.

Retiring from the State legislature, Colonel Lester became mayor of Savannah, one of the most beautiful and prosperous cities of the South, holding this office from 1883 to 1889, and from this position he was transferred by the voice of the people to this Hall as a Representative in Congress in 1889, serving from the Fifty-first to the Fifty-ninth Congress, both inclusive. As a member of the Committee on Rivers and Harbors of the House of Representatives he rendered valuable service in securing large appropriations for his city and State.

Just prior to his death, meeting him in the corridor of the Capitol, he informed me that he would not be a candidate for renomination, and I felt then it was most fortunate in view of his failing health that he should so decide. I pictured him in my mind returning to Georgia, there to live and die in his home, surrounded by his loved ones and spending his closing years in the peace and quietude which he had so richly earned by his faithful service to his State, the South, and the nation. it was not so to be. His death, which he faced as bravely as the enemy upon the battlefield, came before he was able to retire to the privacy of his home in Savannah, and fate decreed it should come not only without warning, but in a terrible form. His death was another case of vicarious sacrifice. In his search for the little grandchildren he loved so well and who had been his constant care, he met with the accident at the Cairo, in this city, which terminated his earthly career. All that loving hands and kind hearts could do was tenderly done, but it was impossible to restore his bruised body to health and strength. The shock which he received from his fall was too great in his condition of health or under any circumstances; and so, distant from the land he loved-the State of Georgia and the South-

after a well-spent life, private and public, he passed into that "undiscovered country from whose bourn no traveler returns."
Had it been possible I would have accompanied all that was mortal of Rufus E. Lester to Savannah, but I was compelled to remain at my post of duty here. I accompanied him in my heart, however, from the capital city, across the Potomac, thence through Virginia and the Carolinas to the "Sunny South" to the beautiful Bonaventure Cemetery, under the archway and avenue of moss which extends throughout that beautiful God's acre through which we had driven some years be-There in the soil of the State of Georgia, amid everblooming magnolias, may his ashes rest in peace to await the resur-rection morning and the rising of the "Sun of righteousness with healing in his wings."

Mr. Speaker, a brilliant, useful, and unselfish career like that

of Rufus E. Lester is an incentive to young men. His life was a benediction to his family, the people of Georgia, and his country. But why mourn for him? In the beautiful words of Longfellow, in his poem on Resignation, which have brought comfort and consolation to many in the hour of trial-

The air is full of farewells to the dying And mournings for the dead;

But oftentimes celestial benedictions Assume this dark disguise.

What seem to us but dim funereal tapers May be Heaven's distant lamps.

There is no death! What seems so is transition; This life of mortal breath Is but a suburb of the life elysian, Whose portal we call Death.

And so Rufus E. Lester, in the silence and darkness of the receding world, saw in the distance heaven's brilliant lamps and stood without fear before his maker, as he had stood fearless before his fellow-man.

Mr. LEE. Mr. Speaker, time pauses for those who wish to speak of the virtues of the dead, and the busy world, jealous of restraint as to other phenomena, suspends its energies in the presence of the dead.

Yesterday Rufus Ezekiel Lester was with us pulsating with life and character; to-day he is absent, and we look in vain for his familiar face. He once laughed in our joys and with bowed head shared our griefs. He was hopeful when our skies were roseate with success, and with equal magnanimity and gentleness

put forward a protecting hand to ward off a painful blow.

He was human to the core and sensitive to the touch of every human call; he had run the gantlet of life's greatest experience and gathered from each an element of character and an added element of strength.

At Mercer University, in his native State, he spent years of his early life storing his intellect with knowledge and forging those friendships with other Georgia boys which in after years added happiness to his life as well as success to his plans. For two years more he dug into the mysteries of the law, laying the foundation for that future life of mutual combat and intellectual strife which marked his career.

Then came the civil war, that onslaught of American against American, which for four years deluged our land with blood. To the southern man there was but one thing to do, and that was to uphold the glory and traditions of the South. To the Georgian this was the imperative call of duty, and LESTER never faltered. He enlisted in the Twenty-fifth Georgia Regiment, and with it went forward to the scene of war. In the camp life of the sol-dier he was conspicuous for his manliness and his regard for duty. In battle he was a shining mark, fighting with a courage that gave proof of his exalted character.

At Chickamauga, where death and hell held high carnival for days, Lester seemed to be oblivious to all personal danger and to fight with the inspiration born of the thought that an honorable death is better than an inglorious life. Whenever danger was in the line of duty, there was Lester, and whenever he appeared other hearts took renewed courage and pressed forward against what seemed to be an impregnable foe.

Chickamauga was a memorable fight; fortune played for a while with the blue, then with fickle caprice turned to the gray. In one place the heroes of the Union were pressed by the heroes of the gray; in another the laurels of the gray were swept down by the heroes of the blue.

For three days and nights the carnival of death and destruction continued, and the Twenty-fifth Georgia was a part of a glorious brigade, with its colonel, Claudius C. Wilson, in com-At 1 o'clock at night that brigade crossed the Chickamauga River and, with the Twenty-fifth Georgia in the lead, went forward to the fray. At the great road crossing, whose four arms were to serve as indices to the coming fray, Colonel Wilson was ordered to take his brigade to the right and to unite with that of General Forrest and to obey his orders. Thus the Twenty-fifth Georgia marched into the very gates of hell, for on that day Forrest's command was in the very thickest of the fight. Hard pressed was this gallant commander at several times on that memorable day, each time to be relieved by the gallantry of Wilson's brigade, at the vanguard of which proudly waved the colors of the Twenty-fifth Georgia.

At one time this regiment was on the verge of annihilation and was forced to give back in sullen defiance, but, reenforced, it pushed forward again to a position from which it could not be dislodged, but at what a fearful cost—the battlefield was strewn with the corpses of friend and foe and the living fought with

bleeding wounds, ghastly, yet sublime.

Night came, leaving Snodgrass Hill in the hands of Gen.
George H. Thomas, the "Rock of Chickamauga," with all the rest of the everlasting, glorious field in the hands of the exulting

After the storm came the calm, and in the reckoning with the heroes Col. Claudius C. Wilson sent these words forward to headquarters:

I respectfully ask the favorable consideration of the major-general commanding to the cases of my acting assistant inspector-general, First Lieut. Robert Wayne, and my acting assistant adjutant-general, First Lieut. R. E. LESTER. The first was seriously wounded in the leg while in the discharge of his duties, and Lieutenant LESTER was wounded in the head and abdomen under the same circumstances and had two horses killed under him. They were both conspicuous in the fight, rid-

ing fearlessly along the line in the thickest of it, distributing orders, rallying the men when broken, and setting an example to all of courage and devotion and of a cool and intelligent discharge of duty under the most trying circumstances worthy of all commendation. I acknowledge myself greatly indebted to them, and especially ask their promotion to the rank of captain in the departments in which they are serving.

I can not refrain from quoting further from one of the distinguished officers who fought along the line of gray:

While I recount the services of the living, I can not pass unremembered the heroic dead—the cypress must be woven with the laurel. The bloody field attested the sacrifice of many a noble spirit in the fierce struggle, the private soldier vying with the officer in deeds of high daring and distinguished courage.

While "the river of death" shall float its sluggish current to the beautiful Tennessee and the night wind chants its solemn dirges over their soldier graves, their names, enshrined in the hearts of their countrymen, will be held in grateful remembrance as the champions and defenders of their country who had sealed their devotion with their blood on one of the most glorious battlefields of our revolution.

Such was Rufus Ezekiel Lester on the field of battle under the inexorable call of duty; two wounds to his credit and two horses shot under him to their death. Conspicuous, courageous, heroic, Lester on that day proved his fitness to live and proved that he need not fear to die.

In the civil field he won an exalted name and character. In his own State he served the people as a legislator, being a member of the Georgia senate for ten years, during the last three of which he was president of that distinguished body.

For six years he was mayor of Savannah and for nine consecutive terms was a Member of this body, in the last of which he came to his lamentable death. It is an idle task to attempt to enumerate his services as a Congressman of the United States, for it is well known to all that he never shirked responsibility nor wavered in the full and exact performance of every duty devolving upon him.

In his long service as a member of the River and Harbor Committee he did excellent work for his city and district, a work that endeared him to the hearts of those who had made him their Representative. In this particular line of duty he labored not only for the interests of his own district and State, but for the interests of the entire South and for the whole country. While representing a district, and to a certain extent a State, he never forgot that his duties were dual and that he was to advance the interests of the whole country while battling for interests purely local.

In his Congressional experience he covered many long and faithful years and gained a wide acquaintance with public men of the entire country. So continuous have been his services that at his death he was the nestor of the Georgia delegation, and among all the Congressmen alive at the time of his death only

eleven could boast of a longer service.

He gave about thirty-four years of his life to his city, his dis-

trict, his State, and his country.

In war he did his best and achieved a glorious success; in civil life he was equally as faithful and worked out for himself a magnificent place in the affections of his people.

Judged by any of the standards that humanity employs the life of Rufus E. Lester was an entire success

He has fallen like an oak in the midst of the forest, but the works of his hands will live forever.

A glory that comes only with death may be said to come too late. Our friend was not so fortunate, for the refulgence of glory comes to him through long years of active life, sweetening its joys and mitigating its woes.

In the district where he was born he lived a long and honored life, and the greatest solace life has for any man is the continued esteem of friends and neighbors through advancing years.

Mr. BELL of Georgia. Mr. Speaker, Col. Rufus E. Lester was born in Burke County, Ga., in December, 1837. He graduated from Mercer University in 1857 and commenced the practice of law in 1859, and was a successful lawyer until he entered the Confederate service, in 1861, in the war between the States.

He remained in the service throughout the entire four years of this bloody and unfortunate conflict, and was a brave, unflinching soldier. He was adjutant of the Twenty-fifth Regiment of Georgia Volunteers, and won distinction as a fearless man and a loyal son of the South.

After the close of the war he returned to Savannah and resumed the practice of his chosen profession, and by his clean yet fearless method he won an enviable reputation for his sane judgment in matters of law and public questions.

He filled many positions of trust and confidence in his native State before he was elected to the Fifty-first Congress, and succeeded himself eight times to this high and honorable position.

It was not my privilege to have known Colonel Lester per-

sonally and intimately except for the past few years, but my knowledge of him leads me to say that I never knew a more perfect, polished gentleman. He was one of the standard bearers of my faith in the innate nobility of mankind. He was gentle, yet fearless; unassuming, but constant. His long life of public usefulness, his victories and defeats, serve to remind us that we have lost a friend and an able legislator. None of us can ponder this strong man's long service and constant devotion to his tasks and duties and fail to realize that he was a great man—great because he was good, for no man can be truly great without being good.

We all recognized the singleness of purpose which actuated him in taking hold of all public questions. His object was at all times to arrive at the truth, for he well knew that truth alone would stand the test and the criticisms of an everalert public, and the truth would ultimately avail any man in the discharge of the duties and confidence reposed in him. His absolute fairness and honesty made for him many warm friends and admirers, who to-day mourn his loss. Never a sign of selfishness, greed, or mercenary motives marked his career in this House. He was ever watchful of the interests of his constituents and the welfare of his State and the Union.

No narrow views ever actuated him and no selfish ambitions ever swerved him from the plain path of duty to his people and to the country. He had the full confidence of every man in this body, because it was well known to us that his honesty of purpose, his zeal and firmness in his desire to promote good legislation, could never lead him astray. He despised shams and crookedness, and in his efforts to prevent schemes and measures which he thought detrimental to the best interest of his country he would sometimes show that he was human.

He was generous to a fault, and I am told that no beggar ever left his door hungry, and that he was not satisfied with merely contributing money for the relief of the suffering and distressed, but, always possessed of that superb benevolence which characterized him, he often during his life and the busy days of his career would visit the humblest homes and liberally shower comforts upon the poor, the sick, the hungry, and the homeless, remembering the Bible injunction, "He that giveth to the poor, lendeth to the Lord.'

Is it strange that we mourn the loss of such a man as Rufus E. LESTER? Such an influence is a heritage to any man, and certainly a great consolation to his friends and loved ones who are left to mourn him.

I recall how helpful he was to me, and his kind offices in my behalf will never be obliterated from my memory. He used to ask me to sit and talk with him, which I did, no matter how busy I might have been, and he would always give me good advice, and admonished me that to be successful in the right way was to be true and deal fairly and face to face with all men and with all questions.

It was my privilege, as a member of the House committee, to follow him to his last resting place. His funeral was attended by all classes, the high and low, the rich and poor, and it was a touching scene to witness his old comrades in war as they stood with tear-dimmed eyes and sang-

Jesus, lover of my soul,
Let me to Thy bosom fly.

He was buried in beautiful Bonaventure by tender, loving hands, there to await the last call in the great day of judgment, when he will receive that glad welcome, "Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world." dation of the world.'

Mr. GOULDEN. Mr. Speaker, in June last, when the unexpected death of Rufus E. Lester, of Georgia, was heralded

around Washington, many eyes were dimmed with tears.

He was loved and respected by the thousands in this city who knew him. Ever genial, kindly hearted, he had a good, cheerful word for everyone. To know him was to love him. I could not let this occasion pass without a few brief words of tribute to the memory of our departed friend.

For three sessions of Congress it was my good fortune to sit in the same tier of seats in the House. In passing up and down the aisle he always stopped me to bid me a good morning or to say some kindly thing about the Bronx, my home borough, and of the city of New York. We had many mutual friends in our respective homes. After a visit to his beloved city of Saour respective homes. After a visit to his beloved city of Savannah he would come to my desk with affectionate words of greeting from old friends, coupled with the invitation, "Come down to see us when Congress adjourns. Your many friends, including myself, will make it pleasant for you." He had appointed the son of a dear friend of mine to West Point, who is now a rising young officer in the United States Engineers, and of whom we were both justly proud.

As a legislator he was industrious and zealous in the discharge of his varied duties. He accomplished much for his district, the First Georgia, for his State, and for the country at large. I had occasion to ask his help in certain waterway improvements. His answer was, "Certainly; anything that I can

do will be done," and it was done largely with his aid. He was the same generous, kind friend to others. He loved his fellow-men and in return was loved by them. When in Savannah a few years since I discovered that it was these

characteristics that made him so popular with his people.

He was a typical gentleman of the old school, a splendid type of American citizenship. His voice is forever still; his kind, loving words will be heard no more, but his life's work will live in the history of his country and in the hearts of his friends. He has passed to the other shore, to the home prepared for him by the Great Father who showed his love for men by giving his only beloved Son for their ransom.

There is no death! What seems so is transition; This life of mortal breath Is but a suburb of the life elysian, Whose portal we call Death.

As a Union veteran, proud of the heroism and bravery of the men engaged in the conflicts of the civil war, a common heritage commemorating the deeds of our American citizen soldiery, I place this tribute to the memory of my late comrade, Rufus E. Lester, of Georgia.

Mr. HERMANN. Mr. Speaker, when the flag over this Capitol fell to half-mast on the 18th day of June, 1906, we knew that another one of the Fifty-ninth Congress had passed to that un-discovered country and into that "temple not made with hands, eternal in the heavens," to answer there to the everlasting roll

In this Chamber the sad announcement was made of the death of our long and much loved associate-Rufus E. Lester, of Georgia-as the result of a most unusual and fatal accident.

Another of the innumerable caravan gone before had solved the problem of life, and had made clear to himself the hard question from Job through the world's ages, "If a man die, shall he live again?" We, too, shall have the answer, but only after we shall have traveled the same road of our lamented associate and those who have preceded him. Until then, as conscious, intelligent beings, we can only hope and believe that we shall live again. We consult the evidences about us, we are impressed with the active, wondrous, and eternal workings of the natural forces which pervade the world in which we have our being, we consider the sacred lessons which come down to us through Divine revelation, and more than all we consider the innate and instinctive promptings of our daily lives and the spirit which animates us, and thus we believe in the immortality of our souls, and in our feeble way to cherish the faith that after death we shall live again. While we do live our uncertain lives on earth, we strive to live wiser and better lives, and to that end to model our careers after the precept and example of our upright, virtuous, and successful fellows who have made the race and reached the goal. In this light we

view our departed brother.

In doing this we find in Major Lester what honest character, faithful effort, energetic determination, and prompt attention in human affairs will accomplish in any worthy man's career. Without those useful aids of wealth and family influence in early life he found that to himself alone must he depend for success if it should ever come to him.

The road was a hard and a rough one. Deprivation and discouragement were more often his companions than comfort and substantial cheer. But such companions, unwelcome and repulsive at the time, are in reality—though unconscious to usblessings in disguise. They constitute the school of experience where all must learn. It is a school which hardens us, which teaches self-dependence, self-reliance, frugality, patience, and forbearance. It compels us to persevere until we overcome by our honorable endeavors the obstacles which confront us. such an experience we acquire, too, a feeling of sympathy for those in misfortune and for those who fail in the conflict. He Major Lester it can be said that he had all these qualities. always had a kind cheer and a helping hand for the poor boy and the struggling young man, and nothing so quickly aroused his sense of justice as the abuse of the power of one in authority over his subordinate. Rising from the ranks of the plain people, he was democratic in its most comprehensive meaning, and he detested the boss and the dictator in party or municipal affairs, and his independent temperament did not hesitate to denounce the selfish intriguer wherever he appeared to stifle the popular

He was at the same time quick to antagonize any visionary,

demagogic appeal made to arouse the public mind for the enactment of schemes which in his mind were inimical to the public good. He was a close attendant upon his duties in this Chamber as a Representative of the people, and often when it seemed most painful to him to walk in and out of the Capitol in the last year of his service; yet he was at his seat considering the work of the session and voting on measures he thought the public interests required. He believed with the poet that:

That through the channels of the state Conveys the people's wish is great; His name is pure; his fame is free.

In reviewing the career of Major Lester in this body we are forcibly reminded of the brief tenure of political life to the most of us. Looking over the 386 Members of this House, many in their young manhood and in the best of physical health, with ambition and with talents equal to the best, an onlooker would conclude that a large proportion would still be found in their present places for many years to come. And yet the contrary A retrospect to only eighteen years ago to the Georgia delegation then in Congress will suffice.

On March 4, 1889, Rufus E. Lester entered this body from that State. His colleagues at that time were Charles F. Crisp, John D. Stewart, Judson C. Clements, Allen D. Candler, Henry H. Carlton, and George T. Barnes. It seems but a short time since that I listened to their sturdy voices in answer to the roll call or in debate. And yet not a single one now remains here. They have all gone from these places. Rufus E. Lester was the last. I recall Charles F. Crisp when he was the honored Speaker of this body, and who was one of the most eventempered, impartial, and just men that ever wielded a gavel in any deliberative assemblage of fellow-men and peers

And there was Henry G. Turner, judicial, able minded, serious in thought and action, and measured and logical in debate, with rarely a gesture and with few words of suave and patronizing rejoinder. It was the famous Speaker Reed who remarked of Turner that he regarded him as the ablest jurist and scholar of the House. Then there was the genial, good-humored George T. Barnes, of large body and well-stored brain, and, above all, of matured and righteous judgment and honest endeavor.

Judson C. Clements, who, with Allen D. Candler, alone survive in life all of this splendid constellation of Georgia's eminent and forceful delegation of those days, long since retired, and was honored with a position on the court of the Interstate Commerce Commission, where his genial presence, his love of justice, and his inflexible integrity honors that body as the same qualities made him conspicuous and admired here.

Judge Candler is spending the evening of his days in active pursuits among his friends and former constituents in Georgia, honored and esteemed by all.

The others of that honored and once familiar group were all men of eminence in their own State, while some were of national renown. But, as I have said, how transient is fame and how brief our tenure of political life! Of the entire Southern States only two of the Representatives who were Members of this body from there but eighteen years ago remain in Congress to-day, and they go out with this session.

Of the twenty-five from Illinois only two remain; of the eleven from Iowa but one remains; of the thirty-seven from New York but two remain; of the thirty-two from Pennsylvania only three remain; of the sixteen from Texas not one remains, and none of the delegation from Mississippi.

In fact, of the entire membership of the National House of Representatives eighteen years ago, only nine will remain on the 4th of the coming month. It was of such associations of men that Rufus E. Lester was a part. They performed with him their representative duties, and performed them well, and then one by one they departed from these scenes. Others come, fall into line, and serve their allotted course and soon retire. is thus the endless procession appears and disappears, while the drama still goes on.

Some ambitions are satisfied, while some are not. Some are successful and achieve greatness, while others have failure and

One faith alone remains for all—the hope and the blessed assurance of a glorious immortality, so that as I began I also close, with the ever-recurring question: "If I die, shall I live again?" -And the answer is the same for all: "There is no

There is no death! The stars go down To rise on some fairer shore. And bright in Heaven's jeweled crown They shine for ever more.

There is no death! The leaves may fall And flowers may fade and pass away. They only wait through wintry hours The coming of the May.

There is no death! An angel form
Walks o'er the earth with silent tread;
He bears our best-loved things away,
And then—we call them dead.

Mr. LACEY. Mr. Speaker, the tragic death of Colonel Les-ter brings us together to-day in his memory. My first service in this body was in the Fifty-first Con-gress, a body of men recognized as one of exceptional strength. Colonel Lester also began his service in the same Congress, and was honored by continuous reelection until his death.

In the Fifty-first Congress no delegation exceeded in strength that of the Empire State of the South. Indeed, it is doubtful if any other delegation equaled it in aggregate ability in that Con-

There were Lester, Turner, Crisp, Grimes, Stewart, Blount, Clements, Carlton, Candler, and Barnes. When the present Congress convened only one of those ten names remained upon the roll, and that was Colonel Lester. Nearly all the others had not only gone beyond the companionship of this House, but had passed to the Great Beyond, including Crisp and Turner, the giants among them all.

Colonel Lester had no more sincere friends than those who as Members of this House stood opposed to his political views, many of whom were also opposed to him in the dark days of the great civil war.

When death has come the survivors can always trace back the great chain of events that has led to the last and final scene; but unconsciously and unknowingly we tread the road that leads to the end of life. Madam Sevigne, in describing the drowning of a friend in the Rhone, says:

The day was stormy, but he would not be dissuaded. Death had an appointment with him in the whirlpool at the foot of the cliff, and he must keep his engagement. He entered the skiff alone, and the waters have just given up their dead.

So with Colonel Lester. The pleasant voices of children, thought to be in danger upon the roof, led him up the fatal ladder to the skylight through which he fell to his death.

He had gone through many a battle unscathed. He had met danger by flood and field, and disease had sorely stricken him, but It was a great shock to his many friends who had known him so long and so well when the sudden announcement came that his kind and honest life had been crushed out.

No more genial and courteous soul ever added his example to the good side of the record of the American Congress than Rufus E. Lester, the thorough gentleman from Georgia.

Mr. LIVINGSTON. Mr. Speaker, in accordance with the resolutions heretofore adopted, and as a further mark of respect to the memory of Rufus E. Lester, I move that the House do now

The motion was agreed to; and (at 4 o'clock and 47 minutes p. m.) the House adjourned to meet on Monday at 12 m.

SENATE.

Monday, February 11, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Burrows, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM MICHIGAN.

Mr. BURROWS presented the credentials of Wm. Alden Smith, chosen by the legislature of the State of Michigan a Senator from that State for the term ending March 3, 1907, to fill the vacancy caused by the death of Russell A. Alger; which were read and ordered to be filed.

Mr. BURROWS. Mr. Smith is present and ready to take the oath of office

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Smith was escorted to the Vice-President's desk by Mr. Burrows; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CHARLES S. HANKS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, stating, in response to a resolution of the 7th instant, that Charles S. Hanks has not at any time been paid from public funds for service in the Department of Commerce and Labor or any bureau, division, or branch thereof; which was ordered to lie on the table.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Heber L. Thornton and Grayson L. Thornton, trustees of the estate of Gottlieb C. Grammer, deceased, v. The

United States:

In the cause of The Trustees of the Methodist Episcopal Church South, of Stephens City, Va., v. The United States; and In the cause of The Trustees of the Methodist Episcopal Church, of Bunker Hill, W. Va., v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sherman, Mr. Lacey, and Mr. Stephens of Texas managers at the conference on the part of the House.

The message also transmitted to the Senate resolutions com-

memorative of the life and public services of Hon. Rockwood Hoar, late a Representative from the State of Massachusetts.

The message further transmitted to the Senate resolutions

commemorative of the life and public services of Hon. Rufus E. Lester, late a Representative from the State of Georgia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, in favor of an appropriation of \$15,000 to defray the expense of conducting the legislative assembly of that Territory; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, TERRITORY OF ARIZONA, ss:

I. W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 3, which was filed in this office the 2d day of February, A. D. 1907, at 3 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 5th day of February, A. D. 1907.

[SEAL.]

W. F. NICHOLS,

W. F. Nichols, Secretary of the Territory of Arizona.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Ari-

Your memorialists, the legislative assembly of the Territory of Arizona, respectfully represent:

That there is now pending in the Congress of the United States a bill appropriating the sum of \$15,000 for the payment of the expense of conducting the legislative assembly of the Territory of New Mexico:
Therefore, be it

Resolved, That your honorable bodies are requested to make the same appropriation for conducting the Territorial legislative assembly of this Territory, to be used in the employment of clerks not now allowed by the organic act, and in the same manner as is contemplated by the appropriation for the relief of New Mexico; and be it further Resolved, That Hon. M. A. Smith, Delegate to Congress from this Territory, is hereby requested to formulate and introduce a bill in Congress containing the above sentiment.

Neill E. Bailey,

NEILL E. BAILEY, Speaker of the House. A. J. DORAN, President of the Council.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, in favor of an appropriation of at least \$200,000, to be expended under the direc-tion of the Secretary of the Interior, to aid in controlling the flood waters of the Gila River, in Graham County, Ariz.; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, TERRITORY OF ARIZONA, 88:

I. W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 2, which was filed in this office the 2d day of February, A. D. 1907, at 3 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 5th day of February, A. D. 1907.

[SEAL.]

W. F. NICHOLS

Secretary of the Territory of Arizona.

MEMORIAL.

o the Senate and House of Representatives of the United States of America in Congress assembled:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the twenty-fourth legislative assembly of the Territory of Arizona, respectfully represent that—
Whereas what is known as the "Gila Valley," in Graham County, Ariz., embracing 100,000 acres of fertile land, lies adjacent to and on both sides of the Gila River; and
Whereas after twenty-five years of toil and hardship incident to the pioneering of the arid west approximately 50,000 acres of said land has been reclaimed and transformed from a desert waste into fruitful lands until now, under the almost magic touch of the industrious husbandman, it provides comfortable homes for 5,000 people; and
Whereas in the cultivation of the said land the people are entirely dependent upon the waters of the said Gila River for the purposes of irrigation, said waters being conveyed to the land by means of canals, all of which are owned and operated by the farmers themselves; and
Whereas the frequent floods and unprecedented high waters of the past two years have swept away dams and dam sites, destroyed canals, and devastated hundreds of acres of the most fertile land, sweeping away the accumulation of a lifetime in an hour; and
Whereas this devastation and ruin can only be checked, the perpetuity of these homes and the continued cultivation of all these fertile acres be secured by the partial control of said flood waters; and
Whereas the settlers of this said Gila Valley are all people of very moderate means and in no way capable of coping with a situation so serious;

Therefore your memorialists most earnestly request that in order to perpetuate these hundreds of homes, to protect and conserve this, one of the garden spots of the arid West, the officers of the United States Geological Survey be at once instructed to make a careful examination of the Secretary of the Interior, for the controlling of the said flood waters of the Gila River in Graham County, Ariz.

The secretary of the Territory is hereby directed

NEILL E. BAILEY, Speaker of the House, A. J. Doran, President of the Council.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona, in favor of the enactment of legislation to increase the per diem allowance of the legislators of all the Territories; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, TERRITORY OF ARIZONA, 88:

I. W. F. Nichols, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 1. which was filed in this office the 2d day of February, A. D. 1907, at 3 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 5th day of February, A. D. 1907.

[SEAL.]

W. F. NICHOLS,

W. F. Nichols, Secretary of the Territory of Arizona.

MEMORIAL.

To the honorable Senate and House of Representatives in Congress as-sembled:

Your memorialists, the legislative assembly of the Territory of Arizona, most respectfully represent that:

Whereas since June 19, 1878, the date at which the compensation of members of the legislative assembly of this Territory was fixed at \$4 per day, the population and business of the Territory have greatly increased, the legislative business of the Territory has so grown, the needs for legislation so enlarged; and

Whereas the necessary expenses of members of the Territorial legislature, including only the cost of living in decency and comfort at any of the hotels at the capital is alone greater than the allowance per diem, viz, \$4 per day; and

Whereas it is now an absolute pecuniary sacrifice upon the part of a legislator to accept a commission and serve in this legislative body because of the facts as above set forth: and

Whereas in consequence thereof it has become difficult to induce persons of proper qualifications to accept seats in either house of the legislature:

Whereas in consequence thereof it has become diment to induce persons of proper qualifications to accept seats in either house of the legislature:

Therefore, your memorialists most carnestly and respectfully petition your honorable body to increase the per diem of the legislators of all Territories, as the necessity now so urgently demands:

That the secretary of the Territory is hereby directed to forward copies of this memorial to the honorable President of the Senate, to the honorable Speaker of the Honse of Representatives of the United States, and to the Hon. MARCUS A. SMITH, Delegate to Congress from Arizona.

NEILL E. BAILEY.

Neill E. Bailey, Speaker of the House. A. J. Doban, President of the Council.

The VICE-PRESIDENT presented memorials of sundry citizens of Moline, Ill., remonstrating against any intervention on the part of the United States in the affairs of the Kongo Free State; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Sandy Hill,

N. Y., and a petition of sundry citizens of Philadelphia, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Odorless Refrigerator Company, of Chattanooga, Tenn., praying for the enactment of legislation to permit the manufacture by consumers of denatured alcohol in small quantities; which was referred to the Committee on Finance.

He also presented a petition of the city council of Sulphur, Ind. T., praying for the enactment of legislation providing for the relocation of the Carlisle Indian School upon the Platte National Park, at that city; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Will County Farmers' Institute, of Joliet, Ill., remonstrating against the passage of the so-called "ship-subsidy bill;" which was ordered to lie on the table

He also presented a petition of the Will County Farmers' Institute, of Joliet, Ill., praying that an appropriation be made for the construction of a deep waterway from the Great Lakes to the Gulf of Mexico; which was referred to the Committee on Commerce.

He also presented petitions of the Woman's Christian Temperance Unions of Martinsville, Hebron, Lafayette, West Middleton, Dillsboro, Batesville, Rockport, Pittsburg, and New Albany, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Semator from the State of Utah; which were ordered to lie on the table.

He also presented the petition of Liliuokalani, ex-Queen of the Hawaiian Islands, submitting additional evidence in relation to her claim against the Government of the United States for certain crown lands; which was referred to the Committee on Claims.

Mr. HALE. I present a memorial of the Williston Church, of Portland, Me., and other religious associations and prominent citizens of that city, in the form of telegraphic messages, urging the passage of the resolution relative to affairs in the Kongo Free State. The dispatches which are sent to me come from many of the religious societies of Portland and from prominent and eminent citizens of that city, showing their deep interest in this matter. I ask that they be referred to the Committee on Foreign Relations.

Mr. FRYE. The resolution has been reported to the Senate.
Mr. HALE. Then, if the resolution has been reported to the Senate, let the dispatches lie on the table.

Mr. FRYE. I wish simply to state that I have also received a very large number of telegrams from the same city of Portland urging the passage of the same resolution.

The VICE-PRESIDENT. The petitions will lie on the table.
Mr. NELSON presented petitions of sundry citizens of Cottonwood and Minneapolis, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. MILLARD presented a petition of sundry citizens of Lexington, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Delanson, Fabins, Binghamton, Newstead, Bergen, New Paltz, Syracuse, Rose, Wallsville, and Clinton Corners, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Perry, N. Y., and a petition of the congregation of the Congregational Church of Norwich, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of L. Norwich Brown & Co., of Utica, N. Y., remonstrating against the passage of the so-called "free leaf tobacco bill;" which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Lyons, Buffalo, Syracuse, Jamestown, Rochester, and New York City, all in the State of New York, praying for the adoption of certain

amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. HOPKINS presented a petition of sundry citizens of Eureka, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of All Souls' Church, of Evanston, Ill., praying for an investigation into existing conditions in the Kongo Free State; which was ordered to lie on the table.

He also presented a petition of the Chicago Grocers and Butchers' Association, of Chicago, Ill., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a memorial of the Grand Army of the Republic, Department of California and Nevada, of San Francisco, Cal., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which was referred to the Committee on Pensions.

Mr. SMOOT presented a petition of sundry citizens of Salt Lake City, Utah, remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. CULBERSON presented petitions of sundry citizens of Galveston and Jefferson, in the State of Texas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of sundry citizens of West Hartford, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of West Hartford, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Trades Council, American Federation of Labor, of New Haven, Conn., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

Mr. SCOTT presented a petition of sundry citizens of Roneys Point, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. KEAN presented petitions of sundry citizens of Branchville, Woodstown, Succasunna, Bridgeton, and Hancocks Bridge, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. BLACKBURN presented a memorial of the Ryan-Hampton Tobacco Company, of Louisville, Ky., remonstrating against the passage of the so-called "free leaf-tobacco bill;" which was referred to the Committee on Finance.

He also presented a paper to accompany the bill (S. 5320) for the relief of David B. Dowdell; which was referred to the Committee on Claims.

Mr. MONEY presented a paper to accompany the bill (8, 7644) for the relief of the estate of James S. Wilson; which was referred to the Committee on Claims.

Mr. LODGE presented petitions of sundry citizens of Baldwinsville, Lowell, Foxboro, Cambridge, Lynn, Boston, and Leominster, all in the State of Massachusetts, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. CLARK of Wyoming. By request, I present a memorial of the Cherokee Indians, relative to the matter of the order of the Government allowing intermarried white citizens whose rights to take allotments have been denied by the courts to dispose of their improvements. I move that the memorial be printed, and referred to the Committee on Indian Affairs.

The motion was agreed to.

LARGE BATTLE SHIPS.

Mr. HALE. I present an important compilation for information as to certain battle ships building or recently built abroad in comparison with the *South Carolina* and her sister ship, the *Michigan*. I ask that it may be printed as a document and referred to the Committee on Naval Affairs. I find the size of the paper is such that it can be printed in the Record.

There being no objection, the paper was ordered to be printed as a document and referred to the Committee on Naval Affairs, and it was ordered to be printed in the Record, as follows:

							as desi	sea, nor	fully equipped mal stores, am- l,			d dis-		I. H. P. of propelling ma- chinery and its auxilia- ries on trial.	Displacement on trial.	Bunker capacity to 6 inches below beames (43 cubic feet to the ton).
Country.	Name.	By who built o	By whom and where built or building.		Condition January 1, 1907.		Breadth on load water line.	Mean draft.	Displacement (normal).	Tons per inch immersion at normal draft.	mal drait. Length over all.	Designed full load placement.	Speed on trial.			
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[«]Two-thirds full supply of ammunition and stores. e Mean of four runs over the measured mile. OFFICE OF NAVAL INTELLIGENCE, F chruary 9, 1907.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. Lodge on the 30th ultimo, proposing to appropriate \$235,000 for expenses of fog signals, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 6704) to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7168) granting an increase of pension to Edward B. Shepherd; and

A bill (S. 7194) granting an increase of pension to Lawrence Over.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5558) granting an increase of pension to George

A bill (S. 8235) granting a pension to James Huntington; A bill (S. 5021) granting an increase of pension to Frederick

Buehrle; and

A bill (S. 4531) granting an increase of pension to L. M. Stephenson.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 8259) granting an increase of pension to Henry B. Love; and

A bill (S. 5756) granting an increase of pension to Charles A. Rell

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 8195) granting an increase of pension to Asa E. Swasev

A bill (S. 6672) granting an increase of pension to Hannah Peavey:

A bill (S. 7068) granting an increase of pension to Richard B. Hall;

A bill (S. 7138) granting an increase of pension to George H. Allen; and

A bill (S. 7038) granting an increase of pension to William Curran.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1350) granting an increase of pension to Michael Cullen: and

A bill (S. 6731) granting a pension to Elizabeth Huntington Rice.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 6140) granting an increase of pension to Julia A. Birge; and

A bill (S. 3552) granting an increase of pension to Joseph P. Wilcox.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6093) granting a pension to Hester A. Coller; A bill (S. 6319) granting an increase of pension to Angus Fraser; and

A bill (S. 2109) granting an increase of pension to E. T.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4208) granting an increase of pension to Charles V. Nash:

A bill (8, 5752) granting an increase of pension to Ruth M. Hoag; and

A bill (S. 6078) granting an increase of pension to Elijah B. Hudson.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (8. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above

the city of Augusta, in the State of Georgia, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5718) granting an increase of pension to William D. Hoff:

A bill (S. 6774) granting an increase of pension to James B.

Hackett; and
A bill (S. 1980) granting an increase of pension to Mary

Foster.

Mr. PATTERSON, from the Committee on Pensions, to whom

A particular to the committee on Pensions, to whom

a particular to the committee on Pensions, to whom

a particular to the committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 8197) granting an increase of pension to Arabella J.

Farrell;

A bill (S. 8104) granting an increase of pension to Henry Shelley

A bill (S. 7698) granting a pension to Fannie S. Grant;

A bill (S. 2502) granting an increase of pension to Stephen M. Fitzwater; and

A bill (8, 1935) granting an increase of pension to Charles Church.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7129) granting a pension to Susan J. Chandler;

A bill (S. 6952) granting an increase of pension to Martin A. Rubert

A bill (S. 161) granting an increase of pension to Ruth E. Rogers

A bill (S. 8056) granting an increase of pension to William H. Fountain;

A bill (S. 6768) granting an increase of pension to John E.

A bill (S. 7476) granting an increase of pension to Oliver S. Boggs; and

A bill (S. 7616) granting an increase of pension to Ezekiel C.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with

amendments, and submitted reports thereon:
A bill (S. 883) granting an increase of pension to T. A. Willson:

A bill (S. 2336) granting an increase of pension to Annie E. Smith:

A bill (S. 6724) granting a pension to Mary W. Grannis:

A bill (S. 435) granting an increase of pension to L. H. Canfield; and

A bill (S. 496) granting an increase of pension to Lewis Young.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

bill (S. 8278) granting an increase of pension to Calvin Herring;

A bill (S. 7968) granting an increase of pension to James

Slater; and A bill (S. 7878) granting an increase of pension to Richard J. Gibbs.

Mr. TALIAFERRO, from the Committee on Pensions, whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6281) granting an increase of pension to Joseph C. Bowker; and A bill (S. 7947) granting an increase of pension to Charles G.

Sweet. Mr. TALIAFERRO, from the Committee on Pensions, to whom

were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 8302) granting a pension to Ella B. Morrow; and A bill (S. 8201) granting an increase of pension to Clara A. Keeting.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3197) granting an increase of pension to Hiram Focht; and

A bill (S. 8397) granting an increase of pension to Martin Peacock.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 8147) granting an increase of pension to Ann E. Macy; and

A bill (S. 7429) granting a pension to Caroline A. Gilman.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 8196) granting an increase of pension to Michael J.

A bill (S. 7670) granting a pension to Sarah E. Lungren;

A bill (S. 8212) granting a pension to Azelia Mittag;

A bill (S. 8144) granting an increase of pension to Elizabeth A. Bonner; and

A bill (S. 7622) granting an increase of pension to George K. Taylor.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 7936) granting an increase of pension to Liberty W. Foskett, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2387) granting an increase of pension to Harvey

A bill (S. 8378) granting an increase of pension to Eli B. Woodard:

A bill (S. 7478) granting an increase of pension to William H.

A bill (S. 4008) granting an increase of pension to Charles B.

Saunders A bill (S. 8023) granting an increase of pension to Harry N.

Medbury A bill (H. R. 4678) granting an increase of pension to John

A bill (H. R. 22443) granting an increase of pension to Lyman S. Strickland; and A bill (S. 2285) granting an increase of pension to William

W. Herrick.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 8049) granting an increase of pension to Daniel C. Swartz:

A bill (S. 5144) granting an increase of pension to Morgan H.

A bill (S. 7655) granting an increase of pension to Francis G. Brown

A bill (S. 8407) granting an increase of pension to Reuben C. Webb:

A bill (8, 8258) granting a pension to Mary B. Yerington; A bill (8, 7838) granting an increase of pension to Ole

Gunderson A bill (S. 8390) granting an increase of pension to Joseph

H. Kinsman; and A bill (S. 2181) granting an increase of pension to Mary G.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with

amendments, and submitted reports thereon: A bill (S. 7930) granting an increase of pension to Joseph

Hare A bill (S. 7657) granting an increase of pension to Herman

Grass A bill (S. 7890) granting an increase of pension to Henry

A bill (S. 8379) granting an increase of pension to Bertha M. Johnson;

A bill (S. 8345) granting an increase of pension to Frank Holderby

A bill (S. 6518) granting an increase of pension to William

H. Stiles A bill (S. 3432) granting an increase of pension to Samuel

Ellis; A bill (S. 5420) granting an increase of pension to Thomas

W. Gilpatrick; and A bill (S. 6616) granting an increase of pension to J. P.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 8263) granting an increase of pension to Martha

L. Bohannon; A bill (S. 7344) granting an increase of pension to Clara P. Coleman; and

A bill (S. 3495) granting a pension to Joseph H. H. Boucher. Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7679) granting an increase of pension to George M. Shaffer; and A bill (S. 6177) granting an increase of pension to Louisa

Anne Morton.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 8125) granting an increase of pension to Mary O. Cherry, reported it without amendment, and submitted report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3691) granting a pension to Rollin S. Belknap;

A bill (S. 8006) granting an increase of pension to Epaminondas P. Thurston;

A bill (S. 4580) granting an increase of pension to William

A bill (S. 8153) granting an increase of pension to Henry B. Johnson;

A bill (S. 1896) granting a pension to Smith Bledsoe; and

A bill (S. 5724) granting an increase of pension to George C. Saul.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 990) granting an increase of pension to Relf Bledsoe

A bill (S. 3652) granting an increase of pension to Sallie Noble:

A bill (S. 2011) granting a pension to Lucinda McCorkle; and

A bill (S. 2792) granting a pension to John W. Organ.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 8064) granting an increase of pension to Carloss Trowbridge, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. Fulton on the 7th ultimo, providing for the payment of \$337,870.94 to the Lower band of Chinook Indians of the States of Oregon and Washington for lands taken from them, etc., asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 8161) in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 31st ultimo, proposing to appropriate \$3,000 to pay John M. McDowell, of Council City, Alaska, for services rendered in preparing a new set of indices of all the records of Council City, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon.

A bill (S. 8347) granting an increase of pension to Ervin F. Mann;

A bill (S. 8089) granting a pension to Mary E. Jacobs; and A bill (S. 8090) granting a pension to Inger A. Steensrud.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 8349) granting a pension to Mary Ellen Van Amringe:

A bill (S. 8348) granting an increase of pension to Cornelius E. Bliss; and

A bill (S. 6818) granting an increase of pension to John E. Anthony.

PRINTING OF DOCUMENTS.

Mr. PLATT, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That there be reprinted, for the use of the document room of the Senate, 300 copies each of Document 147, Fifty-ninth Congress, second session, being the President's message on Japanese in the city of San Francisco; House Document 561, Fifty-ninth Congress, second session, being report of the Interstate Commerce Commission on Discriminations and Monopolies in Coal and Oil; House Document 606, Fifty-ninth Congress, second session, being report of the Interstate Commerce Commission on Railroad Discriminations and Monopolies in Coal and Oil; Senate Document 252, Fifty-ninth Congress, second session, being Rules and Regulations for Enforcement of the Food and Drug Act; Public Law 337, approved June 29, 1906, and Public Law 219, approved June 11, 1906.

BOULEVARD THROUGH FORT DOUGLAS MILITARY RESERVATION.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (8, 8362) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah, to report it favorably without amendment, and submit a report thereon. I call the attention of the senior Senator from Utah to the bill.

Mr. SMOOT. I ask unanimous consent that the bill may be

now considered.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the tl and passed.

BILLS INTRODUCED.

Mr. NELSON (by request) introduced a bill (S. 8420) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 8421) for the relief of

the trustees of the Presbyterian Church of Edisto Island, S. C.; which was read twice by its title, and referred to the Commit-

tee on Claims.

Mr. PATTERSON introduced a bill (S. 8422) granting an increase of pension to Overton E. Harris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER (by request) introduced a bill (S. 8423) to authorize the Keetoowah Society to purchase the Cherokee Advocate and the general convention grounds of the Cherokee Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLARK of Montana introduced a bill (S. 8424) granting an increase of pension to Thomas Weller; which was read twice by its title, and, with the accompanying papers, referred to the

Committee on Pensions.

Mr. KEAN introduced a bill (S. 8425) granting a pension to David S. Oliphant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 8426) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULBERSON introduced a bill (S. 8427) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes; which was read twice by its title, and referred to the Committee on the

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee

A bill (S. 8428) for the relief of the trustees of Tabernacle

Methodist Episcopal Church South, of Culpeper County, Va.;
A bill (S. 8429) for the relief of the trustees of the Presbyterian Church of Culpeper, Va.; and

A bill (S. 8430) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine (with accompanying papers).

Mr. LA FOLLETTE introduced a bill (S. 8431) to authorize the cutting and sale of timber on land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR APPROPRIATION BILL.

Mr. PLATT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

Mr. CULBERSON submitted four amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

MONEY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to

Mr. BULKELEY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered

for the promotion of industrial peace; which was referred to the Committee on Education and Labor, and ordered to be printed.

SENATOR FROM UTAH.

Mr. BERRY. Mr. President, I ask the Chair to lay before the Senate the resolution reported by the Committee on Privileges and Elections in reference to the seat of the senior Senator from Utah, and I ask that the resolution may be read.

The VICE-PRESIDENT. The Chair lays before the Senate

the resolution, at the request of the Senator from Arkansas,

and it will be read.

The Secretary read the resolution reported by Mr. Burrows from the Committee on Privileges and Elections June 11, 1906, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. BERRY. Mr. President, I wish to say in the beginning that in what I shall say to-day I have no personal feeling whatever of unkindness toward the Senator from Utah. I have served on a committee with him for some four years; the relations between us have always been pleasant, and he has always been courteous to all the members.

I wish to say further, Mr. President, that I do not think any feeling of bias of a political character influences my judgment or has caused me to make the remarks which I intend to submit. I say this the more readily because some seven years ago when the question was pending in the other House with reference to the seat of Brigham Roberts, while he was a Democrat, I said to numerous Members of the House that I thought the proper practice was first to swear him in, and after he was sworn the case should be referred to a committee, and if that committee found the facts as stated they ought to declare that he was not qualified to sit in the House.

I will add also, Mr. President, that I do not think any religious prejudice biases my judgment in any way whatever. have always regarded the provision in the Constitution which guarantees the right of religious liberty as perhaps the most im-

portant paragraph within that great instrument.

I think I may say here that in all probability I would have contented myself with simply casting my vote had it not been for certain occurrences which took place years ago that peculiarly and especially affected the people of the State in which I live, and therefore caused an interest there that probably does not exist in many other localities throughout the nation. Of that, however, I will speak hereafter.

I wish, in the first place, to say a few words in regard to the constitutional power and the constitutional right of the Senate to pass the resolution reported by the committee. I do not make any pretense, and never have, of being a great constitutional lawyer, and therefore I do not hope to convince, and I hardly expect to enlighten, many members upon this floor. But in a matter of this kind where we sit, I think, as judges, each man must judge the Constitution for himself, with such lights as he can procure or secure, and the final judgment must be between him and his conscience as to what he thinks the Constitution means.

There are three questions arising in this case which have been discussed with reference to the constitutional power and the right of the Senate to exercise that power. The first of these to which I shall refer is the clause which provides that two-thirds of the Senators may expel any member of this body. I do not think it will be denied by anyone that as a question of power simply—I am not discussing the right at this time, but of absolute power—the Senate can, by a two-thirds vote, expel any member of this body for any reason, or without reason, and it would be binding and effective. There is no appeal from it. It does not follow, however, because that power exists that it ought to be exercised unless it was right to exer-

I have been told that certain Senators on this side of the Chamber hold the view that while we have the unquestioned power and the right in this particular case, based upon this testimony, to expel the Senator from Utah, we have no right to pass the resolution reported by the committee, which simply excludes him.

I will not go into a lengthy citation of authorities. I will insert some in my remarks, by permission of the Senate, that I do not read. But so far as I have been able to ascertain there is no case either in this House or the other where any Senator or Member has ever been expelled for any act which occurred prior to the time when he was elected. It is laid down by the text writers, so far as I have been able to read them there may be exceptions—that the Senate has no right to expel to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (S. 8303) to establish the foundation

a member except it be for some act after he is elected to the office or some wrongful act which occurred in connection with that election. Some of the authorities go so far as to say that even after he is qualified and elected the Senate has no power to expel him unless it be for some wrongful act done in connection with his office as Senator.

To that last proposition I do not fully agree. I believe that a Senator might be guilty of many acts in no way and in no wise connected with the duties of his office here for which it would be the duty of the Senate to expel him from this body. The authorities in regard to that, as I said, I will insert here-I have not the strength to read them all.

I think, however, if I am not mistaken, in an early case in the Senate, that of Humphrey Marshall, of Kentucky, where it was proposed to expel him for an act done prior to the time of his election, the Senate held that they had no jurisdiction, and the case was dropped and it was never brought to a vote.

Therefore, repeating that so far as the power goes there can be no question about it, so far as what the proper action should be if the facts in this case show that the Senator from Utah

is not entitled to a seat on this floor.

A majority of the Committee on Privileges and Elections have eported a resolution which simply declares that he is not entitled to a seat.

In my own judgment, this is the proper practice: If a man comes to the Senate with his credentials in due form from the proper authorities, showing that he is qualified to be a Senator, I have always believed that the proper practice is that pursued in this case, to administer the oath, and if protests and objections are filed, to refer them then to a committee of this body, and give him a chance to be heard, and then report upon the facts; and if they find that he was not qualified at the time he took his seat, simply to so declare by resolution.

I have said that the power to expel is unlimited. state that, in my judgment, it is not any more unlimited, not any more absolute, than the power contained in another clause of the Constitution which says that each House shall be the judge of the election, returns, and qualification of its own mem-The power to pass on qualifications given by the Constitution is just as great, just as absolute, just as binding, in my opinion, as the clause which provides for the expulsion of a In that same clause is the provision I have just quoted, that the Senate judges of the election.

Mr. President, the universal rule in cases of contest is that a Senator who bears the credentials is seated, a hearing is had, and if they find he is not entitled to a seat under that clause, that he is not elected, by a simple majority vote they so declare.

That same clause gives the power to the Senate to pass on the qualifications precisely as it gives the power to pass on the question of his election or the correctness of the returns.

As I have already said, when a man presents his credentials to be sworn in in due form, I have never thought it was fair that he, by a simple objection, should be set aside and not be permitted to participate in the organization of this body; but if after due investigation and full hearing on his part it was found that he was not qualified, we have the same power, the same right, to so declare as we would have the right to expel him if we thought his action justified it.

Now, I want to read a number of authorities in the House. There is one that I was able to find in the Senate. state, however, that most of the cases in the House arose during the war or immediately after the war, and that it is true that at that time party feeling and party prejudice existed in that body to a greater degree than at any other time. It may be that many of these decisions lose a part of their force for that reason, because most of the objections where men were excluded from the House were on account of disloyalty. But they are not all that way.

There is one case to which I especially refer, which was in po wise connected with the war, nor did the question of loyalty or disloyalty arise in any way. It is the case of Whittemore, of South Carolina. I simply state the facts. The full case, with a number of others, will be found in the speech of Mr. Tayler, of Ohio, made in the House January 23, 1900, in the case of Brigham Roberts.

Whittemore was a Member of Congress. A committee of that body found that he had sold a cadetship, and the committee so reported to the House of Representatives. He ascertained that fact and resigned his seat in the body; and the House thereafter determined that he having resigned they had no right to expel him, and simply contented themselves with passing a a resolution of censure. He went back to the State of South Carolina and within a short period of time, I think not exceeding sixty days, he was reelected and returned to that body, with his credentials in due form. The question arose as to whether it was proper that he should occupy a seat there. General Logan, of Illinois, led the fight against him. I will say, too, that it was a Republican House and that Whittemore was a

Republican in politics. General Logan said, amongst other things:

It is said that the constituency had the right to elect such a Member as they may think proper. I say, No. We can not say that he shall be of a certain politics, or of a certain religion, or anything of that kind; but, sir, we have the right to say that he shall not be a man of infamous character.

There is a good deal more in that same line.

The House by a vote, by a large majority, 130 to 24, denied him a seat in that body for this act committed during his prior service. They exercised the right and they did not claim to find that it was necessary to expel him, but they declared that he was not qualified for a seat in the House of Representatives.

There are a number of other cases of the same character. They have again and again asserted the right. In the Senate of the United States, in the case of Thomas, of Maryland, they refused him a seat in this body, not by expulsion, but on the ground that he had committed acts prior to the time of his election which disqualified him as a Senator.

Those are the two propositions that I lay down. I want to

repeat once more that the power to expel is not greater or not more absolute than the power to pass upon the qualifications of any Member.

But we are met with the proposition, Mr. President, that we can not add—the way it is usually put, I believe—that we can not add any qualifications to those which are laid down in the Constitution

Mr. HOPKINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Illinois?

Mr. BERRY. I yield.

Mr. HOPKINS. Before the Senator leaves the Whittemore case from South Carolina and the point he was discussing there regarding the exclusion of Mr. Whittemore from the House of Representatives, I should like to ask him if there was any point made as to whether it took less votes to keep him from becoming a Member of the House than it would take to expel him?

Mr. BERRY. There was no such contention, I think, ever

ade. If so, I have overlooked that in the case.

Mr. HOPKINS. Then, as I understand the Senator's position, it is that in the case of Smoot in order to adopt the resolu-

tion that is now pending it would require a two-thirds vote.

Mr. BERRY. No; I beg pardon; that is not my position, but directly contrary to that. I have taken the position that we can adopt the resolution reported by the Committee on Privileges, and it requires only a majority vote to determine the qualifications of any Senator. That is the position I take.

Mr. HOPKINS. If in the Whittemore case the point was not

made as to whether Mr. Whittemore could be excluded from becoming a Member by a certain vote, is it any authority on the question as to whether in the case of Reed Smoot his exclusion

should be by a majority or a two-thirds vote?

Mr. BERRY. Mr. President, if the Senator from Illinois will permit me, I will say that it depends altogether on the character of the resolution upon which we are acting. The resolution re-ported by the Committee on Privileges and Elections is simply that the Senator from Utah is not entitled to a seat in this body, and that requires but a majority vote, whereas if you seek to expel him under the other clause of the Constitution it requires a two-thirds vote.

Mr. HOPKINS. What I want to know from the Senator from Arkansas is whether the Whittemore case is an authority on the question of expulsion or exclusion?

Mr. BERRY. It is an authority on the right of the House of

Representatives to exclude.

Mr. HOPKINS. But in that case, as I understand the Senator, the point was not made as to whether the exclusion should

be by a majority vote or by a two-thirds vote.

Mr. BERRY. The report of the case that I have before me

does not show that any such question was raised. The only question discussed was whether or not the House of Representatives had a right to pass upon his qualifications, and to add a qualification to those that were not named in the Constitution of the United States, if those were all the qualifications that were required. Everyone understood that this only required a majority vote. Some said it ought to be a motion to expel, which, of course, requires two-thirds. In regard to that I was about to say in my judgment there are no qualifications specified in the Constitution of the United States, but there are certain disqualifications named in that instrument. The framers of the Constitution did not undertake to lay down all the objections that might be raised. They stated that no person shall be a Senator—putting it in the negative—unless he is 30 years of age, has been a citizen of the United States for nine years, and a resident of the State from which he is chosen. I repeat, I am going to read to sustain that position from the

proceedings of the convention that made the Constitution, so as to show that it was not the purpose or the intention-but the facts show that it was directly the reverse of that-to undertake to name all the qualifications that a Senator or a Member of the other House should have. I want to read something on that point. First, Mr. President, I will read what was said by John Randolph, of Virginia, in 1807. Among other things he said:

le said:

If the Constitution had meant (as was contended) to have settled the qualifications of members, its words would have naturally run thus: "Every person who has attained the age of 25 years and been seven years a citizen of the United States and who shall, when elected, be an inhabitant of the State from which he shall be chosen shall be eligible to a seat in the House of Representatives." But so far from fixing the qualifications of the Members of that House the Constitution merely enumerated a few disqualifications within which the States were left to act.

It is said to the States: You have been in the habit of electing young men barely of age. You shall send us none but such as are live and twenty. Some of you have elected persons just naturalized. You shall not elect any to this House who have not been seven years citizens of the United States. Sometimes mere sojourners and transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants.

I repeat that Mr. Randolph lays down the proposition that

I repeat that Mr. Randolph lays down the proposition that the Constitution never intended that the disqualifications named there should be the only disqualifications for which a man should be excluded from this or from the other body. To sustain that position I will now quote from a speech made by Mr. Tayler, of Ohio, in the Brigham Roberts case. In that speech-and I shall get to it in a moment-he states what occurred in the Constitutional Convention. But I will first read what Mr. Tayler said:

what Mr. Tayler said:

It is a notable fact that in the first draft of this constitutional provision which provides for qualifications of Representatives in Congress the language was affirmative and positive, and that when it was finally presented for adoption it appeared in the form in which we now find it.

The slight contemporaneous discussion in the Constitutional Convention was upon the provision in the affirmative form. Why was it changed to the negative? Surely not for the sake of euphony, and certainly not to make it more explicitly exclusive.

In the report of the committee of detail, submitting the first draft of the Constitution, this section read in the affirmative and as follows:

Every Member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

In the discussion Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he was against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions.

Mr. Wilson took the same view, saying:

"Besides a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters."

The next day in that discussion it was changed to the nega-

The next day in that discussion it was changed to the negative form, and the provision was brought in as containing certain qualifications purely, but it was never intended to be the recital of all the qualifications. Why, Mr. President, as has been frequently decided, as I have said, in the House of Representatives, other disqualifications except those mentioned can be used against a man. Are we bound to admit a man to a seat in this body who is a confessed felon and may be fresh from the penitentiary of his State, it may be unpardoned and disqualified to even vote in the State in which he lives, and yet must we say that he is entitled to occupy a seat in this body unless he is expelled by a two-thirds majority?

Not only that, but take, for instance, the case of an insane man. If such a man should be sent here, will any Senator tell me that the proper method would be to expel him from this body, for no wrongful act of his, but simply because of his misfor-This Senate undoubtedly has the power to protect itself against criminals or against those who would disturb or interfere with its proceedings, and would anyone contend that expulsion would be the proper method of procedure as to a man who exhibited symptoms of insanity?

So I return to the original proposition, and say that this Senate can exclude a man if he be a notorious felon, if he has been convicted of crime prior to the time of his election. If we had not that right, Mr. President, it would be impossible for the Senate to protect itself against vicious characters or from being overrun by those who had no regard for honesty

Mr. HOPKINS.

Mr. HOPKINS. Mr. President— The VICE-PRESIDENT. Does Does the Senator from Arkansas yield to the Senator from Illinois?

Mr. BERRY. Certainly.

Mr. HOPKINS. If it does not disturb the Senator-

Not at all.

Mr. HOPKINS. I desire to call his attention to the fact that an insane man would not be able to qualify, and hence could not take the necessary obligation.

Mr. SPOONER. And could not accept the office.

Mr. HOPKINS. And could not accept the office, Mr. BERRY. Mr. President—

Mr. HOPKINS. One proposition before I sit down, and I shall not interrupt the Senator any further.

Mr. BERRY. Very well.

Mr. HOPKINS. The Senator has been reading from the speech of Judge Tayler, of Ohio, in reference to the Brigham Roberts case.

Mr. BERRY. Yes. Mr. HOPKINS. My remembrance—I have not examined that matter for some time, but I was a Member of the House at the time that discussion took place-my remembrance is that there was a majority and a minority report, and that the minority report contended that Roberts could not be excluded except by

a two-thirds vote or kept from taking the oath of office.
Mr. BERRY. Not all of them made that contention.

Mr. HOPKINS. But that was the position of the minority, Not of all of them.

Mr. HOPKINS. The majority contended that Mr. Roberts could be excluded by a majority vote

Mr. BERRY. And he was, Mr. HOPKINS. But that if he were permitted to take the oath of office and be placed on the rolls of the House he could exercise in that body the same rights as every other Member of the body; that the only way the House could get rid of him was by expelling him, and that that required a two-thirds vote. So that the debate which was had was on the proposition as to whether Roberts should be excluded and not permitted to take the oath of office and be placed on the rolls by a majority vote or whether he should take the oath of office and then be expelled by a two-thirds vote.

Mr. BERRY. I beg the Senator's pardon. There were those who participated in that debate who held, as the Senator has stated, that Roberts must be sworn in, and that then the only way to get rid of him would be to expel him by a two-thirds majority. There were a number of others who held that he ought to be sworn in, and that then the case should be referred to the proper committee, where he would have an opportunity to be heard, and that after a full investigation, if that committee reported that he was disqualified, then they would vote to exclude him; but they objected to voting to exclude him upon the mere objection of a Member, contending, and properly contending, that if you can exclude one Senator or one Member by the objection of a Senator or a Member you could exclude another, and in many cases in that way change the majority of the organization. There were some, I admit, who held to that principle; and there were others who held, as I hold, that the mere administering of the oath to him did not change the situation; and this Senate, by the adoption of the resolution which went to the Committee on Privileges and Elections, showed that it took that view of it. If I am not mistaken, the Senator from Michigan [Mr. Burrows], either in this or in some other case, stated upon the floor that he would not object to the Sen-

ator taking the oath, because he had the proper certificate.

Mr. HOPKINS. Mr. President—

Mr. BERRY. I hope the Senator will wait until I get through.

Mr. HOPKINS. Very well. Mr. BERRY. And then, with the objection or protest or whatever it might be termed, the case should be referred to the Committee on Privileges and Elections, and after full hearing before the committee, where the Senator from Utah himself could be heard to show that the charges against him were not true, then, if the Senate thought he was not qualified to a seat in this body, they could exclude him by a majority vote, and that it was not necessary to expel him. It is the same as in the case of a contested election, where, as a rule, the contestee is permitted to take his seat-

Mr. HOPKINS. Mr. President— Mr. BERRY. I hope the Senator will let me get through with

what I am stating first, and then I will yield.

The contest goes on. If it is determined that the man was never elected, a simple vote of the majority gives the seat to the other man and excludes the contestee from the House or the Senate, as the case may be. Therefore this provision with regard to qualifications being in the same clause of the Constitution that each House should be judge of the election and should judge as to the qualifications, the power to do that in this

case is just as great as it is to declare that a man is not elected.

Mr. HOPKINS. Mr. President—

Mr. BERRY. One word, and then I will yield to the Senator. I say here to-day, if there was no contest, if a Senator appeared with his credentials, and a protest was filed which declared that he had never been elected, or that he had not been fairly elected, or that he had been elected by fraud, and that was supported by sufficient authority, the Senate could take it up, refer it to the Committee on Privileges and Elections, and if that committee found that there was no election it would not take a two-thirds vote to keep that man out of this body any more than it would take a two-thirds vote to keep him out if he was disqualified.

Mr. HOPKINS. Now, if the Senator will allow me. As to the Roberts case-

Yes. Mr. BERRY.

Mr. HOPKINS. There was a committee appointed to investigate the question as to whether or not he should become a Member of that House. That committee divided, as I understand it, on the proposition as to whether he should be excluded or expelled; but both the minority and the majority of the committee agreed, as I remember it-I have not looked at it for several years—that if he was permitted to take the oath of office and have his name placed on the rolls of the House, then, under the Constitution, he could only be deprived of his seat by a two-thirds vote. Hence the majority of the committee took the position that, inasmuch as he had not taken the oath of office and was not on the rolls as a Member, they could meet him at the threshold of the House of Representatives, he being a confessed criminal at the time, and refuse to permit him to take the qualifying cath.

I hope the Senator will not take any more of Mr. BERRY. my time, but will let me get through. He is making a speech

nearly as long as mine.

Mr. HOPKINS. I will not interrupt the Senator further. Mr. BERRY. I do not agree with the statement of the Sena-

Mr. BERRIT.
tor as to the Roberts case.
Ar. RURROWS. Mr. President-

The VICE-PRESIDENT. Does t yield to the Senator from Michigan? Does the Senator from Arkansas

Mr. BERRY. I yield to the Senator from Michigan. Mr. BURROWS. Allow me just a word Allow me just a word in reply to what the Senator from Illinois [Mr. Hopkins] has said. It has been decided by the Senate in contested election cases over and over again that the fact that a Senator has been sworn does not cure any defect in his qualifications. In the case of Roberts, to which the Senator from Illinois has referred, he was not permitted to take the oath, but my recollection is that Senator Balley, now a member of the Committee on Privileges and Elections of the Senate, stated in the committee that if the Senate should find that the Senator from Uah was disqualified for any reason the disqualification could be enforced "after the

oath is taken as well as before."

Mr. HOPKINS. Mr. President—

Mr. BERRY. A little later I will yield to the Senator from

I repeat, Mr. President, that in the Brigham Roberts case and I am familiar with that case—there were a number of Democrats-and I hope the Senator from Illinois will hear what I have to say on that matter.

Mr. HOPKINS. I am following the Senator.

Mr. BERRY. I say there were a number of Democrats who I know voted against the resolution as presented, which prohibited Roberts from being sworn in, who announced that if he was sworn in, as he had a right to be on his certificiate in due form, and it was then found by a committee that he was disqualified by reason of the confirmation of the charges against him, they would have voted not to expel but to exclude him from the House, and who insisted that the proper practice was to let him first take the oath, because he had the proper certificate.

I should like some Senator to tell me what distinction there can be made in this clause of the Constitution where it says that the Senate is the judge of the elections and qualifications of its members. If we can by a majority vote say that a man is not elected, we can by a majority vote, beyond any doubt, say that he is not qualified, the only question being whether or not we can add any qualifications except those mentioned in the Constitution.

I do not think any Senator here will insist that if the Senator from Utah after having been sworn and his case had been referred to the Committee on Privileges and Elections, and that committee reported that he was not 30 years of age, that he was not a citizen of the United States, and that he was not an in-habitant of the State from which he had been chosen, this body could not have declared that he was not qualified at the time and have excluded him from this Chamber by a majority That is the proposition.

I say that the framers of the Constitution never intended or expected to set out in that instrument all the qualifications for a Senator or a Member of the other House. They simply stated them in the negative, that no one shall be a Senator who shall

not be 30 years of age, nine years a citizen of the United States, and an inhabitant of the State from which he was chosen,

hat is what they placed in that instrument.

I again call the attention of the Senate to the fact that if there is no power in this body to say that a convicted boodlerif we had such a case as that brought before us here, as we have not-a man who had been notoriously guilty of crime after crime, who had been convicted and served a term in the penitentiary, would have to be sworn in and then that we should be obliged to let him remain here unless a two-thirds vote could be secured to expel him, when, as I said before, the authorities say—not all perhaps, but a great majority of them—that you can not expel a Senator at all for any act which he committed prior to the time of his election. If that be true, then there is no way to exclude him from this Chamber. He may be If that be true, then known as a vicious character; he may be insane; he may have an infectious disease, and yet, Mr. President, we are told that it is a dangerous idea to exclude him by a majority, and yet they admit a majority of the Senate, in passing upon his elec-tion, may exclude a man from this floor. There are a number of cases, at least in the other House, where a man was sworn in and afterwards turned out of his seat.

If they can pass upon that, why is it not equally dangerous in

that case as it would be in the case I have mentioned?

In discussing the question as to our power and right I-have spent more time than I intended. The authorities to which I have referred will be found in the speech of Mr. Tayler, to which I have already referred.

Mr. President, the next question, and the great question, is, Do the facts in this case, as shown by the testimony before the committee, warrant either a majority or two-thirds of the Senate in saying that the Senator from Utah is not entitled to a seat

in this body?

Mr. President, it is admitted by the chairman of the committee. and, I think, by all, that there was no proof before the committee that the Senator from Utah had ever practiced polygamy. It was admitted that he had but one wife. That is no longer in dispute. The questions which are left, in my judgment, and they are vital in this case, are—he being a high official, with great power in the Mormon Church—whether or not the fact that that church has notoriously violated the laws; whether or not his association amongst the presidency and the twelve apostles from day to day; his voting to sustain a president who admitted and confessed before the committee that he had been violating the law many years after Utah was admitted into the Union-I say Mr. President, the question is whether or not such facts should operate to prevent him from holding his seat in the Senate.

Another question is whether or not any church, under any name, I care not what it is, can assume power and authority to violate the law and defy the Government of the United States or any State of this Union, and yet try to shelter themselves behind the constitutional privilege which guarantees religious liberty. That was the contest in Utah for years and years. liberty. From the time the Mormon Church was organized, or at least from the time polygamy was proclaimed, they always justified themselves upon the ground that it was a religious belief; that the law could not interfere with it; that they were a church which was in direct communication with God Almighty Himself; that He revealed His will by revelations to the head of that church or some of the governing officials, which were binding upon the conscience, and they dared not hesitate to obey, even though a revelation was in direct conflict with the Constitution of the United States or the laws of the land. That was

their position for years and years

The Supreme Court settled that in 1878, and settled it forever. Yet, Mr. President, for years afterwards-and the testimony taken before the committee shows it—for years afterwards they continued to claim that polygamy was a religious belief; that it was binding on their consciences, and that they had the right to determine that and take the consequences. Even before the committee the president of that church boldly and defiantly said that since the manifesto issued by Woodruff in 1890 he had continued polygamous relations with his five-I think it was different wives; that since that time eleven children had been born to him; that he believed it was his duty under the revelations that had been made to pursue that course, and that he would take the chances on the law. That is in the testimony and it will be found in the record. He is the all-powerful man in that church. I think the Senator from Utah has himself testified that the twelve apostles, of which he is one, only have advisory power; that they advise the president, but that the final decision rests with President Smith. And yet, Mr. President, after the Mormons had agreed solemnly in the constitution of the State—after they had been admitted into the Union upon that solemn pledge—the president of their church tells the committee openly and defiantly that he has violated the law; that it was his religious duty to violate it, and therefore he

would take his chances on the law.

Now, Mr. President, I want to read from the speech of the Senator from Michigan [Mr. Burrows] a few words in regard to the Senator from Utah and his opinion in regard to President Smith. The Senator from Michigan in his speech said that it was reported in the Deseret News, the organ of the Mormon Church in Utah, that on the 6th of October, 1905-that is, since Mr. Smoot has been a Senator here and since this investigation has been under way-he said:

I believe that the Latter-Day Saints, who have the spirit of God in them, never had more confidence in a man or a set of men than they have in the presidency of the church to-day.

I am indeed thankful for my standing in the Church of Jesus Christ of Latter-Day Saints [Mormon]. When I study the history of the church I find that it is at all times the same. I am not ashamed of the power and position of the Mormon Church. I say to Joseph F. Smith to-day, this people will never turn against thee on the testimony of a traitor.

That was in 1905, and the Senator from Utah tells us, Mr.

President, that the church is the same; that it has not changed. I agree to that proposition. I agree that they believe to-day as they have always believed, and as the Senator from Utah said in his testimony, if I remember it correctly, that he believed the revelation proclaimed by Brigham Young in 1852 as having been given Joseph Smith some time in the forties came from God. That revelation, the Senator says, permitted polygamy, and the doctrine of the leaders of his church, as construed by Brigham Young himself, did not only permit polygamy, but it commanded polygamy.

The Senator from Utah says again, in another part of his

testimony, that he believes the members of that church do receive revelations direct from Almighty God, and that if such a revelation should come to him, not through the head of the church, but if he himself should receive a revelation from God, which was in conflict with the oath that he had taken here and his duty as a Senator, he would leave the United States before he would obey his oath and obey the Constitution of his country.

Mr. President, I heard it stated the other day by one of his friends that it required a good deal of assurance upon the part of a southern Senator, who a few years ago was engaged in making war upon the United States, to come here and say that the Senator from Utah should be expelled because of his want

of loyalty to the Government of the United States.

I desire to say in answer to that suggestion, Mr. President, that if we were at war with the United States it was done openly in the face of all the world. We threw down the gage of battle to more than three times our numbers, and we fought it to a finish and stood ready to take whatever punishment might be inflicted. We never pledged fidelity to this Union and to the Constitution and then sought by indirection to violate it from day to day. When our great chief laid down his arms at Appomattox he promised for us future peace and submission We have kept that pledge, and we will keep it to to the laws. the end. I do not believe you can find a southern Senator who, if called before a committee and asked the question what he would do if he had to choose between the commands of any church or any other governing body and his oath and the Constitution, would not answer at once that he would stand by his oath and by the Constitution of the United States. I do not think one of them would seek to leave the country in order to evade doing that which we swore we would do when we came here as Senators.

Mr. President, it is not possible for me to go all over this tes-But you can warp and twist it as you like, and yet at last the issue comes back to the proposition for which the Mormons have always contended, that the clause in the Con-stitution which protects them in their religious liberty author-izes them to practice polygamy, because it was commanded by the head of the church and came by revelation direct from the Lord himself. But Chief Justice Waite, in the Reynolds case in 1878, speaking of the claim that polygamy was justified as

a religious institution, said:

To permit this would be, in effect, to permit every citizen to become a law unto himself. Government can exist only in name under such circumstances.

Stanley Matthews said, in another case:

A free, self-governing commonwealth is founded on the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony, and that all political influences are to be withdrawn from those who are practically hostile to its establishment.

Mr. President, it is true that the proofs do not show that the Senator from Utah has plural wives, but, as the Senator from Michigan [Mr. Burrows] said in his splendid speech the other day, he is associated in governing powers with those who approve and practice polygamy. He is associated with those, and

acting in concert with them day by day, who believe and practice it. Eight out of the twelve apostles, so the Senator from Michigan stated in his speech, have been guilty of keeping up polygamous relations even after the manifesto of Woodruff. which was published in 1896. Bear in mind that this manifesto of President Woodruff does not claim to be a revelation, but simply a manifesto issued by the head of the church that they shall no longer practice polygamy or indulge in polygamous relations. President Smith when asked the question by this committee if that changed the views of the Mormon people first answered it did not. Then he added, "At least, it did not change my views. I speak only for myself." We all know that it did not change them. The Senator from Utah in the address I have read says the church has not changed. "It is to-day the same, and it will be the same for all time." I do not quote his exact language. He said also that he believed this revelation in regard to polygamy came to Joseph Smith directly from the Lord. If he believes that, he believes as he has always believed, that it is a regulation, an order from the church which permits any man to practice it. For years he has been one of the twelve apostles. He knew that his fellow-apostles were violating the law. There is no word in this testimony anywhere to show that he has ever raised his voice against it, but on the contrary he voted for Joseph Smith for head of the church, knowing all these facts. As the Senator from Michigan correctly quoted the law, whoever aids and abets, countenances and encourages, or acts with those in pursuance of a line of policy which is in violation of the law is equally guilty with the men who do it

Mr. President, the Senator says the church is the same for all In view of that statement I do not think that he can justly complain if we go back to review some of the acts of this church in the past—and if it is the same for all time—to see what those acts were. If any excuse were needed for going back, I can say that the minority of the committee have already gone back to 1850 to assert, if not in justification, at least in the way of mitigation or excuse for polygamy in Utah, the fact that President Millard Fillmore and again Franklin Pierce, as President, in 1852 appointed Brigham Young to be governor of Utah; that they knew of the polygamous practices; that they knew his view on that subject, and thereby the minority seek in some way to make two Presidents of the United States and the United States Senate a party to it. Therefore whatever its action in the past may have been, if the church is the same for all time, I repeat we are perfectly justified in speaking of the

past acts of the institution.

President Buchanan said in one of his later messages that it was no longer possible to enforce the laws of the United States in the Territory of Utah; that the Government officials, if I remember it correctly, had left the Territory; that there was no law except the law of the Mormon Church; that they alone judged, and if history can be believed they often judged men in secret, without a hearing, and executed the judgment without the knowledge of the party until he was called upon to answer for it. The whole history of the church from its very inception through its entire pathway through life has been strewn with the wrecks of violated laws, of outraged justice, harboring eternal hostility to the laws of the United States, and now to the laws of the State of Utah. Not only that, but its greatest effort has been to fasten upon this country a system of polygamy which would, in the language of Judge Waite, destroy the very foundations of the Government.

I said in the beginning of my remarks that perhaps I would not have spoken had it not been for a matter that peculiarly touched the people of my State. I do not desire to offer any excuse for presenting it. It was the act of the Mormon Church, and the Senator from Utah says the Mormon Church is the same for all time. In 1857 I lived in the county of Carroll, in the State of Arkansas. In the spring of that year there left that county and two adjoining counties between a hundred and forty and a hundred and fifty, including men, women, and children, emigrants for California. They consisted of the best citizens in that country. It was a large train. It excited large interest throughout the section of country from which they went. had about 600 head of cattle, several mule teams, a number of wagons, and each head of a family had more or less money; how much I do not know. Late in the fall or the early winter the news came back that the train had been assaulted by the Indians far out West, and every soul had perished.

Later on there came news that some of the children, how many we did not know at that time, were saved, and that they were in the hands of the Mormons in Utah. Our Senators and Representatives here called upon the Interior Department. An agent, a Mr. Forney, was sent there by the Commissioner of Indian Affairs. He gathered those children together, sixteen of them, who had been preserved from the massacre on that fatal 13th day of September. He brought those children back to Leavenworth, and there Colonel Mitchell, of our county, went and met him and took charge of the children.

I was a boy 17 years old on that day when they were brought to the village court-house. I saw them as they were lined up on the benches, and Colonel Mitchell told the people whose children they were, at least whose he thought they were. There were sixteen of them. One little girl, I distinctly remember, had had an arm broken by a gunshot wound. It had not united, and the arm hung dangling by her side. I have seen much of life since that day; I have seen war along the lines of the border States in all its horrors; but no scene in my life was ever so impressed upon my mind as that which I saw there that day presented by those little children, their fathers, mothers, brothers, and sisters dead on the far-off plains of Utah and their absolutely without means with no human being to lock to they, absolutely without means, with no human being to look to.

A short time after Forney had gotten through, news came that it was not the Indians alone who had committed the massacre, but that the Mormons had participated. When he first got the children, he reported to the Secretary of the Interior, and you will find it in the report of the Commissioner of Indian Affairs, that they had been so frightened and scared by the Mormons that he could get nothing from them; that they would not talk; and that it was long before he could gain their confidence. The oldest of them were 5 or 6 years of age, and perhaps there was one 7 years of age. But when they got back to Leavenworth and from there to Arkansas, they had lost the fears that had been instilled in them by the Mormon families in which they had lived. They did talk. They could not tell much, but they could tell that white men and not all Indians assisted in committing the massacre. They could tell it was a white man who came into their corral and induced the emigrants to give up their guns; that it was white men who drove the wagons in which they rode; that it was white men who shot the wounded men who had been placed in one of the wagons. The inquiry possibly would have gone on, but war came on not a great while after. It was almost impossible, so Mr. Forney reported, to get any testimony whatever. But the war came on and time rolled by.

Twenty years afterwards, however, there came to the Government officials so much knowledge of the participation that this church had in the massacre of the immigrant train that John D. Lee was arrested and brought to trial. He was a Mormon of long standing. He has said himself that he had fourteen wives. He was with the Mormons at Nauvoo and in Missouri. He was the trusted friend and lieutenant of Brigham Young for a number of years. Young had him appointed farmer for the Indians, and he held that Government office at the time of the massacre. The first trial I think resulted in a hung jury. On the second trial he was convicted and under the Utah law was sentenced to be shot.

Mr. President, at that time there was printed a book, bound either in sheep or calf, a leather-bound book, in which appeared the entire testimony given on that trial. As I remember it now—I read it twenty-five years ago and reread it—it contained also the speeches of the attorneys, the charge of the court, the verdict of the jury, and to that was attached these confessions of John D. Lee as to the manner in which this massacre was perpetrated.

I desire to say now before I quote from Lee that I have been unable, and I have tried in various ways, to get a copy of the original book. I tried through two officials of the Senate and they failed. I asked the Senator from Michigan. He tried to get it and went to the Library for that purpose, but it had disappeared from there.

But some two years ago a man wrote a book which he called "The Mormon Menace," and in that he copied the confession of Lee so far as it relates to this massacre. I desire to say here to-day that I have read that confession as it was printed in the book to which I have referred, and I assert now that this book is a true copy in all essentials, and I think in every particular, of the original confession made by Lee. Efforts have been made of late years to discredit this confession. I was told some time ago by a man from Utah that John D. Lee was a martyr; that the Gentiles had had him shot, and that he had never made any confession. But I repeat that that book shows the history of the entire trial, and that Lee was corroborated absolutely in all the essential particulars by the witnesses who testified on that occasion. A number of those who testified had participated with him in the massacre which had taken place, and so swore upon the stand.

Mr. President, what were the facts? I have before me Lee's confession. I will not undertake to read at any great length from it, but I say to the Senate to-day that in all the history of

the world, not excepting the massacre of St. Bartholomew, except in the number who perished, no more inhuman, cruel, diabolical, infamous massacre was ever perpetrated than took place on the 13th day of September, 1857, at Mountain Meadows, in the Territory of Utah. It is not pleasant to read it. It is not pleasant for me to speak of it. I state here to-day upon my honor that it gives me no pleasure to repeat anything that would wound the feelings of any innocent man. The Senator from Utah is in no way and in no wise responsible for that massacre. It occurred more than four years before he was born. I know that much about him, learned since he has been here, to say that in my judgment he could not and would not approve it. But bear in mind he has said that the church is the same for all time. He believes that and believes in the church. He has indorsed whatever has been done by the leaders of that church; at least if he has not, he has remained silent and has never protested. I do not believe that he or any other prominent member of his church to-day would stand upon this floor and say that they did not believe every revelation which has ever been published as coming through the head of the church from God Almighty himself. I repeat that he is not responsible for this thing, but he upholds and sustains and is one of the powerful factors to-day in the institution that perpetrated this act. I will read a few passages and let us see who was responsible. Let us see whether or not the Senator can say that it was not done by order of the church. Lee says:

Those who were connected with the massacre and took part in the transaction were moved by a religious duty. All were acting under the orders and by command of their church leaders. The immediate orders for the killing of the emigrants came from those in authority at Cedar City. I and those with me moved by virtue of positive orders from Brother Haight and his associates.

Before I started on my mission to the Mountain Meadows I was told by Brother Haight that his orders to me were the result of full consultation with Bishop Dame and all in authority. The massacre was decided on by the headmen of the church.

President Haight, as I understand, was president of what is called a "stake." Mr. Worthington, the Senator's attorney, stated before the committee that next to the president of the church the greatest man in power is the man who is president of a stake in the locality where his authority extends. Therefore I say these orders came from President Haight of the stake, and Lee said that Haight assured him that it was after full consultation with Bishop Dame.

Again, the confession says:

Brother Haight said that unless something was done to prevent it the emigrants would rob every one of the outlying settlements in the south, and that the whole Mormon people were liable to be butchered by the troops the emigrants would bring back with them from California. I was then told that the council had held a meeting that day to consider the matter, and it had been decided by the authorities to arm the Indians, give them provisions and ammunition, and send them after the emigrants.

Further along he says that the Indians surrounded the emigrants at Mountain Meadows and the emigrants corralled their grants at Mountain Meadows and the emigrants corrafted their wagons and for two or three days they defended themselves with great bravery. There were six or seven of them shot in the first assault of the Indians, but they killed a number of Indians and held them off. Lee continues that he believes the emigrants would have succeeded in defeating these Indians altogether. He says:

On Thursday evening Higbee, chief of the Iron Danites, and Klingensmith, bishop of Cedar City, came to our camp with two or three wagons and a number of Danites, all well armed. I can remember the following as a portion of those who came to take part in the work of death which was so soon to follow—

This was the Mormon camp at Mountain Meadows.

Then he names Brothers John M. Higbee, chief of the Iron Danites, and also first counselor to Brother Haight; Philip Klingensmith, bishop of Cedar City; Ira Allen, of the high council; Robert Wiley, of the high council; Richard Harrison, of Pinto, also a member of the high council, and a number of other officials, and then a number of names of those who are not officials. Then he says:

I then told all that had happened at the Meadows, so that every person might understand the situation. Brother Higbee reported as follows:

"It is the orders that the emigrants be put out of the way. President Haight has counseled with Bishop Dame, and has orders from him to put the emigrants to death; none who is old enough to talk is to be spared."

Brother Higbee then said substantially that the emigrants had come through the country as our enemies, and as the enemies of the Church of Jesus Christ of Latter-Day Saints.

I want the Senator to hear this:

The Danites then in council now knelt down in a prayer circle and prayed, invoking the Spirit of God to direct them how to act in the matter. After praying, Brother Higbee said:

"Here are the orders," and handed me a paper from Haight.

The paper read, in substance, that we were to decoy the emigrants from their position and kill all that could talk.

He goes on to state, and probably I will print more of his

language in my speech, that they gathered there at the Meadows, where these men with their wives and children were defending themselves against the attack of the Indians. He says it was arranged that he should go inside the corral and promise the emigrants that if they would give up their arms that the Mormons could and would protect them from the Indians and bring them back to Cedar City. What occurred there, I think, would touch the heart of anything human. I do not turn to it just at this moment, but he says that when he entered the corral men, women, and children gathered around him; that they were burying two of their leaders who had been killed by the Indians, and that they gathered around him, and many thought that the day of deliverance had come. Some of them were suspicious and doubtful as to the purpose. But before he went in there Lee and Haight and Higbee and Dame, all officials of the Mormon Church, agreed that if the emigrants gave up their guns, which they did, the guns should be placed in wagons in front; that in another wagon the wounded emigrants should be placed, and behind them the wagon containing these sixteen little children, and next to them came the women, and behind them came the men. He states what the orders were, and they were carried out to the letter. As they marched along he was to give the signal of attack on the wounded men in the front wagon, then that each Mormon was to fire upon one of the men belonging to the emigrant train and the Indians were to attack Then he describes it in the minutest detail.

Mr. President, it is too horrible for me to go over it all, but he tells the terrible story of how these Indians murdered the women and the Mormons shot the men, and how a little boy who ran from the Indians to Brother Higbee, as he calls him, for protection prayed for safety, and this Mormon churchman, a member of the church, too, and not only that but an officer, brained the 14-year-old boy with the butt of his gun. Then he goes on to tell the story of the horrible massacre of the women and many children, how they were left unburied, their clothing stripped from them, and how the little children, those in the wagon, were taken afterwards to the different houses.

and many children, how they were left unburied, their clothing stripped from them, and how the little children, those in the wagon, were taken afterwards to the different houses.

I wish to show to the Senate to what extent men can go and will go when misled by religious frenzy, when a man is taught to believe and does believe that God Almighty communicates directly with the leaders of the church, and that he is bound not only for his temporal welfare, but for his eternal salvation to obey absolutely the first presidency and the twelve apostles, of whom the Senator from Utah is one.

I wish now to show what occurred afterwards. Lee says:

After the dead were covered up or burled (it was not much of a burlal)—

He adds "that it was not much of a burial"-

the brethren were called together and a council was held at the immigrant camp. All the leading men made speeches: Bishop Dame, President Haight, Bishop Klingensmith, Brothers Higbee, Hopkins, and myself. The speeches were, first, thanks to God for delivering our enemies into our hands; next, thanking the brethren for their zeal in God's cause, and lastly, the necessity of saying that the Indians did it alone.

Mr. President, some of the men who died on that terrible day I knew as a boy knows a man. Captain Baker and his son day I knew as a boy knows a man. Captain baser and ms son and a man who bore my name, I think distantly related, had been guests at my father's house. I knew many of the families. I knew the little children after they grew to manhood and womanhood since the war. On the 10th day of last August I saw a lady, now 54 or 55 years of age, who was one of the little girls a haby then. She told me that at the time it or little girls, a baby then. She told me that at the time it occurred she was nearly 6 years of age. I asked her how much she remembered of the details of the horrible massacre. stated that it was very difficult for her to distinguish that which she remembered from that which had been told her later on, but there was one fact which had been burned upon her memory and that remained with her through all the years that had come and gone; that even in the night she would awaken and scream for years afterwards, as the picture came to her mind. She said: "I remember standing by my mother, holding onto her skirt, while my mother stood with my baby brother in her arms, and when the white man, not an Indian, raised his gun to take the life of my mother, she said: 'God, have mercy on my children!'" That, this lady told me last August, That, this lady told me last August, she had never forgotten.

Mr. President, can you fail to understand my feeling, knowing those people as I knew them, and when I have seen those children as they came back, and when this man Lee, who was a long-trusted lieutenant of Brigham Young and at one time was captain of the Danites, and says here in various ways that he had only executed the orders?

Mr. President, he does not say that Brigham Young had knowledge of this slaughter before it was committed. Upon the contrary, he says a man was sent from Cedar City to get permission to slaughter these people. But the man did not return

until after the horrible deed had been perpetrated, and when he did return reported that President Young said, "Let the emigrants pass."

He says, furthermore (and if any man doubts my word I will read it from the book), that after it was over a council was held and he was detailed to go to Salt Lake City and report it to the president of the church, Brigham Young; that he went there and laid the facts of all the horrible details before him; that President Young said at that time that he feared this would be the greatest blow that the church ever had, but told him to come back again next morning. He came back, and Young said he had prayed over it and that Brother Haight had sent him word that there was not one of these emigrants who was innocent, but they were all guilty, and he said, "Brother Lee, I am going to let it pass, but impress upon all the brethren and all the members of the church the absolute necessity of putting it on the Indians and denying forever that the Mormons had any part or parcel in it."

Is that all? No. Lee said that there were 500 head of cattle and that part of them were divided among those who had committed the murder, after the brand of the church was put on 50 of the cattle by order of Brigham Young himself. He said that he took back word as to what disposition should be made of them and that the brand of the church was put on 50 of the cattle. There were 500 head of cattle, he says. It presume, athough he does not say so, that the 50 were the tithe that went to the church, the one-tenth part of the property of these slaughtered people.

Now, I want to say once again, I hope no Senator will undertake to misrepresent me in regard to it. I have already repeated twice that I think this terrible massacre occurred before the Senator from Utah was born; that he is in no way either directly or indirectly responsible for it; but I do say he is bound to know of this and many other acts of the church in the past and that he stands up in Utah, in speaking to the Mormon people, and says. "The church is the same for all time; I am proud of this church."

To-day, Mr. President, he is one of the chief officials of that church. The evidence shows here that the church sent him to the Senate. It shows much more, which I will not repeat or go over, that when another Morman who sought to come to the Senate and failed to get the permission of the church they not only defeated him, but excommunicated him, and in the language of one of the witnesses "they brought him to his knees and to an abject apology."

This church has always claimed, and it is claimed forever, that what they call their revelation is authority far above every law.

I say, Mr. President, with no feeling against the Senator himself and not through malice on account of the horrible murder, only a part of the details of which I have recited, but because I believe a church that inculcates doctrines that the leaders of that church can dictate absolutely not only in spiritual, but in temporal matters, a church that teaches that it gets its authority directly from God and overrides all human authority, ought not to be permitted to dictate who shall come to this Senate, and when they select as their candidates and put forth one of the leaders, one of the apostles, who says himself that he may receive these same revelations, I say that I believe it is the duty of the Senate to say that he is not qualified to sit as a member of this body.

Senators, in reading the account of the execution of John D. Lee, after judgment was rendered against him in the court, you will find that he was taken back to Mountain Meadows on the very spot where this horrible crime was committed. He was executed by shooting, for such at that time was the Utah law. The man who described the shooting at that execution and his death says that Lee, having perpetrated that deed, having been guilty of treachery in inducing those people to surrender; the man who murdered men, women, and children contended that he had done no wrong; that he felt sure that he was a saint of the Lord; that he had simply obeyed orders from the church officials and that they, and not he, were responsible if there was any wrong to it. He said in another place that if he failed to obey the leaders of the church his soul would be damned forever.

He died, Mr. President, expressing no regret, but saying that he was going straight home to heaven. The man who wrote the account of it in describing it said that in 1857 the land in Mountain Meadows was covered with luxuriant grass and beautiful flowers, that a spring ran through it, and it was the brightest spot in all the West; that when John D. Lee died on the same spot, in 1877, the spring had dried up, it was a barren and desolate waste, and the curse of God had fallen upon this spot where the inhuman crime was committed.

Now, Mr. President, repeating once again that if I know myself I am not moved by any desire for vengeance on Reed Smoot because of the action of this church. I felt it was my duty to the memory of the men who fell and who lived near my home and who have been since slandered in every conceivable way by the Mormons about their acts prior to the killing in order to try to justify the deed. I felt that I owed it to their relatives and to their friends, many of whom are living to-day, that these facts should go into the RECORD.

I do not know what the Senate will decide. Senators, it is for you to determine. As I look upon it, the vote on the 20th of this month is the most important of any that has been taken

In my judgment, the vote that is taken then will be far-reaching in its consequences. If, in view of all the facts that have been produced before the committee, in view of the re-port of the majority of the committee, headed by the distin-guished Senator from Michigan [Mr. Burrows], you think it is your duty to say that Reed Smoot is fully qualified to be a Senator, if you say that you think he should retain his seat, you give an encouragement and impetus to polygamy and polygamous practices in this country that will be far-reaching in its consequences. President Smith can still boast that he sacrificed nothing; that he told the Senate of the United States he was violating the law. He told them that he did not regard the manifesto of Woodruff. He told them, in effect, that he would take his chances on the law and obey what he considered the demand of God Almighty communicated to him. He then can boast that he is approved, that his action is indorsed, that the saints of Utah can look to him, and that the Lord, through him, has come to their relief and has indorsed the doctrines which they have always taught.

If, on the other hand, a majority of the Senate shall vote that no man representing a church of that character ought to sit in this Chamber, then in 10,000 homes in every State in this Union the mothers and wives and daughters will gather around the fireside and thank God that the Senate of the United States has put its everlasting seal of condemnation not only upon polygamy, but upon every organization that seeks to set itself up above the Constitution of the United States and the laws

which we have all sworn to obey.

ISSUANCE OF LAND PATENTS.

During the delivery of Mr. Berry's speech,
The VICE-PRESIDENT. The Senator from Arkansas will
suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Table Calendar 26, Senate resolution 214, by

Mr. CARTER.

Mr. CLAPP. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

After the conclusion of Mr. Berry's speech,

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department. for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the

Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. Clapp, Mr. McCumber, and Mr. Dubois as the conferees on the part of the Senate.

SNAKE RIVER (WASHINGTON) DAM.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company, returned by the House of Representatives in compliance with the request of the Senate.

Mr. HEYBURN. I move that the votes by which the bill just returned from the House was ordered to a third reading

and passed be reconsidered. The motion to reconsider was agreed to.

JOSEPH P. W. R. ROSS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross; which was, in line 7, after "Maryland," to insert:

Provided. That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. RAYNER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

RIGHTS OF INTERMARRIED CITIZENS OF CHEROKEE NATION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

read and referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

The Supreme Court of the United States, in its decision of November 5, 1906, in the case of Daniel Red Bird, the Cherokee Nation, et al. v. The United States, held that "the rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said nation, and are not entitled to be enrolled for such purpose; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently, being left a widow or widower by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee blood, and those white men who, having married Cherokee women and subsequently abandoned their Cherokee wives, have no part or share in the Cherokee property, and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people, and are not entitled to be enrolled for such purpose."

I invite your attention to the urgent necessity for legislation for the relief of intermarried citizens of the Cherokee Nation adversely affected by such decision, many of whom have made permanent and valuable improvements upon lands of the nation, where they have resided, for many years, undisturbed in their possession, under the belief that they were entitled to the same rights in the lands as native-born citizens of such nation.

In the decision of the court it was stated that, as to the improvements upon lands of the nation, where they have resided for many years, undisturbed in their possession, under the belief that they were entitled to the same rights in the lands as native-

THE WHITE HOUSE, February 11, 1907.

BILL RECOMMITTED.

Mr. CLAPP. I move that the bill (S. 8365) authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project, be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to resume the consideration of House bill 23551,

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30,

The VICE-PRESIDENT. The pending question is on the amendment of the Committee on Military Affairs on page 39 as amended.

Mr. CARTER. Will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. The Senator rises for some purpose connected with the bill?

Mr. CARTER. Yes; for some purpose connected with the bill. An engagement requires me to retire from the Chamber presently, and I ask the Senator to yield to me for a moment to make a statement.

ake a statement.

I doubt not the amendment I propose might be subject to a sint of order, if the point of order is raised. The amendment point of order, if the point of order is raised. The amendment authorizes the President to appoint William H. Crook on the retired list as a major in the Army. I think every Senator present knows Mr. Crook. For the last forty-two years he has been the confidential clerk of the various Presidents of the United States who have occupied the office. Prior to that time he was a private soldier during the war between the States.

The proposed amendment is explanatory of the facts I have

suggested, and I ask unanimous consent to have the amendment inserted at the close of the bill for the consideration of the committee of conference, if after full investigation it shall be determined to be worthy

The VICE-PRESIDENT. The Senator from Montana pro-

poses an amendment, which will be read.

Mr. SCOTT. As I understand the Senator, he wants to have it considered at the close of the bill, and he is offering it now.

Mr. CARTER. No; I ask that it be inserted at the close of the bill.

Mr. SCOTT. I hope the Senator will let it go over until we

get further along with the bill.

Mr. CARTER. I only offer the amendment now because I

am compelled to leave the Chamber.

The VICE-PRESIDENT. Is there objection to having the proposed amendment stated?

Mr. WARREN. I understand the Senator offers it to come in at the end of the bill, so far as its position is concerned, and asks now unanimous consent for its adoption. Am I right? Mr. CARTER. That is a correct statement of the case

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to add at the end of the bill

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Crook, who served as a private under the President's first call for troops in 1861 and subsequently as an employee and clerk in the office of the President for over forty-two continuous years, a major in the Utited States Army and place him on the retired list thereof, with retired pay of said rank, the retired list being increased for that purpose only. pose only

The VICE-PRESIDENT. The question is on agreeing to the

amendment just stated.

Mr. SPOONER. I think there is nothing in it about "the war between the States."

Mr. CARTER. Not in the amendment. Mr. SPOONER. But only in the Senator's speech?

Mr. CARTER. That was in the speech of the Senator from Montana only.

The amendment was agreed to.

CUMBERLAND RIVER BRIDGES NEAR NASHVILLE, TENN.

Mr. CARMACK. Will the Senator from Wyoming yield to me for a moment?

What is the object the Senator has in view?

I want at this time to ask unanimous con-Mr. WARREN. Mr. CARMACK. sent for the consideration of a small bridge bill. It is important that it should be passed at an early date, and it will lead to no discussion.

Mr. WARREN. Under the circumstances I will yield to the Senator on his statement that it is a very small bill, providing

it leads to no discussion whatever.

Mr. CARMACK. I am sure it will not. I ask unanimous consent for the present consideration of the bill (S. 8274) to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill, which had been reported whole proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 5, after the name "Tennessee," to insert "approved April 24, 1906;" in line 6, after the word "for," to insert "commencing;" and in line 7, after the word "bridges," to strike out "until three years from the passage of this act" and insert "one year, and for completing the same three years, from April 24, 1907;" so as to make the bill read:

Be it enacted, etc. That an act entitled "An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn," approved April 24, 1906, be so amended as to extend the time for commencing the construction of said bridges one year, and for completing the same three years, from April 24, 1907.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERMS OF COURTS AT BELLINGHAM, WASH.

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. WARREN. I will if the subject which the Senator de-

sires considered leads to no debate.

Mr. SPOONER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 21383) providing terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham, to report it with an amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported from the Committee on the Judiciary was to strike out sections 3 and 4, as follows:

SEC. 3. That the terms of said courts shall not be limited to any particular number of days nor shall it be necessary to adjourn by reason of the intervention of a term elsewhere, but the court intervening may be adjourned until the business of the court in session is concluded.

SEC. 4. That the city of Bellingham shall furnish a sultable room in which to hold said court, and light and heat the same without any expense to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHATTAHOOCHEE RIVER BRIDGE, GEORGIA.

Mr. CLAY. Mr. President-The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. For what purpose?

Mr. CLAY. I have a very short bill, which can not lead to any discussion, which has been reported from the Committee on Commerce

Mr. WARREN. I shall be glad to yield if the bill will cause no debate, but I hope there will be no further appeals for the consideration of bills until the Army appropriation bill shall be completed.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 25043) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River, in the State of Georgia.

The PRESIDING OFFICER (Mr. Nelson in the chair). The

bill will be read for information, subject to objection.

The bill was read; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. WARREN. I now ask that the consideration of the Army

appropriation bill may be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908. Mr. HALE. Mr. President

The PRESIDING OFFICER. Does the Senator from Wyo-

ming yield to the Senator from Maine?

Mr. WARREN. I do, if the Senator rises to the pending bill. Mr. HALE. Yes; I rise to the pending bill. I ask the Senate to return to the amendment on page 34, from line 12 to line 15, inclusive. At my suggestion on Saturday that part was struck out by agreement of Scnators interested, including the chairman of the committee. On examination I find that the item has been regularly estimated for. It is not, therefore, subject to a point of order. I ask that the vote by which it was rejected be reconsidered, and that the amendment be adopted. I should like to have the assurance of the chairman of the committee that he will not take this as a precedent for putting such things upon the Army bill rather than upon the sundry civil bill.

Mr. WARREN. I appreciate the suggestion made by the Senator from Maine in regard to this matter. I do not quite know whether there is a rule of the Senate which provides for discrimination between different bills. I think not, unless it be some unwritten rule. But I am glad, and ready always, to recognize the wisdom of having proper matters under proper headings and in the proper bills.

I want to say in this connection that the committee hoped to have early action in placing the item in this bill, and I am very much gratified that the Senator from Maine wishes to reconsider the vote by which the amendment was rejected.

Mr. HALE. I ask that the vote by which the Senate rejected

the amendment may be reconsidered.

The PRESIDING OFFICER. The Senator from Maine moves that the vote by which the paragraph on page 34, from line 12 to line 15, inclusive, was rejected, be reconsidered.

The motion was agreed to.

Mr. HALE. Now let the amendment be adopted.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment.

I should like to hear it read.

The PRESIDING OFFICER. The amendment will be read. The Secretary. On page 34, after line 11, the Committee on Military Affairs reported an amendment to insert:

For the acquisition of not exceeding 50 acres of land near or adjoining Fort Taylor, at Key West, Fla., \$150,000, or so much thereof as the Secretary of War may deem necessary.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Mr. President. I believe when we discontinued the consideration of the bill on Saturday last we were on page 39, the clause from line 10 to line 19.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Idaho [Mr. HEYBURN] to the amendment of the committee.

Mr. CULBERSON. I desire to ask what has become of the

point of order that the item as reported is general legislation?

The PRESIDING OFFICER. The Chair understands the point of order was reserved until the amendment could be perfected.

Mr. WARREN. I see there are quite a number who are desirous of making the point of order against the amendment, and I am not going to prolong the discussion, so far as I am concerned, but if I may have a moment I desire to say

Mr. CULBERSON. I do not find it necessary to make the point of order, as it has already been made. I was inquiring what had become of it.

Mr. WARREN. The point of order has been made. The PRESIDING OFFICER. The Chair understands that the point of order has been made by the Senator from North

Dakota [Mr. McCumber] and reserved.

Mr. WARREN. I have only to say that in all this discussion I have not changed my opinion, but still think that this was a proper matter for the committee to bring before this body, and that it is in the interest of economy and good government. I will confess that I was not so strenuously in love with the rate bill, or the necessity for it, as were a great many others, but, on the other hand, I was ready to bow to the will of Congress and to have the law, until changed, applied and obeyed; but I do not think that that law is one of perfection or divinity. I do not think it is an idol that we must bow to and worship, and never attempt to correct. I think we shall find, as time progresses, that there are a great many corrections necessary. I want to call the attention of the Senate to the fact that this amendment was to carry out what was really the spirit of that law, namely, the equalization of rates. Unfortunately, instead of equalizing them, in this case it has caused just the opposite effect. Furthermore, it was in the line of economy. the view of the committee.

Of course, I shall make no comment upon the point of order, whether it is right or wrong. The Chair will decide that. But I want the Senate to know that, in my judgment, there will be a larger transportation appropriation asked for next year if this proposition goes out on a point of order than if the provision remains in the bill. Having said that much, and with probable larger appropriations in the minds of the Senate for next year, I wish to be permitted to vote upon it; but, of course, it comes directly upon a parliamentary basis if the point of order is insisted upon, and we shall have to accept it in that

Mr. CULBERSON. Mr. President-

Mr. WARREN. One moment please. Of course I accuse no man of being a czar. When a point of order is interposed against an amendment it is because the Senator making it knows it is necessary in the consideration of great appropriation bills that they should be guarded.

I have an item from a newspaper here, which I ask to have read. It relates to the matter of transportation for the Gov-I ask to have it read simply to show that the Government. ernment is doing the best it can under the rate law to save

money to the people.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

UNCLE SAM BEATS BAILBOADS—WAR DEPARTMENT WILL WAIT AND SHIP SOLDIERS BY COLONISTS' RATES.

OMAHA, NEBR., February 8.

OMAHA, NEBR., February 8.

The War Department has found a way to get even with the Union Pacific and the Northwestern railroads for refusing to haul the Tenth Cavalry from Nebraska forts to San Francisco at lower than tariff rates. Although the soldiers were scheduled to start on February 26, to-day orders were issued to hold the men until March 1, when colonists rates will be put in effect on all western railroads, and the soldiers will be hauled at half the regular fare plus \$2.

This is a lower rate than the Quartermaster's Department expected to procure from the railroads on a regular bid.

Mr. CULLRERSON Mr. President I only rose for the results.

Mr. CULBERSON. Mr. President, I only rose for the purpose of suggesting, in reply to the Senator from Wyoming, that he will recall that this proposed amendment by his acquiescence has been very greatly enlarged—that is, the exemptions have been very greatly increased over those in the original bill as reported by the committee.

Mr. WARREN. I will say to the Senator that it has been

both restricted and extended. It has been restricted by cutting out free passes, and it has been extended by having it apply to the Army and Navy and the Revenue-Cutter Service.

Mr. CULBERSON. I recall distinctly that the amendment suggested by the Senator from Georgia [Mr. Bacon], which includes in the provision the families of Army officers and enlisted men, greatly enlarging the list of those who may receive reduced rates, at least; and another one suggested, as I recall, by the Senator from Idaho [Mr. Heyburn], were ac-Therefore if a Senator were not previously inclined to make a point of order against this amendment, there would be room to do so now, and there would be that in the provision as it stands to suggest to him to do so, put there by the acquiescence of the Senator from Wyoming.

Mr. WARREN. Mr. President, I have not acquiesced in the amendment offered by the Senator from Idaho, because there has been no opportunity. It was during the time he was offering his amendment that this discussion went off into broad waters; so that, as I understand it, his amendment was not adopted or accepted, and in fact no action was had on it at all,

Mr. CULBERSON. The Senator accepted the amendment of

the Senator from Georgia, as I understand.

Mr. WARREN. What amendment was that?

Mr. CULBERSON. The amendment including the families of officers and enlisted men.

Mr. WARREN. That, I will say, was intended to be covered originally. I was very glad to accept that amendment. I wished it to be a part of the provision if we passed it.

Mr. FULTON obtained the floor.

Mr. HEYBURN. If the Senator from Oregon will yield to me a moment, I should like to say

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Yes.
Mr. HEYBURN. I should like to say, in reply to the suggestion of the Senator from Texas [Mr. Culberson], that the amendment which I offered and to which he referred is now pending and is the pending amendment. The discussion that has taken so wide a scope led off from the consideration of the amendment which I offered.

Mr. WARREN. I am right, then, am I not, that it was open

when the discussion commenced?

Mr. HEYBURN. Yes. Mr. FULTON. Mr. President, I have doubted very seriously the propriety of extending either free transportation or reduced rates to officers when not traveling on duty or to the families of the officers at any time.

Mr. SPOONER. It covers the men, too.
Mr. FULTON. Certainly; it applies to enlisted men as well. When traveling on duty they are paid their expenses. not traveling on duty or under orders, while I admit that there are many strong arguments that would favor making a distinction between them and other citizens, it seems to me that, after all, it is of doubtful propriety. But I do not propose to discuss

I only wish to say that I hope no Senator will insist on a point of order against this entire proposed amendment, for I think it is one of very great value and importance to the Government.

I asked the Senator from North Dakota [Mr. McCumber] on Saturday, when this matter was up for discussion, if he did not think there was a marked distinction between granting a preferential rate to the Government and granting it to a private individual? I suggested, furthermore, that where it is granted to the Government, it is granted to the people, the Government being simply the representative or the agent of the people. The Senator responded that that might be true if, as a matter of fact, all the people were equally engaged in patronizing the railroads, but his contention was-

Mr. SPOONER. They are all under the Government, as the Senator from Wisconsin says. But the contention of the Senator from North Dakota was that because all of them do not patronize the railroads equally, believing, as he did, that any railroad would have to make up the loss that is sustained by reason of the lower rate to the Government, the few who do patronize

the railroads would have to make up that loss.

The contention, Mr. President, is, it seems to me, fallacious, because of the assumption, in the first place, that the railroad is going to carry the Government freight or the officers and men of the Army at a loss. The amendment does not contemplate anything of that character. The amendment simply allows the railroads to give a reduced rate to the Government. It does not contemplate that it is going to give them a rate by which the railroads will carry at a loss, and I do not imagine that it is to be presumed that the railroads will give any such rate. We all know very well that in carrying for the Government, where the railroads take train loads from the initial point through to the point of delivery, they can carry at much lower rates than they can where they are distributing the passengers

or the freight along the line at different points.

I do not suppose that anyone has every questioned that there were some elements of honesty and good business sense in the practice that has been followed by the railroads in the past of giving large shippers preferential rates. I do not doubt that a railroad company can well afford to carry the Standard Oil Company's business, for instance, at less rates, and make money, than it can carry the freight of smaller shippers. But experience shows that when you permit the granting of preferential rates to private individuals the abuses are so numerous that the result is the public is ultimately the sufferer, and a wise public policy has, on consideration, suggested the importance and the necessity of denying the right to give preferential rates to individual shippers at all. Hence this provision of the rate law.

But the arguments and reasons that induced Congress to enact that character of legislation have no force whatever when you are speaking of giving preferential rates to the Government. The Government is not a competitor. The Government is not competing with any private individual. The Government is not shipping its stores and its supplies for the purpose of sale. It is shipping them for its own use. Consequently it enters into competition with no person. No person is injured by reason of its getting or receiving a preferential rate. On the other hand, every dollar that is saved to the Government by that is saved

to the people.

Mr. HEYBURN. Mr. President-

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I yield to the Senator. Mr. HEYBURN. I should like to ask the Senator from Oregon, do I understand that the Senator is referring now only to the transportation of property of the Government and is not discussing the proposed amendments that include the carrying of individuals or the families of officers or men?

Mr. FULTON. No. I said in the beginning that I did not care to discuss them. While I doubt somewhat the propriety of adopting them, I do not care to oppose them or to antagonize I think the important proposition is that the Government shall be allowed to accept or secure preferential or reduced rates

from the railroad companies.

Mr. HEYBURN. I should like to ask another question at that point, with the permission of the Senator. Does not the Senator think now that the Government itself in transporting its property, which is at the expense of the General Treasury, is exempt from the operation of the interstate-commerce law?

Mr. FULTON. That may be. I have not given that question sufficient consideration to have a definite opinion; but even if that be true there can be no objection to making it clear and definite. I can not understand what possible objection there can be to allowing the Government to accept from the other railroad companies of this country the same rate that is accepted now from the fifty-six land-grant railroads, namely, 50 per cent of the regular tariff. Now, I hope

Mr. McCUMBER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?
Mr. McCUMBER. I will wait until the Senator is through.

I thought he had concluded.

Mr. FULTON. I am practically through. I was simply going to say that I hoped no one would insist upon a point of order against this amendment. Of course, it is said by some that this is the entering wedge that will ultimately destroy the principle of the rate law. Well, that depends very much upon who is behind the wedge. I do not think that a wedge that is thrust into that law simply to trim down the objectionable features of it, a wedge that is driven by the friends of the measure, threatens any danger to the rate law. Everybody knew when the rate law was enacted that experience would discover some objectionable features. If that were not true, it would be a very extraordinary thing in the enactment of legislation of such importance. This is one defect that expe-rience has discovered, namely, that we have denied the Government the right to accept rates at less than the scheduled tariff. I think it is greatly to the interest of the Government that this amendment should be adopted, and I trust no point of order

will be insisted on against it.

Mr. McCUMBER. Mr President, the Senator asks that no point of order be insisted on so far as the amendment relates to Government property. That is my understanding. The Senator says that he can not understand how there can be any loss to be made up by the other shippers if the railroad, in carry-

ing for half price, does not carry at an absolute loss.

Mr. President, I have the right to assume, in the first place, that the railroads only carry passengers and goods for a fair and reasonable remuneration. If the law which we passed last winter is enforced at all, no railway to-day is receiving exorbitant prices, and if it can afford to carry the property of the Government for 50 per cent less than the rate at which it carries the property of private individuals, then it is charging an exorbitant price for carrying the property of the individual.

Mr. FULTON. Does not the Senator recognize the fact that when a common carrier takes the freight of the Government, amounting to a train load, as it usually does, in moving troops at least, carrying them from one point directly over its lines through to the point of discharge, not being required to stop at way stations to take on other passengers or to let off other passengers, or to take on or let off freight, it can afford to do that transportation at less than it can other transportation where it has to stop, to carry a large train crew, and to incur all the expenses that the Senator will understand are incident to it? If that is true, why not let the Government take advantage of it?

Mr. McCUMBER. The trouble is, it is not wholly true. The railroads can carry a carload of freight from New York to San Francisco just as cheaply for me as they can for the Govern-They can transport a train of cars just as cheaply for the private individual as for the Government.

Certainly they can. Mr. FULTON.

Mr. McCUMBER. I am placing my argument upon the basis of a like charge for a like character of service.

Mr. FULTON. But if the Senator will allow me-

Mr. McCUMBER. That should be the basis throughout all this controversy

Mr. FULTON. The Senator understands, however, whereas it is true that the carrier can carry a train load through for him just as cheaply as it can for the Government, there are objections to allowing preferential rates to be given to an individual, to a competitor with others engaged in business, which objections do not exist as to the Government. Does not the Senator recognize that?

Mr. McCUMBER. To a very limited extent, possibly.
Mr. FULTON. Where you carry for the Government you carry for the whole people. The Government is not in competition with anybody. But where you carry for a private individual you carry for one who is in competition with others, and you give him an opportunity to create a monopoly at the

Mr. McCUMBER. Let us see whether or not the Government is in competition. We will assume that the regular rate for Let us see whether or not the Government carrying a given amount of goods from New York to San Francisco is \$100,000. We will assume that that hundred thousand dollars is the reasonable compensation to the railways. railways carry that freight for the Government for \$50,000, then the railways have lost in profits \$50,000. If they have lost \$50,000 in profits—I do not care whether they could have carried the freight for nothing at all or not—and if they are not receiving any more profit than they ought to make from their other business, then they have to make up the difference, \$50,000, not necessarily from the whole public, but from the balance of the shippers who are shipping goods over the same

Mr. FULTON. Will the Senator stop for a moment and think of this? There are fifty-six railroad companies, several of them transcontinental lines, which are already carrying for the Government and are required to carry for the Government at 50 per cent of the regular rate.

Mr. McCUMBER. I understand that; but they are doing so for a valuable consideration. We have paid the other 50 per

Mr. FULTON. We will say it is for a valuable considera-tion; but they are doing it. The other roads can not do it under the present law, and therefore they will not do it, and they will get none of the business. But if we adopt this amendment we allow them to get business which they otherwise could not get. If we give them new business, even if they make only a small profit out of it, are we working any hardship They get something they never had before.

Mr. McCUMBER. You are working a hardship upon the other shippers. The Senator can not argue out of existence the fact that every loss has to be paid by some one. It has to be borne, if not directly then indirectly, by some one else.

Mr. FULTON. They are not doing the business at all now. Mr. McCUMBER. Those roads which the Senator says are carrying for 50 per cent have already received the other 50 per cent. They have already received it in something, which I assume, was the equivalent, and I believe was many times more than the equivalent, to the difference of 50 per cent.

Mr. FULTON. Will the Senator allow me?

Mr. McCUMBER. Certainly.

Mr. FULTON. These other roads are not now doing this business at all. The land-grant roads are required to do it for 50 per cent of the regular tariff rate. Hence these other roads can not get it. That is, where they are parallel or anywhere near parallel to the land-grant roads.

Mr. McCUMBER. Very well.
Mr. FULTON. If we allow them to do the business, the Senator surely will not contend that they will be doing it at a loss and, therefore, their patrons will have to make it up in some

Mr. McCUMBER. That argument does not appeal to me in the slightest degree. If the Government has already paid to certain roads one half of the transportation charges in a consideration which it has given to those roads, then let it use the road that gives the service for the other half. If it has already paid half to one road, there is no reason in the world why it should ship over a different road if this road can give exactly the same

service and the service that is demanded.

Outside of that proposition-and I say that is sufficient at least to justify me in holding to this point of order—there is the other proposition, and that is that the families of officers of the Army shall have free transportation over all the lines in the United States, not limited to bringing their families where the officers are compelled to serve, but without limitation to travel anywhere over any line at any time. If it is proper that when a soldier goes from one point to another his family should be taken with him, I have not the slightest objection in the world to appropriating enough to pay the transportation of his family. I have not any objection, if it is a proper thing for the soldier to take his family to the post where he is to serve, to the Government paying for moving the family there, if it can be shown to be for the best interest of the service.

Mr. SPOONER. Will the Senator permit me to call his attention to the fact that the word "free" has been stricken out? There is no provision now in the bill for free transportation.

Mr. McCUMBER. Let us suppose it is reduced transporta-Reduced transportation may mean one-tenth or threefourths or any proportion of the regular fare. It is an advantage. It is a special advantage. There is no reason in the world why the major-general, living in the city of Washington, in service here, should get transportation for his family, who want to go to San Francisco, for one-tenth the regular fare any more than there is why the Senator from Wisconsin should receive the same courtesy. There is no reason, in my opinion, why we should make a difference between one class of American citizens and another class of American citizens. practically what this provision means.

I am willing to pay proper salaries; I am willing to pay for transporting families if it is the proper thing to transport families; but I am not willing to make an official position the basis for making a distinction between the ordinary rights of American citizenship, and I think I am justified in drawing the line there. For that reason alone I should object to that portion

of the amendment.

Mr. President, there is another portion of the amendment which the Senator from Wyoming has called to my attention, commencing with the word "Provided," in line 19, and going to the end of the amendment. That is something I know nothing about. It is not really a part of this other amendment. It might as well be put-

It has no connection with it. Mr. LODGE.

Mr. McCUMBER. It has no connection whatever with the other portion. It could just as well be placed in any other part of the bill, although it commences with "Provided."

Mr. WARREN. Both of them are provisos of the main proposition and both are apropos. The point of order can be made against the first proviso down to a certain line and the other

proviso can be left in the bill.

Mr. McCUMBER. That is what I was going to say. Without knowing the necessity for the latter proviso, although I admit it is subject to the some point of order, I wish to limit my point of order to that portion of the amendment commencing in line 10 and ending with the word "rates," in line 19.

Mr. HEYBURN. I should like the privilege of interrupting

the Senator from North Dakota for a question,

Mr. McCUMBER. I yield. Mr. HEYBURN. Under the interstate-commerce act the parties who are bound by its provisions are:

Any person, corporation, or company.

Those are the terms used in each instance. Does the Senator believe that those terms include the Government of the United

States and that the Government within those terms is prohibited from making a contract that carries with it a rebate?

Mr. McCUMBER. No; I do not think so.
Mr. HEYBURN. Then, if that is true, there is no necessity for any part of this amendment, because the amendment seeks only to except the United States Government from the operation of the interstate-commerce act when, as the Senator suggests and as I believe, the Government of the United States is not included within the force or effect of those words-" any person, corporation, or company.'

Mr. BACON. As the Senator from North Dakota has indicated that he agrees with that view as to what constitutes a proper construction of the rate law, I should like to ask him if he does not think, whether the letter of the law binds the Government or does not bind it, that the Government is bound morally by the spirit of that law to observe its terms?

Mr. McCUMBER. That is just what I was going to say. believe that the same rule should apply to the Government that applies to all of the citizens, that the Government ought not to ask for special privileges from any railway company when it declares that special privileges shall not be given to private parties. I believe that the same rule should apply in one instance as in the other.

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield. Mr. HEYBURN. I rise merely to make a suggestion. If it was intended that the Government should be placed upon the same footing as persons, corporations, or companies, would it not have been entirely proper for Congress to have said so in enacting the interstate-commerce law, and should we enlarge that law by implication which itself as yet is a very new provision of law and somewhat of an experiment?

Mr. McCUMBER. We will not enlarge it by implication if we cut this out. The law will stand as it is to-day. I have no doubt myself that if the Government should ask and receive special privileges from the railways in the moving of Government property, it would not be amenable to this law as I now remember it. But I believe that it ought not to ask it. I believe whenever the Government gets an advantage in any way from the railroad companies, some one has to pay for it, and those must pay for it who are paying for like service, because by reason of the Government paying a less compensation the private individual must pay a greater compensation.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield further to the Senator from Idaho?

Mr. McCUMBER. I do. Mr. HEYBURN. I would suggest, then, that the subject under discussion should be an amendment providing that the Government should be included instead of that it should not be included, inasmuch as the Senator, I understand, agrees with the suggestion that the Government now is not included within the language of the interstate-commerce act, and that it can only be included by a construction based not upon the statute or its language, but upon what the Senator is pleased to term the "justice of the situation," and that if the amendment under discussion were attempting to enlarge the scope of the interstatecommerce act then it would be subject to the point of order. It is subject to a point of order now merely because it is a useless declaration of a thing that already exists.

Mr. McCUMBER. So far as that part of it is concerned-

Mr. HEYBURN. Yes.
Mr. McCUMBER. That part relating to the proposition that the old act shall not be considered so and so. That is true as t relates to that, but the other portions are objectionable upon

Mr. SPOONER. Mr. President, I have very great doubt whether the premise upon which the Senator from North Dakota [Mr. McCumber] based his argument is sound, and it is important for a moment to consider it. I do not know upon what theory, from the standpoint of logic, it can be contended that under the interstate-commerce law, or any other law of the kind, the Government in its operations, unless it is expressly included, is to be placed upon the same basis as the citizen. There is nothing invidious about that. The Senator from North Dakota speaks of "privileges" and "special privileges" and all that. I do not understand that it is appropriate—I use that word in the logical sense, not to criticise the Senator for its word in the logical sense, not to criticise the senator for its use—to speak of privileges conferred by Congress upon the Government in contradistinction to the citizens of the Government The Government has never been treated in its operations upon the same basis in law as the citizen.

The States and the Government of the United States enact

statutes of limitation which bind the citizen, but which do not bind the Government unless the act includes the Government. The Government enacts statutes under which suits may be brought by one citizen against another, in this court or in that court; but the Government can not be sued at all under any provision of law general in its terms and applicable to citizens unless expressly therein the Government consents to be sued.

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Certainly.
Mr. HEYBURN. I should like to make a suggestion in the nature of an inquiry. Then is it not true that as the law stands it is unnecessary to make any further provision—

Mr. SPOONER. I was coming to that.
Mr. HEYBURN. In order to allow the Government to make any contract it pleases in regard to transportation over inter-

Mr. SPOONER. No; the Government may not make any contract it chooses

Mr. HEYBURN. For its own use and purposes.

Mr. SPOONER. Because the Government is composed of an executive department, a judicial department, and a legislative department, each having its appropriate functions, and what the law shall be, so far as concerns authority to the executive department outside of the Constitution, is to be determined by the legislative department. The Congress may provide that the Government shall transport troops and munitions of war, paying therefor the same rates that are exacted under the authority of law by the railway carriers from individual shippers.

Mr. HEYBURN. Mr. President—
Mr. SPOONER. If the Senator will pardon me a moment, but I doubt very much—it is only my doubt—whether the in-terstate-commerce law, passed to secure equality among the citizens of the United States as to the transportation of passengers, and among the shippers of the United States as to the transportation of merchandise, or, using a generic term, freight, includes the Government of the United States.

Mr. HEYBURN. I would inquire of the Senator, in the nature of a suggestion, whether it is not true that the interstatecommerce law, as we have it under consideration, left the Government in exactly the same position that it was under the pre-

existing law?

Mr. SPOONER. That is the point which I was approaching, as my friend the Senator from Idaho must see. But I do not know that. Neither does the Senator. It is not a question just now what construction would be placed by the court upon the interstate-commerce law, but it is a question what is the sound public policy in relation to the transportation by the Government of troops and munitions of war; whether the Government is to be placed upon the same basis (transacting only the business of the people at the expense of the people) as the shippers of the United States transacting private business for their own profit.

Now, if there is any doubt about that in the interstate-com-

merce law and I am right in my view of public policy, it ought to be eliminated, and so far only as the military operations of the Government of the United States are concerned, the amendment ought to be regarded by unanimous consent, in my judg-

ment only, as germane to this bill. Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.
Mr. TILLMAN. Do I understand the Senator to contend that the Congress, in good morals, has the right and power to pass a law governing the transactions of shippers with the railroads, and compelling the railroads to treat all shippers alike. without discrimination, and then itself claim the right to have the railroads discriminate in its favor?

Mr. SPOONER. Probably my notion about morals is not as sensitive as that of my friend, if he will permit me to refer to him.

Mr. TILLMAN. Certainly. Mr. SPOONER. But I have not the slightest doubt about it that it is no question of morals-none at all. Whose Government is this?

Mr. TILLMAN. It is the Government of the people, we hope, although it does not seem to be run altogether in that interest

Mr. SPOONER. Oh, well, that is the Senator's notion. retically it is the Government of the people, and if it is not practically the Government of the people that is the fault of those whom the people chose to transact the people's business Mr. TILLMAN rose.

Mr. SPOONER. I yield to the Senator from South Carolina.

Mr. TILLMAN. I want to let the Senator finish that eloquent observation of his.

Mr. SPOONER. I have finished that "eloquent observation." Mr. TILLMAN. Where does the Senator get the idea that this great Government, the most wealthy in the world, we think, the most powerful in the world, should have the right to compel all of its citizens to obey a law in regard to the transaction of business, and then should get on its knees and go around and play the poor man and beg for special favors?

Mr. SPOONER. Oh, Mr. President, the Government is not some far-away, fanciful thing, apart from the people. It is a

mere agency created by the people.

Mr. TILLMAN. We do not treat the mails in that way. We hire the railroads to haul the mail every year.

Mr. SPOONER. Yes.

Mr. TILLMAN. And there is a debate on at the other end of the Capitol as to whether the Government shall reduce the rates of pay provided by law for compensation to the railroads.

Mr. SPOONER. Certainly.

Mr. TILLMAN. Now, when we come to the transportation of articles of war or munitions or soldiers, what is the difference? In what way does the Government differ from the private individual in this transaction any more than it does in the transportation of the mails?

Mr. SPOONER. In every way, Mr. President.

Mr. TILLMAN. I should like for the Senator to point it out. Mr. SPOONER. I may not be able to point it out so that the Senator will agree to it. Probably not. I only speak of what seems to me to be the truth. I may be all wrong. But, Mr. President, when the Government, in the transaction of its business, avails itself of private instrumentalities—the use of private property, services rendered by the owners of that private propfair compensation for the service which it receives, just as the Government, when it condemns your land or mine-and no matter how dear it is to us, no matter if we would not sell it to anyone else on earth, we must yield it to the Government-takes it at a just compensation, fixed according to

Mr. TILLMAN. By a jury of citizens.

Mr. SPOONER. Fixed according to law. The Senator says by a jury of citizens. This is a Government of citizens. is no function of this Government which is not rendered as the agency of citizens and for the benefit of citizens. Talk about the wealth of the United States; it is the wealth of the States. Talk about the commerce of the United States; it is the commerce of the States. What is the commerce of the United States, disregarding the States, which are the constituent elements of the Government?

Mr. BEVERIDGE. Will the Senator from Wisconsin permit

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. Might it not be true that it is the commerce of the people; not the commerce of the States?

Mr. SPOONER. That is a distinction without a difference, in my opinion.

Mr. BEVERIDGE rose.

Mr. SPOONER. I yield to the Senator. Mr. BEVERIDGE. No; I have asked my question. I want to ask the Senator another when the Senator answers it.

Mr. SPOONER. I will answer it. I can answer two at a

Mr. BEVERIDGE. I do not want to give the Senator two at a time.

Mr. SPOONER. I prefer that he should.

Mr. BEVERIDGE. I prefer that the Senator should answer my question, and then I will ask him another.

Mr. SPOONER. I will take it in installments if it pleases

the Senator better. The governments of the States are created by the people of the States. They are merely governmental The governments of the States are created agencies of the people of the States, in the last analysis, both the government of the States and the Government of the United It is the government of the people of the States and the people of the United States.

Mr. BEVERIDGE. My question of the Senator—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. If the Senator will pardon me-after he had said that the commerce of the country was the commerce of the States, my question was whether, as a matter of fact, it might not be said the commerce of the people. A State ships The people ship everything.

Mr. SPOONER. Mr. President, that is axiomatic.
Mr. BEVERIDGE. Then, if that is axiomatic—

Mr. SPOONER. If there were no people in a State there

would not be any State, and if there were no people in a State there could not be much commerce. The State government, like the Government of the United States, is a mere instrumentality of the people. When I speak of the commerce of the State I speak of the commerce of the people of the State.

Mr. BEVERIDGE. No; that is not the question. As the Senator said very directly and clearly and politely, in answer to my question, whether all that might not be said to be commerce not of the State, but of the people of the United States he answered that that was axiomatic. It answers my question fully.

Mr. SPOONER. I am glad to have one question put to me by the Senator from Indiana answered fully.

Mr. BEVERIDGE. I am glad, too.
Mr. SPOONER. The Senator is entitled to his joy. I have always done it.

Mr. President, it would be a waste of time to draw a distinction between the people of a State and the State. What constitutes a State? I will not quote the ode. It is the people. What constitutes the Government of the United States? It is

the State governments, created by the people.

When I read a speech not long ago which challenged the exercise by the States of their reserved powers and spoke about the commerce of "the United States," and how it had grown and was monitory to the States as to the manner in which they should exercise their reserved powers, it quickly came to my mind that there was no commerce, and is not much, if any, really, of the United States, but it is the commerce of the people of the States

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. SPOONER. I do. Mr. ALDRICH. I have been unfortunate enough not to hear all of the Senator's argument, but I understand-

Mr. SPOONER. I congratulate the Senator. Mr. ALDRICH. I understand he takes the position that in treating munitions of war and the transportation of munitions of war-

Mr. SPOONER. Troops.
Mr. ALDRICH. Troops and munitions of war, we should take a different position than that taken in regard to other business transactions.

Mr. SPOONER. I do. I did not say of the Government, I said the people.

Mr. ALDRICH. I am talking about the Government, because the Government in the first place deals with this question.

Mr. SPOONER. I am not talking about the Government, but as to the effect on the people eventually. The Senator and I

perhaps might not agree.

Mr. ALDRICH. I think we would. I am speaking of a transaction primarily with the Government, and the Senator says that the Government itself must treat or ought to treat the transportation of munitions and of soldiers differently from transportations or large business transactions?

Mr. SPOONER. I think Congress in legislating for the Government and the people may with perfect propriety and mo-rality treat the operations of the Government upon a different basis so far as transportation is concerned, and on different principles from that with which they treat shipments and transportation of the people, and the products of the labor of the people.

Mr. ALDRICH rose.

Mr. SPOONER. No; if the Senator will allow me a moment, he separates the Government from the people in a manner which to my mind is without justification. In this connection, what is the Government? Will the Senator from Rhode Island say that the Government is to be dissociated from the people? Is it not a mere agency of the people, of the States, which is the same thing in the sense in which I am using it, for governmental purposes.

Why, Mr. President, whose Army is this? The Senator niles. Is it the Army of an artificial entity remote from the people, to be differentiated from the people in the sense in

which the Senator seeks to do it?

For what purpose is the Army to be used, Mr. President? It is to be used for the protection of the people. Why are the mails carried? They are carried not for the benefit of the Government, but for the benefit of the people. Why are troops transported from station to station? For the benefit not of this mere governmental entity, but of the people whose agency and instrumentality it is. Now I will listen to the Senator.

Mr. ALDRICH. Does the Senator, to use a concrete illus-

tration, think that if the Government of the United States were shipping a hundred tons of steel, say, from Pittsburg to the

New York Navy-Yard, it ought to pay a different rate of transportation from what a shipbuilding company situated in New York would pay for the transportation of the same quantity of steel from Pittsburg to New York?

Mr. SPOONER. Yes; I do.

Mr. ALDRICH. It ought to pay a different rate?

Mr. SPOONER. Yes; and it is not immoral and not against public policy.

Mr. ALDRICH. I imagine it is not a question of morals. do not understand that any of this controversy is over a question of morals.

Mr. SPOONER. What is it?
Mr. ALDRICH. It is a question as to whether the Government should adhere to a principle.

Mr. SPOONER. That begs the question. What is the principle.

ciple?

Mr. ALDRICH. The principle is equal treatment before the law of every individual, of every corporation, and that the Government on the part of Congress should be treated exactly as it treats its citizens.

Mr. SPOONER. That is treating the Government as an individual, as a citizen. It is fundamental that the Government shall not stand, and it never has stood, on the same basis as the citizen.

Mr. ALDRICH. I will use another illustration, which I think the Senator himself took a part in. Up to the year 1890, for more than a century, the Government insisted that articles imported for the use of the United States should be imported free of duty. In 1890, practically by unanimous vote of Congress, we said, and I think said truthfully and properly, that when the United States imported articles for its own use it should pay the

same rate of duty that every individual had to pay throughout the country. That is an exactly parallel case, in my judgment.

Mr. SPOONER. I think it is not a parallel at all, and if it were I think the argument is not with the Senator from Rhode Island. From the foundation of the Government, he says, up to 1890 articles transported from abroad for the use

of the United States came in free.

Mr. ALDRICH. For the use of the United States Mr. SPOONER. I say for the use of the Uni I say for the use of the United States. Were the great statesmen who sat where we sit and who legislated for the Government of the United States for over ninety years so far wrong or are we wrong?' It is easy to laugh about it, but there is no argument in a sneer.

If the Government of the United States imports articles from abroad to be sold in competition with the citizen, imports articles from abroad except for the use of the people and for the benefit of the people, then there would be logic in that argument. But it does not do it.

Mr. ALDRICH. Will the Senator permit me to use another illustration?

Mr. SPOONER. I will get through with this illustration.
Mr. ALDRICH. I should like to use another.

Mr. SPOONER. I should like to get through with this illus-

I do not yield assent to the proposition that the change made in 1890 has a solid foundation in statesmanship or wisdom, although, in all human probability, following the lead of the Senator from Rhode Island and my good friend from Iowa [Mr. Allison], to whom I am greatly devoted, I voted for it.

When the Government of the United States has occasion to

use an article manufactured abroad, for whom does it use it? For whom is it imported? For some Department? No. For the Government—this mere entity which of itself, apart from the people, is nothing? For the States and the people behind It is imported for the use and benefit of all the people of the United States, and why should it be subject to duty?

Mr. ALDRICH rose.
Mr. TILLMAN. Will the Senator allow me a question?
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I yield to both Senators.
Mr. ALDRICH. I hope the Senator will permit me.

Mr. TILLMAN. I will give way to the Senator from Rhode Island.

The VICE-PRESIDENT. The Senator from Wisconsin yields to the Senator from Rhode Island.

Mr. ALDRICH. I want to use another concrete illustration.

Mr. SPOONER. Let us get through with this one.

Mr. ALDRICH. It is one of more recent date. I think the

Mr. SPOONER. No; let me answer this. What does the Senator say about this?

Mr. ALDRICH. Which one is that?
Mr. SPOONER. When an article is imported from abroad for

the use of the people of the United States by the Government, should it be dutiable?

Mr. ALDRICH. Certainly it should.

Mr. SPOONER. Why? Mr. ALDRICH. Because the tariff duties are imposed for the protection of domestic manufactures, and not for the benefit of the whole people, except in the sense that the people of the United States are interested in having the development of our manufactures

Mr. SPOONER. The Constitution of the United States for over ninety years was not so construed. The Constitution of the United States requires duties to be uniform. Yet for ninety years and over, articles of the same kind imported by citizens of the United States were subject to duty, and the same articles imported by the Government of the United States for the use of the people of the United States or their benefit came in free. Was the question as to the legality ever raised or challenged?

Mr. ALDRICH. Yes; it was, indeed, Mr. SPOONER. Was it decided?

Mr. ALDRICH. It was perhaps not decided by the courts, but it was challenged in the discussion of the question from the earliest history down to 1890.

Mr. SPOONER. It never was raised in the world except by manufacturers.

Mr. ALDRICH. The Senator is mistaken about that.

Mr. SPOONER. I do not think it was.

Mr. ALDRICH. Oh, yes; it was. If the Senator will allow

me to use right here another concrete illustration—
Mr. TILLMAN. Will the Senator from Rhode Island allow
me to get in there for just a moment?

Mr. ALDRICH. Well, I can not help it.
Mr. TILLMAN. Of course, I do not want to interfere, but the Senator from Wisconsin seems to want to answer your first question and you want to propound a second. I should like to make an observation on the first one.

Mr. ALDRICH. All right.
Mr. SPOONER. I am between the upper and the nether mill-Mr. SPOONER. stone.

Mr. TILLMAN. No; it is the right and the left. I want to ask the Senator from Wisconsin this question: What difference does it make to the Government of the United States if it charges a duty on articles which it itself uses and pays the money to itself?

Mr. SPOONER. What sense is there in it? Mr. TILLMAN. There is no sense in it. But we quit importing because the manufacturers had such a grip over us

that we could not continue to import for our own use.

Mr. SPOONER. Oh, no; we did not quit importing, but we resorted to the sham of paying the duty.

Mr. TILLMAN. Out of one pocket into the other. Mr. SPOONER. Into the other.

Mr. TILLMAN. For what purpose?

Mr. SPOONER. It was the difference I and tweedledee. That is all there is to it. It was the difference between tweedledum

Mr. ALDRICH. Now, if the Senator will allow me, I will use another illustration, which is more recent.

Mr. SPOONER. A concrete one? Mr. ALDRICH. A concrete one in which the Senator from Misconsin, I think, participated.

Mr. SPOONER. I have participated in many here probably,

and I have made mistakes.

Mr. ALDRICH. In the last session of Congress the question as to the purchase of material and machinery for the Panama Canal came up in the Senate. The War Department notified Congress that they desired to purchase dredging machines. They could purchase them in Scotland for one price. They could purchase them in the United States for a higher price, a price, perhaps, here less the duties, or in Scotland plus the "We will not permit the Government of the We said. United States to import machinery in competition with our do-mestic manufacturers free of duty." That is absolutely, as a matter of principle, the very question we are now discussing.

Mr. SPOONER. It has nothing in the world to do with it.

Mr. ALDRICH. It has everything to do with it.

Mr. SPOONER. Nothing in the world.
Mr. ALDRICH. If we are legislating for the whole people and for the benefit of the whole people, then we should import our dredging machinery, less the duties, from Scotland, because it is a benefit to the whole people. We should not impose duties upon articles imported by the Government of the United States for its use, which means the use of the whole people. It seems to me that is perfectly and clearly an analogous case.

Mr. SPOONER. That was a matter of policy in a special case. Mr. TILLMAN. Will the Senator allow me?

Mr. ALDRICH rose.

Mr. SPOONER. Perhaps it was well judged; perhaps it was not. But, Mr. President, when the Government of the United States has occasion to import armor plate, if you please, into the United States for use in the construction of one of its war ships, which is to protect our coasts, to protect the honor of our flag, which stands for all the people and the interest of all the people, I can this moment see no sort of reason why the Government should take out of one part of the Treasury the people's money to pay a duty on it and pay it back into another part of the Treasury

The VICE-PRESIDENT. Does the Senator from Wisconsin

yield to the Senator from South Carolina?

Mr. SPOONER. I yield to both Senators at once. Mr. TILLMAN. Two of us can not talk at the same time. To which one do you yield?

Mr. SPOONER. You may settle that between you.
The VICE-PRESIDENT. The Chair recognizes the Senator from South Carolina.

Mr. TILLMAN. I want to ask the Senator from Wisconsin what would be the effect of the Government getting reduced rates on its soldiers and munitions of war under this amendment, if it would not be to save some taxes of the whole people?

Mr. SPOONER. Of course, Mr. President, it would save taxes, Mr. TILLMAN. Why is not this case then analogous with the one in which we pay duty to save something for the whole people?

Mr. SPOONER. But it does not save it. We pay the duty. Mr. TILLMAN. To put it in the other pocket. If the Senator will take a hundred dollars out of one pocket and put it into the other pocket I think he will have the same hundred dollars.

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Let me state that it is a sham. Mr. SPOONER. Mr. ALDRICH. Will the Senator yield to me?

Mr. SPOONER. Yes.

Mr. ALDRICH. Does the Senator from Wisconsin think that the United States ought to import vessels and arms of all kinds and everything else which it uses free of duty?
Mr. SPOONER. Why not?

Mr. ALDRICH. Why not? That is what I ask.

If the Government of the United States can Mr. SPOONER. obtain the vessel which it wants here at home, it does it generally, because of our views of public policy. But when the time of stress comes, when we are on the verge of war, when we have occasion to use more ships than we can purchase in the United States, we buy them abroad at tremendous prices, as we did in the Spanish war.

Mr. ALDRICH.

Did we not in the Spanish war? Mr. SPOONER.

Mr. ALDRICH. Oh, no.

Mr. SPOONER. We did not. I do not mean war ships,

I do not think we bought any. Mr. ALDRICH.

If the Senator will allow me, we bought TILLMAN. Mr. war ships in the Spanish war, and we would have bought more if we could have gotten them.

Mr. SPOONER. One of the arguments against free ships has always been that it would dismantle our shipyards in the United States, and then that when war came we would be obliged to seek beyond the sea the ships which we wanted in a time of stress, when the supply was small, and when those who had them to sell could take the Government by the throat and make us pay whatever they chose to exact or not sell at all.

Mr. WARREN. As they did in the Spanish war. Mr. SPOONER. As they did in the Spanish war.

Mr. ALDRICH. Does the Senator mean to say he thinks the Government of the United States ought to buy its ships and its materials for transportation, and everything connected with the supply of articles that it buys, without observing its own laws in regard to tariff duties?

Mr. SPOONER. The Senator from Rhode Island is very artful.

Mr. ALDRICH. I am not artful at all. I am simply asking the Senator a plain question.

Mr. SPOONER. It is not a plain question. I have not argued at all for a moment that the Government of the United States ought to buy its ships abroad as a rule. I am as good a protectionist as the Senator from Rhode Island, although I have thought for some years that the tariff ought to be revised.

Mr. ALDRICH. If the Senator will allow me to put a con-

crete illustration-

Mr. SPOONER. In time of stress and danger, when we need ships and our own people can not furnish them, we are obliged to go abroad and purchase ships. But if the policy were changed and the Government of the United States bought its ships abroad or bought abroad material for all of its ships or a part of its ships, I see no reason why the Government in purchasing the ships abroad or buying the material for the ships abroad should pay duty on the material or the ships.

Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. SPOONER. Certainly.
Mr. GALLINGER. I will call the Senator's attention to the fact that not only the Government but the people of the country They can import it have free material at the present time. and get a drawback upon the duty paid.

Mr. SPOONER. I know that. That is a different thing.

The illustration which I used a few minutes Mr. ALDRICH. ago in regard to the legislation of last year about the purchases of material for use upon the canal is entirely pertinent, it seems to me, to this discussion. We could have purchased abroad dredging machinery for the Panama Canal at less price than we could have bought it in the United States. If the Senator's argument is good for anything, we ought to have imported that machinery.

Mr. SPOONER. That does not follow.

Then the Senator's argument does not hold Mr. ALDRICH. water, it seems to me.

Mr. SPOONER. That is the Senator's opinion.

Mr. ALDRICH. It may be a matter of understanding the

argument.

Mr. SPOONER. That does not follow. We have had a policy for a great many years to protect American industries by the levying of adequate duties. I have been in favor of that policy. I have always supported it. I am in favor of it now, although I think a great many of the duties are excessive and therefore detrimental because they are excessive.

Mr. ALDRICH. Does the Senator from Wisconsin think the Government ought to pay the same rates of duty that its citi-

zens pay for their purchases?

Mr. SPOONER. Not necessarily at all. That is what I do

Mr. ALDRICH. Does the Senator think we ought to pay

Mr. SPOONER. Where the Government of the United States imports articles from abroad for the use of the people of the United States I do not think there is any sense in its paying duties on them.

Mr. ALDRICH. In other words, the Senator thinks that the Senate and the Congress of the United States adopted an unwise policy in providing that the purchases for the Panama Canal should be made in the United States.

Mr. SPOONER. That does not follow.

Mr. ALDRICH. It does follow, because it is a case exactly in point. They could have bought the dredging machinery in Scotland at a much less price than they could have bought it in the United States.

But our declared policy was to buy it in Mr. SPOONER.

the United States.

Mr. TILLMAN. Mr. President-

Mr. SPOONER. If we had not decided to buy it in the United

Mr. ALDRICH. For what reason did we buy it in the United States?

Mr. SPOONER. Wait a moment. If we had decided not to buy it in the United States, but to buy it abroad, then the question would have arisen whether we should have paid duty on

its importation.

Mr. ALDRICH. We could have bought it for 30 per cent less in Scotland than in the United States; and if there had been no question of public policy otherwise involved, if it was the duty of the Government to buy where they could buy cheapest, and to get the lowest rate of transportation and everything else in connection with it, without regard to the interest or the rights of their own citizens, then we ought to have bought that dredging machinery abroad.

Mr. SPOONER. I do not say that at all, nor do I say it is the duty of the Government to buy where it can buy cheapest. only say that where the Government decides to buy abroad, there is no reason why it should pay duty on the importation of articles for governmental uses. That is all I say.

Mr. TILLMAN and Mr. ALDRICH addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I can not choose between the Senator from South Carolina and the Senator from Rhode Island.

The VICE-PRESIDENT. The Chair will recognize the Senator from South Carolina.

Mr. TILLMAN. I wanted to ask the Senator from Wisconsin if his argument in regard to this amendment was not along the line that we would save money for the whole people, the taxpayers, by getting these reduced rates?

Mr. SPOONER. Well?

Mr. TILLMAN. Did he argue that?

Mr. SPOONER. What of it?

Will the Senator say "yes" or "no?" Mr. TILLMAN.

Mr. SPOONER. Admit it.

Mr. TILLMAN. All right. Then why should we not have bought the dredges in Scotland, and thus have saved money for the whole people, who are going to pay for the canal?

Mr. SPOONER. Because of the larger policy against foreign

labor and in favor of our own labor.

Mr. TILLMAN. In other words, we want to protect the manufacturers of dredges and have the Government pay 30 per cent more than we could buy them elsewhere for; but when you come to the poor, pitiful railroads you force them to give the Government reduced rates because we are so poor!

Mr. SPOONER. I never before heard the Senator from South Carolina mourn in such an excessively pathetic way about the

poor, pitiful railroads.

Mr. TILLMAN. I was only trying to illustrate in a sarcastic way the Senator's attitude toward the railroads

Mr. SPOONER. I do not intend to be beguiled-and I have

spoken very much longer than I intended-Mr. BACON. Mr. President-

Mr. SPOONER. Excuse me for a moment. I did not intend to be beguiled into a discussion of the tariff. We have adopted, and for a great many years have adhered to, a large governmental policy which keeps, as far as we may, our own market for our own labor and for our own capital on higher grounds than the mere matter of dollars. I would never give any advan-tage in our American market to foreign capital over our own capital or to foreign labor over our own labor. But I do not agree at all, Mr. President, that the proposition for which I am contending as to this bill has any relation whatever to the larger policy of a protective tariff.

Mr. ALDRICH. Will the Senator permit me?

Mr. SPOONER. Yes.
Mr. ALDRICH. Then the Senator must have agreed to change the policy made by the McKinley Act as to Government importations from abroad.

Mr. SPOONER. I presume I did, but I do not remember it

I do not see very much sense in it. to-day.

Mr. ALDRICH. In other words, the Senator thinks that the earlier policy was better, does he?

Mr. SPOONER. The policy of protection?

Mr. ALDRICH. No; I am speaking about the policy of allowing the Government of the United States to import its articles free of duty.

Mr. SPOONER. I think if the Government of the United States wanted an article which it could not obtain here at home and imported it from abroad there is no reason why it should pay duty on it.

Mr. President-Mr. BACON.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Yes.
Mr. BACON. Mr. President, I have been reluctant to interfere in this interesting debate between Senators both of whom are ardent protectionists; and I would not now but that I suppose the colloquy is about ended, and I want to call the Senator's attention back to the direct proposition out of which this debate grew.

If I understand the proposition of the Senator, it is that it is proper that the Government should receive 50 per cent reduction in its freight rates-for instance, as provided in this amendment—upon the ground that all the people get the benefit of it. That is, as I understand, the argument of the Senator. The thing I want to suggest to the Senator is this: The basis of the argument against any discrimination between individuals in freight rates is not that there is such an indisposition to have anybody benefited by such reduction, but because, when a railroad makes a reduction in favor of one man, if it is limited to the proper return upon its investment and for its work, it must make it up by overcharging somebody else. That is the basis upon which the rate legislation proceeded. The point to which I want to call the attention of the Senator is this: Nobody will pretend that when the Interstate Commerce Commission has fixed a rate at a reasonable profit for the railroads, the railroads can carry for the Government for 50 per cent of that rate without great loss to themselves in the transaction. Now, must it not necessarily follow that, if the Government puts this burden upon the railroad, by which it is subjected to loss in the transportation of the Government's troops and munitions of war, as a consequence an excessive rate must be imposed on individuals in order to make up that loss, provided the railroad is compelled to carry at a reasonable rate.

Mr. McCUMBER. May I interrupt the Senator right there?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I have the floor by the courtesy of the Senator

from Wisconsin [Mr. Spooner].

Mr. McCUMBER. With the Senator's permission, I would ask who pays for this difference between the half rate and the The position of the Senator from Wisconsin is that the general public generally gets the benefit; but who pays the extra burden?

Mr. BACON. I was endeavoring, Mr. President-

Mr. McCUMBER. Let me ask the Senator this question: Is not the extra burden paid by everyone who ships freight over

that particular line?

Mr. BACON. That is exactly what I was endeavoring to say; and I am very much obliged to the Senator from North Dakota for stating it more plainly than I had previously stated it. I had endeavored to say-and I will repeat it if I did not make myself clear-that necessarily if railroad rates are proper rates, and the railroads are carrying only at a legitimate profit, to carry at 50 per cent of that rate must necessarily subject the railroad to loss; and in order that it may still have a proper profit that loss must be made up by an overcharge on the general public, the people generally, who ship freight over the railroad. I will not interrupt the Senator from Wisconsin further on that point, because I desired to propound a question, not to argue it.

Mr. SPOONER. Well, Mr. President, everyone in the United States and everyone in the States derives the protection which the Government is intended to afford—protection to his property, protection to his liberty, and in one way and another, some more than others, pay their proportion to the support of the Government. What the Government would pay for the transportation of the troops, and munitions of war is, as related to the general transportation of the country, a mere baga-telle—I suppose an absolutely undiscoverable fraction of the business of the railway companies. But that is not quite it. The Government uses the Army for the people as a conservator of the peace. The Army oftentimes must be quickly sent from place to place, for no private purpose ever. There is no profit in it to the Government-none in the world. Its function is a public function always.

Sometimes the Army is sent to protect interstate commerce against violent interruption, which is in the interest of all the business of the people; sometimes it is required to prevent in-terruption of the United States mail, which is in the interest of all the people. It is the furthest removed from any private function, and no one can conceive of any profit to be derived to the Government from its transportation one way or the other, treating the Government as something distinct from the people, because, in the last analysis, the people, and all the people—those who patronize or utilize the railroads and those who do not—must pay the expenses of the Government. Somewho do not—must pay the expenses of the Government. Some-times it is to carry out the guaranty of the Constitution of a republican form of government in the States, and I sometimes think that the time will come, Mr. President, when that may become a very important provision of the Constitution.

I was led into this discussion by the contention that the Government, in this matter of transportation, is on the same basis, and intended to be on the same basis by law, as the individual shippers of the country, and I arose only to call attention to the fact that the principle which moved us to the enactment of the rate law was not at all applicable, Mr. President, to the transportation of Government property.

Mr. ALDRICH. Will the Senator permit a question?
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. SPOONER. Yes.
Mr. ALDRICH. The Senator is arguing with great force that we ought to treat the Government of the United States in this matter differently from what we treat shippers generally; and that really, as I understand the argument, it makes no difference whether the Government is charged one rate or another, that it bears finally upon the whole people as much in one case as it would in the other. Is that the Senator's argument? Mr. SPOONER. Well, admit it.

Mr. ALDRICH. Why not have the Government of the United States pay the same rate as do the people of the country for the transportation of their property?

Mr. BEVERIDGE. We can not hear the Senator, and we are

very much interested in the discussion.

Mr. ALDRICH. I say, why not have the Government of the United States pay the same rate for transporting its merchandise that the private shipper has to pay?

Mr. WARREN. But we are not doing it. Mr. ALDRICH. Why not?

Mr. WARREN. Because the Government can not pay the same rates, under the law, owing to land-grant and bond-aided

railroad differences.

Mr. ALDRICH. That is on account of another consideration entirely, where certain benefits have been given which are supposed to be in law equivalent to this reduction in rates. entirely a different thing from what we are now talking

Mr. WARREN. But even then these are partial and unequal The roads that have paid in full their Government loans rates. are entitled to the same treatment from the Government as are nonpaid-up roads. The condition is that now they are debarred when in competition with other roads because, having paid the full amount of their own indebtedness, they must charge 100 cents on the dollar, while the other roads that are still delinquent and have not paid up get the advantage of the 50 per cent-that is, the road that is allowed to quote the lowest rate commands the business. Therefore the necessity for this legisla-

Mr. ALDRICH. I think it would be the part of a great government, when it had required its citizens to pay rates which are the same to all, not to regard transactions which took place a century ago, but to pay for its transportation what I would be required to pay for my transportation and what every other man in the United States would be required to pay for his transportation.

Mr. SPOONER. The object of the rate law was mainly to prevent discriminations among citizens.

Mr. ALDRICH. But why discriminate between the citizen

and the Government which imposes this limitation?
Mr. SPOONER. That begs the question. The

theory is to punish the Government for the limitation.

Mr. ALDRICH. Not to punish it at all; but after having legislated promptly and properly on this subject it seems there is no principle in it, because it only means to punish the people.

Mr. President, it was found that all over Mr. SPOONER. the country the railroad companies were charging less to large concerns in the same community than they were to smaller and weaker concerns engaged in the same business and transporting to the same market. That was, Mr. President, an infamy perpetrated by a corporation which derived its right to exist and held its franchise from the public, coupled with the power of eminent domain for the benefit of the public.

Mr. TILLMAN. Mr. President—
Mr. SPOONER. If the Senator will pardon me a moment, nothing could be worse, if the Senator and I were conducting in competition a business of the same kind in the same community, than for the railway company to give him a lesser rate for transporting carloads or train loads of his commodities to the same market than it gave me for transporting my commodities to that market.

Mr. ALDRICH. Why should not those same equitable considerations apply to the Government of the United States?

Mr. SPOONER. Because as between the Senator from Rhode Island and myself we are competitors. We are carrying on a business for profit, to make money out of it, and the Government of the United States in transporting its troops and its munitions of war is not a competitor with anyone, nor does it carry on that business for a profit.

Mr. ALDRICH. But having the power, the Senator from Wisconsin proposes that the Government of the United States shall say to the railroads of the United States: "You shall treat shippers equally, except the Government of the United States; but we intend to use our force, as the Government of the United States, to reduce your rate one-half, and that deficiency must be made up by charging the other shippers in the United States an additional rate."

Mr. SPOONER. That comes back, Mr. President, to the question with which I started, whether the Government and the individual shippers are upon the same basis or are to be considered from the same standpoint,

Mr. ALDRICH. Well, why should they not be in any court of conscience or equity of which we can conceive?

Mr. HEYBURN. If the Senator will allow me, I should like to suggest, in reply to the inquiry just made—

The VICE-PRESIDENT. Does yield to the Senator from Idaho? Does the Senator from Wisconsin

Mr. SPOONER. Oh, yes; I yield always.
Mr. HEYBURN. One answer to the question of the Senator

from Rhode Island is that the interstate-commerce law is a penal act, and the Government does not make penal acts to control its own action.

Mr. ALDRICH. Is that an equitable consideration?
Mr. HEYBURN. That is a lawful consideration, and we are a body that makes laws, and not rules of equity. clause of the interstate-commerce act, in referring to whom it shall apply, says, "the provisions of this act shall apply to any corporation or any person or persons engaged in the transportation," etc. It is a penal statute, and it is enforced only through the penal clause. How could you enforce it against the United States Government? The fines are payable to the Government. Can the Government pay a fine to itself for entering into a contract in violation of the provisions of this act?

Mr. ALDRICH. Suppose it is an equitable consideration the

Senator is trying in the courts?

Mr. HEYBURN. I am not dealing with equitable considera-With the permission of the Senator from Wisconsin, I desire to say that I opened this question by suggesting the propriety of including the Government within the provisions of the act, and I was dealing purely with the legal rights of the

Government in view of the legislation as it is and not as it might have been or should have been.

Mr. SPOONER. This question will arise, Mr. President, if the Interstate Commerce Commission shall decide that the Government in the transportation for governmental purpose of troops and munitions of war is not subject to the restrictions of the interstate-commerce law, and I shall not be surprised if

they so hold.

Now, one word further and I shall have finished. I suppose this provision is subject probably to a point of order, but I want to say this, and only this, that a Government which sends enlisted men, paid \$13 a month, for tours of duty in the Philippines, etc., and precludes them from a reduced rate of transportation for their families—and there are long periods during which they will be separated from their families and association with their families—is engaged, in my judgment, in very

Mr. McCUMBER. Mr. President, I want to answer first the last proposition of the Senator from Wisconsin, in which he says if a soldier is compelled to go to the Philippines and we do not allow him to get reduced rates for his family-in other words, if we do not amend the solemn law which we enacted last year so as to make an exception to that particular class— it is pretty small business. This is the first time, Mr. President, that I have ever known the Senator from Wisconsin to crawl under a fence when he could step over it just as easily.

Mr. SPOONER. Will the Senator allow me to ask him a

Mr. McCUMBER. Certainly.

Mr. SPOONER. Is this law any more solemn than all the other laws enacted by Congress?

Mr. McCUMBER. The point is this, Mr. President: If the Senator wants to provide that a soldier may take his family to the Philippines, why not do it by direct legislation?
Mr. SPOONER. I would vote for that.
Mr. McCUMBER. Why not simply provide funds suffi-

cient to enable him to do so? Why do we not declare in this very bill that in every case where it is proper to take his family to the place where the soldier is located the cost of the transportation shall be paid by the Government, and that will dispose of that matter?

Mr. WARREN. The Senator of course knows-

The VICE-PRESIDENT. Does the Senator from North Da-kota yield to the Senator from Wyoming?

Mr. McCUMBER. Certainly. Mr. WARREN. The Senator of course knows that a proposition of that kind would be subject to a point of order on this bill, and any one Senator could stop it.

Mr. McCUMBER. It would be no more subject to a point of

order, Mr. President, than is this provision.

Mr. WARREN. That is true; but it would be subject to the

same kind of a point of order.

Mr. McCUMBER. It would be subject to the same kind of a point of order, but I do not believe in doing indirectly by the destruction of a principle that which we can do directly without interfering with any principle.

Mr. TILLMAN. Mr. President

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I rise to a parliamentary inquiry.
The VICE-PRESIDENT. The Senator from South Carolina will state his parliamentary inquiry.

Mr. TILLMAN. It is whether there is a point of order now

pending or whether it has been withdrawn?

Mr. McCUMBER. The point of order was suspended by general consent until this matter might be argued, for the very purpose of allowing the Senator in charge of the bill to show good cause, if any he had, why the point of order should not be in-

Mr. TILLMAN. I give notice that as soon as the Senator now occupying the floor has finished I shall renew the point of

order and insist upon its being determined.

Mr. BEVERIDGE. I hope the Senator will not do that.

Other Senators want to speak.

Mr. McCUMBER. All right. I can not speak for what the Senator may do afterwards. But just now I want to say to the Senator from Wisconsin [Mr. Spooner] that his argument, so far as it relates to the transportation of Government goods, is based upon a faulty assumption in his premises, or, I should say, the incompleteness of his first premises. The Senator states, and rightfully states, that if we save \$500,000 the people get the benefit of that \$500,000, because they save that much which they would have to pay in taxation. That part is absolutely true, and that benefit goes to all the people. But the Senator leaves out the burden. He considers only the benefit to come to all the people and forgets the burden that is laid upon

a class of people.

Just right here I want to make that perfectly clear. Suppose, for instance, Mr. President, the Government transports goods from New York to Chicago over the Baltimore and Ohio Railroad, the regular rate for which would amount in a year to a million dollars. The Government now gets the benefit of a half rate and saves \$500,000. The people, of course, have saved that \$500,000, and so far no harm would be done, provided it would balance on those two propositions alone. But do we stop there? The Baltimore and Ohio Railroad Company have two accounts-a passenger account and a freight account. They expect to make that freight account pay a sufficient amount to give a fair profit and remuneration for the carrying of freight between Chicago and New York. They lose by reason of the Government cutting them down \$500,000, do they not? They absolutely lose that which they do not get. If they have not got that \$500,000, which would come to them in the natural course of business during that year, they have then lost \$500,000. They have got to make up that \$500,000, if it is a loss, and they are not already making more than they ought to make.

From what source will they make it up? Not from the whole The people doing business on the Great Northern Railroad between St. Paul and Tacoma are not concerned in the loss of the people doing business on the line of the Baltimore and Ohio between New York and Chicago. Who does make it up? The merchants who ship their goods over the Baltimore and Ohio all along the line from New York to Chicago have got to make up the difference of \$500,000. So the burden has been placed upon a locality, upon the people doing business along a certain line, that the whole country may benefit to the extent that has to be made up by their losses. I think that is a

fair statement of the proposition.

Mr. SPOONER. Will the Senator allow me to interrupt him? The VICE-PRESIDENT. Does the Senator from North Da-kota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly. Mr. SPOONER. Under the act of 1866 the Postmaster-General fixes the rates which the telegraph companies are permitted to charge for the transaction of Government business. They are about half the rates charged citizens of the United States for the transaction of their business; and every Senator has a frank which entitles him to send over the telegraph lines of the United States messages on Government business at half the rates which are charged citizens for the same number of words. Of course the citizens have to make that up, but I have never heard any complaint about that in the Senate, and I am not in favor of "drawing the line" on the enlisted men of the Army.

Mr. President-

The VICE-PRESIDENT. Does the Senator from North Da-kota yield to the Senator from Pennsylvania?

Mr. McCUMBER. I yield, Mr. President.
Mr. KNOX. I should like to add to what the Senator from
Wisconsin [Mr. Spooners] has said that in the agreement between the United States and the Pacific Cable Company, which permitted the Pacific cable to land its cable at Manila, running from San Francisco by way of Hawaii to Manila, and thence to Hongkong, there is a provision under which the Government of the United States shall have priority in the service over the lines of the Pacific cable at all times, and at a rate to be fixed

by the Postmaster-General of the United States without regard to the commercial rate.

Mr. McCUMBER. There was a special grant there, Mr. President, a special consideration, a special benefit, to be obtained from the Government of the United States.

Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. McCUMBER. Certainly.

Mr. KNOX. If the Senator will permit me just a word, there was no such grant in respect to the Pacific cable at all. There was nothing that it got from the Government of the United It started from the State of California and it landed at Hawaii and at Manila, occupying no property of the Government at all, merely making a physical contact with property which was under the dominion of the United States.

As to the act of 1866, to which the Senator from Wisconsin refers, the only privilege which a telegraph company has in respect to crossing Government territory is the right to use certain materials for the construction of foundations for telegraph poles and to build telegraph poles on Government land.

Mr. BACON. Will the Senator from North Dakota pardon

me for a moment?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. BACON. The Senator from Pennsylvania overlooked a very important concession which the telegraph companies enjoy, and that is the right to construct telegraph lines along all the post-roads of the United States, and all railroads carrying United States mails are in the same act declared to be post-

Mr. KNOX. That has exclusive reference to inland telegraph lines?

Mr. BACON. Yes.

Mr. KNOX. It has no reference at all to the Pacific cable.

Mr. BACON. Not to that. I was speaking only of inland

Mr. McCUMBER. The proposition which I made to the Senator from Wisconsin has not been answered, and, in my opinion, it can not be answered, because everyone must see that the burden would be upon the people of a particular locality. That is not equally true in the matter of the telegraph service, which is distributed over the entire United States, and possibly one line may be used as much as another. It must also be borne in mind that we have only two or three telegraph companies in the United States, and so the burden would fall practically equally over the entire country.

But, Mr. President, what I maintain is that if by giving the Government special privileges, by giving it certain benefits, any particular segregated portion of the people of the United States must pay for those benefits, then we ought not to grant them. If it is so distributed that it is general over the entire United

States, it makes not so much difference. Mr. ALDRICH rose.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Rhode Island?

Mr. McCUMBER. I yield.

Mr. ALDRICH. I was about to ask the Senator from Pennsylvania [Mr. Knox] a question-not the Senator from North Dakota.

Mr. McCUMBER. I yield to the Senator from Rhode Island. Mr. ALDRICH. The question I desire to ask the Senator from Pennsylvania is this: The difference in rates between different shippers prior to the adoption of the so-called "Elkins and I have heard some intimations that even since that time-was not so great as the difference he is now calling attention to between the rates paid by the United States and those paid by private people for the use of the cable in a private way. It was the purpose of the Elkins Act and of the act which we passed last year to equalize the charges for transportation to the shippers of the United States, and it comes with very ill grace, I think, from the Congress to ask that this great Government be treated in a different way from that in which its citizens are treated and that the rate which it shall be charged, not by suggestion, but practically by force, shall be half those charged to the people who patronize those roads, who are all the people of the United States, because they are all interested.

suggest to the Senator from Pennsylvania that the case of a cable, laid under certain conditions and restrictions imposed by the Government of the United States as to its own service. is hardly an analogous case to that which we now have under discussion, where the Government itself has enforced upon all of its citizens an equality of rates for transportation and where the Government is the first to violate this principle, and is now asking that the rates perforce shall be reduced one-half to this Government for the same kind of transportation that citizens are required to pay for in full.

Mr. TILLMAN. In accordance with my notice that I should

insist on the point of order-

Mr. BEVERIDGE. Unless the Senator from South Carolina is especially anxious to make his point of order immediately, I should like, with the Senator's courteous permission, to occupy two or three minutes. I want the point of order settled. I do not desire to speak for more than a minute or two.

Mr. TILLMAN. I will yield to that Senator, but to no other, until the point of order is determined.

Mr. BEVERIDGE. Before the Senator yields I will say—
The VICE-PRESIDENT. The Chair will recognize the Senator from South Carolina as soon as the Senator from Indiana

Mr. BEVERIDGE. I was about to say to the Senator before he yields for this purpose that what I shall say is not an argument upon the direct point of order, but on an important statement made in the course of this debate. If the Senator from South Carolina feels that he should insist upon the point of order now, all right.

Mr. TILLMAN. I am entirely willing to yield to the Senator,

in order to give him an opportunity to make the remarks he wishes to make. I do not want to be discourteous at all.

Mr. BEVERIDGE. I thank the Senator. As I said, I shall not detain the Senate more than a moment, and in that moment I shall not speak upon the point of order which has been argued, but upon a statement made, not once, but reiterated by the Senator from Wisconsin [Mr. Spooner], in the course of his remarkably brilliant debate upon this question, where he touched, not only on this point of order, but made statements of importance upon other questions—upon the tariff, upon the nature of our Government, and, in general, upon the philosophy of our constitution as a nation.

The Senator from Wisconsin in the course of his remarks said with great emphasis, as Senators will remember, that there was no such thing as commerce of the United States, that it was commerce of the States; and when I asked the Senator the question whether it might not more properly be called the commerce of the people, the Senator did correct himself for a moment, but later on returned and again said there is no such thing as commerce of the United States—that it is the commerce of the States.

Mr. President, this remark taken alone might not require either time or attention for reply, but as a part of a general-I will not say movement—but a general activity in reading into the Constitution the philosophy of the Articles of Confederation, it perhaps at least does challenge some, if not more than a moment's, attention. For, Mr. President, it is not true either in law or in fact that the commerce of this country is the commerce of the States. It is true both in law and in fact that it is the

commerce of the people.

When a merchant in the city of New York consigns his goods to a person living on the Pacific slope it is not the State of New York sending those goods to California, nor even a citizen of New York shipping those goods to a citizen of California. It is a citizen of the United States shipping those goods to another citizen of the United States; and throughout the entire 4,000 miles of its transit it is not for one single instant under the control or the jurisdiction of the States so far as commerce is concerned. It is the commerce of the country, which makes the life of the country and the strength of the nation. So when the Senator said there is no commerce except the commerce of the States it was a statement which is not correct, either as a matter of law or as a matter of fact.

Mr. President, I should have passed that with the Senator's admission that he was wrong, but later on, perhaps five minutes later, the Senator again asserted that there was no such thing as commerce of the United States. I hold in my hand a publication with which every Senator is familiar, the Monthly Summary of the Commerce and Finance of the United States. I find that all the figures are made with reference to the commerce of the nation. No importations by any citizen of this country come in through the ports of a State, so far as ports of entry are concerned. They come in through the ports of the nation. All of our foreign commerce is the commerce of the citizens, not of the State, but of the citizens of the nation. and is so treated not only in law but in fact.

And what is true of the foreign commerce of the United States. as set out in the Government's publication, issued by authority and by direction of the Congress of the United States, is true of its domestic commerce. In these pages [exhibiting] are set out not only the figures with reference to the foreign commerce of the country, but of its domestic trade as well. And it is all

treated not as the commerce of a State with another State, not even as the commerce of a citizen of Illinois with a citizen of Georgia, but as the commerce of a citizen of the United States with another citizen of the United States, utterly regardless of

Mr. President, when a thing becomes commerce and passes the lines of a State, the States, for the purposes of that commerce, absolutely cease to exist. They do not exist so far as that commerce is concerned, just as the nation does not exist so far as commerce exclusively within a State is concerned. In support of that I will read two sentences from a jurist and a judge who afterwards became one of the very greatest of the justices of the Supreme Court of the nation:

In this matter-

That is, he is speaking of the matter of commerce, which the Senator from Wisconsin says is the commerce of the States-

Says Mr. Justice Bradley in Stockton v. Baltimore and New York Railroad Company (32 Fed Rep., on p. 17)-

In this matter

That is, in commerce-

the country is one and the work to be accomplished is national, and State interests, State jealousies, and State prejudices do not require to be consulted.

I call especial attention to this last sentence, which I shall It is a sentence which rings with vigor and eloquence, as did many of the great passages from the great Chief Justice Marshall:

In matters of foreign and interstate commerce there are no States.

Mr. President, neither I nor many here who believe with me have felt it was necessary at any time during many of the assertions that have occurred during this session-during this recrudescence of the philosophy of the Articles of Confederation, this constant assertion that the States were the things that had to deal with commerce-to notice them before, because we have been busy, and the days speed by.

But finally this assertion, made so repeatedly, does command attention. But, even now, it requires no more than to quote the words of one of the most learned justices who ever sat upon the Supreme Bench of the Republic. I assert what everybody will say is a truism, but which after all is increasingly denied, that this country in matters of commerce is one country and not forty-seven countries. It is one people dealing among themselves, and not forty-seven peoples dealing with one another. They live under one flag and not under forty-seven

So, Mr. President, as a matter of fact, as proved by this volume of figures, and as a matter of law, as proved by this decision and many others, the Senator from Wisconsin, I submit, was in error when he said that the commerce of this country is the commerce not of the United States, but of the States.

Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. I will not interrupt the Senator. Mr. BEVERIDGE. Go ahead.

Mr. SPOONER. I rose to ask the Senator a question. Mr. BEVERIDGE. I yield.

Mr. SPOONER. From what decision was the Senator reading? I was out of the Chamber.
Mr. BEVERIDGE. I read from Stockton v. Baltimore and

N. Y. R. Co., 32 Federal Reporter, page 17, the opinion by Mr. Justice Bradley, who subsequently was on the bench of the Supreme Court.

Mr. SPOONER. What does it hold?

Mr. BEVERIDGE. I will read it again. It will take but a second. I will not detain the Senator from South Carolina [Mr. TILLMAN]

Mr. SPOONER. SPOONER. I am not the Senator from South Carolina. BEVERIDGE. I know; but the Senator from South Carolina is impatient to make his point of order.

Mr. SPOONER (to Mr. TILLMAN). Do you want to say something?

Mr. TILLMAN. I gave notice, when the Senator from Wisconsin was out of the Chamber, that as soon as the Senator from Indiana had finished-

Mr. BEVERIDGE. I will take but a moment.

Mr. TILLMAN. I should insist upon the point of order being ruled on. Of course I do not want the Senator from Wisconsin to be cut off from this interesting intellectual discussion that is going on between these two great constitutional lawyers.

Mr. BEVERIDGE. Mr. Justice Bradley said:

In this matter-

I was replying, if I may be permitted to observe, to the Senator from Wisconsin, to his statement, which was repeated two or three times, about as follows: "Talk about the commerce of the United States," said the Senator; "there is no such thing. It is the commerce of the States." And then, when I asked him if it might not more properly be considered the commerce of the people, he replied: "Of course that is axiomatic;" and I let it go at that. Later on the Senator returned to the charge and said: "There is no such thing as commerce of the United States." I was attempting to show that in that statement the Senator was, which is very unusual—almost unprecedented, in fact—in error. Now the Senator asks for the quotation from the decision. Mr. Justice Bradley says:

In this matter-

That is, in the matter of commerce which the Senator says is the commerce of the States-

the country is one and the work to be accomplished is national, and State interests, State jealousies, and State prejudices do not require to be consulted.

And this is the crowning sentence:

In matters of foreign and interstate commerce there are no States. Mr. SPOONER. I have no occasion whatever to quarrel, if I had the temerity to do so, with that statement made by Mr. Justice Bradley, which I think the Senator from Indiana [Mr. Beveringel has read accurately and failed to understand. Supreme Court of the United States had said before that that in regulating commerce among the States there were no State lines. That is to say, Congress could not regulate commerce among the States if it were stopped at State lines. There is such a thing as commerce among the States.

Mr. BEVERIDGE, Yes. Commerce of the people among

the States.

Mr. SPOONER. There is such a thing as commerce of the States, because the Constitution gives to Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." I have never consciously played at all upon words. The Senator from Indiana asked me to draw the distinction, from the standpoint from which I was speaking, between the States and the people. I said it was axiomatic that the foundation of the States was the people. They ordained the State governments. They could destroy

Mr. BEVERIDGE. And they ordained the National Govern-

ment.

Mr. SPOONER.

Mr. BEVERIDGE. Yes. Mr. SPOONER. Well, Mr. President, sub modo; that is academic-

Mr. BEVERIDGE. Will the Senator pardon me?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. SPOONER. Of course.

Mr. BEVERIDGE. I ask this question: Does the Senator say the people ordained the States, but that they did not ordain the Constitution of the United States?

In a way they did, and in a way they did not. Mr. SPOONER. Mr. BEVERIDGE. Will the Senator permit an interruption?

Mr. SPOONER. Certainly.
Mr. BEVERIDGE. The Constitution, in the preamble, says: We, the people," etc., "do ordain."
Mr. SPOONER. Yes.

Mr. BEVERIDGE. That Constitution was adopted at the pells by the votes of the people and not in conventions by the States.

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. That establishment of the Constitution by the people, both the preamble to the Constitution and in actual voting at the polls, is declared to have been the ordina-tion of the Constitution by the people and not the States, in those exact words by Chief Justice Marshall in Gibbons v. Ogden and again in McCulloch v. Maryland. So when the Senator says the people did ordain the government of the States and did not ordain the Government of the United States, I merely call his attention to those facts.

Mr. SPOONER. The people have ordained everything in

this country

Mr. BEVERIDGE. I am glad to hear the Senator say it.
Mr. SPOONER. They ordained the States. They created
them. They ordained, of course, the Constitution and the Federal Government. In the last analysis the whole foundation of the Government is the people.

Mr. BEVERIDGE. Yes; and very nearly in the first analysis. Mr. SPOONER. Of course the State government or the Federal Government is really an agency, an instrumentality, of the people. But the people are banded into States, and the States are technically and really the constituent elements of the Union. The States as States are represented in the Senate.

Mr. BEVERIDGE. They are.
Mr. SPOONER. Not the people. Delaware has as many
Senators in this body as has Indiana or New York.
Mr. BEVERIDGE. Will the Senator permit an interruption

I shall not interrupt him very much.

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. I not only concede but assert as strongly as the Senator can that the people ordained the States. The State rests on the people. But I ask the Senator to admit and assert as warmly as I do that the people also directly ordained the United States Constitution, and it rests directly upon them, and that is as much an agency of the people as the States are agencies of the people.

Mr. SPOONER. Yes; but an amendment to the Constitution of the United States is not submitted to the people. It is submitted to the legislatures of the States, and the relation of the people of the States to the Federal Government is conducted, in

our form of Government, through the States.

Mr. BEVERIDGE. Part of it.
Mr. SPOONER. Well, mainly. I do not know what the Senator and I are discussing. I think we agree upon everything.
Mr. BEVERIDGE. I think we are agreed upon these funda-

mental things; but I will tell the Senator what I was discuss-I was attempting to show, after the Senator had retired from the Chamber-I wish he had been here; I did not take very long

Mr. SPOONER. The Senator did not notify me that he was

Mr. BEVERIDGE. No; nor would I. I did not want to in-

terrupt the Senator during his debate. Mr. SPOONER. The Senator did.

Mr. BEVERIDGE. I asked a question, but I did not want to interrupt the thread of his argument just at that time, which was very vivid and entertaining.

Mr. SPOONER. I thank the Senator for his sarcasm.

Mr. BEVERIDGE. I say that very sincerely and very earnestly. I seldom indulge in sarcasm or anything else except I rose to say that the Senator's statement that what I mean. there is no such thing as the commerce of the United States, that it is the commerce of the States, was not accurate either as a matter of law or as a matter of fact.

Mr. SPOONER. From the standpoint of the Constitution of the United States and the clause in it which gives the Congress the power to regulate commerce, it is absolutely accurate.

Mr. BEVERIDGE. In reply to that, I will state that the Constitution says that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," and not commerce with the States, and just that distinction that is drawn between those two words—the word "of" which the Senator uses and the word "among" which the Constitution employs and I quote—is the vital distinction between the Articles of Confederation and the Constitution, so far as commerce is concerned.

Mr. SPOONER. I think I understand the history of the Con-

stitution.

Mr. TILLMAN. I desire to ask the Senator from North Dakota now if he is going to ask for a ruling on the point of order. If not, I shall ask for it.

The VICE-PRESIDENT. The Chair is ready to rule upon the point of order, if it is interposed. Does the Senator from North Dakota renew the point of order?

Mr. McCUMBER. I renew the same point of order and, of course, to that portion of the amendment which I have already designated.

The VICE-PRESIDENT. The Secretary will again report the portion of the amendment to which the point of order is addressed.

The Secretary. On page 39, beginning with line 10, where it starts "Provided further," and ending with the word "rates," in line 19.

The VICE-PRESIDENT. The Chair is clearly of opinion that the portion of the amendment to which the point of order is addressed is an effort to amend the interstate-commerce law. a general law, and is therefore repugnant to the rule which provides that no amendment which proposes general legislation shall be received to a general appropriation bill. The point of order is therefore sustained.

Mr. TILLMAN. Unless the Senator in charge of the bill can

explain-

The VICE-PRESIDENT. The question is on agreeing to the remaining portion of the amendment.

Mr. TILLMAN. I wish to call the attention of the Senator

in charge of the bill to it and to ask him to explain what is meant by it. I note here that it says, "that leaves to be absent from the Philippine Islands, other than to return to the United States" I should like to know what that means. To what part of the world would leaves to be absent, for officers, apply if it were not to come home?

Mr. WARREN. They might want to go in the other direc-

tion-to go around the world.

Mr. TILLMAN. That might be; but they would either come home by the east or the west-either through the Isthmus of Suez or across the Pacific. I want to know if this is intended to send officers on junketing tours around in Asia or somewhere It is the latter part of this amendment, from line 19, on page 39, to the top of the next page, page 40. I do not understand it, and the Senator can probably explain very clearly what is intended to be accomplished by it.

Mr. WARREN. I will be glad to do so when the Senator is

through.

Mr. TILLMAN. I am through.
Mr. WARREN. The officers of the Army are entitled to leaves of absence the same as civilian employees and others. It is for thirty days in a year. After we had placed a part of our Army in the Philippines it was perfectly obvious that an officer in the Philippines would be unable to use his leave of absence of thirty days to come home to the United States to visit his family, he being in most cases unable to take his wife and children with him. Therefore the leaves were made cumulative, so that an officer serving in a foreign place could let his leave accumulate until he might have sixty or ninety days in the course of three years, we will say. An officer to-day may be in Zamboanga, another in Manila, perhaps another in Jolo. desire leave of absence, and they are entitled to it. They are at these remote places because they have been ordered there. With the modes of transportation that we have between those points and Manila, which is the common point from which all our transports sail to the United States, it takes one, two, or three weeks to get from those lower points to Manila, and on return to get back. So a man starting from Zamboanga on leave of absence for ninety days would really get less than sixty, while the man starting from Manila would get his full time.* It is simply to equalize it.

Mr. TILLMAN. It is to equalize travel in the islands?

That is all. Mr. WARREN.

Mr. TILLMAN. From Mindanao and Luzon?

Mr. WARREN. That is all.

Now I understand it, Mr. TILLMAN.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I offer the amendment which I send forward, to be inserted at the end of the bill.

The VICE-PRESIDENT. The Senator from North Carolina proposes an amendment, which will be stated.

The Secretary. It is proposed to insert at the end of the

That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County.

That to pay for the construction, erection, and completion of said statue, and the preparation of a site for the same, the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed free of cost to the United States, and there shall be provided for the public use an open highway thereto.

Mr. GALLINGER. Mr. President, I rose to suggest that if that amendment is a serious amendment, I have one to offer on behalf of the erection of a statue to General Stark. hend the Senator does not seriously think that that amendment will go in the bill.

Mr. OVERMAN. If the Senator objects to it, it will not,

I suppose.

Mr. GALLINGER. I make the point of order against it, Mr. President.

Mr. OVERMAN. It is an amendment that passed the Senate in the form of a bill. The bill was introduced by the Senator from Rhode Island [Mr. Wetmore], and was reported here, and passed the Senate. It was before the committee, and the committee made no objection to it, and said they would make no objection if I introduced it here.

Mr. GALLINGER. I will say to the Senator that a bill for the erection of a statue to General Stark on the banks of the Merrimac, in New Hampshire, has passed the Senate three times.

The VICE-PRESIDENT. The Chair is of opinion that the

proposed amendment is out of order and therefore sustains the point of order.

Mr. DICK. I desire to offer an amendment, to come in on page 52 of the bill, after line 10.

The Secretary. On page 52, after line 10, insert:

For marking the places where American soldiers fell and were temporarily interred in Cuba and China, \$4,000, said sum to be immediately available.

The amendment was agreed to.

Mr. FOSTER. I offer an amendment to come in at the end of the bill.

The Secretary. It is proposed to add at the end of the bill the following:

That the sum of \$25,000 be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans in the war of 1812, said monument to be completed under the direction and approval of the Secretary of War: Provided, That the State of Louisiana shall cede and transfer its jurisdiction to the property on which said monument is to be completed in accordance with the provisions of act No. 41 of the legislature of that State, approved July 19, 1902: Provided further, That when said monument is completed the responsibility of maintaining the same and keeping the grounds surrounding it shall remain with the United Daughters of 1776 and 1812, free of any expense or responsibility on the part of the Government of the United States.

The VICE-PRESIDENT. The question is on agreeing to the

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was agreed to.

Mr. DICK. On page 21, after line 7, I move to insert what send to the desk.

The Secretary. After line 7 on page 21 it is proposed to in-

On and after July 1, 1907, the minimum pay of all officers, non-commissioned officers, and enlisted men of the Army be, and the same is hereby, increased 20 per cent over and above that now provided by law: Provided, That section 1267, Revised Statutes, be, and the same is hereby, repealed, and for the payment of such increase \$5,504,833.84 is hereby appropriated.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. HALE. Mr. President, it is not, I suppose, to any Senator an agreeable thing to interpose a point of order to an amendment that affects so many worthy people and which would carry to so many people and to so many households additional income and additional comfort. But we ought not, on an appropriation bill, without discussion and without deliberation, to consent to an amendment of this kind. If the amendment should pass without a point of order being made, I should certainly feel constrained to put the Navy and all other branches of the Government that are military or quasi military upon the same basis, to say nothing of the civilian branches. The Revenue Marine Service, the Life-Saving Service, the men who are leading lives that are in peril every hour of the day, ought not to be left out. I think the Senate ought not to adopt a measure of this kind without full consideration.

I understand that the Senator from North Dakota [Mr.

MCCUMBER] has introduced a bill which has been referred to some proper committee, providing for an investigation and a report as to the branches of the Government to be affected by a rearrangement of salaries. Whenever this is done, the Army ought not to be selected as the one beneficiary, nor the Navy, nor the Revenue Marine, nor the Life-Saving Service, nor the

postal service, nor any one branch,

Under this consideration, Mr. President, while it is not, as I have said, an agreeable thing to do, I am constrained to make the point of order that the amendment is, under Rule XVI, an amendment increasing an appropriation, not estimated for, and

not reported by any committee.

Mr. DICK. Mr. President, it certainly was not expected when the amendment was offered to the Senate that a vote would be had upon it without a full and fair discussion of the question as to whether the conditions merited this increase of pay to the Army. Certainly, it is utterly impossible to submit an amend-ment to the bill which will affect alike the Navy and other branches of the service. I quite agree with the Senator from Maine that if the increase is made in the Army pay the same increase ought finally to obtain and apply in other branches of the Government.

The increase is not a large percentage, being 20 per cent, over pay that was fixed over thirty-six years ago, the last Army pay having been fixed by Congressional action in July, 1870. It is well understood by Senators that the increased cost of living in that period is much greater than the proposed increase of pay would cover. It is also generally understood that there is better pay and higher pay in every line of occupation, in every branch of every profession, in this country than obtained in 1870.

The Senate is also familiar with the fact that largely increased expenses are entailed by reason of new conditions

which have obtained since the war with Spain in 1898. Frequent and unexpected transfers are made to various posts not only within the country, but in the island possessions, until it is a well-understood fact among Army officers and those who have interested themselves sufficiently to make inquiry into the matter that only the higher grades in Army service secure more than is fairly sufficient to meet the absolutely necessary expenses, if quite that,

Service in the Tropics has added to the expense not only as to clothing and uniform, but as to the cost of living and the cost of the education of the children of officers. Then there are increased premiums of insurance and other items which go to make up the total cost of living and increase it beyond the

point at any earlier period.

This increase of pay ought to work a much better class of enlistments than we have been able to get under the low pay which now obtains. I have no doubt if adopted the percentage of desertions, which are already very large, 7 per cent during the last year, I am informed, and which is a percentage above that which obtained before, would be greatly reduced, in that it would offer an inducement for the retention of men in the service who are desirable as soldiers and who by reason of the greater contentment resulting from increased pay would feel an inclination to continue their service in the Army.

The amendment applies alike to officers and to enlisted men. It is so late in the session that I assume it would be a very difficult task to make a readjustment on equalization of pay. am not sure that it is fairly equalized; I am not sure but that it is fairly equalized. It is fair to presume that in the adjustment of pay during all the legislation which has obtained in more than a century of time in the creation and development of our Army conditions have been understood and reasons sufficient have been given or presented which make the pay of the highest officers seem to us more than adequate, when perhaps it is not. I think it is universally conceded that the pay of enlisted men is too low, and that of all the lower grades of noncommissioned and commissioned officers the pay is too low. I would rather that some few of the highly paid officers should receive perhaps even more than might seem to all a sufficiency than that those of the lower grades should not receive what is fairly just and their merited due.

We are spending a great deal of money in many branches of the service, and I know of no appropriation which pays better for the security and the insurance to life and property than that which is appropriated for the common defense of the country and the enforcement of the nation's laws. Nor do I begrudge any soldier his pay, however much it may be, so long as he performs that service honorably, loyally, and patriotically. I shall regret very much, Mr. President, if we may not at the

end of the discussion of this proposition secure consent to have this question voted upon by the Senate and a fair test of its

strength made possible here.

Mr. WARREN. Mr. President, I think I appreciate the feelings of my good friend from Maine [Mr. HALE] in performing what he considers are his duties here, as he always unquestionably does even when such duty may be repugnant to generous impulses.

The VICE-PRESIDENT. The Chair is prepared to rule upon

the point of order.

Mr. WARREN. I would prefer to have a moment before the Chair makes the ruling if the point of order is not pressed.

The VICE-PRESIDENT. Does the Senator from Maine with-

hold his point of order?

Mr. WARREN. Will the Senator withhold it for a moment?

Mr. HALE. Certainly; I withhold the point of order. The VICE-PRESIDENT. The Senator from Wyoming will proceed.

Mr. WARREN. We recognize that the Senator from Maine is a senior on this side of the Chamber; that he is a veteran in all legislative matters, especially in matters of appropriations. He naturally guards jealously the rights of the Senate, the conditions of each appropriation bill, and, putting the matter upon strictly parliamentary grounds, I must confess that perhaps I erred in not immediately making a point of order.

We all understand that a question of this kind is a large one to put on at a late hour in an appropriation bill; that we should have time for debate. But the equities in the case appealed to me so strongly that I wished some expression of opinion upon

it, and so refrained from making a point of order.

It is true that there are those other than Army people who need an advance in salary. I have listened with interest to the debate on one of the angles, if I may call it an angle, of the difficult questions we have had up in debate the last day or two in connection with this bill, where expressions have been brought out by nearly all the Senators who have referred to it,

and it seems to be unanimously admitted that certain men, if not all, in the Army are underpaid. I did not plainly hear the reading of the terms, but as I understood the amendment, it covers not only the Army, but the Navy and the Marine Corps,

which is a part of the Navy, and the Revenue-Cutter Service.

Now, as to the Army itself, we have in the past decade indirectly cut down the salaries of officers and men. Formerly the Army was moved less frequently, it was moved short distances, and the expenses incident to such removals were very slight. We had a style and supply of uniform that cost about one-third, in the first place, and not much more than one-half in annual expense of what the uniform of the officers costs them They have suffered the same as have all the employees, by the rise of the commodities of life that they have had to purchase.

Mr. President, if we were all of the same opinion and there were no objections, we would waive the point of order and consent to this increase.

But I can not contend, and am not going to contend for a moment that a point of order can not be made, or, indeed, from a parliamentary standpoint that it ought not to be made.

But I want to make an appeal to the Senate. I believe I have a right to expect the Senator who makes the point of order to be willing to admit that this is a pressing question, and one that must very soon come up and be treated with, and I hope liberally. As to the sum total of cost, possibly in the way of information, we ought to have something of record, and unless there is objection I will ask that this paper which I send to the desk may be inserted in the Record, so as to show what the cost will be to the United States if the increase is made. It is not as large as many people think.
The VICE-PRESIDENT. Without

Without objection, the matter will

be inserted in the RECORD.

The matter referred to is as follows:

Increase required to pay 20 per cent additional to Army, Navy, and Marine Corps, as proposed by the Capron bill:

Army Navy and Mari Revenue-Cutter	\$5, 667, 260, 29 2, 294, 721, 00 121, 155, 50

Total _____ 8, 083, 136, 79

NAVY DEPARTMENT,
Washington, January 29, 1907.

DEAR SIR: In compliance with the request contained in your letter of the 23d instant, addressed to the Paymaster-General of the Navy, I inclose herewith an estimate prepared by that officer showing the amount of money that will be required for the proposed increased pay for the Navy and Marine Corps under the provisions of H. R. 21400.

Very truly, yours,

V. H. METCALF, Secretary.

Hon. A. B. Capron, House of Representatives.

ESTIMATED INCREASE TO PAY OF NAVY AND OF MARINE CORPS CARRIED BY CAPRON BILL, \$2,294,721.

Pay of officers on active list (includes pay clerks, mates,

and warrant officers). 983 midshipmen under instruction Extra pay of 168 retired officers performing active duty	98 300
Total increase for the Navy	1, 875, 558
Pay of officers of the Marine Corps20 per cent increase enlisted men Marine Corps	118, 752 300, 411
Total increase for Marine Corps	419, 163
Total pay of the Navy for current year (Book of Estimates) _ The above increase for Navy	23, 643, 117 1, 875, 558
Total pay of the Navy as increased by Capron bill	25, 518, 675
Total pay of Marine Corps for current year (Book of Esti-	2 268 986

The above increase for Marine Corps___ 419, 163

Total pay of Marine Corps as increased by Capron bill 3, 688, 149

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, January 24, 1997.

Hon. A. B. Capron, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Sir: Replying to your letter of the 23d instant requesting to be furnished with a statement showing the amount of money that will be required for the increase of pay contemplated in H. R. 21400 as it affects the Revenue-Cutter Service, I have the honor to state the same to be as follows: \$121,155.50.

I suggest a few changes in the wording of the bill. "Revenue-Marine Service" should be changed to "Revenue-Cutter Service" in the title and in line 5, page 1, and in line 19, page 3. These changes will comply with the law in respect to the proper designation of the Service.

In line 13, page 3, after the word "Academy," there should be inserted "and cadets of the line of the Revenue-Cutter Service."

In line 13, page 3, after the word "Academy," there should be inserted "and cadets of the line of the Revenue-Cutter Service." Our

cadets now receive the same compensation as cadets of the Military

Academy.

In line 15, page 3, after the word "clerks," there should be inserted "of the Navy: "so that the provision will have no reference to these officers in the Revenue-Cutter Service, who are not of the same rank as warrant officers and mates of the Navy. I return the bill containing the changes I have suggested.

Respectfully,

J. B. REYNOLDS,

Acting Secretary

Acting Secretary.

WAR DEPARTMENT. OFFICE OF THE PAYMASTER-GENERAL, Washington, January 28, 1907.

Hon. A. B. Capron, House of Representatives.

Sir: In reply to your request of the 23d instant, I have the honor to inclose herewith an estimate in detail, showing that \$5,667,260.29 will be the additional amount of money required for the proposed 20 per cent increase in the pay of the Army under bill introduced by you December 6, 1906 (H. R. 21400), to regulate and equalize the pay of officers of the Army, Navy, Marine Corps, and the Revenue-Marine Service.

C. C. SNEFEN.

Respectfully,

Paymaster-General, United States Army.

	Present pay of the Army.	Proposed in- crease of 20 per cent under H. R. 21400, 59th Congress, 2d session.	Amount required for pay of the Army, including 20 per cent increase.
Line officers	\$5,368,100.00 1,075,000.00	\$1,073,620.00 215,000.00	\$6, 441, 720.00 1, 290, 000.00
Enlisted men: Line	9, 424, 442. 25	1,881,888.45	11, 309, 330, 70
Longevity of	1, 200, 000.00	240,000,00	1, 440, 000, 00
Engineers	269, 604. 00 33, 000. 00	53, 920, 80 6, 600, 00	323, 524, 80 39, 600, 00
Longevity of Ordnance Longevity of Quartermasters Longevity of	174, 372.00	34, 874, 40	209, 246, 40
Longevity of	46,000.00 81,600.00	9, 200, 00 16, 320, 00	55, 200. 00
Longevity of	15,000.00	3,000.00	18,000.00
	01,000.00	16, 320.00	97, 920, 00
Longevity of Electricians A. C Longevity of	16,000.00 63,300.00	3, 200, 00 12, 660, 00	19, 200. 00
Longevity of	6,000.00	1,200.00	7, 200, 00
Signal	344, 448. 00	1,200.00 68,889.60	413, 337, 60
Longevity of	28, 000, 00 783, 360, 00	5, 600. 00 156, 672. 00	940 032 00
Longevity ofry increase:	87, 000, 00	17, 400. 00	39, 600, 00 209, 246, 40 55, 200, 00 97, 920, 00 18, 000, 00 97, 920, 00 75, 960, 00 7, 200, 00 413, 337, 60 33, 600, 00 940, 032, 00 104, 400, 00
Officers	188, 100. 00 73, 730. 00	37, 620. 00 14, 746, 00	225, 720. 00 88, 476, 00
sted men	909, 204, 00	14,746.00 181,840.80	225, 720, 00 88, 476, 00 1,091, 044, 89 91, 800, 00 63, 600, 00 19, 200, 00 465, 360, 00 108, 000, 00 229, 200, 00 45, 000, 00 268, 200, 00 70, 800, 00 125, 400, 00
Corps officers	76, 500. 00 24, 000. 00	15, 300.00	91, 800. 00
Longevity of ector-General's Department.	50, 500. 00	4, 800. 00 10, 100. 00	6J, 600, 00
ongevity of	16,000.00	3, 200.00	19, 200. 00
s of Engineers, engineers	387, 800, 00 90, 000, 00	77, 560. 00 18, 000. 00	465, 360, 00
ance Department	191,000.00	38, 200.00	229, 200, 00
ongevity oftermaster's Department	37,500.00	7,500.00	45,000.00
ongevity of	223, 500. 00 59, 000. 00	38, 200. 00 7, 500. 00 44, 700. 00 11, 800. 00	70, 800, 00
tence Department	a 104, 500.00	20,900.00	125, 400. 00 33, 600. 00
evity of	28, 000. 00 679, 000. 00	5, 600, 00 128, 800, 00	33, 600, 00 814, 800, 00
gevity of	92,000.00	18, 400. 00	110, 400, 00
al Department	128,000.00	25, 600.00	153, 600. 00
dvocate Department	26, 000, 00 40, 000, 00	5, 200. 00 8, 000. 00	110, 400, 00 153, 600, 00 31, 200, 00 48, 000, 00
gevity of	7,000.00	1,400.00	8, 400.00
orps	5, 500. 00 94, 800. 00	1,400.00 1,100.00 18,960.00	8, 400.00 6, 600.00 113, 760.00
evity of	19,000.00	3,800.00	22, 830. 00
Miscellaneous.			
red officers Longevity of red enlisted men lign service:	2,300,000.00 392,000.00 900,000.00	460, 000. 00 78, 400. 00 180, 000. 00	2,760,000.00 470,400.00 1,080,000.00
Enlisted men	575, 000. 00 210, 000. 00	115,000.00 42,000.00	690, 000, 00 252, 000, 00
Porto Rico Regiment.			7.00
ers	47, 800.00	9,560.00	57, 360, 00
ngevity of	6,500.00	1,300.00 18,960.00	7,800.00
menevity of	94, 800, 00 15, 000, 00	18,960.00	7, 800. 00 113, 760. 00
hilippine Scouts.	10,000.00	3,000.00	18,000.00
s	178, 300. 00	35, 660.00	213, 960. 00
ongevity ofted men	34, 720. 00	6, 944, 00	41, 664. 00 596, 557. 44
narians	297, 131. 20 58, 500. 00	99, 426, 24 11, 700, 00	70, 200, 00
ngevity of	6,000.00	1,200.00	70, 200, 00 7, 200, 00
Military Academy.			
fessors, chaplain, and master	27, 500, 00	5,500.00	33 000 00
Longevity of	9,800.00	1,960.00	33, 000. 00 11, 760. 00
etsd	240, 000, 00 12, 360, 00	48,000.00	11,760.00 288,000.00
ngevity of	1,800.00	2,472.00 360.00	14, 832, 00 2, 160, 00
his item in present appropriati ase.	on act is \$132,00	0, but \$27,500 is	not subject to

	Present pay of the Army.	Proposed in- crease of 20 per cent under H. R. 21400, 59th Congress, 2d session,	Amount required for pay of the Army, including 20 per cent increase.
Field musicians	\$4,020.00 250.00 32,268.00 11,284.00 16,368.00 2,180.00 12,360.00 1,500.00 1,400.00	\$804.00 50.00 6, 453.60 2, 256.80 3, 273.60 436.00 2, 472.00 300.00 280.00	\$4, 824. 00 300. 00 38, 721. 60 13, 540. 80 19, 641. 60 2, 616. 00 14, 832. 00 1, 800. 00
Total	28, 336, 301. 45	5, 667, 260. 29	34, 003, 561. 74

Mr. SCOTT. Mr. President, I ask the Senator from Maine to bear with me a moment with his point of order.

Mr. HALE. I yield to the Senator from West Virginia. Mr. SCOTT. Mr. President, I am sure the Senator from Maine [Mr. Hale] is very gallant, and he will remember that a very prominent general notified the country and the officers of the Army that he did not believe it was advisable for a lieutenant to marry. I am very sure we have plenty of very sweet American girls who would be delighted to marry some of these young men with the beautiful uniform, brass buttons, and Yet these young men feel too poor; and when they have been admonished by the Department that they should not marry until they have sufficient means of their own, they go on and become confirmed bachelors, and we lose a number of established good homes and some of our best American girls lose good husbands.

Mr. President, we all admit that the salary is inadequate. Only this last week I had two young men-one from my own State—asking my advice about resigning from the Army. was offered much better pay by the company which is putting a tunnel under the city of New York. He told me that it would be seven years and a half before he could possibly hope to be a first lieutenant, and that his pay would be much better in the employment of a company outside of the Army.

Now, if the Senator will stop to think a moment, will it not lead eventually to our getting a lower class of men to attend the academies? Young men who have the snap and the brains will conclude that they can go into other schools and acquire an education and immediately step into civil employment that will pay them much better than the salary of officers

Mr. President, if I had my way in this matter, I certainly would vote a greater increase than 20 per cent, because it has been shown that the difference between the conditions of life now and in 1872, when the wages were established, is enormous.

I can hope nothing from this talk unless I could persuade my genial friend from Maine, in consideration of my first suggestion, which, I think, is one that would appeal most to him, to withdraw his objection and let us increase the salaries of these

withdraw his objection and let us increase the salaries of these young lieutenants so as to enable them to marry.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. CULBERSON. I wish to make an inquiry of the Senator from Wyoming.

Mr. HALE. I yield to the Senator from Texas.
Mr. CULBERSON. The amendment proposed by the Senator from Ohio [Mr. Dick] carries with it an appropriation of I was called out of the Chamber while the Senator from Wyoming [Mr. WARREN] was speaking upon that point, but as I came in he sent to the desk some manuscript containing an estimate of the increase that would be made necessary by the adoption of the amendment of the Senator from I should be glad if the Senator from Wyoming would state what is the aggregate amount as shown by the paper he sent to the desk.

Mr. WARREN. Mr. President, there was some confusion, and I do not know that I caught the exact language of the amendment, and do not know whether the amendment carries an exact appropriation in dollars and cents.

Mr. DICK. It does.

Mr. WARREN. What is the amount? Mr. CULBERSON. It is \$5,504,853.84.

Mr. DICK. It only applies to the Army. Mr. WARREN. And confines it to the Army?

Mr. DICK. Yes.
Mr. WARREN. The figures I sent to the desk may be read if desired. The amount, including the Army, the Navy, the Marine Corps, and the Revenue-Cutter Service, is but a little

over \$8,000,000; but I assume that the figures in the amendment are correct as regards the Army alone.

Mr. CULBERSON. Undoubtedly that is true; but I supposed the Senator from Wyoming in the statement sent to the desk had segregated the Army from the Navy.

Mr. WARREN. Yes. I have no figures before me, but if the Senator wishes they might be read from the desk.

Mr. CULBERSON. I shall not stop for that. I merely want to get in the neighborhood of what is necessary to provide for this increase.

Mr. DICK. The amount is stated in my amendment, I will say to the Senator.

Mr. CULBERSON. On what does the Senator from Ohio base his amendment in that respect—upon the report of the War Department?

Mr. DICK. Yes, sir.

Mr. BACON. I should like to have the Senator from Maine [Mr. Hale], as I did not catch all of his remarks, state whether he intends to suggest to the Senate that we should not proceed with this proposed increase because of the fact that there is not now time to estimate as to the other branches of the service, or whether he intends to be understood that he does not think there ought to be, either now or in the near future, any increase

in any branch of the service.

Mr. HALE. Well, Mr. President, I did not rush in with this

point of order.

Mr. BACON. The Senator does not ordinarily rush into anything.

Mr. HALE. No; I hope not. I waited until the Chair was just putting the question whether we should adopt this amendment. It is clearly subject to the provisions of Rule XVI, and I did not consider when I made the point of order under that rule that it was necessary or that it would be anything but an intrusion for me to state whether, in my opinion, this increase ought to be here in an appropriation bill. I think if I had put it upon that ground it would have been an intrusion. I make the point simply upon the rule, and I think the amendment is clearly subject to the point of order.

Mr. BACON. I understood the Senator to say in the portion of his remarks which I heard that if this increase were granted it would be nothing but just and proper to grant a corresponding increase in the other branches of the service, to wit, the Navy, the Marine Corps, the Revenue-Cutter Service, etc. That is what prompted the inquiry from me to know whether the Senator, in whose judgment we all have the greatest confidence, in view of the fact not only of his position upon the Appropriations Committee, but he being at the head of the Naval Committee-to know whether, in the judgment of the Senator, there should be no increase in the present or in the near future, or whether the Senator is simply of the opinion that the time is not now convenient to estimate and make provision as to the other branches of the service, and therefore there should not be a discrimination made as to this.

I am prompted also to seek to make inquiry of the Senator by the fact that we do not seem to have hesitated, when other increases were proposed for the different branches of the service. to make the increase in view of the fact that at that time there was no provision or contemplation of increase in other branches of the service.

Mr. HALE. Well, Mr. President, I will consider that question when we have the bills before us.

Mr. BACON. I am very sorry not to have the Senator's suggestion in that regard now, but I hope we shall have it very

Mr. HALE. I shall not disregard it when such a bill is properly before the Senate.

Mr. MALLORY. I should like to ask the Senator from Ohio [Mr. Dick] a question.

The VICE-PRESIDENT. Does the Senator from Maine yield

to the Senator from Florida?

Mr. HALE. Well, I will yield if the Senator is one of those Senators who wants to put himself on record with the Army people as in favor of their increase. I do not want to shut out any Senator who seeks the opportunity of letting the Army know that he is in favor of their increase, and if the Senator rises for that purpose, I will yield.

Mr. MALLORY. Mr. President, I have not asked permission to interrupt for that purpose at all. The Senator from Maine misconstrues my object if that is what he wishes to imply. I wish to ask the Senator from Ohio a question based upon the answer he made a while ago, to the effect that he got his in-formation from a report. I should like to inquire where that report came from and whether it was an estimate made by the Department?

Mr. DICK. It could not be termed an estimate made by the

Department, but it was an estimate made, I will say, based upon a computation of the pay now received by the Army.

Mr. WARREN. May I ask, did it not come as an answer to an inquiry directed to the Paymaster-General from some one in

the other House who desired that information?

Mr. DICK. Yes, sir; it came in that way.

Mr. WARREN. It was not a Department matter, except in response to an inquiry from the introducer of the bill in the

A bill was introduced in the House of Representatives and a like bill was introduced in the Senate to increase the pay of the Army, the Navy, the Marine Corps, and the Revenue-Cutter Service 20 per cent. The author of the bill in the other House wrote to the Department for estimates, which were forwarded, and the figures sent to the desk were the same as those received in response to the inquiry of the gentleman who introduced the bill in the House of Representatives.

Mr. MALLORY. Did the response, in answer to that inquiry, contain any recommendation?

Mr. DICK. Yes, sir; there were also recommendations that came from the Department.

Mr. MALLORY. That that should be done?

Mr. DICK. In each instance it was recommended that it should be done

Mr. MALLORY. Then I submit, if that is the case, if there was an estimate and a recommendation, the amendment is not subject to the point of order.

The VICE-PRESIDENT. Rule XVI provides, among other things, that-

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The Chair is of the opinion that the point of order is well taken, and sustains the point of order, the proposed amendment being in contravention of the rule just cited.

Mr. OVERMAN. Mr. President, the Senator from New Hampshire [Mr. Gallinger] having kindly withdrawn his objection, I desire to reoffer the amendment which I heretofore offered.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. At the end of the bill it is proposed to insert the following:

That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Gullford Court House, in Gullford County, N. C.

That to pay for the construction, erection, and completion of said statue and the preparation of a site for the same the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

That the site for said statue, within the limits of said battlefield of Gullford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed free of cost to the United States, and there shall be provided for the public use an open highway thereto.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, the Senator from North Carolina [Mr. Overman] suggested to me that, at a time when I was absent from the Chamber, an amendment for the erection of a statue had been inserted in the bill, and he appealed to me to withdraw the point of order, which I did; but, Mr. President,

I desire to offer an amendment to that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire [Mr. Gallinger] to the amendment of the Senator from North Carolina [Mr. Overman] will be stated.

The Secretary. It is proposed to amend the amendment by adding thereto the following:

adding thereto the following:

That the sum of \$40,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of an equestrian statue of Maj. Gen. John Stark within the limits of the city of Manchester, N. H., and for the proper preparation, grading, and inclosing of the lot and foundation upon which said statue shall be erected, which sum shall be expended under the direction of the Secretary of War or such officer as he may designate: Provided, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and upon the requisition of the Secretary of War: And provided further, That no part of the money hereby appropriated shall be so expended until a design for said statue shall be accepted by the Secretary of War and the Joint Committee on the Library, and until a suitable lot of land in said Manchester for the erection of said statue shall be conveyed, with all the right, title, and interest therein of the owner thereof, to the United States, and the deed duly recorded, and the city of Manchester shall have provided for public use an open highway or other satisfactory means of access thereto. public thereto.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. Gallin-

GER] to the amendment of the Senator from North Carolina [Mr.

Mr. CULBERSON. Mr. President, I should like to ask the Senator from New Hampshire what is the reason for this ex-

\$15,000 and the other is \$40,000.

Mr. GALLINGER. The difference is that this provides for an equestrian statue, I will say to the Senator, which I think is more expensive than the other.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, I ask if this is the proper time to interpose a point of order?

The VICE-PRESIDENT. Is it to an amendment that has already been agreed to? The bill is not yet in the Senate.

Mr. CLAPP. I thank the Chair.
The VICE-PRESIDENT. If it is desired that the amendment shall be reserved, it may be done, and the Senate can act upon the other amendments.

Mr. CLAPP. I call attention to the amendment on page 17, line 10. This amendment provides that a clerk in no way connected with the Army, except that he may be a clerk in the paymaster's department, after thirty-five years of faithful service may be nominated for the office of first lieutenant. It seems to me that that is subject to the suggestion that it is general legislation. The difficulty about it is that it involves a question which the country and Congress are considering more or less, and have got to consider—the question of a civil pension list. I do not believe that this is the time or the place to establish a precedent in the matter of a civil pension list. So I make the point of order against the amendment.

Will the Senator withhold the point of order Mr. WARREN. for a moment?

Mr. CLAPP. Certainly. Mr. WARREN. Was the Senator in the Chamber when this matter was discussed the other day?

Mr. CLAPP.

CLAPP. No, sir. WARREN. If the Senator had been in the Chamber when this was under discussion, I do not believe that he would have raised the point of order. This is not, as the Senator thinks, the establishment of a civil pension roll. We have a few men employed in the Army as paymasters' clerks. They occupy a position entirely different from that of any other employee or officer. The are to all intents and purposes commissioned officers, but they have no commissions. They have been treated largely as such in the matter of the requirements demanded of them, etc. Many of our most useful paymasters came from the corps of paymasters' clerks. Formerly, and until law forbade it, paymasters could be appointed from civil life; and it was usually the pleasure of the President to appoint and of the Senate to confirm largely from these well-tried men, and they are to-day among the best paymasters in the Army. Paymaster Towar, who stands next to the top and would be the Paymaster-General to-day except for his courtesy in standing aside for an older man, also Muhlenberg, and others came from the corps of paymasters' clerks.

A paymaster's clerk is under bond; he serves at different points all over the country, and he is in reality a paymaster a good deal of the time. If he has served as long as thirty-five years he ought to have some of the advantages that are accorded everyone else in the Army who is called upon to perform anything like the duties he performs and to travel all over the country as he does. As it is now, he is not entitled to a pension; he is not entitled even to a burial in one of the cemeteries of the Government. He is not entitled after long service to the privileges of the Soldiers' Homes. He is entitled to nothing; while the enlisted men on the one side and those who hold commissions on the other are all provided for.

It seems to me that we are pretty safe when we take a man who has been able for thirty-five years to so perform his duties as to meet the approbation of all his superiors, and say that he has merited selection by the President for appointment to the very low position of a first lieutenant, retired, with pay of that grade. It makes the sum smaller than he would receive if he continued in active service; so that at the end of thirty-five years, if he is able to perform service, he would be liable to serve longer, say, forty or forty-five years, as he could thereby get more in the way of pay than he could by retirement.

It does seem to me heartless, it seems to me almost inhuman,

not to permit a man who is the companion of the paymaster, who often shares the same blankets when out in the field, who occupies, sometimes necessarily, the same bed and quarters in different places, and who at every point is subjected to all the expenses of the paymaster, to enjoy the small privilege which is sought to be accorded by the provision in question.

It will affect but a few men. There are only two who can possibly be benefited now. Others, when they have served thirty-five years, will also be able to avail themselves of it. I believe that we ought to accord to this most deserving class the recognition to which they are entitled.

Furthermore it is in the interest of good service. What have you got to put before a man who is the kind of man you wish to have for the position of paymaster's clerk and who frequently acts as paymaster? There is nothing now, but if you put before him as a prize that at the end of long and faithful service he will have at least something for his family, you will get better men and they will do better service.

Mr. CLAPP. Mr. President, the same inquiry might be made as to everyone on the civil list of the United States.

Mr. WARREN. Oh, no, Mr. President; those on the civil list of the United States are not required to do the things that paymasters' clerks are required to do.

Mr. CLAPP. No; but they are required to do those things which their position demands that they should do; and at the proper time and on consideration as to what relation this pension bears to their present salary Congress has to face the question of a civil pension list and decide it one way or the other. For one I do not believe that in this bill we should establish a precedent that will confront us when we come to deal with that question.

It is late in the day and I do not want to precipitate any discussion. I simply call attention to the nature of this provision, but rather than prolong the discussion I will withdraw the point of order.

The VICE-PRESIDENT. The point of order is withdrawn. Mr. BACON. Mr. President, I desire to offer a very modest amendment to the same portion of the bill as that which contains the amendments already adopted with reference to the erection of certain monuments. The amendment I propose provides for an appropriation of \$10,000 for the erection of a monument to Gen. James Scriven, an officer of the Revolutionary Army, who was killed in battle. Mr. WARREN. Mr. President, I had almost as lief build

that monument myself-

Mr. BACON. I will accept the Senator's proposition. Mr. WARREN. Than to make a point of order against the amendment; but this thing of monuments has gone on, I think, as long as it ought to in this bill. The amendments that have been already accepted are ones that have been passed upon by committees of the Senate, and, indeed, bills containing the same subject-matter have passed the Senate several times; but I think it is perfectly useless, even after admitting the others, to expect that we can get the provision the Senator wishes en-acted into law. I wish the Senator would refrain from offering the amendment and let it come up at some other time, when we can treat it alone and on its merits.

I simply desire to state to the Senator, with his permission, that this amendment proposes a very small appropriation. It provides for the erection of a monument to an propriation. It provides for the erection of a monument to an officer who bore the commission of a general in the Colonial Army and who was killed in battle during the Revolutionary war. Immediately after the Revolutionary war the Congress of the United States proposed to erect a monument to his memory, and a bill for that purpose passed one of the Houses—which one I do not now recollect, but I have sent to the Library for a book which will tell me—but in some way we can not trace what became of the bill ultimately, though it did not become a law.

Of course I do not desire to press this amendment unduly upon this particular bill. I had intended to present it, however, during this session of Congress. It is not a sudden and impulsive action on my part. I have had it in mind during the entire session, and it was only a question as to which bill I should offer it. As amendments providing appropriations for monuments to Revolutionary officers have been put on this bill, I thought this was a particularly good place to offer the amend-I hope the Senator, in view of the facts which I have stated, will accept the amendment; and I will state to the Senator, if he will give me his attention, that if when the bill goes into conference I do not succeed in convincing the committee that it is a meritorious and proper appropriation, I shall not complain if they knock it out.

Mr. SPOONER. What is the amount called for?

Mr. BACON. Only \$10,000. I will state that, while I would be glad to have \$10,000, if the committee thinks a smaller amount should be given, I would rather have five than not to have any. The truth is that this officer is now buried in a cemetery with no sufficient mark to indicate his place of burial, and it is due,

either on this bill or some other, that there should be the recognition of an officer of this kind who was slain in battle—a general officer of the Revolutionary war.

Mr. WARREN. Now, Mr. President, this shows very conclusively that "the way of the transgressor is hard." But if the Senator wishes to reduce the amount to \$5,000 I shall not make any opposition.

Mr. BACON. I will reduce it to \$5,000, with the understanding that what I said about taking it out in conference is withdrawn.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. At the end of the bill it is proposed to in-

sert the following:

To erect a statue at Midway, Ga., to the memory of Gen. James Scriven, who was killed in battle during the war of the Revolution in an action with the British forces in Liberty County, Ga., \$5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NOTICES OF BUSINESS.

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. The Chair will recognize the Senator from Massachusetts in a moment. The Senator from Minnesota [Mr. Nelson] wishes to give a notice.

Mr. NELSON. I desire to give notice, on behalf of the Judiciary Committee, that to-morrow, after the close of the routine morning business, I or some other member of the committee will ask the Senate to take up and consider the bill

(H. R. 15434) to regulate appeals in criminal prosecutions.

Mr. LODGE. I gave notice that to-day—and that is the reason I rose for recognition—and the notice was printed on the Calendar, I would call up the Philippine bank bill. I have been deprived of any opportunity to do so by the prolonged debate on the Army appropriation bill, and I was about to give notice that I would call it up to-morrow immediately after the routine morning business.

I desire to say to the Senator from Massa-Mr. NELSON. chusetts that last Saturday I gave notice I would call up this bill on Monday, but I have been prevented up to this time from calling it up on account of the Army appropriation bill.

Mr. LODGE. I remember that the Senator gave his notice subsequent to mine.

Mr. NELSON. I gave it before yours, last Saturday. Mr. LODGE. I do not find it on the Calendar.

I desire to say that I shall move to take up the agricultural bank bill as soon as the Senator from Minnesota con-cludes his bill with reference to appeals in criminal cases, which I hope will not take long. As he knows, I am as much interested in it as he is.

COMMITTEE SERVICE.

Mr. Beveridge was, on his own motion, excused from further service upon the Committee on Enrolled Bills.

Mr. Hopkins was, on his own motion, excused from further service upon the Committee on the Examination and Disposition of Documents.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 12, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 11, 1907. ASSISTANT APPRAISERS OF MERCHANDISE.

John J. Bell, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland, in place of James Campbell, resigned. This nomination is in lieu of that of Richard J. Bruce, dated February 1, 1907, which

is hereby withdrawn.

Louis M. Martin, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York. New office, created by an act of Congress approved Feb-

Henry M. Clapp, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York. New office, created by an act of Congress approved February 1, 1907.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Raymond Lockwood Jack, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Thomas Andrew Shanley, of Connecticut, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Wales Alfred Benham, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Philip Francis Roach, of Wisconsin, to be a third lieutenant in the Revenue-Cutter Service of the United States.

COLLECTOR OF INTERNAL REVENUE.

Edward I. Seyburn, of Louisiana, to be collector of internal revenue for the district of Louisiana, in place of William E. Howell, resigned.

UNITED STATES MARSHALS.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts. A reappointment, his term expiring February 10, 1907.

George H. Green, of Texas, to be United States marshal for the northern district of Texas. A reappointment, his term expiring February 18, 1907.

UNITED STATES DISTRICT JUDGE.

Eugene D. Saunders, of Louisiana, to be United States district judge for the eastern district of Louisiana, vice Charles Parlange, deceased.

UNITED STATES ATTORNEY.

Charles W. Hoitt, of New Hampshire, to be United States attorney for the district of New Hampshire, in the place of Charles J. Hamblett, resigned,

PROMOTION IN THE NAVY.

Capt. George A. Bicknell to be a rear-admiral in the Navy from the 18th day of February, 1907, vice Rear-Admiral William W. Mead, retired.

APPOINTMENT IN THE NAVY.

John L. Chatterton, a citizen of New York, to be an assistant paymaster in the Navy from the 1st day of February, 1907, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ARIZONA.

John G. Virkamp to be postmaster at Grand Canyon, in the county of Coconino and Territory of Arizona. Office became Presidential January 1, 1907.

CONNECTICUT.

James H. Pilling to be postmaster at Waterbury, in the county of New Haven and State of Connecticut, in place of John H. Guernsey. Incumbent's commission expires February 19,

ILLINOIS.

William Austin to be postmaster at Effingham, in the county of Effingham and State of Illinois, in place of Richard F. Lawson, resigned.

INDIAN TERRITORY.

Joseph R. Sequichie to be postmaster at Chelsea, in District Indian Territory, in place of Charles W. Poole. Incumbent's commission expired December 15, 1906.

IOWA.

Henry Barnes to be postmaster at Elliott, in the county of Montgomery and State of Iowa, in place of Henry Barnes. Incumbent's commission expired January 29, 1907.

John C. Campbell to be postmaster at Bellevue, in the county of Jackson and State of Iowa, in place of John C. Campbell. Incumbent's commission expires February 28, 1907.

KANSAS.

Irving Hill to be postmaster at Lawrence, in the county of Douglas and State of Kansas, in place of George J. Barker. Incumbent's commission expires February 12, 1907.

LOUISIANA.

Goldman L. Lassalle to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana, in place of Danie S. Edwards, resigned.

George H. Roberts to be postmaster at Springvale, in the county of York and State of Maine, in place of George H. Roberts. Incumbent's commission expires February 13, 1907.

William T. Smart to be postmaster at Lewiston, in the county of Androscoggin and State of Maine, in place of William T. Smart. Incumbent's commission expired January 23, 1907.

MICHIGAN.

Charles E. Kirby to be postmaster at Monroe, in the county of Monroe and State of Michigan, in place of George Spalding. Incumbent's commission expires March 3, 1907.

MISSOURI.

Moses M. Adams to be postmaster at Seneca, in the county of Newton and State of Missouri, in place of Moses M. Adams. Incumbent's commission expires February 11, 1907.

Isidore Schwartz to be postmaster at Ilasco, in the county of Ralls and State of Missouri. Office became Presidential Oc-

tober 1, 1906.

William L. H. Silliman to be postmaster at Clarksville, in the county of Pike and State of Missouri, in place of William L. H. Silliman. Incumbent's commission expires February 24,

NEW MEXICO.

Thomas Branigan to be postmaster at Las Cruces, in the county of Donna Ana and Territory of New Mexico, in place of Henry H. Carter, resigned.

Robert Wherritt to be postmaster at Clayton, in the county of Union and Territory of New Mexico, in place of Otto F. Menger, removed.

NEW YORK.

Chauncey E. Argersinger to be postmaster at Albany, in the county of Albany and State of New York, in place of Chauncey E. Algersinger. Incumbent's commission expires February 26,

Thomas B. Gibson to be postmaster at Walden, in the county of Orange and State of New York, in place of Thomas B. Gibson. Incumbent's commission expires February 12, 1907.

Lewis B. Jewell to be postmaster at Ovid, in the county of

Seneca and State of New York, in place of Lewis B. Jewell. Incumbent's commission expired February 4, 1907.

William B. Le Roy to be postmaster at Cohoes, in the county of Albany and State of New York, in place of William B. Le Roy. Incumbent's commission expired February 4, 1907.

NORTH CAROLINA.

Clarence M. McCall to be postmaster at Marion, in the county of McDowell and State of North Carolina, in place of General Crawford. Incumbent's commission expired January 13,

OREGON

Marshel E. Merwin to be postmaster at Independence, in the county of Polk and State of Oregon, in place of Marshel E. Merwin. Incumbent's commission expired January 7, 1907.

OKLAHOMA.

Rolland D. Barnes to be postmaster at Eldorado, in the county of Greer and Territory of Oklahoma. Office became Presidential January 1, 1907.

PENNSYLVANIA.

Thomas H. Bailey to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania, in place of Thomas H. Bailey. Incumbent's commission expires February 19, 1907.

William M. Bennett to be postmaster at Nazareth, in the county of Northampton and State of Pennsylvania, in place of C. Edwin Michael. Incumbent's commission expires March 18, 1907.

Harold C. Carpenter to be postmaster at Troy, in the county of Bradford and State of Pennsylvania, in place of Harold C. Carpenter. Incumbent's commission expires February 13, 1907.

John S. Read to be postmaster at Factoryville, in the county of Wyoming and State of Pennsylvania. Office became Presidential April 1, 1906.

SOUTH DAKOTA.

John H. Dobson to be postmaster at Alexandria, in the county of Hanson and State of South Dakota, in place of John H. Dob-Incumbent's commission expired January 19, 1907.

Evan J. Edwards to be postmaster at Bowdle, in the county of Edmunds and State of South Dakota, in place of Evan J. Edwards. Incumbent's commission expires February 28, 1907.

J. N. Fulford to be postmaster at Oacoma, in the county of

Lyman and State of South Dakota. Office became Presidential July 1, 1906.

Elmer E. Gilmore to be postmaster at Lennox, in the county of Lincoln and State of South Dakota. Office became Presidential January 1, 1907.

Fred deK. Griffin to be postmaster at Selby, in the county of Walworth and State of South Dakota. Office became Presidential January 1, 1907.

John B. Long to be postmaster at Kimball, in the county of Brule and State of South Dakota, in place of Charles W. Nugen. Incumbent's commission expired March 26, 1906.

Ole A. Stumley to be postmaster at Volga, in the county of Brookings and State of South Dakota. Office became Presidential October 1, 1906.

John W. Walsh to be postmaster at Montrose, in the county of McCook and State of South Dakota. Office became Presidential October 1, 1906.

Lucy Breen to be postmaster at Mineola, in the county of Wood and State of Texas, in place of Thomas Breen, deceased. John M. Cape to be postmaster at San Marcos, in the county of Hays and State of Texas, in place of Owen Ford, deceased.

Josephine Chesley to be postmaster at Bellville, in the county of Austin and State of Texas, in place of Josephine Chesley. Incumbent's commission expired April 18, 1906.

Garfield Hershner to be postmaster at Angleton, in the county of Brazoria and State of Texas. Office became Presidential January 1, 1907.

Leander Hopkins to be postmaster at Ferris, in the county of Ellis and State of Texas, in place of Leander Hopkins. Incumbent's commission expires March 2, 1907.

William D. McCaslin to be postmaster at Detroit, in the county of Red River and State of Texas, in place of William D. McCaslin. Incumbent's commission expired January 20, 1907.

Bassett R. Miles to be postmaster at Luling, in the county of Caldwell and State of Texas, in place of Clemons E. Littlefield. Incumbent's commission expired January 20, 1907.

Edward W. Morten to be postmaster at Farmersville, in the county of Collin and State of Texas, in place of Edward W. Morten. Incumbent's commission expires March 16, 1907.

William Myers to be postmaster at Seguin, in the county of Guadalupe and State of Texas, in place of Carrie E. Vaughan. Incumbent's commission expires March 16, 1907.

William D. Rathjen to be postmaster at Canadian, county of Hemphill and State of Texas, in place of William D. Rathjen. Incumbent's commission expires February 18, 1907.

Elizabeth Rhea to be postmaster at Groesbeck, in the county of Limestone and State of Texas, in place of Elizabeth Rhea. Incumbent's commission expires March 3, 1907.

Jay S. Richard to be postmaster at Itasca, in the county of Hill and State of Texas, in place of Jay S. Richard. Incum-bent's commission expires February 19, 1907.

Ulysses G. Roach to be postmaster at Celeste, in the county of Hunt and State of Texas, in place of Ulysses G. Roach. Incumbent's commission expires March 2, 1907.

William E. Sayers, sr., to be postmaster at Bay City, in the county of Matagorda and State of Texas, in place of William Sayers, sr. Incumbent's commission expires February 19, 1907.

Seth B. Strong to be postmaster at Houston, in the county of Harris and State of Texas, in place of Seth B. Strong. Incumbent's commission expires February 19, 1907.

E. R. Yeary to be postmaster at Alice, in the county of Nucces

and State of Texas, in place of Sidnan Overton, resigned.

WISCONSIN.

Herbert A. Pease to be postmaster at Cumberland, in the county of Barron and State of Wisconsin, in place of John F. Fuller. Incumbent's commission expired January 7, 1907.

WYOMING.

Harry A. Thompson to be postmaster at Sunrise, in the county of Laramie and State of Wyoming. Office became Presidential January 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1907.

SURVEYOR OF CUSTOMS.

James H. Bolton, of Iowa, to be surveyor of customs for the port of Sioux City, in the State of Iowa.

MEMBER OF CALIFORNIA DÉBRIS COMMISSION.

Capt. Thomas H. Jackson, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission, provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California.'

PROMOTIONS IN THE ARMY.

Infantry Arm.

Maj. George R. Cecil, Thirtieth Infantry, to be lieutenantcolonel from January 31, 1907. Capt. Joseph P. O'Neil, Twenty-fifth Infantry, to be major

from January 31, 1907.

REGISTERS OF THE LAND OFFICE.

Edward E. Armour, of Sterling, Colo., to be register of the land office at Sterling, Colo.

John E. Evans, of North Platte, Nebr., to be register of the

land office at North Platte, Nebr.

Lawrence N. Houston, of Enid, Okla., to be register of the

land office at Guthrie, Okla.

RECEIVER OF PUBLIC MONEYS.

William H. C. Woodhurst, of North Platte, Nebr., to be receiver of public moneys at North Platte, Nebr.

UNITED STATES ATTORNEY.

John J. Boyce, of California, to be United States attorney for division No. 1, district of Alaska.

MARSHAL.

Harry A. Wiel, of Wisconsin, to be United States marshal for the eastern district of Wisconsin.

POSTMASTERS.

NEW MEXICO.

Thomas Branigan to be postmaster at Las Cruces, in the Territory of New Mexico.

Robert Wherritt to be postmaster at Clayton, in the Territory of New Mexico.

PENNSYLVANIA.

Abel H. Byers to be postmaster at Hamburg, in the county of Berks and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

Monday, February 11, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Sunday was read and approved.

EULOGIES.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that Sunday, February 24, immediately after the conclusion of eulogies upon the late Hon. JOHN H. KETCHAM, be set apart for the purpose of pronouncing eulogies upon the life and character of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Now, Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the Indian appropriation bill and ask for a conference thereon with the Senate, and I will say, Mr. Speaker, that since Saturday I have consulted with the senior member of the minority committee and this course is agreeable to him.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I will not object, as

I believe that is the proper course for the bill to take.

The SPEAKER. The Chair hears no objection, and the Chair announces the following conferees.

The Clerk read as follows:

Mr. SHERMAN, Mr. LACEY, and Mr. STEPHENS of Texas.

REMOVAL OF OBSTRUCTIONS FROM PAVED SIDEWALKS AND ALLEYS.

Mr. BABCOCK. Mr. Speaker, I ask immediate consideration for the bill H. R. 20067, which is unfinished business.

The SPEAKER. The gentleman from Wisconsin asks consideration of a bill as unfinished business, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20067) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes.

Mr. BABCOCK. Mr. Speaker, the question is simply on the passage of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDING SECTION 878 OF THE DISTRICT OF COLUMBIA CODE.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 25482) to amend section 878 of the Code of Law for the District of Columbia.

The SPEAKER. The gentleman from Wisconsin calls up the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 878 of the Code of Law for the District of Columbia be, and the same is hereby, amended by adding thereto the following:

"Sec. 878a. That the following words shall, in addition to their ordinary meaning, have the meaning herein given: The word 'person' or 'persons,' in sections 878 b, c, d, e, and g, inclusive, shall include 'firms' or 'corporations;' the word 'vessels' or 'vessels,' in sections 878 b, c, d, and e, shall include 'cans,' 'bottles,' 'siphons,' and 'boxes;' the word 'mark' or 'marks' shall include 'labels,' 'trade-marks,' and all other methods of distinguishing ownership in vessels, whether printed upon labels or blown into bottles or engraved and impressed upon cans or boxes.

upon cans or boxes.
"SEC. 878b. That persons engaged in producing, manufacturing, bottling, or selling milk or cream, or any other lawful beverage composed

principally of milk, in vessels, with their name, trade-mark, or other distinctive mark, and the word 'registered' branded, engraved, blown, or otherwise produced thereon, or on which a pasted trade-mark label is put upon which the word 'registered' is also distinctly printed, may file with the clerk of the supreme court of the District of Columbia a description by facsimile, or a sample of an original package so marked or branded or blown, showing plainly such names and marks thereon, together with their name in full, or their corporate name, and also their place of business in the District of Columbia, and if so filed shall cause the same to be published for not less time to the same as a fact of Columbia. In a dead of the same is a forestald, and if so filed shall cause the same to be published for not less time to be supported to the same as a forestald, and the same and marks filed and published a description of the same as aforestald, with intent to sell the same, any vessel so marked and distinguished as aforestald, the description of which shall have been filed and published as provided in the preceding section, or defaces, crasses, covers up, or otherwise removes or conceals any such name or mark as aforestald, or the word 'registered,' thereon, or sells, buys, gives, takes, or otherwise disposes of, or traffics in the same without having purchased the contents thereof from the person whose name is in or upon such vessel, or by imprisonment for not less than 50 cents for each such vessel, or by imprisonment for not less than twenty days nor more than one year, or by both such fine and imprisonment. and for each such vessel, or by imprisonment for not less than twenty days nor more than one year, or by both such fine and imprisonment. The production or sale of milk or cream or other beverage as aforestald, except the person who shall so have filed and published a description of the same as aforesaid, of any verson who shall so have filed and published the said description of which shall have been filed

Mr. CRUMPACKER. Mr. Speaker, I think there ought to be an explanation of this bill. I would like to know what change it makes in the law as it now exists and the necessity for it.

Mr. BABCOCK. Mr. Speaker, I want to say to the House that the subject-matter of this bill has passed the House and Senate during the present Congress and was sent the President for approval. The Attorney-General found in it some ambiguities of language that he thought possibly might affect some other statute, and the President notified us that he could not approve the bill in the form that it was before him. bill was withdrawn by resolution of the House and the Senate, and the changes incorporated in the bill herewith reported are those suggested to make clear the points brought up by the Attorney-General and to accomplish the results sought to be accomplished in the former bill on this subject. There is no new matter in it whatever, except simply to make clear what the Congress intended to accomplish in the measure previously passed.

Mr. CRUMPACKER. I had in mind the bill that was up on a former occasion, and I supposed it was amendatory of that Does the gentleman from Wisconsin [Mr. Babcock] say that it does not broaden the scope of the bill that this Congress passed at the last session?

Mr. BABCOCK. No, sir.

Mr. CRUMPACKER. It is explanatory and interpretative of that bill?

Mr. BABCOCK. It simply meets the views of the Attorney-General, in order to make it so clear that there would be no question about its provisions. That is all.

question about its provisions. That is all.

Mr. CRUMPACKER. It is simply to carry into effect more fully the purpose of the bill that was passed before?

Mr. BABCOCK. That is it.

Mr. CRUMPACKER. I remember of having made a criticism before upon the penalty. It seemed to me that a penalty of a year in jail was pretty severe if a man appropriates a milk bottle worth 5 cents; but a man can avoid the penalty by letting the bottle alone, I suppose.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF FORTY-FIFTH STREET NW.

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bill H. R. 24875.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24875) authorizing the extension of Forty-fifth street NW. Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to Institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Forty-fifth street from its present terminus in Wesley Heights to Nebraska avenue, with a width of 90 feet.

SEC. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: Provided, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

SEC. 3. That the sum of \$500, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia. A bill (H. R. 24875) authorizing the extension of Forty-fifth street NW.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OPENING OF WARREN AND FORTY-SIXTH STREETS NW.

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bili H. R. 24284.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 24284) for the opening of Warren and Forty-sixth streets NW., in the District of Columbia.

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491a, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute, in the supreme court of the District of Columbia, a proceeding in rem to condemn those small undedicated parcels of land lying within the lines of Warren street (formerly Xenia street) between Forty-fourth and Forty-fifth streets and within the lines of Forty-sixth street between Alton place (formerly Lyles street) and Murdock Mill road, according to the permanent system of highway plans adopted in and for the District of Columbia.

Sec. 2. That the assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: Provided, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the jury as benefits.

Sec. 3. That the sum of \$500, or so much thereof as may be necessary, is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia.

The bill was ordered to be engrossed and read a third time,

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. BABCOCK. Mr. Speaker, I ask for consideration of the bill H. R. 23576,

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes.

Be it enacted, ctc., That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of New Hampshire avenue on a straight extension of the lines thereof, as now established in the city of Washington, with a uniform width of 120 feet, from its present terminus to the District line: Provided, however, That the entire amount found to be due and awarded as damages for and in respect of the land condemned, plus the costs and expenses of the condemnation proceedings, shall be assessed by the jury as benefits, and to the extent of such benefits, against any and all lots, pieces, or parcels of land which the jury may find said lots, pieces, or parcels of the lind which the jury may find said lots, pieces, or parcels of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessments levied by the jury for benefits, when the same are collected.

Also the following amendments:

Also the following amendments:

Page 1, line 10, strike out all after the word "avenue" down to and cluding the word "benefited" in line 7 on page 2 and insert in lieu including the word "benefited" in line 7 on page 2 and insert in lieu thereof the following:
"in accordance with the highway-extension plans, from its present

terminus north of Buchanan street to the District line, with a uniform width of 120 feet.

"Sec. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the code hereinbefore referred to: Provided, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits."

Page 2, line 8, strike out the figure "2" and insert in lieu thereof the figure "3."

The SPEAKER. The question is on agreeing to the amend-

The question was taken; and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 6833. An act granting an increase of pension to Bettie May

Vose:

S. 822. An act granting a pension to Michael V. Hennessy; S. 5041. An act granting an increase of pension to George A.

S. 4908. An act granting an increase of pension to William

H. Kimball. The message also announced that the Senate had passed the

following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. John F. Rixen, late a Representative from the State of Virginia.

Resolved, That a committee of seven Senators be appointed by the Vice-President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the decreased. of Representatives to take order for superfact and deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And, in compliance with the foregoing, the Vice-President had appointed as said committee Mr. Daniel, Mr. Taliaferro, Mr. DICK, Mr. PATTERSON, Mr. ANKENY, Mr. FLINT, and Mr. CLARKE of Arkansas.

Also:

Resolved, That the business of the Senate be now suspended that opportunity may be given for tributes to the memory of Hon. Benjamin F. Marsh, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That the Secretary be instructed to communicate a copy of these resolutions to the family of the deceased.

The message also announced that the Senate had passed bills of the following titless in which the senate had passed by Hongard Communications.

of the following titles; in which the concurrence of the House of Representatives was requested:

S. 8288. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns';

S. 8012. An act to erect a monument on the Tippecanoe

battle ground, in Tippecanoe County, Ind.; and S. 2708. An act for the relief of B. Jackman.

The message also announced that the Senate had passed with amendment bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was re/nested:

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the

Government in certain cases; and H. R. 25242. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes

The message also announced that the Senate had passed with-

out amendment bills of the following titles

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;

H. R. 20168. An act for the relief of F. Kraut, of Leon

Springs, Tex.; and
H. R. 18007. An act to authorize the appointment of Acting
Asst. Surg. Julian Taylor Miller, United States Navy, as an
assistant surgeon in the United States Navy.

The message also announced that the Senate had agreed to The message also announced that the senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplo-matic and consular service for the fiscal year ending June 30,

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 3393. An act granting an honorable discharge to Galen

E. Green.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 7: H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water;

H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 1808. An act for the relief of J. J. L. Peel; H. R. 6417. An act for the relief of T. J. H. Harris;

H. R. 7014. An act to provide American registers for the steamers Marie and Success; and

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie.

On February 8:

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered;

H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19752. An act for an additional term of court at Quincy,

H. R. 24932. An act for the extension of School street NW.; H. R. 25034. An act to change the time of holding circuit and district courts of the United States for the middle district of Tennessee

H. R. 4299. An act for the relief of John Stinson; H. R. 9778. An act for the relief of Philip Loney;

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased:

H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves;"

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town

of Preston, Iowa:

H. R. 1738. An act for the relief of Sarah A. Clapp; H. R. 4300. An act for the relief of A. J. Stinson; H. R. 5167. An act for the relief of William H. Stiner & Sons;

H. R. 10595. An act for the relief of Nye & Schneider Com-

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway;

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the

Mississippi River," approved June 25, 1906;

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongabela-River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904;

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas

City, Kans.; and
H. R. 24603. An act to authorize the Atlanta, Birmingham and
Atlantic Railroad Company to construct a bridge across the
Coosa River in the State of Alabama.

On February 9:

H. R. 12560. An act for the relief of John C. Lynch;

H. R. 12500. An act for the relief of John C. Lynch;
H. R. 15594. An act for the relief of John B. Brown;
H. R. 19568. An act vacating Alexander place and Poplar street, in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner;

H. R. 24541. An act making appropriations to supply addi-

tional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes

H. R. 3393. An act granting an honorable discharge to Galen

E. Green :

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia; and

H. R. 16868. An act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia.

On February 11: H. R. 16386. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8012. An act to erect a monument on the Tippecanoe battle ground in Tippecanoe County, Ind .- to the Committee on the Library.

S. 2708. An act for the relief of B. Jackman-to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same

H. R. 25123. An act providing for the construction of a bridge

across the Mississippi River;

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River; and H. R. 8685. An act for the relief of Charles E. Danner & Co.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6833. An act granting an increase of pension to Bettie May

PRACTICE OF PHARMACY, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 25475.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906.

A bill (II. R. 25475) to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906.

Be it enacted, etc., That the board of pharmaceutical examiners of the District of Columbia, created under the provisions of an act to regulate the practice of pharmacy and the sale of poisons, and for other purposes, approved May 7, 1906, be, and is hereby, vested with each and every power, right, duty, and function with respect to the issue of licenses to practice pharmacy and to the revocation of such licenses and with respect to the issue of permits for the sale of poisons as are by said act now vested in the board of supervisors in medicine and pharmacy of said District; and the name and title of said board of pharmacy of the District of Columbia. And the board of supervisors aforesaid is hereby divested of every power, right, duty, and function, aforesaid, and the name and title of said board is hereby changed to the board of medical supervisors of the District of Columbia. From and after the taking effect of this act, the membership of the president of the board of pharmaceutical examiners on the board of supervisors aforesaid shall cease and determine.

SEC. 2. That the board of pharmacy shall elect a president, a secretary, and a treasurer, and shall have a common seal; and said treasurer shall give such bond for the faithful performance of his duties as the Commissioners of the District of Columbia deem necessary. Immediately upon the filing of the required bond by the treasurer of the board of pharmacy and upon demand by said treasurer the treasurer of the board of pharmacy, for the use of said board of pharmacy, all such unexpended money then in the possession of said board from the late commissioners of pharmacy as the Commissioners of medical supervisors shall pay to said treasurer of the board of pharmacy, for the use of said board of pharmacy, and the board of pharmacy and the board of pharmacy and the boa

such compliance to the satisfaction of said board, applicants who have been graduated by such school or college during any specified year or years may be allowed credit for not more than one year's experience in the practice of pharmacy by reason of attendance at and graduation by

the practice of pharmacy by reason of attendance at and graduation by said school or college.

Sec. 4. That section 18 of "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, be, and it is hereby, repealed.

Sec. 5. That this act shall take effect from and after the expiration of thirty days immediately following its passage, and from and after the expiration of said period all acts and parts of acts contrary to the provisions of this act or inconsistent therewith, be, and the same hereby are, repealed.

The SPEAKER. The question is on the passage of the bill, Mr. CRUMPACKER. Mr. Speaker, I would like to have an explanation of the bill that is now under consideration. I want to know whether the board of medical supervisors now issues licenses to pharmacists.

Mr. TAYLOR of Ohio. They were supervisors in medicine and pharmacy. That was in the old act. Now they transfer it to a new board, with a view to issuing these licenses to phar-

This is a Commissioners' measure.

Mr. CRUMPACKER. Does this bill create a new board?

Mr. TAYLOR of Ohio. Yes.
Mr. CRUMPACKER. A board of pharmaceutical examiners?

Mr. BABCOCK. Not a new board. Mr. TAYLOR of Ohio. Not a new board, but to transfer the power to issue the licenses.

Mr. CRUMPACKER. Is there a board of pharmaceutical examiners independent of the board of medical supervisors?

Yes, sir. Mr. BABCOCK.

Mr. CRUMPACKER. So the bill does not create any new administrative board or board of pharmaceutical examiners. Now, does the present law give the existing board, that has authority to issue licenses to pharmacists, the discretion that this

law does in relation to admitting graduates of pharmacy schools to the practice of pharmacy in the District of Columbia?

Mr. TAYLOR of Ohio. The exact provision of the present act, which was passed last year, I have not before me, but I believe the only changes between the act of last year and this are explained in this short note of the Commissioners. It provides for this new board, and the act of May 7, 1906, section 3, permitted any graduate of a school or college to take the examination without other practical experience than that furnished by his course in pharmacy. The amendment to section 3 revises the qualifications of applicants: so that four years' practical experience is uniformly required.

Mr. CRUMPACKER. Now four years' practical experience is

required unless the board of pharmacy, in its discretion, shall establish, by general rules, conditions that will admit applicants who have taken a course of instruction in any school or college of pharmacy.

Mr. TAYLOR of Ohio. The only discretion left with the board is that they may, if the applicant is a graduate from a

regular school of pharmacy, order him to be examined.

Mr. CRUMPACKER. Now, the question is agitated a good deal in the country, and there is a great deal of jealousy and rivalry between pharmacy schools and colleges, and most institutions would question the advisability of vesting absolute discretion in a board of the city of Washington to determine what schools are standard. Does this bill include—and I presume it does, because of its general character-colleges of pharmacy all over the country?

Mr. TAYLOR of Ohio. Undoubtedly it is intended to apply

to any school that is recognized.

Mr. CRUMPACKER. In our own State this identical problem has come to be a subject of controversy. We have a State school of pharmacy

Mr. TAYLOR of Ohio. I understand.
Mr. CRUMPACKER. Which is located in the district which have the honor to represent, and there is a very excellent

private school in the city in which I live.

Mr. TAYLOR of Ohio. And they do not get along very well.

Mr. CRUMPACKER. And they do not always get along well,
because the State inclines to legislation that will promote the interests of the graduates of the State institution, and thereby give an advantage to them over the students of private institutions, and I have been called upon to protest against any further exercise of a power of this kind; but this bill is in general terms, and I suppose both of my schools can take care of them-

selves under it.

Mr. TAYLOR of Ohio. I do not think there is any danger about that.

Mr. CRUMPACKER. What is the purpose of the change that you say this bill makes in creating this board?

Mr. TAYLOR of Ohio. We have a law, passed last year, and it is simply on the advice of the Commissioners and at their request that we pass this, because they put it in practical oper-

ation from May last on, and they believe and have stated that with a few amendments which they now favor this new bill will strengthen the machinery. We have taken their word for that, as they have had experience of the operation of the law,

and we have taken their judgment as to this change.

Mr. CRUMPACKER. The bill provides for a board of supervisors, and in this board is vested all the powers along cer-

tain lines

Mr. TAYLOR of Ohio. It is transferred to this other board.
Mr. CRUMPACKER. In relation to pharmaceutical examinations the name and title of the board is changed, and as respects other matters the board of medical directors of the District of Columbia still exists. Now, if you do not create a new board, you subdivide the power. You continue the board of medical examiners, and you take from the existing board certain powers and functions and confer them upon a portion of the board, or another board, and you call that the "board of

pharmacy examiners."

Mr. TAYLOR of Ohio. We separate medicine from pharmacy.

That seems to be the very thing this does. Then it provides for the organization of a board strictly confined to the examination of candidates as pharmacists and leaves the balance of the old pharmacy and medicine board as a medical board, with which

this act has nothing to do.

Mr. CRUMPACKER. So that it does not increase the personnel of the board, does not increase its size.

Mr. TAYLOR of Ohio. No; it divides it. Mr. CRUMPACKER. And it provides that a certain portion of its powers shall be conferred upon certain members, who shall be known as the "board of pharmaceutical examiners," and other powers shall be exercised by the balance of the board, which shall be known as the "board of medical examiners."

Mr. TAYLOR of Ohio. That seems to be the idea. Mr. CRUMPACKER. It does not increase salaries?

Mr. TAYLOR of Ohio. Not at all. The fees are provided for exactly as they were in the other act.

Mr. CRUMPACKER. The members of the board are paid by fees, are they not?

Mr. TAYLOR of Ohio. By applicants' fees, which are turned in if there is anything left.

Mr. BABCOCK. I call for a vote, Mr. Speaker.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

TUBERCULOSIS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 21934) to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District.

The bill was read, as follows:

spread of tuberculosis in said District.

The bill was read, as follows:

Be it enacted, etc., That tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. It shall be the duty of every physician in the District of Columbia to report to the health officer of said District, in writing, on forms to be provided by said officer, the name, age, sex, color, occupation, and address of every person in said District having pulmonary or any other communicable form of tuberculosis who has been attended by such physician for the first time within one week after the disease is recognized. It shall also be the duty of the chief officer having charge for the time being of each and every hospital, dispensary, asylum, or other similar public or private institution in said District to report in like manner the name, age, sex, color, occupation, and last address of every patient affilieted with pulmonary or any other communicable form of tuberculosis who is in his care or who has come under his observation within one week of such time.

Sec. 2. That the health officer of the District shall make, or cause to be made, a microscopical examination of the sputum of persons having symptoms of tuberculosis, which shall be accompanied by a blank giving name, age, sex, color, occupation, and address of the patient, whenever it be requested by the attending physician or by the proper officer of any hospital or dispensary; and shall promptly make a report thereof, free of charge, to the physician or officer upon whose application the examination was made.

Sec. 3. That the health officer of the District shall cause all reports made in accordance with the first section and all reports showing the presence of tubercle bacilli received in accordance with the second section of this act to be recorded in a register of which he shall be the custodian and which shall not be open to inspection by anyone outside the health department of said District, and neither said health officer nor anyone co

twenty-four hours thereafter, and such apartments or premises shall then be disinfected by the health department at public expense, or, if the owner prefers, by the owner to the satisfaction of the health department, and shall not again be occupied until so disinfected.

Sec. 6. That it shall be the duty of every person afflicted with tuberculosis and of every person in attendance upon anyone afflicted therewith and of the authorities of public and private institutions or dispensaries in said District to observe and enforce all sanitary rules and regulations of the Commissioners of the District for preventing the spread of tuberculosis.

Sec. 7. That upon the recovery of any patient from the tuberculous condition for which he was previously reported a report to that effect to the health department, made by the attending physician, shall be recorded and shall relieve said patient from further liability to any requirements imposed by this act.

Sec. 8. That any person violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding \$25.

Sec. 9. That all prosecutions under this act shall be in the police court of said District upon information brought in the name of the District of Columbia and on its behalf.

Sec. 10. That all acts and parts of acts contrary to the provisions of this act, or inconsistent therewith, be, and the same are hereby, repealed.

With the following committee amendment:

With the following committee amendment:

Page 1 strike out all of lines 1 and 2 and insert in lieu thereof the words "that it."

Mr. CRUMPACKER. Mr. Speaker, I think this bill ought to be discussed somewhat. This is quite an important measure and probably a good one, but I read a few days ago in the public press the statement of Doctor Wiley, before one of the committees of the House or Senate, that every individual in the city of Washington in all probability had in his mouth or about him somewhere the germs of tuberculosis; that these germs are common; that they exist everywhere; and if Doctor Wiley is correct in his view of the matter, as he almost always is correct on such questions, the examination of the spulum of any person would be apt to disclose tuberculosis germs. I do not know that this bill interferes with the rights of the citizen, and I do not know what its real purpose is, whether the intent is to assist in eradicating tuberculosis or what its object is. The simple procuring of information, unless that information is put in such form that it can be used scientifically for the benefit of the community, is not a matter of great importance. I should like to hear from the gentleman who reported the bill respecting its real object.

Mr. CAMPBELL of Kansas. Mr. Speaker, replying to the questions of the gentleman from Indiana, the object of this bill is to prevent, in so far as it is possible to do so, the spread of consumption.

Briefly stated, the bill provides:

Section 1 provides for the report of the usual details as to cases, but, unlike the laws for contagious diseases, allows one week in which this may be done; and this dates from the time when the disease is recognized, thus providing in a reasonable way against any hardship in the case of mistakes in diagnosis in incipient cases. The second part, providing for reports of cases in institutions, will cover eases not under the care of a physician, and so reach all cases.

In both parts the reports are required only of pulmonary or other communicable form, thus avoiding any injury to the more obscure forms not dangerous or requiring supervision, like

some kinds of affections of the joints.

Section 2 provides for the free examination of all specimens of sputum by the health department, when submitted by the attending physician or proper officer of a hospital or dispensary. While this encourages the examination and so promotes an early diagnosis, it fully protects the interests of physicians who do such work by limiting the obligation to samples submitted as above, and leaves the doctor in every case to send the sample to a physician if the patient prefers or if the doctor wishes

It will be noticed that there is no compulsion about having the examination made in this section, as the law in this respect is permissive. The provision is useful in securing early reports

in cases of the disease.

Section 3 is very strict in securing privacy of the records, and is in advance of any other law in this respect, as most laws leave this feature to the good judgment of the health department. The provision removes all reasonable objection to allowing the reports to be made. As only a very few cases of any annoyance or hardship to the patient have been found in all the thousands reported in other cities without this safeguard, it seems certain that there will be no trouble in this respect with the law here.

Section 4 guards against any interference by the health de-partment in any case which is being properly taken care of by a physician who requests that the health department take no action in regard to instruction or supervision of it, and at the same time does not restrain the health department from doing what is necessary in any cases where there is no physician or

where the public health is endangered or where the physician

Section 5 provides for the disinfecting by the health department of any apartment or premises wherein has occurred a death from tuberculosis upon the vacation of such apartment or premises.

Section 6 provides for the observance of all sanitary rules and regulations of the Commissioners for the prevention of the spread of tuberculosis.

Section 7 provides for the report to the health department by the attending physician of any patient who has recovered from tuberculosis.

Section 8 provides a penalty for violation of this act.

Section 9 provides for the method of prosecution.

Section 10 is the usual repeal clause reserved by Congress.

Mr. CRUMPACKER. A question. Mr. CAMPBELL of Kansas. Yes.

Mr. CRUMPACKER. The bill provides that after a person dies of tuberculosis the premises or house shall not be occupied until disinfected. Suppose a member of a family living at home should die of tuberculosis, and the premises should not be disinfected by the health officers. Would the family be expelled?

fected by the health officers. Would the family be expelled?

Mr. CAMPBELL of Kansas. Oh, that is a matter, of course, that would have to come under the discretionary control of the administrative officers. At present if an inmate of a house, a member of a family, dies of scarlet fever or diphtheria, the premises are wisely disinfected immediately after the death of the patient. It is wise that for the purpose of preventing the communication of consumption to others every precaution should be taken to fumigate the house or rooms after they have been vacated by one who has had the disease.

Mr. Speaker, tuberculosis, which was formerly supposed to be a hereditary and in most cases a fatal disease, has been shown by the developments of the last twenty-five years, since the discovery of Koch that it was caused by a bacillus, to be communicable and if taken in time to be curable. It is now claimed, although it is communicable, it is not contagious in the ordinary sense of the word, and if proper means can be taken to guard against the infection of others, there is no danger from ordinary association with those affected by the disease.

Most of the large cities of the United States have passed laws requiring that all cases be reported to the health department, so that if any attention is necessary for preventing infection it can be given. The first attempt in this direction was made by New York City in 1894, in which the report of all cases in institutions was required and reports of private cases were requested. Many cases were reported and the results indicated the wisdom of the provision. In 1897 a law was passed requiring the report of all cases of pulmonary tuberculosis, which has since been extended to cover all cases of any form. This law also provided that it should be the duty of every person sick with the disease, and the authorities of private institutions and dispensaries, to observe and enforce all sanitary regulations of the board of health for preventing the spread of pulmonary tuberculosis.

The measure when proposed met with very decided opposition on the part of the medical societies of New York City, but a judicious enforcement has shown the wisdom of it and removed all objections to it, so that now cases are reported as a matter of course, and more than 90 per cent of all those who die from tuberculosis are found to have been previously reported. The death rate since registration was begun has shown a general decline, with some variations, in spite of the increasingly unfavorable conditions in the city, due to the addition to the population each year of about 100,000 foreign born, and often ealmost destitute immigrants, giving a density of population unequaled anywhere in the world. The number of reports made in Greater New York in 1905 was 31,963, and an inquiry of some of the principal physicians practicing under this law indicates its wisdom and efficacy, and they state that they have known of but one or two cases in which any hardship whatever has resulted to patients from such reports.

Other cities have passed similar laws at various dates since, and an investigation of the 86 largest shows that 53 of them have laws requiring the reports of all cases, and that the number enacting such laws has increased rapidly during the last three or four years because of the greater knowledge of the disease and of the necessity of its administrative control. This situation is shown by the table appearing below. All these laws require the reporting of all cases. No city or State has even had a law requiring the report only of indigent cases and cases in institutions, except New York, from 1894 to 1897. Since 1897 New York has required reports of all cases.

The following cities, with an estimated population of more

than 8,000 in 1903, on February 20, 1906, had laws requiring reports of all cases of tuberculosis:

City.	Date of law.	Popula- tion, 1900.	Forms to be reported.
New York	Jan. 18,1897	3, 437, 202	All.
Camden, N. J	Dec. 27, 1897	75, 935	All.
Cincinnati, Ohio	Aug. 19, 1898	325, 902	Not stated.
Gizabeth, N.J.	Mar. 6, 1899	52, 130	Not stated.
Boston, Mass	May 1,1900	560, 892	Pulmonary.
Buffalo, N. Y		352, 387	Not stated.
Rochester, N. Y	do	162,608	Not stated.
Trenton, N. J.	Jan. 8, 1901	73,307	Pulmonary.
Bridgeport, Conn	Apr. 23, 1902	70,996	Pulmonary.
lowell, Mass		94, 969	Pulmonary.
Vorcester, Mass	Oct. 6, 1902	118, 421	Pulmonary.
ouisville, Ky	Oct, 1902	204, 731	Not stated.
Atlanta, Ga	do	89,872	Not stated.
Oakland, Cal	do	66,900	Pulmonary.
rovidence, R. I	Jan. 15, 1903	175, 597	All.
Inrtford, Conn	Mar. 4, 1903	79,850	All.
ambridge, Mass	Mar. 11, 1903	91,886	Pulmonary.
maha, Nebr	June 30, 1903	102,555	Not stated.
an Francisco, Cal	Oct. 27, 1903	342, 782	All.
os Angeles, Cal	Oct, 1903	102, 479	Not stated.
femphis, Tenn	do	102, 320	Not stated.
t. Paul, Minn	Jan, 1904	163,055	All.
finneapolis, Minn	Aug. 23, 1904	202,718	All.
			All.
leading, Pa	Sept. 1,1904	78,961	
omerville, Mass	Oct. 6,1904	61,643	Pulmonary.
Des Moines, Iowaa	Oct. 28, 1904	62, 139	All,
pringfield, Mass	Nov. 1, 1904	62, 059	Not stated.
leveland, Ohio	Feb. 3, 1905	381,768	Not stated.
oungstown, Ohio		44, 885	Pulmonary.
onkers, N. Y	Feb, 1905	47,931	Not stated.
aterson, N. J	Mar. 3, 1905	105, 171	Pulmonary.
alt Lake City a	Mar. 9, 1905	53,531	Pulmonary.
rand Rapids, Mich	Mar, 1905	87, 565	Pulmonary.
t. Louis, Mo	Apr. 7, 1905	575, 238	Pulmonary.
altimore, Md. a	Apr. 8, 1905	508, 957	Pulmonary.
hiladelphia, Pa. b	Apr. 27, 1905	1, 293, 697	Pulmonary.
ew Haven, Conn	Apr, 1905	108, 027	Not stated.
filwaukee, Wis.a	May 15, 1905	285, 315	All.
all River, Mass	June 13, 1905	104,863	Pulmonary.
aterbury, Conn	Sept. 5, 1905	45,859	All.
ittsburg, Pa.b	Sept. 10, 1905	321, 616	A11.
ew Bedford, Mass	Nov. 8,1905	62, 442	Not stated.
olumbus, Ohio	do	125,560	Not stated.
rie, Pa	Jan. 1,1906	52,733	Not stated.
hicago, Ill	do	1, 698, 575	All.
awrence, Mass	Feb 19 1906	62,559	All.
eoria, III	Feb. 20, 1906	56, 100	Not stated.
etroit, Mich	100, 20, 1000		Not stated.
olyoke, Mass		285,704	
nottle Week		45,712	Not stated.
eattle, Wash		80,671	All.
Vilkes-Barre, Pa		. 51,721	Not stated.
roy, N. Y		60,651	Not stated.
ndianapolis, Ind		169, 164	Not stated.

a State law. b State law; enforcement in this city begun about this time. By February 20 last the number of cities having compulsory report laws had been increased to 53 out of the 86 largest, as

shown by the table.

It appears that in this matter the United States has taken the lead, but its experience is attracting increasing attention in Europe. In March last the local government board of Scotland adopted very thorough measures for the administrative control of tuberculosis and provided for reports of all eases. On October 25, 1906, such a law as this was unanimously adopted by the town council of Glasgow, and on December 18 last the town council of Edinburgh also adopted such a law by a vote of 35 to 3. The necessity of such measures seems to be definitely established by the experience of other large cities of the country.

It seems that one of the most important points in the treatment of the disease is that cases taken in time, in this vicinity as well as elsewhere, show that proper treatment by means of fresh air, nourishing food, and rest will restore most cases to health and usefulness. The most certain method of detecting the disease is by a bacteriological examination of the sputum, and in order to encourage this early diagnosis most of the large cities of the country have for some time provided for the free examination of it, just as provision is made for the detection of diphtheria and other contagious diseases.

The investigation made in connection with this measure

The investigation made in connection with this measure showed that out of the eighty-six largest cities of the United States sixty have a provision for the free examination of sputum in all cases. The number of sputum examinations in New York City last year was 18,639, and physicians there state that this provision is of the greatest usefulness in readily and easily determining whether the disease is present or not; and it often relieves the physician of the responsibility of himself giving a decision which might be unwelcome to the patient.

All the cities of the country larger than Washington have provisions for the free examination of sputum, and of the largest Washington is the only one which is yet without facilities for

This situation is best shown by the following list of cities having such provision, with the population and the rank of Washington in size, and the answers made to the inquiry as to whether there was such a provision or not:

New York, N. Y. (3,437,202): "Full and complete."
Chicago, Ill. (1,698,575): "We examine all specimens sent in by physicians."
Philadelphia, Pa. (1,293,697): "Abundant provision for this. All sputa are examined free of charge."
St. Louis, Mo. (575,238): "All sputum is examined free by the city bacteriologist."
Boston, Mass. (560,892): "Diagnosis of this and

bacteriologist."

Boston, Mass. (560,892): "Diagnosis of this and several other diseases made free of expense in our laboratory."

Baltimore, Md. (508,957): "Municipal and State laboratories."
Cleveland, Ohio (381,768): "Any physician can send sputum to the city bacteriological laboratory and have it examined free of charge."
Buffalo, N. Y. (352,387): "All sputum examined free."
San Francisco, Cal. (342,782): "We have a bacteriological laboratory attached to our department where examinations of sputum may be had absolutely free of charge to the doctor."
Cincinnati, Ohio (325,902): "A bacteriologist is employed for the purpose."

Cincinnati, Ohio (325,902): A batteriologist purpose."
Pittsburg, Pa. (321,616): "Yes; all samples sent to laboratory are examined free,"
New Orleans, La. (287,104): Report of board of health shows free examinations of sputum by city bacteriologist.
Detroit, Mich. (285,704): "The analyst and bacteriologist of the board examines gratis all samples of sputum brought to him."
Milwaukee, Wis. (285,315): "Sputum of patients residing in the city analyzed free of charge by health department."
(Washington, D. C., with 278,718, should come in here, but has no such provision.)

In 1900 the 20 largest cities in the United States had a population of 11,971,406. Of these, 16, containing 10,953,081, or 91½ per cent of this population, have laws requiring reports of all cases of tuberculosis, while only 4, having but 1,018,325, or 8½ per cent of the population, among which is Washington, do not have such laws.

Washington should no longer hesitate to do what all the largest cities in the country have found it expedient to do in encouraging the early discovery of this disease, which is so important to the whole community, and should take her proper place among those which make such examinations free to all.

Mr. CRUMPACKER. The purpose of this bill is simply to

establish safeguards for the prevention of the communication of establish safeguards for the prevention of the communication of tuberculosis. I notice there are a couple of typographical errors in the bill. On line 21, page 2, the word "tubercle" is spelled t-u-b-u-e-r-c-l-e, and on page 3, line 16, the word "attending" is spelled a-t-t-e-h-d-i-n-g. Those errors should be corrected. I think the bill is all right, and I believe in any reasonable presention for checking it possible the dead of the contraction. able precaution for checking, if possible, the dread disease, the "white plague," as it has been termed, but I do not have great faith in this kind of a remedy. I am not opposed to the bill, but I think the way to prevent consumption is to develop the individual resisting powers. I have an indefinite idea that tuberculous germs are abundant and exist pretty nearly every-where, and that the remedy is in the resistance of the individual more than in prevention by police regulation, but that does not mean that preventive measures should not be adopted.

Mr. HINSHAW. May I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Certainly.
Mr. HINSHAW. This bill primarily provides that physicians in the District shall send in a report to the health department of each case of tubercular disease?

Mr. CAMPBELL of Kansas. Yes. Mr. HINSHAW. And makes it compulsory on the physician to do so?

Mr. CAMPBELL of Kansas. Yes.

Mr. HINSHAW. Does the gentleman know whether statistics show that in the cities where similar precautions and legislation have been adopted the death rate thereby is made any less than it is in a city like Washington?

Mr. CAMPBELL of Kansas. It is claimed that the death rate has decreased, and if the gentleman from Nebraska will turn to the report on this bill he will find a table showing what the claim in these cases is. It is claimed, on the other hand, by those who oppose this bill that it does not in any material sense decrease the disease nor the fatalities from it.

Mr. HINSHAW. Have the physicians in the city of Washington been allowed a hearing before your committee

Mr. CAMPBELL of Kansas. They have appeared individually before members of the subcommittee and have filed pam-

phlets and protests, and we know their position.

Mr. HINSHAW. Their position is against the bill?

Mr. CAMPBELL of Kansas. Yes; some of them are, but I refuse to believe that all or a majority of the physicians of the city of Washington are against the provisions of this bill as it is reported by the committee.

Mr. HINSHAW. Has any physician in the city appeared in

favor of this bill?

Mr. CAMPBELL of Kansas. I do not recall that there has.

I have hoped that I would not be called into a discussion of this phase of the case. The attitude of the medical fraternity toward this class of legislation is not friendly, and I have some very pronounced views on their attitude.

Mr. BURTON of Delaware. Let me say to the gentleman that it is not the attitude of the profession generally. You may find it in this city, but, generally, the medical profession is in favor of this kind of legislation. If it does no other good it will cause the attending physician to be careful with his patient and take care of the expectoration and do those things which will have a tendency to prevent the spread of the disease. I think it is a very wise thing to do and very important that it should be done. The gentleman from Indiana [Mr. CRUM-PACKER] said that Doctor Wiley said that in the mouth of almost every human being could be found tuberculous germs. That may be so accidentally; but if all of the disease germs which could be found in our mouths should develop we should all be dead in a week. It depends upon the amount of resisting force we have to get rid of them. They are constantly with us, ready to make an invasion, and this kind of legislation is very wise and, I think, should be passed by all means. not think it is any too strict.

Mr. CAMPBELL of Kansas. I thank the gentleman from Delaware, who is a most noted physician himself.

Mr. HINSHAW. Any method of preventing the spread of tuberculosis should be adopted if adapted to the purpose, but it strikes me as peculiar, since it has been made manifest that the physicians of the city are opposed to it, and I could not understand why, because I should believe naturally they would be in favor of restrictive measures when it came to the spread of this disease.

Mr. CAMPBELL of Kansas. I will say for the medical societies here, as they have been represented to the members of the committee who have had the bill under consideration, that they are in favor of reporting such cases as do not come under their

It is the contention of the medical society that when a case is called to their attention it is in hands sufficiently qualified to make all investigations and examinations of sputum and to give all necessary instruction to the patient and to give every encouragement and help that a patient with consumption should have. They do say that cases which do not come under their treatment should be reported and taken care of as provided for in this bill.

Mr. HINSHAW. It was suggested to me by one citizen that one objection to the bill was that it puts down upon the records of the department here against a particular patient a record of tuberen'esis, which would therefore follow that patient even though he might recover, and that life insurance companies possibly might have access to that record and that record might will take against the chances of the patient getting life insurance. Various other objections were made because they contend that a large number of these patients do ultimately recover, and do not like to have the record made against them.

Mr. CAMPBELL of Kansas. Provision is made for the record to show recovery when there is recovery. The physicians here have not had formal hearings, but their case has been given full consideration in the preparation of this bill and the report on it. The provisions of this bill practically as it has been reported have been in operation in the city of New York for about ten years now, and I will yield a few moments to the gentle-man from New York [Mr. Olcott] with a view of having him

state how it works there.

Mr. OLCOTT. Mr. Speaker, in connection with this matter would say that I have had considerable conversation with Dr. Hermann H. Biggs, who is the general medical officer of the city of New York. This system of the free examination of sputum and of the registration of all tuberculosis patients has been in operation in New York City for a considerable length of time and has been of highly beneficial results. I, of course, not being a physician, can do nothing better than to ask the clerk to read the letter which I send to the desk which I have received from Doctor Biggs, as to the effect of a similar law in the city of New York.

The Clerk read as follows:

CITY OF NEW YORK, DEPARTMENT OF HEALTH, January 25, 1907.

Hon. J. Van Vechten Olcott,

The Capitol, Washington, D. C.

My Dear Sir: I am informed that bill H. R. 21934, relating to the compulsory reporting of cases of tuberculosis and the free examination of sputum for the city of Washington is in charge of the District Committee of the House, of which you are a member, and I am writing to most earnestly urge the favorable reporting of this bill by your committee.

It has been my privilege to have the supervision of this work in the city of New York for many years. In 1894 the board of health, on

my recommendation, first provided for the free examination of sputum and the partially voluntary and partially compulsory reporting of cases of tuberculosis. In 1897 an ordinance was passed declaring this disease to be a communicable one, dangerous to the public health, and requiring reports of all cases. You will readily understand that when we took up this work in New York City, thirteen or fourteen years ago, the scientific knowledge in regard to the subject was far less complete than it is now, and both the medical profession and the laity were without information as to the actual facts, and it seemed wise then to follow the course suggested. At the present time there is absolutely no valid objection in any civilized community to the passage and enforcement of such regulations, which are absolutely necessary for the protection of the public health and even more so in Washington than in New York, because of the great susceptibility to and the prevalence of tuberculosis among the negroes.

Notwithstanding the very dense population which we have in New York on the lower east side, running from 600 to 1,000 to the acremuch the densest population of any city in the world—and notwith-standing the enormous and almost insuperable difficulties in the education of our tenement-house population, because of their foreign birth and training and inability to understand English, it has been possible, by the procedures which we have adopted, to reduce the death rate from tuberculosis fully 35 per cent in the period since the work was begun. When I say that there is not one single valid objection to the adoption of such regulations I speak with full knowledge of the subject, as I was responsible for the introduction of these regulations in New York City and have had the supervision of them since that time. Last year nearly 31,000 cases of tuberculosis were reported to the department of health.

I sincerely trust that for the good of the people of Washington and for the general reputation of the economic tention and the prov

I sincerely trust that for the good of the people of Washington and for the general reputation of the national capital, the House committee will see its way to reporting favorably on this bill and urging its

passage.

I have the honor to remain, very respectfully, yours.

Hermann M. Biggs,

General Medical Officer.

Mr. CAMPBELL of Kansas. Mr. Speaker, I wish at this time to offer two amendments to correct the spelling of two words in the bill. On page 2, line 21, correct the spelling of the word "tubercle;" and on page 3, line 16, correct the spelling of the word "attending."

The SPEAKER. Without objection, the amendments indicated by the gentleman from Kansas will be considered as agreed to.

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Kansas two or three questions about this Who wants this bill, anyway?

Mr. CAMPBELL of Kansas. We have here the petition of the council of the Civic Center Society, who have petitioned for the passage of the bill. The board of health wants it, and the District Commissioners want it, and many citizens have called upon the subcommittee in support of the bill and have

asked that it be reported favorably and passed.

Mr. CLARK of Missouri. What do the doctors say about it?

Mr. CAMPBELL of Kansas. The doctors are pretty generally against the passage of this bill as it has been reported.

Mr. CLARK of Missouri. They want a substitute passed that will not be so stringent?

Mr. CAMPBELL of Kansas. Yes; they want a substitute passed. They want to give homeopathic treatment, as it were, where we would give allopathic treatment.

Mr. CLARK of Missouri. Does that in any way interfere with the management of his own affairs of any man keeping house in this town a member of whose family is supposed to have consumption?

Mr. CAMPBELL of Kansas. I contend that it in no way interferes with the family in that way. In New York City they have been trying to devise a way in which they could inter-

fere in proper cases, but have not yet been able to do so.

Mr. CLARK of Missouri. What is the provision in this bill as to the registration of these cases

Mr. CAMPBELL of Kansas. The bill requires that an attending physician, believing or having reason to believe that he is attending a patient who has tuberculosis, is required to have an examination made of the sputum at public expense by the health officer. Having ascertained that the patient has tuberculosis, that physician is required to report that case to the health officers

Mr. CLARK of Missouri. Is that to be registered in a public place?

Mr. CAMPBELL of Kansas. Not in a public place. The registration is for the information of the health department, and every safeguard is placed around it. It is only for the information of the health office.

Mr. CLARK of Missouri. Well, is one doctor to be permitted to certify up there that I have consumption or that you or any-

body else has it?
Mr. CAMPBELL of Kansas. No: he may certify his suspicions, but one is not registered as a consumptive until an examination of the sputum has been made which shows conclusively that he has the disease, and then registration is made Mr. CLARK of Missouri. They compel the examination. Mr. CAMPBELL of Kansas. Of the sputum-well, I should

Mr. CAMPBELL of Say that it is not compulsory. say that it is not compulsory. Well, I dislike exceedingly to have

Mr. CAMPBELL of Kansas. "Shall make or cause to be made an examination" is the language of the bill.

Mr. CLARK of Missouri. Say that anybody had consumption, or tuberculosis, I believe, is the technical name for it. I know of a case where one doctor said a boy had incipient tuberculosis and there is not a healthier boy in the city of Washing-Well, now, my judgment about it is that a man would not like to have his wife or himself or his child certified in a public record that they have tuberculosis unless it is a clear case. Of course, there is nothing disgraceful about having tuberculosis, but it might work a great many bad results if you are registered as having it.

Mr. BURTON of Delaware. I want to ask if your friend in

that case had his sputum examined?

Mr. CLARK of Missouri. No, he did not; but there is not a healthier boy in the city of Washington.

Mr. BURTON of Delaware. That diagnosis would have been avoided probably in that very case had the doctor submitted his sputum to the proper kind of an examination.

Mr. CLARK of Missouri. You know ten times as much about

medicine as I do, but I know the common-sense idea about it is this: People who have good sense when they come to marry consider the antecedents of the person they are going to marry as to health, insanity, and all that kind of stuff. Now, you take girl down here, or a boy either, it does not matter which, a child, and register them in a public register as having tuberculosis and it turns out that they do not have it, it might interfere very materially with the prospect of that girl or boy in regard to their marrying or getting on generally, and marrying is one of the most important functions people discharge in this life now. Another thing about it—there is a great dispute in life now. the world whether consumption can be cured at all or not. Now, if it was ascertained definitely that it can be cured, then it would not make so much difference if a person accidentally had his name registered as consumptive

Mr. BURTON of Delaware. It has been demonstrated— Mr. CLARK of Missouri. But if it is admitted it is an incurable disease, then to have the name of a child put on a public record as having an incurable disease I do not think it-

Mr. BURTON of Delaware. It has not been demonstrated that it is incurable. The fact is, it has been demonstrated beyond the question of doubt that it can be cured, and the earlier the disease is recognized the better the chances of curing it.

Mr. SHERLEY. Will the gentleman answer a question? Is

it not true that nearly every person at some time or other in life has consumption, in the sense that there is an attack by the germ, but a healthy person is capable of throwing it off and curing it without any disastrous results?

Mr. BURTON of Delaware. That is true.

Mr. SHERLEY. If that be true, is it not possible that a person then might be registered as having consumption who would not have it in the sense in which it would be considered by the public?

Mr. BURTON of Delaware. Well, but he has the opportunity to go and be examined afterwards and be registered as cured and as free from tuberculosis, and it is his duty to do so.

Mr. SHERLEY. The gentleman, however, will realize this fact, that while the medical profession may recognize that a man may have it and be cured, the general public look upon it as a disease not capable of cure, and once being noted as having consumption would carry to the lay mind the idea that the person always has it.

Mr. BURTON of Delaware. I understand that; but do you not know there are hundreds of cases that are diagnosed as tuberculosis when an examination would reveal the fact that there was no tuberculosis? So far as I am concerned, in my practice many times in my life the diagnosis of a case would disclose the patient had tuberculosis, but if I had some doubt I would go to another place and get a report on the sputum,

showing that it was entirely free from the germs of tuberculosis.

Mr. SHERLEY. The gentleman's statement brings forward
an additional argument. If there is so much doubt as to
whether or not a person has tuberculosis, a doubt that exists among the members of the medical profession, then is it not going a little far to say upon the statement of a health officer that a man shall be certified as having it, when he might not have it at all?

Mr. BURTON of Delaware. That is just the point. They can do to bliged to stop there. They can go to another scientist are not obliged to stop there. and have it examined again.

Mr. SHERLEY. Upon the opinion of whom does the certifi-

cation depend?

Mr. CAMPBELL of Kansas. Now, Mr. Speaker, I want to read section 2 of the bill in answer to the gentleman from Missouri [Mr. Clark] and the gentleman from Kentucky [Mr. SHERLEY]. It is as follows:

Sec. 2. That the health officer of the District shall make, or cause to be made, a microscopical examination of the sputum of persons having symptoms of tuberculosis, which shall be accompanied by a blank giving name, age, sex, color, occupation, and address of the patient, whenever it be requested by the attending physician or by the proper officer of any hospital or dispensary; and shall promptly make a report thereof, free of charge, to the physician or officer upon whose application the examination was made.

Now, Mr. Speaker, it is the contention of the committee and those favoring this legislation that this examination made by a proper officer discloses the fact as to whether or not the person has or has not consumption, and the examination is in the

nature of a protection to him.

Mr. SHERLEY. If the gentleman will permit, that is hardly in accordance with the statement made by the gentleman from Delaware [Mr. Burron], that it is a matter of doubt among

physicians frequently. Now, you are permitting one man's certificate to determine the matter.

Mr. CAMPBELL of Kansas. No; we are permitting here the certificate of the officer who has made a microscopical investigation of sputum to determine the matter, just as we permit the same officer to decide whether or not a child has scarlet fever or diphtheria to-day. There seems to be no question among medical men that it can be ascertained definitely whether there is tubercular bacilli in the sputum or not.

Mr. SHERLEY. I simply appeal from the gentleman's statement to the statement made by the gentleman from Delaware

[Mr. Burton], who is himself a physician.

Mr. CAMPBELL of Kansas. No doubt the gentleman from Delaware has reference to his own examinations, not as a specialist making an examination of the sputum, but as a physician

giving his opinion upon the case.

Mr. BURTON of Delaware. No, Mr. Speaker; I contend that the ordinary physician would diagnose a case as tuberculosis, as the gentleman from Missouri [Mr. CLARK] said a while ago, when an examination by a scientist would have shown that it was not tuberculosis, and had that examination not been made the patient would have nothing to show that he had recovered and was now a healthy man. It is a protection to the patient

as well as to the public.

Mr. SHERLEY. The point I desire to bring out is this: As I understand it—of course I do not pretend to have accurate knowledge in regard to the matter—all of us may at times be infected with the germ that produces tuberculosis, but the system itself is capable of coping with the disease and throws it off, so that it does not become acute or chronic, and the result is that that person is not a consumptive in the ordinary sense of Otherwise all of us would be; and yet under the prothe term. visions of this bill such a person might be registered. Now, the fact that subsequently the registration can be canceled by the statement that the person is cured does not put him back in the position he would have been in if he had never been registered, because in the lay mind there is always an idea that consumption, differing from the diseases mentioned by the gentleman, is incurable, and is also capable of being transmitted, and as a result the stigma would be one that could never be gotten rid of.

Mr. BURTON of Delaware. The gentleman will admit that that same condition of things would exist in connection with the physician who denominates maybe a hundred cases as tuberculosis where there never was an examination, and it goes out all over the community that a man so examined has consumption and has still got it, because the average man believes it incurable. Now, the statement of Dr. Wiley, that it can be found in the sputum or in the mouth of men, does not prove that the system is infected with it or that it has made any inroads, for every day of our lives, no doubt, we drink the typhoid germ, and it is probably by the antiseptics that we put in our stomachs we fight off the disease. Three of us might to-day take the typhoid germ into our systems, and one might be a victim of it in a week, and another man in two weeks, and another man in three months. The latter would fight it off until it finally exhausted his vital force. You can not claim a man has consumption because of the undeveloped tuberculosis germ that is found in the mouth.

Mr. SHERLEY. And yet upon the ascertainment that the germ is in the sputum this is to be done.

Mr. BURTON of Delaware. The gentleman does not understand. That is the expectoration. A man has a cough. You take that sputum that he expectorates from the lungs and have that examined. It is not simply saliva or what you may find

it, and you spit that out or you chew it out or smoke it out or kill it by alcohol or tobacco or anything else. It is not the germ that you find in the mouth or you find in the stomach or throat, but is the germ that is found in the sputum that is often expectorated from the lungs. It is an expectoration of germs from tuberculous ulcers. There are a great many cases, when there is profuse expectoration, of at least a suspicious character, but examination shows it to be harmless. Now, I had one that came home very close to me. My brother was very ill. He had grip, and in cases of grip we frequently find occasions of profuse expectoration, and he was expectorating very great quantities of ugly sputum. I called in a physician, and he stated that there was no question that it was tuberculous. I did not believe that it was. My belief was that it was simple sputum of diffused it was. bronchitis, profuse, as we often find in cases of epidemic influenza, and an examination by scientists proved that it was not tuberculous, and the man got well, and he is as well as he ever

Mr. CAMPBELL of Kansas. I call for a vote, Mr. Speaker.

Mr. GARRETT. Mr. Speaker—— . Mr. COUSINS. I would like to ask the gentleman from Delaware a question. Do you regard the existence of universal pavements in the city as more likely to cause an exhalation of this tuberculous matter than if the pavement did not exist and the sputum fell on the ground, and whether there would be less liability of its rising than there is now?

Mr. BURTON of Delaware. Decidedly so.

Mr. COUSINS. And is it the opinion of physicians that it is in the very dryest state that this sputum is the most dangerous?

Mr. BURTON of Delaware. Yes. When it falls on a pavement it dries more rapidly, and is also less likely to meet with an enemy than it would be if it fell upon clay or soil where other

germs are often found to destroy it.

Mr. COUSINS. That it becomes pulverized and rises in the

Mr. BURTON of Delaware. It rises in the air. A person expectorates on the carpet and it dries and rises in the dust.

The SPEAKER. Without objection, the bill will be ordered to

be engrossed, read the third time, and passed.

Mr. SHERLEY. Mr. Speaker, quite a number of gentlemen are interested in the bill just passed by the Chair—I mean nothing unkind in reference to the action of the Chair—and some of us desired to be heard, and I did not know that debate was

The SPEAKER. The Chair was notified that a vote was called for by a member of the committee, and the Chair stated that if there was no objection the bill would be passed, nor was there objection.

Mr. CAMPBELL of Kansas. I called for a vote. After that some questions were asked on the bill, and the gentleman from Tennessee [Mr. Garrett] had asked me to yield to him for a question.

The SPEAKER. By unanimous consent the House can vacate

its action. Is there objection? Mr. BABCOCK. I object.

The SPEAKER. Objection is made.

PROHIBITION OF DISTRIBUTION OF ADVERTISING MATTER.

Mr. BABCOCK. I call up for consideration the bill H. R. 24930.

The bill was read, as follows:

The bill was read, as follows:

A bill (H. R. 24930) prohibiting the distribution of circulars and certain other advertising matter on private property within the District of Columbia, and for other purposes.

Be it enacted, etc., That hereafter it shall be unlawful for any person, firm, corporation, or company or association of any character to throw, push, cast, deposit, drop, scatter, or leave, within the building line, vestibule, or yard of any premises within the District of Columbia any paper, handbills, dodgers, cards, circulars, or advertising matter of any kind whatsoever: Provided, however, That nothing herein shall be construed to interfere with the distribution of newspapers or any class of mall matter in the ordinary course of mail delivery: And provided further. That nothing herein shall be taken to modify, annul, or repeal the power to make police regulations heretofore given the Commissioners of the District of Columbia by Congress, nor any present or future police regulation prohibiting deposits upon parks, parking, streets, avenues, or alleys, or other public space.

Sec. 2. That no person, firm, corporation, or company or association of any character shall do or employ any other person, firm, corporation, or company or association of end or perform any one or more of the things forbidden by section 1 of this act, or by any present or future police regulation mentioned in the provisos thereof; and any such person, firm, corporation, or company or association of any character, whether acting as employer or employee, as principal or agent, either directly or indirectly, shall be liable for a violation of any provision of this act.

Sec. 3. That any person, firm, corporation, or company or association of any character, whether acting as employer or employee, as principal or agent, either directly or indirectly, shall be liable for a violation of any provision of this act.

Sec. 3. That any person, firm, corporation, or company or association of any character, whether acting any of the provisions

Mr. CRUMPACKER. Mr. Speaker, I want to suggest an amendment to this bill.

Mr. GREENE. I have an amendment I desire to offer on behalf of the committee

The Clerk read as follows:

Page 1, line 11, after the word "delivery," insert the following:
"Or with the orderly delivery upon the premises of printed or written
advertisements inclosed in an envelope addressed to some person in the
house or to the man or lady of the house."

The SPEAKER pro tempore. The question is on the amendment.

Mr. CRUMPACKER. Mr. Speaker, I think this bill would prevent the custom that generally prevails throughout the city of Washington of making social calls by leaving cards-the ordinary visiting cards. I do not think that very admirable and convenient practice ought to be prohibited.

Mr. BABCOCK. Does the gentleman consider that advertis-

Mr. CRUMPACKER. The provision is not limited to advertising matter. Let me call the attention of the gentleman to the phraseology of the bill:

It shall be unlawful for any person, firm, corporation, or company or association of any character to throw, push, cast, deposit, drop, scatter, or leave within the building line, vestibule, or yard of any premises within the District of Columbia any paper, handbills, dodgers, cards, circulars, or advertising matter of any kind whatsoever.

These enumerated things are not necessarily of an advertising character. The depositing of a calling card on the front porch would be on the premises and within the building line. I think, at the end of line 7, a word should be added, so it would read "handbills, dodgers, cards, circulars, or 'other' advertising matter of any kind."

Mr. BABCOCK. I have no objection to that.

Mr. CRUMPACKER. "Papers, dodgers, handbills, cards, circulars, or other advertising matter."

Mr. BABCOCK. I have no objection to that. Submit the amendment to the Clerk.

Mr. CRUMPACKER. Mr. Speaker, I move to amend—

The SPEAKER pro tempore. Does the Chair understand that These enumerated things are not necessarily of an advertis-

The SPEAKER pro tempore. Does the Chair understand that this is an amendment to the amendment offered by the gentleman from Massachusetts?

Mr. CRUMPACKER. No; I move to amend by adding, after the word "or," in line 7, page 1, the word "other." The Clerk read as follows:

Insert, after the word "or" and before the word "advertising," on line 8, page 1, the word "other;" so as to read: "or other advertising matter."

The SPEAKER pro tempore. The first amendment was the one proposed by the gentleman from Massachusetts [Mr. Does the gentleman desire to be heard on that amend-GREENE]. ment?

Mr. GREENE I do not think it is necessary.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment of Mr. Greene was agreed to.
The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from Indiana [Mr. CRUM-PACKER].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and

WASHINGTON WATER SUPPLY.

Mr. BABCOCK. Mr. Speaker, I desire to all up Senate bill 7042, which was called up when we adjourned on last District day and is on the Union Calendar.

Which bill is that? Mr. SIMS.

Mr. BABCOCK. The Washington Aqueduct bill?

That is on the Union Calendar? Mr. SIMS.

Mr. BABCOCK. Yes; I just said that it is on the Union Calendar.

Mr. SIMS. What about H. R. 25326?

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged and that Senate bill 7042 may be considered in

the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill mentioned and that it now be considered in the House as in Committee of the Whole.

Mr. SHERLEY, I object.

The SPEAKER pro tempore. Objection is made by the gen-

the Union for the consideration of bills on the Calendar re-

ported by the District Committee.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 7042

Mr. BABCOCK. No, Mr. Speaker-

The SPEAKER pro tempore. For the consideration of bills on the Union Calendar reported by the Committee on the District of Columbia.

Mr. MADDEN. Mr. Speaker, I want to make a parliamentary inquiry, whether there is going to be any general debate fixed on this bill before we go into the Committee of the Whole House?

Mr. FITZGERALD. Oh, no; let it run. The SPEAKER pro tempore. That can be agreed to only by unanimous consent, the Chair will state to the gentleman from The question is on the motion of the gentleman from Wisconsin.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported by the Committee

on the District of Columbia, with Mr. Grosvenor in the chair.
Mr. BABCOCK. Mr. Chairman, I ask for the present consideration of Senate bill 7042, to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That from and after July 1, 1907, the Commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations which under existing law are delegated to and imposed upon the Chief of Engineers of the United States Army in so far as the same relate to the jurisdiction and control over the Washington Aqueduct and its appurtenances in the District of Columbia, State of Virginia, and State of Maryland; and the said Commissioners are hereby given sole control over the Conduit road and the filtration plant, it being the intention of this act that the entire control over the Washington Aqueduct and all of its appurtenances, the filtration plant, Conduit road, all water mains, and the water-distribution system of the District of Columbia shall, on and after said date, be under the sole and exclusive jurisdiction and control of the said Commissioners of the District of Columbia, and that the Secretary of War and Chief of Engineers of the United States Army shall be relieved of all duty and responsibility in connection with all of such work; and the Secretary of War and Chief of Engineers shall, on request of the Commissioners of the District of Columbia, deliver to them all existing plans, surveys, and records, or duly certified copies thereof, deemed necessary or required by said Commissioners to enable them to discharge the duties imposed on them by this act, the cost of making said copies to be paid by said Commissioners; and all property connected with said works shall be delivered to said Commissioners; and all appropriations available for the Washington Aqueduct, District of Columbia, and its appurtenances, including the filtration plant, shall be expended under the direction and control of the Commissioners of said District, and the employees paid from said appropriation shall be transferred to the jurisdiction of the said Commissioners for assignment to such duties as may be deemed necessary to carry into effect the

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. FITZGERALD. Mr. Chairman, that was the first reading of the bill. Is the gentleman from Wisconsin going to explain it?

The CHAIRMAN. The bill is now open for general debate. The Chair recognizes the gentleman from New York.

Mr. FITZGERALD. I desire to know whether the gentle-

man from Wisconsin intends to explain this bill?

Mr. BABCOCK. Mr. Chairman, I should be very glad to have an opportunity to explain the bill fully, and for that purpose I yield to the gentleman from Ohio [Mr. TAYLOR], who

mr. TAYLOR of Ohio. Mr. Chairman, the waterworks system of the District of Columbia has been partly under the control of the War Department and partly under the control of the District Commissioners. The dam at Great Falls, the aqueduct, the reservoir, and the filtration plant and a portion of the trunk mains have been under the control of the War Department. The balance of the water mains and the machinery of distribu-tion are under the control and direction of the District Commissioners. This bill simply seeks to consolidate that entire water system under one control. The District Commissioners have advocated it on grounds of economy, and the War Department are anxious to get rid of the authority they hold over this portion of the waterworks By the original act, which was passed a long time ago, the War Department had control of the aqueduct tleman from Kentucky.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the water and distribute it. This is all there is to the bill.

There is nothing behind it, except to turn over the control of the entire system to one body.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Ohio. Certainly

Mr. MANN. This involves the filtration plant?

Mr. TAYLOR of Ohio. Yes.

Does it involve the reservoir? Mr. MANN. Mr. TAYLOR of Ohio. Yes; and the aqueduct.

Mr. MANN. All of that which has been constructed under the control of the engineers of the War Department?

Mr. TAYLOR of Ohio. Under the control of the War Department engineers.

Mr. MANN. You now propose to turn it over to the District Commissioners?

Mr. TAYLOR of Ohio. To the District, and that such funds as are used by the War Department for the purpose shall be put into the hands of the Commissioners. In other words, that one party will control the whole water system.

Mr. MANN. Is there not some talk about enlarging the water

supply of the District?

Mr. TAYLOR of Ohio. I know of no such talk beyond the fact that they have just finished a large filtration plant and there is now pending a bill to construct a small auxiliary filtration plant, I think involving an expenditure of about \$5,000.

Mr. MANN. The gentleman from Ohio is aware that it is

stated here by the committees having jurisdiction that it will be necessary to enlarge the water supply or decrease the water

consumption within the very near future?

Mr. TAYLOR of Ohio. I know that they have recently adopted the meter system, or rather I am so informed. Doubtless that will save water and the cost of production.

Mr. MANN. They are also asking additional methods of

water supply.

Mr. TAYLOR of Ohio. Not in this bill.

Mr. MANN. Oh, no; not in this bill. These things come in by piecemeal.

I know nothing about that. Mr. TAYLOR of Ohio.

Mr. MANN. What is the reason for the Engineering Department of the Government, which has constructed a filtration plant, having it in hand and having the capacity and the force to look after it—what is the reason for turning it over to the District Commissioners, who know nothing about that subject?
Mr. TAYLOR of Ohio. In the first place, I do not agree with

the gentleman from Illinois that the District Commissioners or their agents having charge of the water system of Washington do not know about the source of the water supply. It seems absolutely necessary to a successful operation that they should know about the water supply. The letter from the District Commissioners states the fact, and it seems unanswerable, that a water system controlled by two bodies, one portion of it under the control of the War Department and the other portion under the control of the District, could not be as economically managed as the same system consolidated and controlled by one governmental body.

Mr. HULL. Wouldn't it be more economical to put it all under the War Department?

TAYLOR of Ohio. I might say to the gentleman that the War Department is pretty busy managing the real duties of that Department without becoming the District water-supply

Mr. HULL. I do not know much about it, but I am seeking for information. My impression was that it was economy for

it to be administered in the way it is.

Mr. BABCOCK. The gentleman from Iowa understands that the War Department has assented to the provisions of this bill? Mr. HULL. No; I was not aware of it; I am trying to find

Mr. BABCOCK. They are in favor of the legislation. Mr. TAYLOR of Ohio. In the report we have a letter from the Chief of Engineers and also an indorsement of the approval of Secretary Taft, together with a letter from the Commissioners, fully explaining what they think would be an economical administration of the water system. It is an agreed matter between the Department and the Commissioners, and we are seeking only to acquiesce and carry it out.

Mr. MANN. Will the gentleman yield for another question? Mr. TAYLOR of Ohio. Certainly.

Mr. HALLOR of Onio. Certainly.
Mr. MANN. If the purpose of this is economy, I want to suggest to the gentleman that there are other matters for economical administration. For instance, we have a large number of little parks belonging to the General Government. It is very costly to have those policed by the War Department.

Mr. TAYLOR of Ohio. I agree with the gentleman.

Mr. MANN. Has the District Committee ever brought in a

Mr. TAYLOR of Ohio. I do not know whether the committee has ever brought in a bill to change it, but it has not since I have been a member of the committee.

Mr. MANN. If they have it has not been passed? Mr. TAYLOR of Ohio. It has not been passed.

Mr. MANN. There are some reasons in this case that could easily be given why the Government should retain control of the water supply and not turn it over to the District Commissioners.

Mr. TAYLOR of Ohio. They do not give up the title to the

property, only transfer the administration.

Mr. MANN. The title does not make any difference, they turn over the control from the Engineer Department of the War Department. They turn these matters over to the District office, as though it was a mere matter of registering the water by meters. As a matter of fact, it is quite a different proposi-

Mr. TAYLOR of Ohio. Under the present system there are now of necessity a number of positions duplicated by reason of the two jurisdictions. That could be done away with, and that is, of course, a matter of economy. Because the park system may be in the minds of the gentleman and myself wrong, in that the Department employs policemen for the parkings, I do not see that that is any reason why this bill should not pass because of the committee's failure to bring in a bill correcting the other extravagance.

Mr. MANN. That is the reason we want to know why the

committee selects one and not the other.

Mr. TAYLOR of Ohio. The only answer I could give to that lies in the fact that the Commissioners and the War Department have called this matter to our attention and have urged this legislation. I have no recollection of having the other thing urged upon us.

Mr. MANN. What positions are duplicated?

Mr. TAYLOR of Ohio. They are not given in sequence, but the statement is this: That considerable economy will result from their administration of the aqueduct and the filtration plant, as a number of employees now necessarily duplicated on account of the division of the work could be dropped. I do not know what positions are referred to, but I can readily see why there would be a duplication.

Mr. MANN. I will offer to give the gentleman a valuable

chromo if this bill passes and he can find a single case or person

that is dropped

Mr. TAYLOR of Ohio. Then it is the fault of the District Commissioners, and they and not the committee should receive the criticism. I move, Mr. Chairman, that the bill be laid asidewith a favorable recommendation.

The CHAIRMAN. The question is on laying the bill aside

with a favorable recommendation.

Mr. FITZGERALD. Mr. Chairman, I desire to be recognized in opposition to this bill. It seems to me that the committee should consider this bill somewhat carefully before it lays it aside with a favorable recommendation. The Commissioners have for several years urged the Committee on Appropriations to turn over the aqueduct and the filtration plant to their control. At present the aqueduct and filtration plant are under the control of the engineers of the War Department. The administration of the service is satisfactory and the evidence shows that it is more economical than it would be in any other way. Federal Government built the aqueduct and between the years 1850 and 1879 paid all the expenses of maintaining it. In that period there were expended \$3,800,000 for that purpose. It is important that the Federal Government should have control of the water supply in this city. There is no more important function for the Federal Government in connection with the District than to have control of the water system. This movement did not originate, as I am informed, with the War Department, but it originated with the Commissioners of the District, who in all of the hearings simply assert that in their opinion it would tend to better and more economic administration. In my experience I am convinced that the economic administration of this service will be conserved by continuing it in the control of the engineers of the War Department. If there be any necessity to consolidate the control of the water-supply system in this District it would be better, in my opinion, to place the control of that part of it now under the Commissioners of the District with the engineers of the War Department. The Secretary of War has not specifically approved this project. has simply returned the proposed bill with a recommendation that the committee's attention be given to the recommendations of his subordinate officials. They suggest that there is no objection to the bill. One of these officials, Captain Cosby, suggests that it might be a proper matter for consideration that the District should pay, if it is to have the entire control of the water system, at least one-half of the amount that was expended prior to 1879. In my judgment the result of this bill, if enacted into law, will be to gradually increase the cost of maintenance without any advantage whatever to anyone desiring a better or a more efficient water supply. It seems to me that before the aqueduct, which was built and paid for by the Federal Government, and the filtration plant, which has been paid one-half by the Federal Government and one-half by the District (but which has always been controlled in an economical manner by the engineers of the War Department) are put into the control of the Commissioners more forcible reasons should be given than those assigned in advocacy of this bill. There is no special haste, there is no pressing necessity for this legislation, and I trust that the committee will not, with the meager

explanation given, approve the bill.
Mr. GOULDEN. Mr. Chairman, 1 Mr. Chairman, I regret that I can not agree with my distinguished colleague from New York. I am heartily in favor of the passage of this bill as recommended by the committee, and it seems to me that the reasons assigned by the Commissioners and the officials of the War Department, as found in the report of the committee, are ample and satisfac-I find these views set forth in that document, taken from the report of President Macfarland, of the Board of Commission-

ers of the District of Columbia:

The conditions which then seemed to make it advisable to terminate the dual responsibility for the water supply of the District exists to-day, and the recommendation is renewed. The completion of the filtration plant will give an added reason for the transfer, as its maintenance and operation are even more intimately connected with the distribution system than is the aqueduct itself.

There seems to be a division of authority here that should not exist in a well-regulated department of this character. division of authority and responsibility is certainly not in the interest of good, economical administration of affairs. The Commissioner goes on to say:

At present the dam at Great Falls, the aqueduct and reservoir along the route, the filtration plant, and a portion of the trunk mains are under the control of the War Department, and the high-service reservoirs, the pumping station, the greater part of the trunk mains, and all the distributing system are under the Commissioners.

The Condult road, running from Great Falls to the city, is now placed by law under the control of the War Department, and by reason of the lack of jurisdiction of the Commissioners over this road they are unable to light it, to lay sidewalks, service mains, and service sewers without special authorization from Congress. They are at present only authorized to carry on such improvement on highways under their jurisdiction, and as a number of these municipal constructions involve assessments on abutting property such assessments if levied would not be collectible against the property. The necessity for these improvements as the property develops is evident.

Now. I am familiar with the Conduit road: I have been over

Now, I am familiar with the Conduit road: I have been over it several times. Some friends have built residences there; another one has erected a church on this thoroughfare, and it is impossible for them to obtain any public improvements-water, gas, electricity, pavements, etc.—unless this bill becomes law. I hope, therefore, in the interest of economy which seems clearly demonstrated, in the interest of a better administration of affairs, in the interest of improvements which are absolutely necessary in that rapidly growing section, that this bill will pass

and the recommendation of the committee be adopted.

The arguments against it by the gentlemen from New York
[Mr. Fitzgerald] and from Illinois [Mr. Mann] are not sound

nor in the interest of good government.

The bill, Senate No. 7042, having passed that body and been reported favorably by the District Committee, should speedily be enacted into law, and I believe will receive the approval of this House.

Mr. MADDEN. Mr. Chairman, the distinguished Commissioners have tried for a long time to get control of this aqueduct. It was kept under the jurisdiction of the War Department because it was believed the War Department was better qualified to run it economically than the District Commis-The War Department believes that it should be allowed to retain jurisdiction over the source of the water supply for reasons which it gave the Committee on Appropriations, namely, that while it had control it was sure that the Government would never have onerous conditions placed upon its use of what water supply the Government needs. The Committee on Appropriations obtained information to the effect that greater economy was practiced in the operation of the aqueduct by the War Department than was practiced by the Commissioners over that part of the water supply which they control. The filtration plant, which is under the jurisdiction of the War Department, is much more economically administered than is that part of the water system under the jurisdiction of the Commissioners of the District. The judgment of the Committee on Appropriations was that the best interests of all the people of the District would be served by allowing the War Department to retain the jurisdiction which it has had for many years.

Mr. BABCOCK. Will the gentleman permit?

Mr. MADDEN. Mr. BABCOCK.

Certainly.

I desire to call his attention to the fact that the Committee on Appropriations had no authority under the

rules of the House to report legislation.

Mr. MADDEN. It realizes that and it is not attempting to do so. And I am only making an explanation of how we came into possession of the information which led to the conclusion that the work could be done more economically by the War Department than by the District Commissioners. We necessarily were obliged to go into the details of how many men were employed, why they were employed, and the duties they were required to perform in connection with that service, and it was evident to us that the War Department had much better control over the men employed by them and were able to administer their affairs much more economically than the Commissioners of the District, and it seemed to us that business prudence dictated the wisdom of leaving this matter under the control of the War Department, and it seems to me now there is no good reason why the transfer should be made to the District Commissioners and that there is every reason why it should not be.

Mr. OLCOTT. Does the gentleman understand that the Commissioners are absolutely prohibited from taking care of the highways which lead out in that direction?

Mr. MADDEN. Yes.

Mr. OLCOTT. That they have not any control over them and the War Department has no control over it and that part of the city must be left without necessary facilities in regard to public utilities owing to the fact of these divided responsibilities?

Mr. MADDEN. That matter was all gone over in the investigation which was made by the subcommittee on appropriations of the District, and after all explanations which were made it was still the judgment of the subcommittee that jurisdiction ought not to be given to the District Commissioners.

Mr. FITZGERALD. I desire to offer an amendment.

Mr. SHERLEY. Mr. Chairman, I desire to question the gentleman in charge of the bill. I note in the letter of the Acting Chief of Engineers that he suggests that inasmuch as the cost was borne entirely by the Government for many years of this aqueduct, whether if it is to be transferred there should not be a payment by the District of a portion of that sum? I fail to

note anything in the bill carrying out that suggestion.

Mr. TAYLOR of Ohio. That is a mere suggestion of the engineer wanting to know if the Government should not be reimbursed. There is nothing in the bill looking to such reim-

Mr. SHERLEY. That mere suggestion, as the gentleman puts it, seems to me to be an exceedingly wise one, and I would like to know whether the committee considered the advisability of having part of this sum repaid.

Mr. TAYLOR of Ohio. To the Government? Mr. SHERLEY. To the Government.

Mr. TAYLOR of Ohio. It certainly did not intend it should The bill has provided nothing for carrying that sug-

Mr. SHERLEY, What reason has the gentleman to give why it should not be? The equities all seem to point that way ac-

cording to the statement made by the engineer.

Mr. TAYLOR of Ohio. Well, the engineer's statement does not carry any more weight to the committee as to reimburse-ment—I never heard of a case where old matters turned over by the Government were paid for.

Mr. SHERLEY. It is rare when the Government gets any-

Mr. TAYLOR of Ohio. Why break the rule?

Mr. SHERLEY. It is high time we were breaking that custom, and I would suggest to the gentleman that here is a splendid opportunity

Mr. TAYLOR of Ohio. I have not any doubt if the bill were brought in by a proper committee, asking that a certain sum be appropriated, the gentleman would have a chance to discuss it, but I do not think it germane at this point.

Mr. SHERLEY. Would the gentleman be willing to have the bill recommitted until that very important feature of it could be considered in connection with its passage?

Mr. TAYLOR of Ohio. No; I would not, personally.
Mr. SHERLEY. Does the gentleman think we ought to give up control and then make our claims afterwards?

Mr. TAYLOR of Ohio. If there is anybody going to make a claim. I do not assume they will. I think the purpose for which the bill was introduced was exactly right, to transfer the authority and control, and the question of reimbursement does not enter into it at all.

Mr. FITZGERALD. Mr. Chairman, I wish to offer an amend-

ment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 2, insert: "Provided, That there shall be transferred to the credit of the United States from the revenues of the District of Columbia the sum of \$1,902,168.43."

Mr. FITZGERALD. Mr. Chairman, the sum mentioned in the proposed amendment is one-half of the sum that was paid by the Federal Government for maintenance of the aqueduct prior to the time when the District of Columbia shared the expense.

Mr. OLCOTT. Does not the gentleman believe that he ought to add the interest from 1850 to 1879 on that money?

Mr. FITZGERALD. Is that the gentleman's question?

Mr. OLCOTT. Yes.

Mr. FITZGERALD. I will explain my position, and if the gentleman is not satisfied with it he can go further and provide for the payment of interest. Evidently the amendment does not impress him very favorably. I believe that the people of the District of Columbia, those who reside here, who have onehalf of the expenses of its government paid from the Federal Treasury, are obtaining sufficient benefits without having donated to them this aqueduct and filtration plant. It is a notorious fact that not only are the taxes upon real estate in the District of Columbia extraordinarily low, but that nearly all of those classes of property that would be taxed in any other community under the personal-tax law are free from taxation here. Some gentlemen imagine that they should go out of their way to continue further to donate improvements or to relieve the taxpayers of the District from their obligations. clined to believe that we should at least take some steps to compel them to pay a fair share of the burdens of the District The sum that is mentioned in this item is one-half government. of the maintenance charges of the Federal Government from 1850 to 1879. If Congress is now to turn over the control of this plant to the District government, it seems only equitable, as recommended by Captain Cosby, of the Corps of Engineers, that a portion of this sum should be paid by the District, and I suggest that one-half be paid, because that is the percentage that the Federal Government pays of all of the expenditures made in the District for the maintenance of the government I take it that nobody can object to the people of the District of Columbia continuing to pay at least a fair portion of the cost of maintaining the government or of obtaining these improvements.

May I interrupt the gentleman? Mr. MUDD.

Mr. FITZGERALD. Yes.

Mr. MUDD. I am asking for information, because it has been some time since I was a member of this committee, and I do not know; but I would like to know who has been paying the expenses of this aqueduct all of these years?

Mr. FITZGERALD. From 1850 to 1879 the Federal Government paid all of the expense, amounting to \$3,800,000. that time the expense has been borne half by the District and half by the Federal Government.

Mr. MUDD. Since what year?

Mr. FITZGERALD. Since 1879. But this bill contemplates transferring to the control of the District Commissioners the aqueduct and filtration plant. The aqueduct was not only maintained by the Federal Government during those years, but the cost of building it was paid for entirely out of the Federal It does not seem unreasonable that the people of Treasury. the District should at least reimburse the Government for part of the cost of maintenance.

Mr. MUDD. Well, but, Mr. Chairman, were not all these expenses paid by the Federal Government paid in pursuance of an act of Congress and by virtue of law? If that be the fact, would it be fair to go back and, in effect, repeal that law and saddle these expenses on the District?

Mr. FITZGERALD. It is as fair as it is to ask for what is

to be done here.

Mr. MUDD. After the Government has determined to pay the expense of obtaining the viaduct, and actually paid it in pursuance of law, then the gentleman comes in and says that after all this has been done we shall now put this past expenditure on the District.

Mr. FITZGERALD. I simply desire, by act of Congress, to ave the District reimburse the Federal Government for this expenditure. It is not taking from them, except by act of Congress, in accordance with the manner in which the control is

to be given them.

Mr. MUDD. Is not the Government asking that the District government should now pay for something that in pursuance of legislation heretofore had the Government undertook and agreed to pay, and after authorizing it and the Government

paid for it they now are asking the District to return the money? That would, in effect, be retroactive legislation.
Mr. SHERLEY. Will the gentleman from New York permit

Mr. FITZGERALD. Certainly.

Mr. SHERLEY. If the District asked the Government to get an aqueduct for them, ought they not to be required to pay a part of the cost of creating that aqueduct?

Mr. MUDD. That might be so.

Mr. SHERLEY. That is the question we are confronted with. Mr. MUDD. That might be so, if that was provided in the bill at the time the aqueduct was provided for.

Mr. SHERLEY. Certainly it is. It is for the expenses of the aqueduct and to require them to pay part of it. Here they are asking us to make a donation, and we put a condition on the donation—that they shall pay a proper part of it.

Mr. MUDD. But it is a condition applicable not to what they

are going to do, but what has already been done.

Mr. SHERLEY. They have already got the aqueduct, but they are coming and asking for something, and we say we will give them that on their paying their fair part.

Mr. MADDEN. The District Commissioners are coming in and asking to secure not only the ownership and control of the aqueduct

The CHAIRMAN. The Chair will endeavor to pick up the fragments. The gentleman from New York had the floor. Does he yield to the gentleman from Illinois?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MADDEN. I was saying that the District Commissioners come in here and ask that they be given the control and management of the aqueduct, which was built by the Federal Government out of moneys from the Federal Treasury; and if we ask the District Commissioners in return to pay one-half of the cost of its construction we are not asking an unreasonable thing, it seems to me. The question is, Is what the District Commissioners want worth anything to the District? If it is, how much is it worth? If it is worth anything, they should pay whatever the sum is ascertained to be. How does the fact that it was paid for by the Government long years since enter into the consideration of this question? Is it to be understood that the District has but to ask that for which the Government paid and it will be given? Are the people of the District entitled to receive from the Federal Government that which cost \$3,000,000, more or less, without being required to pay their proper share of the cost? That is the only question involved here; and it seems to me there ought not to be any trouble in reaching the right kind of a conclusion, and that conclusion should be that the District ought to pay its proper proportion of the cost of the construction and maintenance of the aqueduct.

Will the gentleman yield to me? Mr. OLCOTT. Mr. FITZGERALD. I yield to the gentleman from New

The CHAIRMAN. Debate is proceeding under the fiveminute rule.

Mr. FITZGERALD. The bill has not been read for amend-

The CHAIRMAN. There is a pending amendment to the bill. Mr. FITZGERALD. But the bill has not been read by paragraphs for amendment. General debate is not closed.

The CHAIRMAN. The gentleman had an amendment read, and the gentleman is estopped from saying that the bill is not now open for amendments.

Mr. MANN. The gentleman had the amendment read in his own time.

The CHAIRMAN. And it has been offered. It has been formally offered from the Clerk's desk, and the question is on the amendment offered by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman-

Mr. MANN. The bill has not been read for amendments. I call the attention of the Chair to that.

The CHAIRMAN. It is very clear to the Chair. There is but one section to the bill.

Mr. FITZGERALD. No; there are two sections to the bill. The CHAIRMAN. The other does not amount to anything. The question is upon this amendment. That is open for discussion, and the Chair will recognize the gentleman from New York now in behalf of his own amendment. He has made one speech. Does the gentleman yield to the gentleman from New

York?

Mr. FITZGERALD. I will ask my colleague to wait and get his own time. I presume there is ample time for discussion. I shall call the attention of the committee to this fact, that although it has been asserted here several times that this bill has the approval of the War Department, that is not the fact. There is a statement in the report from the War Department

that there is no objection known to its passage. But I take it that that is very different from a recommendation from the Department that the bill should pass. The fact is that the bill should not pass. The aqueduct at present is controlled and operated economically and satisfactorily, and it is better to leave it in that position. This amendment merely suggests that the people of the District of Columbia—those who own the prophere subject to taxation, if their representatives are to obtain from Congress the control of this aqueduct, paid for by the Federal Treasury—that they should, in consideration for that control, reimburse the Federal Treasury one-half of the expense, not of building the aqueduct, not of building the conduit, but merely of maintaining it prior to the time that the District contributed to the maintenance. It seems to me to be a very reasonable request, and I know of no reason why it should be objected to. Now I will yield to the gentleman.

Mr. OLCOTT. I wanted to ask the gentleman if between 1850 and 1879 the taxes were not paid by the private owners of real estate in the District, and if it did not go into the Treas-

ury of the United States?

Mr. FITZGERALD. Prior to 1879 they had a local government, and they have as a result of that government debts aggregating \$23,000,000, upon which the interest is being paid. That government was abolished for several reasons, among others that if it had continued its bonded obligations would

have overwhelmed even the Federal Treasury.

There seemed to be no limit to the extent of the obligations those conducting the government were ready to incur, and we still have a legacy in the shape of this bonded debt upon which interest is being paid. But I am not sufficiently familiar with the details of that government to know just what was done, except this, that none of the revenues raised by the former city government of Washington prior to 1879 was devoted to the maintenance or the construction of the aqueduct and the Conduit road, of which the Commissioners now desire to obtain complete control.

Mr. MADDEN. I move to strike out the last word for the purpose of making a statement. The War Department informed the Committee on Appropriations that it desired to retain control of the aqueduct because it wanted to have control of the water supply in case of war or any danger arising by which there might be a chance of the water supply being cut off from the Army that might be stationed here. And if there was no other reason why this bill ought not to pass, it seems

to me that would be a sufficient reason.

Mr. BABCOCK. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. BABCOCK. How much time is left on this amendment? The CHAIRMAN. The Chair will make an explanation, which he hopes will be satisfactory to the gentleman from Illi-The bill was read, general debate ensued, and then, without the formal waiving of the second reading of the bill for amendments, an amendment was offered and has been debated. The Chair rules that that brings the procedure now under the five-minute rule, having waived, as we do in hundreds of cases, the formal second reading of the bill.

Mr. BABCOCK. Mr. Chairman, has not the time practically

been exhausted?

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD], who has just yielded the floor, offered an amendment and made a speech in favor of it. It can be debated on the other side if any gentleman desires to. If not, the question is on the amendment offered by the gentleman from New York.

Mr. SHERLEY. Does the fact of this amendment having been offered and debated now dispense with the reading of the

The CHAIRMAN. It does. The Chair has so held.

Mr. MADDEN. I withdraw my pro forma amendment. The CHAIRMAN. The gentleman from Illinois [Mr. Mad-DEN] withdraws his pro forma amendment, and the question now recurs on the amendment of the gentleman from New York [Mr. FITZGERALD]

Mr. SHACKLEFORD. Mr. Chairman, if it be in order, I move that all debate on the section and amendments thereto be

The CHAIRMAN. The gentleman from Missouri [Mr. Shack-LEFORD] moves that debate upon the section, with all amendments be now closed. thereto,

Mr. MANN. Does the gentleman from Missouri propose to adopt gag tactics?

Mr. SHACKLEFORD. The gentleman from Illinois proposed

to adopt filibustering tactics.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. SHACKLEFORD].

The question being taken, the motion was agreed to.

The CHAIRMAN. Debate is closed at the end of five minutes. Mr. SHACKLEFORD. Mr. Chairman, who has that five minutes?

The CHAIRMAN. Whoever the Chairman recognizes. there is no one who desires to debate it, the question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes, 20, noes 39.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will read the second section. The Clerk read the second section of the bill.

Mr. SHACKLEFORD. I move that all debate upon that section be closed.

Mr. MANN. I make the point of order that the gentleman has not the right to move to close debate when there has been

The CHAIRMAN. If there is no amendment to be offered to the section, the question is on laying the bill aside with a favorable recommendation.

The question being taken, on a division (demanded by Mr.

Madden) there were—ayes 40, noes 18.

Accordingly the bill was ordered to be laid aside to be reported. to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McCall having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bill of the following

H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River, in the State of Georgia.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. McCumber, and Mr. Dubois as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross. BALTIMORE AND WASHINGTON TRANSIT COMPANY OF MARYLAND.

The committee resumed its session.

Mr. BABCOCK. Mr. Chairman, I now call up the bill (H. R. 22123) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896.

The Clerk read the bill, as follows:

Columbia, approved June 8, 1896.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Baltimore and Washington Transit Company of Maryland, a corporation created by the laws of the State of Maryland, authorized by act of Congress to extend its line into the District of Columbia by an act approved June 8, 1896, be, and is hereby, authorized and required to further extend its line of street railway within the District of Columbia over, along, and upon the following-described route: Beginning where Third street NW. (as said street is designated on the map of the first section of the highway-extension plan of said District) intersects the present line of the railway of said transit company; thence south on said Third street to Madison street; thence west on said Madison street to Colorado avenue; thence southwesterly along said Colorado avenue to the intersection of Fourteenth street NW.; that the said company is further empowered to extend its line, under the provisions of this act, from its line on Aspen street through Willow street whenever the requirements of its patrons and the operation of the road may require: Provided, That said company shall acquire thereby no right to extend its said railway over, along, or upon any portion of the aforementioned route which is not now a dedicated street of the said District of Columbia until it shall have obtained the written consent of the owner or owners of the real property covered thereby or acquired said right of way by condemnation.

Sec. 2. That the said transit company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of said District: Provided, That if electric power propulsion is used upon said extension or on any other portion of the line or lines o

prescribed time. If this sum is not so deposited, this charter shall be void. If the sum is so deposited and the road is not in operation as herein prescribed, said \$1,000 shall be forfeited to the District of Columbia and this charter shall be void.

SEC. 4. That failure or neglect to comply with any of the provisions of this act, except as hereinbefore provided for, shall render the said corporation liable to a fine of \$25 for each and every day during which such failure or neglect shall continue, which penalty may be recovered in the name of the District of Columbia by the Commissioners of the said District in any court of competent jurisdiction: Provided, however, That unless the line of the said railway shall be completed, with cars running regularly thereon for the accommodation of passengers, within two years from the date of the passage of this act this charter shall be null and void.

SEC. 5. That the said company, in conjunction with the Capital Traction Company, may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia, or any part thereof, and shall sell tickets at the rate of six for 25 cents.

SEC. 6. That all the powers, rights, duties, and limitations imposed by the act of Congress authorizing said Baltimore and Washington Transit Company to enter the District of Columbia, approved June 8, 1896, shall be applicable to the extension of the line of said company as proposed herein except as said act may be amended by the provisions hereof, it being the intent that said original act shall be applied to the system of the line of said company as proposed herein except as said act may be amended by the provisions hereof, it being the intent that said original act shall be applied to the system of the line of said extension had been included in the original act.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The Clerk read the following committee amendments:

Page 2, line 5, strike out all after the semicolon down to and includ-g the word "condemnation" in line 15, and insert in lieu thereof the

Page 2, line 5, strike out all after the semicolon down to and including the word "condemnation" in line 15, and insert in lieu thereof the following:

"Provided, That said company shall not construct its said railway over, along, or upon any portion of the aforementioned route which is not now a public highway of the District of Columbia until it shall have obtained, by dedication or condemnation, title to a right of way not less than 30 feet in width along such portion of said route as is now a public highway, and before it shall have authority to lay tracks in said right of way it shall dedicate the same to the District of Columbia as a public highway."

Page 3, line 10, strike out the period and insert in lieu thereof a colon and add the following:

"Provided, however, That said railway shall be constructed of good material, with rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia, the standard gauge to be used and the surface of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and where the tracks lie within the streets of the District of Columbia; and whe

Mr. MADDEN. Mr. Chairman, I would like to have the chairman of the committee or some gentleman in charge of the bill explain to the House just what additional facilities the enactment of this law will afford the people of the District of Co-

Mr. GREENE. Mr. Chairman, this is fully explained in the report that accompanies the bill. The route as laid out is for the accommodation of the people in the neighborhood of Takoma Park, and will give additional accommodation to a section of the city that is not now covered by street railway companies. It has been fully considered by the committee, also by the District Commissioners, who have suggested amendments that have been made to the bill.

Mr. MANN. I would like to ask the gentleman from Massachusetts a question. There has been more or less agitation in the District in relation to free transfers; how far downtown does this road come?

Mr. GREENE. It connects with the Fourteenth street line at its terminus on Fourteenth street extended, at its extreme limit.

Mr. MANN. Is there an extra charge for coming into the

Mr. GREENE. No; only outside of the District. They make no extra charge in the District and give a free transfer to the Fourteenth street line.

Mr. MANN. Is there a new fare collected at once after they cross the District line?

Mr. GREENE. Not inside the District; when they get into Maryland they have a right to collect an additional fare.

Mr. MANN. They give a free transfer to the Fourteenth street line?

Mr. GREENE. Yes; and receive free transfers from the Fourteenth street line. It covers a section of the territory not now covered by any other road, and was petitioned for by the citizens' organizations in that neighborhood.

Mr. MANN. The right, I suppose, is reserved in this bill in some way so that if Congress should provide hereafter for universal transfers this company would be subject to that provision?

Mr. GREENE. Section 7 says that Congress reserves right to alter, amend, or repeal the act. All the rights of the public are preserved. The Commissioners had it carefully under their consideration and reported back several amendments

to the original bill which was introduced and which the committee have adopted, and all the rights of the public are pre-

Mr. MANN. While it is true that that provision is in section 7 of the bill, as it is in other bills, it is not certain that under that provision of the law Congress can alter, amend, or repeal the act without liability.

Mr. GREENE. I do not think there will be any trouble in that regard. If Congress should authorize free transfers, I think this company would be subject to its provisions.

Mr. MANN. But it is quite a question, I want to say to the gentleman, as to whether Congress can amend a law, giving free transfers, without making it liable to the railroad company for taking private property.

Mr. GREENE. I do not know; and if the gentleman from

Illinois does not know, I do not think anybody knows. [Laughter.

Mr. MANN. I do not think anybody will know until it is de-

cided by the Supreme Court.

Mr. SHERLEY. I would like to ask the gentleman from Massachusetts if the street railway company was an applicant for this grant?

Mr. GREENE. Yes. Mr. SHERLEY. Did the committee consider the advisability of having the company pay something for the franchise?
Mr. GREENE. No; it goes over an entirely new territory

and connects with a trunk line. I know of no reason why the road going over a new territory should be compelled to pay for the franchise.

Mr. SHERLEY. The gentleman will find many reasons in ten years from now, when the franchise has become exceedingly valuable. I suggest that it might be proper for the committee to

Mr. GREENE. They pay the tax required from their re-

Mr. GREENE. They pay the the required from their receipts, and there is this provision in the bill for the altering or amending the law, and I think that would cover the grant.

Mr. SHERLEY. I would like to ask the gentleman one further question. When may the House expect to have reported from the committee the bill dealing with the street-railway working of the District generally relative to the service they systems of the District generally relative to the service they shall give the residents of the District?

Mr. GREENE. Possibly it may be reported on the next District day. I know of no reason why it should not be reported two weeks from to-day.

Mr. PERKINS. I would like to ask the gentleman a ques-on. What percentage of the gross receipts is the railroad required to pay?

Mr. GREENE. Four per cent; the same as any other railroad.

Mr. PERKINS. What other obligation is imposed upon it? Mr. GREENE. To take care of the streets—to pave between the rails and put the streets in proper condition over which they lay the rails.

Mr. SHERLEY. Is there any provision as to the character

of cars which shall be used?

Mr. GREENE. All regulated by direction of the Commissioners of the District.

Mr. SHERLEY. The present cars on most of the lines are so antiquated that I was in hopes there would be some requirement that they should use modern ones.

Mr. GREENE. The probability is that they would not take antiquated cars, because the present roads need to use them all.

Mr. MADDEN. Is there any provision in the bill giving authority to the Commissioners of the District to compel the owners of the line to operate the cars within a specified period of time, and is there any provision in the bill to give the Commissioners the power to force the exercise of such authority is the contained in the bill? if it is contained in the bill?

Mr. GREENE. I don't think there is any difficulty at all

about that, and that the Commissioners of the District have the right to control this road, and Congress has the right to exact whatever it pleases if it finds this road has not sufficient cars or facilities

Mr. PERKINS. Will the gentleman tell me where the provision is requiring the railroad to pay 4 per cent?

Mr. GREENE. It is usual under the law. If the gentleman wishes to offer any amendment to that effect, I shall not object to it.

Mr. PERKINS. But there is no provision in this bill to that effect.

Mr. GREENE. I think not.
Mr. PERKINS. Why is the railroad obliged to pay 4 per cent if there is no provision of that kind in the bill?
Mr. GREENE. I think it is customary with all of the Dis-

trict railroads.

Mr. PERKINS. But it is not a question of custom; it is a question of law.

Mr. GREENE. If the gentleman has any suggestion to make, any amendment which would make it apply, I have no objection.

Mr. PERKINS. I am asking what the law is as proposed.

Mr. GREENE. I do not pretend to know the law. I am not

Mr. PERKINS. But the gentleman reports the bill. Mr. GREENE. I reported the bill; yes.

Mr. PERKINS. It will be the law, then, if it is passed, and I do not see any provision that compels that.

Mr. GREENE. I am informed that it is the law of the District of Columbia that every separate railroad in the District must pay 4 per cent of its gross receipts.

Mr. PERKINS. All street railroads coming into the District. Mr. GREENE. Yes.

Mr. PERKINS. This is, I see, a corporation of the State of Maryland.

Mr. GREENE. Created by Congress also. Mr. TAYLOR of Ohio. This grant is for the use of the territory within the District.

Mr. PERKINS. Would this corporation be subject to the pro-

vision of which the gentleman speaks?

Mr. TAYLOR of Ohio. Oh, yes. Clearly every one of these corporations run outside of the District, and they all pay their 4 per cent tax on fares collected in the District. That is the general law covering traction lines.

Mr. GREENE. If the gentleman will allow me, I will call his attention to section 6 of the bill, which provides as follows:

SEC. 6. That all the powers, rights, duties, and limitations imposed by the act of Congress authorizing said Baltimore and Washington Transit Company to enter the District of Columbia, approved June 8, 1896, shall be applicable to the extension of the line of said company as proposed herein except as said act may be amended by the provisions hereof, it being the intent that said original act shall be applied to this extension in the same manner as if said extension had been included in the original act.

It was a regular charter granted by Congress. Congress has full control of it, and there is no way in which it can be taken out of their control.

Mr. PERKINS. In my ignorance I do not know what the provisions of that law are.

Mr. GREENE. Mr. Chairman, I ask for the reading of the

bill by sections under the five-minute rule.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Baltimore and Washington Transit Company of Maryland, a corporation created by the laws of the State of Maryland, and authorized by act of Congress to extend its line into the District of Columbia by an act approved June S, 1896, be, and is hereby, authorized and required to further extend its line of street railway within the District of Columbia over, along, and upon the following-described route: Beginning where Third street NW. (as said street is designated on the map of the first section of the highway-extension plan of said District) intersects the present line of the railway of said transit company; thence south on said Third street to Madison street; thence west on said Madison street to Colorado avenue; thence south-westerly along said Colorado avenue to the intersection of Fourteenth street NW.; that the said company is further empowered to extend its line, under the provisions of this act, from its line on Aspen street through Willow street whenever the requirements of its patrons and the operation of the road may require: Provided, That said company shall acquire thereby no right to extend its said railway over, along, or upon any portion of the aforementioned route which is not now a dedicated street of the said District of Columbia until it shall have obtained the written consent of the owner or owners of the real property covered thereby or acquired said right of way by condemnation.

With the following amendment:

With the following amendment:

Page 2, line 6, strike out all after the word "northwest" and insert in lieu thereof the following:

"Provided, That said company shall not construct its said railway over, along, or upon any portion of the aforementioned route which is not now a public highway of the District of Columbia until it shall have obtained, by dedication or condemnation, title to a right of way not less than 30 feet in width along such portion of said route as is not now a public highway; and before it shall have authority to lay tracks in said right of way it shall dedicate the same to the District of Columbia as a public highway."

The CHAIRMAN The question is on agreeing to the com-

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

SEC. 2. That the said transit company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of said District: Provided, That if electric power propulsion is used upon said extension or on any other portion of the line or lines of said company no portion of the electrical circuit shall be through the earth, but a return circuit of proper capacity and located similarly to the feed-wire circuit shall be provided for the electrical current, and that wherever the trolley system is used each car shall be provided with a double trolley, and

that no earth connection shall be made with any dynamo furnishing power for the road. That section 4 of the act entitled "An act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia," approved June 8, 1896, be, and the same is hereby, repealed:

With the following amendment:

Insert at the end of the section the following:

"Provided, however, That said railway shall be constructed of good material, with rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia; the standard gauge to be used and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and 2 feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Sec. 5. That the said company, in conjunction with the Capital Traction Company, may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia, or any part thereof, and shall sell tickets at the rate of six for 25 cents.

Mr. JAMES. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out all of section 5 and inserting in lieu thereof the following:

"That from and after the passage of this act the rate of fare that may be charged for the transportation of passengers over any and all street railway lines in the District of Columbia shall not exceed 3 cents each, good for transportation of one passenger over the whole or any part of the line of such street railway company over which such tickets are sold."

Mr. BABCOCK. Mr. Chairman, I make the point of order

Mr. MUDD. Mr. Chairman, I make the point of order. Mr. BABCOCK. This matter is foreign to the bill and applies to other lines and interests that are not being considered at this time in the House.

Mr. JAMES. Mr. Chairman, I do not believe the point of or-der is well taken, because they undertake in this section to regulate the charge that shall be made by the Traction Company for

the transportation of passengers within the District.

It is a well-known fact, however, that the street car companies in this city, which in reality cost at the beginning not more than \$2,000,000, have at least \$11,000,000 worth of water in them. The fact is they have about taken all of the water out of the Potomac River and added it to the stock of these traction companies here in the city of Washington and have declared a dividend upon a fictitious value of \$13,000,000 of stock of 6 per cent, but in reality they never cost exceeding \$2,000,000. They declared a dividend last year of \$720,000. That was the dividend they declared, when in reality by juggling the figures, applying them in another place, the profit was much greater. The receipts from one traction company in the city of Washington were \$1,639,786, being the gross receipts; operating expenses, 44 per cent, leaving 56 per cent, or \$918,000 operating expenses, 44 per cent, leaving 50 per cent, or \$915,000 profit for one traction company in the city of Washington. Now, nearly a million dollars, or almost one-half the cost—1 should say more than one-half the cost—of this traction company was made in one year's time. Now, you are endeavoring to regulate the railroads of the country. Commence by regulating petty larceny in the District of Columbia. Commence on behalf of the laboring people of the District of Columbia and say that while you are willing to regulate railroads throughout the country, that this class of robbery shall not be permitted within your sight here under the swish of the flag of the Republic itself. Now, I am informed that these roads originally cost per mile \$60,000. To-day they are capitalized at \$600,000, and on that \$600,000 of capitalization they declare a dividend of 6 per cent. I do not believe that any sane man will dispute the proposition that they can carry passengers for 3 cents each in the District of Columbia and make money, and a very great deal of money at that. In the city of Cleveland, Ohio, they have a 3-cent rate. I believe there they have the best street car service in the world, but let Washington start the fight. Let this Congress start the fight in favor of a lower transportation rate. Start it right here in the District of Columbia. [Loud applause.]

Mr. MUDD. Mr. Chairman, I apprehend the Chair does not want to hear from anyone else as against the point of order, but still I would like to make one or two observations. It was decided years ago, by Speaker Henderson, that a bill to open one street in the District of Columbia could not be amended by making regulations touching the opening of other streets or

streets generally. We have several times had it decided in this House that a special tariff bill, such as a bill to fix rates on imports from Porto Rico or the Philippines, can not be amended by going into the general question of tariff legislation, and while I am not sure whether or not this identical point has been passed upon here it seems to me, by analogy, you can not, under the title of a bill which is simply to authorize one railroad to enter the city of Washington, make regulations as to the charges for street-car fare for all the railroads of this city. The amendment is clearly not germane to the title of the bill, not germane to the subject-matter of the bill, nor is it in any sense germane to the section to which it is offered. I think it is very clear the point of order must be sustained.

The CHAIRMAN. This is a bill authorizing a street railway

company or trolley line from outside Mr. MADDEN. Mr. Chairman—

The CHAIRMAN. Does the gentleman wish to speak on the

point of order?

No, sir; I thought the Chair had decided it. N. No; the Chair had not. This is a bill au-Mr. MADDEN. The CHAIRMAN. thorizing a street railroad company from outside the District of Columbia to come into the District of Columbia and connect in the city of Washington with what is called the "Traction Company." It provides for a point of contact, and then provides that a single fare shall carry a passenger from his occupancy of the car outside to the end of the traction line in the city of Washington. The point of order is made to the amendment that it is not germane to the bill under consideration. It has been distinctly ruled heretofore, it seems to the Chair, exactly on all fours with that question:

To a provision requiring two railroad companies in the District of Columbia to issue free transfers over the lines of one another an amendment requiring the two companies to issue universal transfers with all other intersecting lines in the District of Columbia was offered and held not to be germane.

Following that opinion and following the opinion which the

Chair has, the point of order is sustained.

Mr. JAMES. Mr. Chairman, I move to strike out the word "six," in line 8, section 5; so that it shall read, "and shall sell tickets at the rate of eight for 25 cents."

Mr. MADDEN. I would suggest that the gentleman strike out the word "five," in line 5, and insert the word "four;" so

as to make the amendment complete.

Mr. JAMES. I will accept the amendment. In line 5, strike out the word "five" and insert the word "four;" and in line 8, strike out the word "six" and insert "eight;" so that the section will read:

A rate of fare not exceeding 4 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia, or any part thereof, and shall sell tickets at the rate of eight for 25 cents.

Mr. BABCOCK. Mr. Chairman, I suggest that the amendment

be put in writing under the rules.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

On page 5, line 5, strike out the word "five" and insert "four;" and in line 8 strike out the word "six" and insert "eight;" so that the section will read:

"That the said company, in conjunction with the Capital Traction Company, may receive a rate of fare not exceeding 4 cents for each passenger for one continuous ride over the route aforesaid and the route of the said Capital Traction Company within the District of Columbia or any part thereof, and shall sell tickets at the rate of eight for 25 cents."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kentucky.

Mr. BABCOCK. Mr. Chairman, I want to say a word.
Mr. MANN. There may be a desire on the part of the committee to reduce the rate of fare in the District of Columbia, but there is a proper way to do that. I do not know anything about this company, know very little about the locality through which it is to run, but it is perfectly self-evident to everybody that this company can not afford to run in the country districts at a 4cent rate of fare, and if the purpose of Congress is to require those companies who carry many passengers in their cars to reduce the rate of fare, there is a proper way to do that. That can be done in proper form by a proper bill reducing the rate of fare or amending the charters of the companies in the District, and the vengeance of Congress against the existing companies ought not to be taken out against the new company, inaugurated probably at the request of the property owners for the development of a new territory. If we want to fight the existing companies, let us fight them, and not take out our fighting capacity upon an unborn child.

Mr. JAMES. I would like to ask the gentleman a question, Mr. MANN. Certainly.

Mr. JAMES. The question is this: If you require them to

charge 4 cents a passenger and to sell eight tickets for 25 cents, will it not force the other traction companies in this city to meet that competition?

Mr. MANN. It will not force the other companies to do anything, because if you put that provision in the bill the bill will be as dead as a thing can be. That will end it.

Mr. SHACKLEFORD. I would like to ask why?

Mr. MANN. The gentleman knows perfectly well that this or any other company can not afford to build a line out in the country for a 3-cent rate of fare, and if it could afford to and was controlled by one of the other companies, it would not do it. If you want to meet the fare question, meet it with the companies that are in existence.

Mr. TALBOTT. The fare of the company in the State of Maryland is regulated by the charter granted by the Maryland

legislature. I do not know what it is in the franchise.

A MEMBER. Five cents.

Mr. TALBOTT. Five cents. I agree with the gentleman from Illinois [Mr. Mann] that whenever this company agrees to take travelers at the rate of 4 cents for a single fare or to sell eight tickets for 25 cents all companies ought to be made to do it, and until then I do not think that the gentleman from Kentucky [Mr. James] ought to compel this company to attempt it.

Mr. JAMES. I would like to suggest that the amendment ruled out by the Chair sought to reach all of the companies and give to all the people, the toilers and the rest, a universal 3-cent rate, and there is a bill now pending before the Committee on the District of Columbia on the subject, but has never found the floor of this House. Of course gentlemen can always say this is not the proper way. The trouble is that the "proper way" will not get it, and when it will not get it it is proper to try another way, because what gentlemen here declare a "proper way" is always improper.

Mr. TALBOTT. Under the rules you can not do it, and it is not fair to this company, incorporated under the laws of Maryland and the rate of fare fixed in Maryland, that when they come into the District of Columbia they should be treated different from the other companies in the District. If they are all put on the same footing, I will vote for a bill, whenever it is reported, to make a uniform rate of eight tickets for a quarter. Still I am not willing to require that this com-pany have the fare fixed at 3 cents when all the other companies are given 5 cents for a single fare or can sell six tickets for a

quarter.

Mr. SHACKLEFORD. Mr. Chairman, this is an amendment providing this street car company shall not charge more than cents for single fares and shall sell eight tickets for 25 cents. I have no doubt from what I have heard stated on the floor and from information which is within the knowledge of every other Member of this House that all the roads in this District could run at a 3-cent fare. Nobody doubts that. The gentleman from Maryland says because the road gets a 5-cent fare in Maryland it ought to be allowed to charge the same fare within the District.

Mr. TALBOTT. I did not say that they ought to collect a

5-cent fare, but that they ought to collect the same fare as the

other companies do.

Mr. SHACKLEFORD. The gentleman says they should collect the same fare as the other companies do. I favor the same reduction as to the other roads. A few moments ago the gentleman from Kentucky [Mr. James] offered an amendment to this bill making the same reduction on all the roads. The chairman declared the amendment out of order and would not

allow a vote on it.

The gentleman from Maryland says we should wait till a general bill on the subject is reported and comes up for consideration, when we could properly offer these amendments. The gentleman from Maryland has lived in vain if, after his service in this House, he believes that it is possible to report a bill out and get consideration of it here that would look to a general reduction of the street car fares. I believe that twothirds of the membership of this House are in favor of a 3-cent fare on all the roads in the District, and I believe that they will vote for it if an opportunity is given them. I also believe three-fourths of the membership of this House are in favor of pass-ing what is known as the "La Follette bill," but they have not voted on it, and to the day of judgment they never wil! vote upon it, if the present organization shall continue. I believe that will be true of every other demand for reform until a change is made. Gentlemen say: "Oh, let us not load this bill down with amendments. Let us wait till another time and for a more appropriate bill." Gentlemen are not willing to take the responsibility of voting against reduction of car fares and attempt to avoid the consequences by asking us to wait for a more appropriate bill and a more convenient season. They seek to excuse themselves to their constituents by saying they favor a reduction of fares, but "Let us do it in some other way. Let it be done on a general bill." But so long as the House is organized as at present no general bill will be voted upon. [Applause.

Mr. BABCOCK. The gentleman is a member of the District Committee, and is aware that what is known as the terminal bill is before that committee. The terminal bill will be reported to this House, and an amendment of this character will be

germane to that bill.

Mr. SHACKLEFORD. Mr. Chairman, true I am a member of that committee; and I have small hopes that such a provision as this will be reported, or, if it were brought into the House, that it would be allowed to be voted upon. I speak not of this bill alone, but of the multitudes of bills buried in that committee and other committees, and buried so deeply that they never can be dug out. Gentlemen will go back and say to their constituents: "I favored these bills, but never was allowed to vote upon them." And the organization of this House says to vote upon them." And the organization of this House says to its followers: "Go on home and tell your people that you were in favor of these measures, and we will see to it that you are never put on record by a vote."

Mr. Chairman, we are face to face with our duty. We know car fares in the District are too high. We have an opportunity to reduce them by voting for this amendment. If we adopt this amendment we shall have won a victory for the people for good government. If we vote the amendment down, it will be a victory for the corporations. Let us vote for the people and make a record upon which we can face those whom we repre-

Some propose to vote this amendment down, they say, because nev prefer to have it offered to another bill. Where is the they prefer to have it offered to another bill. other bill? If it were introduced it would probably be smothered in committee. If not, then the organization of the House, through the Committee on Rules or by some other operation, would deprive us of a vote.

Now, Mr. Chairman, we are up against a real, living propo-Are we in favor of the people, or do we stand for the great corporations and railroad companies of the country? Let

every man answer that question by his vote. Mr. BARTHOLDT. Will my colleague allow me to ask him

a question?

Mr. SHACKLEFORD. Yes.

Mr. BARTHOLDT. There was a proposition up here a few days ago which was not smuggled into the committee. It was up here for every man to vote upon it.

Mr. SHACKLEFORD. I yielded for a question, not a speech. Mr. BARTHOLDT. I should like to ask my friend how he voted on the proposition of the deep waterway from the Lakes

[Laughter.]

Mr. SHACKLEFORD. Now, Mr. Chairman, the gentleman from The Hague, my colleague [Mr. BARTHOLDT], that lover of peace, that enemy of all military preparedness, wants to know how I voted on the deep waterway from the Lakes to the Gulf. I want to say to him that I will answer his question when he answers me one first, and that is to tell me how many times the Committee on Improvement and Levees of the Mississippi River held meetings during the Fifty-eighth Congress. The gentleman from St. Louis, who parades here as the great and only friend of the deep waterway, the great apostle of the Mississippi, if you listen to his own words, was chairman of the Committee on Improvements and Levees of the Mississippi River during two sessions of Congress-throughout the entire Fifty-eighth Congress. Bills were introduced by the gentleman from Arkansas [Mr. Macon] and by others and referred to that committee. Not once did he call his committee together to consider those bills. I ask him to answer me why he did not call his committee together to consider these bills. Then on some occasion when I have plenty of time I will answer his question.

Mr. BARTHOLDT. Mr. Chairman— Mr. SHACKLEFORD. Wait a minute. There is another Mr. SHACKLEFORD. Wait a minute. There is another way in which to defeat this bill, and that is to bring up some sort of a ghost, the departed ghost of the great boom that was gotten up for the deep waterways by my colleague from St. Louis and the Business Men's League that was behind him. Is the gentleman going to erect that now as a barrier behind which the corporations of the city of Washington will intrench themselves and continue to rob the people? [Applause and laughter.] I say to the gentleman from St. Louis that it is up to him to determine what he will do, not what I did do. It is the auty of my colleague to vote in the interest of the people. He can vote here now in favor of a lower rate of street car fare. He can still leave a sufficient margin of profit to the street car company and at the same time relieve the poor people of this District

from the extortionate rate that is now charged them. Ave. that is not all. By commencing here at the capital of the Republic we can set an example that will be taken up and emulated throughout the land by every city whose people are oppressed Here we are, the assembled representaby these corporations. tives of the Whole Republic. We see the people being op-pressed by corporate tyranny. We have an opportunity to get relief for the people. Why shall we not set the example that others may follow, and bring these corporations within the realm of reasonableness and fairness? I believe that is all I care to say, Mr. Chairman. The best way to discuss this question is to vote. Choose ye this day whom ye will serve, the corporations or the people.

Mr. BABCOCK. Mr. Chairman—
The CHAIRMAN. The gentleman from Wisconsin.
Mr. BARTHOLDT. I merely want to call attention to the fact that although my colleague has had his time extended five minutes

The CHAIRMAN. The Chair notifies the gentleman from Missouri that the gentleman from Wisconsin has been recognized.

Mr. SHACKLEFORD. I will say that I was one of seventeen who voted for the gentleman's [Mr. BARTHOLDT's] amendment for the Mississippi Valley.

Mr. BARTHOLDT. The gentleman has not answered the question whether he voted for the deep waterway. That is

hat I want to know

I did.

Mr. SHACKLEFORD.

Mr. BARTHOLDT. The gentleman did? Mr. SHACKLEFORD. Yes; I voted for a survey to see what it would cost and what kind of a plan should be inaugurated.

Mr. BARTHOLDT. Did you vote for the amendment that we offered?

Mr. SHACKLEFORD. I was one of the seventeen who under the gentleman's lead voted in favor of the reach from Cairo to St. Louis. I realized before the ignominious defeat to which the gentleman would lead us, but notwithstanding, as a true soldier I followed his leadership. I was one of the immortal seventeen that rallied around his flag in favor of an increased appropriation from St. Louis to Cairo.

Mr. JAMES. Mr. Chairman— Mr. BABCOCK. A parliamentary inquiry, Mr. Chairman. In the first place would it be in order to say a few words about the bill pending before the committee?

The CHAIRMAN. In the opinion of the Chair that is in

[Laughter.]
BABCOCK. Mr. Chairman, I want to say, in the first Mr. BABCOCK. place, that if this proposed amendment is adopted there will, in my opinion, be no road built.

Mr. SHERLEY. Does the gentleman speak by authority? Mr. BABCOCK. It has been a question with all of our suburban lines whether they could maintain themselves at the present rates of fare. Another thing the committee wants to understand is that practically every fare that is collected is divided between the connecting roads. If they collect 4 cents after crossing the District line and give a transfer, the other line gets one-half of that, which leaves them 2 cents for the fare.

Mr. JAMES. I understood the gentleman a moment ago to say that his committee perhaps would report a bill making a

3-cent rate.

Mr. BABCOCK. I will get to that if the gentleman will con-

tain himself.

Mr. JAMES. Is it not true that the gentleman has been chairman of the committee four years at least, to my knowledge, and that he has never brought in any such bill, notwithstanding the enormous charges and profits made by the street cars in this District?

Mr. BABCOCK. What bill?

Mr. JAMES. Establishing a 3-cent rate of fare.

Mr. BABCOCK. No, sir; and I hope the committee never will. Mr. JAMES. Did not the gentleman state that his committee would bring in such a bill?

Mr. BABCOCK. I made no such statement. What did the gentleman say? Mr. JAMES.

Mr. BABCOCK. If the gentleman will permit, I will tell the committee. Every member of the District Committee is aware that before this Congress adjourns a bill will have to be reported to this House, and must necessarily be reported, taking all of to this House, and must necessarily be reported, taking all of the street-car lines to the Union Depot. Any amendment for a 2-cent fare, or a 3-cent fare, or for universal transfers, or anything relating to those lines, will be in order on that bill.

Mr. JAMES. Will that bill be reported on the 4th of March, about 11 o'clock? [Laughter.]

Mr. BABCOCK. No, sir; it will not. I want to say, further,

Mr. Chairman, that that bill, in my opinion, would have been

before the House to-day had it not been for the insistent demands of the Citizens' Association of the District of Columbia for further hearings. I declared the hearings closed on the last committee day, and three or four presidents of these associations insisted that they have further time to be heard on these various questions of free transfers, rate of fares, as well as of street-railway regulation. Now, Mr. Chairman, the committee has a further hearing next Wednesday on this matter. Every Member of the House understands the absolute necessity of reporting that bill and passing it before this Congress adjourns or else we shall have the Union Station with no communication by street-car lines. On that bill, when it is reported, Mr. Chairman, amendments will be germane, because it refers to all of the city lines. I concur with the gentleman from Illinois [Mr. Mann], which is very unusual [laughter], and I want to indorse what he said and compliment him on his remarks. But if you adopt this amendment you simply kill this proposition. But

Mr. JAMES. I would like to ask the gentleman a further

question.

Mr. BABCOCK. Certainly.

Mr. JAMES. The gentleman had an opportunity a moment ago, if he wanted to give the House an opportunity to vote for a 3-cent rate applicable to all the lines in the District of Columbia, and didn't that amendment go out on a point of order made by the gentleman himself?

Mr. BABCOCK. I made the point of order, for I am against the proposition, because I do not think the street-car lines that are operated in the District of Columbia could be operated on

that basis.

Mr. JAMES. The gentleman will admit further that hearings were had before his committee which showed that one streetcar line declared a dividend of \$900,000 on stock at \$13,000,000, reckoning the cost of the route to be \$600,000 a mile when it only cost \$60,000 a mile to build it?

Mr. BABCOCK. Sixty thousand dollars to build a road?

Mr. JAMES. Does the gentleman deny that it cost only \$60,000 a mile to build and equip the road and that they reckon

it now at \$600,000 a mile?

Mr. BABCOCK. I do not know of any road having the underground construction in the District that did not cost more than \$60,000 per mile. Does the gentleman refer to District roads, or roads in other cities?

Mr. CHARLES B. LANDIS. Sixty thousand dollars per

mile.

Mr. JAMES. Sixty thousand dollars per mile, and was not that hearing before the gentleman's committee on the 31st of January, 1907?

Mr. BABCOCK. The testimony was given before the committee that it cost \$60,000 a mile of single track or practically that to build an underground road now, outside of the equipment.

Mr. JAMES. Are they not capitalized in this city at \$600,000 a mile, and is not a dividend declared of 6 per cent upon the capitalization of \$600,000 per mile, where it did not cost much more than \$60,000 per mile to build and equip the railroads?

Mr. BABCOCK. At the same hearings I will call the gentleman's attention to the fact that it was shown that the recent construction in the District of Columbia, the extension of the Fourteenth street line, did cost \$600,000 for the construction and the buildings connected with it. Now, the gentleman can not pick out a single mile. He might just as well take a mile of railroad on the prairies, where there is no grading, and that cost \$10,000, and say that he can build the New York Central for \$10,000 per mile. One proposition is as good as the other.

Mr. JAMES. If the gentleman will permit this question: Twenty-two miles of double track in this city never cost this construction company more than \$3,000,000, and to-day it is

capitalized at \$13,000,000. Is not that true?

Mr. BABCOCK. I can not answer whether that is true or not. Mr. JAMES. And is it not true, I will ask the gentleman from Wisconsin, that there is \$10,000,000 worth of water to-day in the stock of the traction companies of the District of Columbia?

Mr. BABCOCK. I don't think that is true.

Mr. JAMES. Is it not a further fact that they are declaring a dividend of 6 per cent upon that false capitalization?

Mr. BABCOCK. They are declaring upon their \$12,000,000 of capital stock. They are declaring a dividend of 6 per cent

Mr. MADDEN. I would like to ask the gentleman a ques-

The gentleman's time has expired. The CHAIRMAN. gentleman from Illinois can take five minutes in his own

Mr. MADDEN. I do not want to take the floor in my own right. I want to ask the chairman of the committee a question.

Mr. BABCOCK. I ask that my time be extended sufficiently

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MADDEN. I wish to ask the chairman of the committee whether or not this company which is seeking a franchise to build a street-car line in the District of Columbia is not the company which is building the interurban line between Baltimore and Washington?

Mr. BABCOCK. I will have to leave that to the gentleman

from Massachusetts [Mr. Greene].

Mr. GREENE. It is not the same company that is building an interurban line or that has a charter to build a line between Baltimore and Washington.

Mr. MADDEN. I would like to ask whether or not it is not the purpose of this company to run an interurban car service, instead of an urban service?

Mr. GREENE. It is going to run a line to accommodate the people from where the line starts north on the Fourteenth-street line, in this city.

Mr. MADDEN. Where does the line start?.

Mr. GREENE. At Takoma Park, on the line as shown on the map here—at Takoma Park, and runs down to connect with the Fourteenth-street line over the new territory not yet occupied.

Mr. MADDEN. Is all of that territory within the District of Columbia?

Mr. GREENE. Not quite; but nearly all of it is within the District of Columbia.

Mr. MADDEN. How much of it is outside of the District? Mr. GREENE. There is no appreciable portion, probably not more than a quarter of a mile, outside of the District.

Mr. MADDEN. Then there is only a quarter of a mile of this proposed line outside of the District of Columbia, and it is admitted by the gentleman in charge of the bill that 5 cents additional fare is to be allowed to be collected when the District line is reached.

Mr. GREENE. It has 2 miles outside of the quarter mile included in this grant in its present line; it has 2 miles of track

outside of that.

Mr. MADDEN. It is proposed, then, to give the right to

charge 5 cents for carrying passengers 24 miles?

Mr. GREENE. No; it is not proposed to charge a single cent inside of the District. It gets transfers over the line that it connects with-free transfers-and it does not charge a single fare until it gets outside of the District.

Mr. MADDEN. That is what I say. When it reaches the

District line it charges an extra fare.

Mr. GREENE. Which the people who live on the line are very glad to pay.
Mr. MADDEN.

And up to the point where it reaches the District line it charges a fare.

Mr. GREENE. Yes, sir; and gives a transfer.
Mr. MADDEN. So there are two fares to carry you not to exceed perhaps 6 miles.

Mr. GREENE. I will state to the gentleman that inside the District there is no other fare charged; when it gets outside the

District it charges a fare, as it has the right to do.

Mr. MADDEN. Let me ask the gentleman this question, then:

If the car starts at the point in Maryland where the road begins it charges a fare to the District line, does it not?

Mr. GREENE. No, sir. Mr. MADDEN. There is no fare collected when you get on the car at the point where the railroad begins?

Mr. GREENE. The railroad has 2 miles on which anybody who lives on the line or uses that end of the line pays a fare.

Mr. MADDEN. When they get on the car.

Mr. GREENE. And get a free transfer, as do all suburban lines. Mr. MADDEN.

I understand the gentleman to say when

Mr. GREENE. No additional fare; they get a free transfer on to the city line. They carry them over into the District without charge and give a free transfer from the Fourteenth street line.

Mr. MADDEN. And what is the grant in this bill of a right

to the company to charge 25 cents for six tickets?

Mr. GREENE. It gives them the right to sell six tickets for 25 cents just the same as lines do in the city and give a free transfer over the line, with its connections.

Mr. MADDEN. I understood the chairman of the District Committee to say in the beginning of this discussion that an additional fare was charged for a ride beyond the District line, and now I would like to find somebody who knows whether that is true or not.

Mr. GREENE. I stated clearly that the passenger coming over the Fourteenth street line, when he leaves at the point of connection with this line, gets a transfer within the District without payment. If he rides in the State of Maryland, he gets six tickets for 25 cents, which are accepted-

Mr. MADDEN. Then you pay an extra fare.
Mr. GREENE. Certainly, when you get outside of the Dis-

Mr. MADDEN. That is just exactly what I have been endeavoring to ascertain.

Mr. GREENE. I thought I stated it plainly.
Mr. MADDEN. If you pay an extra fare to go out, you also
pay an extra fare to come in.

Mr. GREENE. You pay one fare and get a free transfer. They do not charge anything in the District.

Mr. MADDEN. Do you mean to say passengers are carried free after getting to the District line?

Mr. GREENE. In the District.
Mr. LONGWORTH. Does the gentleman mean to say that it costs more to go to Takoma Park than to come back from Takoma Park?

Mr. GREENE. There is no difference. When he comes in he pays 5 cents and gets a transfer inside the District.

Mr. TALBOTT. Suppose he is going out into Maryland. Does he get a transfer?

Mr. GREENE. He gets a transfer out into Maryland. Mr. MADDEN. Then he only pays one fare.

Mr. GREENE. In the District.

Mr. MADDEN. In and out? Mr. GREENE. Yes; one fare.

Mr. MADDEN. I do not understand this bill provides any such condition of things.

Mr. GREENE. I do not understand the District has any con-

trol over fares in the State of Maryland.

Mr. MADDEN. I understand that when a man gets on a car in the District he pays a fare to the District line and when he gets to the District line he is compelled to pay another fare if he goes outside.

Mr. GREENE. If he rides, he pays.

Mr. MADDEN. Of course, if he walked, he would not have to pay. [Laughter.]
Mr. GREENE. Men can not run a road on air and not col-

lect anything for people riding over it.

Mr. MADDEN. Now, we are legislating here to give authority to some corporation to charge $9\frac{1}{6}$ cents for carrying passengers not to exceed 6 miles, and that is an unfair proposition. Now, gentlemen in charge of the bill have said that if we refuse to give the privileges sought to be secured to this corporation in the way in which they want those privileges they will refuse to build the line.

Mr. GREENE. I have not said so. Mr. MADDEN. I did not claim that the gentleman had said

Mr. GREENE. I have not said so.
Mr. MADDEN. I said that the gentleman in charge of the
bill, the chairman of the Committee on the District of Columbia, said so.

Mr. BABCOCK. They could not get the money anywhere. Mr. MADDEN. I say this, that this is one of the stale, wornout arguments always used on every such occasion as this, that whenever any company seeks a franchise and the Members of Congress seek to regulate the conditions under which the franchise shall be granted, they are told that if they do not act with the greatest degree of liberality the companies seeking to ac-commodate the people by conducting a street car railway for their benefit will refuse to grant the privileges to the people which the people are demanding of them. We are told that the people in the neighborhoods through which this street car line is proposed to run are clamoring for street car service. told that unless it is granted on the terms demanded by the corporation they will get no service. We are told that we have no right to demand consideration on behalf of the people. told that it is unfair to demand a reduction of the street car We are told that all of the other street railway companies are allowed to charge certain fares. We are told that it would be unfair to exact from this infant monopoly some concessions which are not granted by other corporations of a similar char-We are told that this railroad is to be constructed through a sparsely settled territory. We are told that the expense of its construction will be so enormous that these men can not borrow money on their bonds to build it unless they are allowed to charge an exorbitant fare. We are told that this demand of ours for fair treatment of the people of the District is unjust and discriminatory. ,
Mr. SIMS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, having given some attention to the capitalization and outstanding existing bonded indebtedness of the street railroads here, I think I can make a somewhat correct statement so far as it has been gone into. The outstanding stock of ment so far as it has been gone into. The outstanding stock of the Capital Traction Railroad is \$12,000,000. Its bonded indebtedness is \$1,080,000. When the capital stock of the Capital Traction road was first issued, it was for \$12,000,000. never been increased or reduced since. According to the testimony before our committee, given at a public hearing, the president of that company stated that after this stock was issued it went down in the market to 45 cents on the dollar. Twelve million dollars of stock multiplied by 45 cents will give something over \$5,000,000 as the total value of the Capital Traction Company, measured by the market value of the stock. That value included all of the tangible property and all the value attaching to the franchise. The stock of that company is still \$12,000,000, and the stock sells on the market to-day at \$1.41, \$1.42, and as high as \$1.45. In other words, the profits due to increased value of stock is about \$12,000,000. Since that time they sold the power-house site for \$550,000, and declared an extra dividend of \$480,000 out of that amount and put it in their pockets, which reduced the original value of \$5,000,000 by \$480,000. They pay a 6 per cent dividend, or \$720,000, on the \$12,000,000, and 4 or 5 per cent on \$1,000,000. The enhanced value of the stock, the excessive dividends, and the construction of about 3 or 4 miles of double track that has since been met out of earnings, makes this entire property a clear profit to its present owners. And yet that company persistently refuses to agree to free universal transfers. I notified them that I would offer an amendment to that effect on the bill referred to by the chairman, and they stoutly resisted it; and yet when I asked them if this amendment was adopted and passed would they take 1 cent less for their stock than its present market value, the answer was, "No; it is not for sale."

Take up the other company here. It has a capital stock of \$15,000,000, and a bonded indebtedness of \$12,913,000, and pays a dividend of 5 per cent on the preferred stock of eight and onehalf millions and 4 or 5 or 6 per cent on the bonds.

20.28 miles of track in the District.

In all, the Washington Railway and Electric Company, measured by the stock and bond issue, is bonded and stocked at over \$1,200,000 to the mile. Yet they say they will be wrecked and ruined to even agree to a universal free transfer. am only seeking to give a free transfer; and afterwards we can consider, after a proper investigation, an amendment to reduce the fares and give universal transfers. I am only proposing free transfers, and in doing that it is said we are making an attack upon the bonded and stock value of this property. Now, these are the facts reported by the companies themselves: The stock of the Capital Traction Company is \$606,666 per mile par. bonded indebtedness of the company is \$1,000,000, and that makes, with the capital stock and bonded indebtedness, something over \$700,000 per mile. The president of that company stated that he only claimed it cost \$60,000 per mile single track underground; some of it constructed within a year cost more. But you must remember that there are 5 miles of this Capital Traction road that is overhead trolley that does not cost more than half what the other does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I should like to have two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none.

Mr. SIMS. The taxes paid by the Capital Traction Company on \$18,000,000 of actual market value is \$76,000, in a city where we have the lowest tax value of any city where property is taxed at all. Yet we stand here helpless for some reason or -I do not know what it is-and seem to regard as sacred and holy the rights of corporations whose very life depends upon a repealable franchise. No franchise has been given that has not a repeal or amendment clause in it. They even claim there is no franchise value; yet when you calculate by the most liberal method possible it would not cost \$6,000,000 to produce every mile, all the equipment, and all the real estate in the most modern style at the present price of material and labor, the highest known in the history of this country. I would like the House to take some note of these things, and when the time comes they may know something about what they are acting on.

We are asked for an increase in the salaries of the clerks in the District of Columbia, and we are not willing that when they come to their work they shall have a free transfer, while the value of these companies is two-thirds franchise, and the franchise will grow more valuable every day without added operating expense to the railroads themselves of a substantial character. I do not think that this ought to be gotten at by piecemeal, by undertaking to force a 3-cent rate on a road not yet built, and when they come to this city have to fight these well-equipped railroads now in existence. I think it is a mistaken policy to put these new roads at a disadvantage with this formidable opposition that they have got to meet from these well-equipped railroads when they seek to secure permission to cross the streets of Washington. Mr. CLARK of Missouri. Mr. Chairman, I do not know

whether this proposition is in order or not, and it does not make any difference whether it is or it is not. This debate has done a great deal of good, whether the point of order is sustained or

overruled.

There is just one way in which the chairman of the committee, the gentleman from Wisconsin, can settle this whole thing, and that is to agree to get his committee together to-morrow morning and report a general 3-cent-fare bill, and then get the Committee on Rules together and induce them to give us the right of way for that bill, because that is where we are coming to.

A Member. It would be a pretty hard job to do that.

Mr. JAMES. But the point of order was made by the chairman against just such a proposition half an hour ago.

Mr. CLARK of Missouri. I do not think it would be quite

as hard a job as you think.

I have always protested against Congress sitting as the city council of the city of Washington, and I protest yet; but this District is used as a legislative experiment station for the rest of the country, and instead of this city's being behind all other cities in all municipal improvements, it ought to be ahead of all the other great cities in that line. If you are going to continue it as a legislative experiment station, you ought to pass some legislation here that has some good and some sense in it. It has been demonstrated—it is no longer a question to be debated—that a 3-cent fare in a great city is a good thing for the people and a good thing for the street railroads, too, because it increases greatly the number of persons who do the riding. If Tom Johnson never does another good thing while he lives in this world, he deserves a monument as high as Washington's for having forced that gang in the city of Cleveland to accept his theories on this kind of legislation at least. [Applause.]

There is another thing about it, Mr. Chairman, that might as well be said here as anywhere else, and that is that no street railroad charter in this city or any other great city of the land ought to have ever been given to any corporation under the shining sun. Every one of them ought to have been put up at auction and sold to the highest bidder. Then Congress ought

to legislate fairly on the whole subject.

This proposition of the gentleman from Tennessee [Mr. Sims], that there shall be a universal-transfer law passed for the benefit of the people of the District of Columbia, ought to be agreed to by every man in this House. It is a gross outrage the way they run it. That is the plain English of the whole situation. For instance, you ride two or three blocks on the F street line and you run somewhere into this other line on Pennsylvania avenue-I don't know the name of one of them from the other. You can not get a transfer. Will any man say that it is worth 5 cents to ride two or three blocks on one of these cars? Another thing about it. You, Mr. Chairman, and myself and the most of us here, if we are in a hurry, can afford to pay two or three fares to get eight or ten blocks in this town and not miss it; but you take the average citizen of Washington, take these clerks that they are always talking about raising the salaries of, and whether they have to walk half a mile or dig down into their pockets for another nickel to contribute to these street railroad companies is a very serious proposition for them. They have to count the nickels in order to keep their heads above water, financially speaking. You can bowl this proposition out here now on a point of order, but you can not keep this proposition out of this House in a way that we will get a fair crack at it, and I serve notice on you to that effect right now.

Mr. BABCOCK. Mr. Chairman, just a word. I want to say

I want to say to the committee and to the gentleman from Missouri, as I said before, that there is a bill pending before the District Committee that necessarily must be reported at this session, to which all of these amendments will be germane, and on which the sense of the House can be taken, but not on a little suburban line like

Mr. CLARK of Missouri. Let me ask you a question.

Mr. BABCOCK. No, no; I am talking.

Mr. CLARK of Missouri. Go on.

We can not get one of the companies in the Mr. BABCOCK. District of Columbia to construct these suburban lines, because it is not profitable construction.

Mr. SHACKLEFORD. May I ask a question right there?
Mr. BABCOCK. No; I refuse to yield until I have finished.
The CHAIRMAN. The gentleman declines to yield.
Mr. BABCOCK. Just a moment. As to the construction of ject to a point of order.

this very line, except for this Maryland connection, I would oppose it and insist that one of the lines in Washington build it. They will not do it unless they are forced to do it, and these Maryland people will. There is the situation. But I will say further to the gentleman, if you tack these amendments onto this new construction you stop it. No one will furnish money or take the bonds of these lines to build roads on a 3-cent fare on a suburban line. Now, I am only one of eighteen members of the Committee on the District of Columbia, but each member of that committee will bear me out in the statement when I say that there will be before the House an important bill to which all of these amendments will be germane and proper.

Mr. CLAYTON. When?

Mr. BABCOCK. Just as soon as the committee can get it

Mr. CLAYTON. Oh!

Mr. BABCOCK. I want to say further that the bill would be before the House to-day had it not been for the insistence of the different citizens' associations in Washington for further hearings, and I refer to the leader of the minority on that committee to confirm my statement.

Mr. SIMS. Mr. Chairman, I want to make a statement in that connection, The chairman was indifferent, I might say almost opposed, to further hearings, for the reason that it would take up so much time he was afraid that the bill would not get before the House in time to be passed before adjournment. We heard the officers of the gas company and the Capital Traction Company, but not a word from the Washington Traction Company. Upon my own request Wednesday was set aside for hearings, one-half to go to one side and one-half to the other. The chairman is not to blame for this bill not being

reported favorably or unfavorably up to this time.
Mr. CLARK of Missouri. Mr. Chairman, I want to ask the gentleman from Wisconsin a question in order to get informa-When is the committee going to report this general bill?

Mr. BABCOCK. I am only one member out of eighteen, and I should have to have an opportunity to consult the other seventeen in order to answer the question.

Mr. CLARK of Missouri. Does the gentleman from Wisconsin believe that the bill will be reported?

Mr. BABCOCK. I will say to the gentleman from Missouri that I have every reason to believe that that bill will be on the Calendar the next District day.

Mr. CLARK of Missouri. Another question. Suppose that it turns out that these present principal railroad corporations of this town refuse to build this road with a 3-cent-fare feature attached to it, does not the gentleman believe that there are men in this District of Columbia who have money that would jump at the chance?

Mr. BABCOCK. They would jump away from it just as fast as they could jump, and probably it would take two jumps to

[Laughter.]

Mr. CLARK of Missouri. Do you not think it would be better

to wait until some fellow would build it?

Mr. SHACKLEFORD. I want to ask the gentleman from Missouri, my colleague, a question. Taking it to be true that the corporations that are operating the railroads in this District would refuse to carry out the provision of this bill, is not the revenue of this District and of this Government ample so that we ourselves could build and operate that sort of a line?

Mr. CLARK of Missouri. I think there is a plenty of revenue. Mr. SHACKLEFORD. Ought we not to do it?

Mr. CLARK of Missouri. I am opposed to giving franchises to these franchise grabbers.

The CHAIRMAN. The question is on the amendment of-

fered by the gentleman from Kentucky. Mr. JAMES. Mr. Chairman, may we have the amendment

again reported?

The CHAIRMAN. Without objection, the amendment will

be reported again.

The Clerk again read the amendment.

The question was taken; and on a division (demanded by Mr. James), there were—90 ayes and 50 noes.

So the amendment was agreed to.

Mr. MADDEN. Now, Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend section 5 by adding at the end thereof the following:

"And grant transfers over all connecting lines, entitling the holder thereof to a continuous ride in either direction without the payment of an additional fare over the line or lines over which the transfer is given."

Mr. BABCOCK. I make the point of order on that, Mr.

Mr. MADDEN. I suggest, Mr. Chairman, that it is not sub-

Mr. BABCOCK. I raise the point of order that it is not germane and that it is unconstitutional; that Congress can not compel other lines of street cars to carry passengers without consideration.

The CHAIRMAN. The Chair will point out the difference between this amendment and the one offered by the gentleman from Kentucky. In that case it was an attempt to compel other companies of the District to carry passengers at reduced rates of fare. In the present instance the proposition is to compel the new company, if chartered, to extend the travel of their passengers over all the lines of the District of Columbia without the payment of any additional fare. It puts no duty upon the other companies to carry them nor does it appear to the Chair how one railroad company can force another one to carry its passengers free of charge.

Mr. MADDEN. Mr. Chairman, then I would like to suggest

an amendment to the amendment,

The CHAIRMAN. Without objection the gentleman can withdraw his amendment and modify it. The Chair hears no objec-

Mr. MADDEN. Mr. Chairman, I now offer my amendment as perfected.

The Clerk read as follows:

Amend section 5 by adding at the end thereof the following:
"And grant transfers over all connecting lines entitling the holders
thereof to a continuous ride in either direction without the payment
of an additional fare over the line or lines over which the transfer
is given; and it shall be incumbent on the connecting lines to accept
said transfers." said transfers

Mr. BABCOCK. Mr. Chairman, I raise the point of order on that.

The CHAIRMAN. The point of order is sustained. The same question has been passed upon by the Chair.

The Clerk read as follows:

Sec. 6. That all the powers, rights, duties, and limitations imposed by the act of Congress authorizing said Baltimore and Washington Transit Company to enter the District of Columbia, approved June 8, 1896, shall be applicable to the extension of the line of said company as proposed herein except as said act may be amended by the provisions hereof, it being the intent that said original act shall be applied to this extension in the same manner as if said extension had been included in the original act. in the original act.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, creating a new section, numbered 7, which I send to the desk and ask to have read.

The CHAIRMAN. If there is no further amendment to be offered to section 6, the gentleman's proposition will be read.

The Clerk read as follows:

Insert a new section as section 7, as follows:
"The privileges herein granted are granted on the express condition that cars shall be run under such rules as may from time to time be made by the District Commissioners, and any violation of which shall be a misdemeanor, and for any such violation said corporation shall be liable to a fine of not less than \$50 and not to exceed \$200.

Mr. MADDEN. Mr. Chairman, the companies existing at present within the District of Columbia, or some of them at least, run street cars without any regulations whatever by the Commissioners. They run them either in bunches or they do not run them at all.

Mr. BABCOCK. There is no objection to the amendment.
Mr. MADDEN. Very well; I have nothing further to say.
The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to. Mr. MADDEN. Mr. Chairman, I move to strike out the last word of the section in order that I may ask the chairman of the committee a question, and that question is this: I would like the chairman of the committee to tell the House if he can who the men are who are seeking this franchise, and whether anybody connected with the organization of the railroads proposed to be constructed under this bill is identified in any way with any of the street car companies at present operated and owned

within the District of Columbia.

Mr. BABCOCK. Mr. Chairman, I am personally unable to answer the question. I yield to the gentleman from Massachu-

Mr. GREENE. Mr. Chairman, I will state that there is no one connected with the present lines who is connected with this company

Mr. MADDEN. Will the gentleman tell the House who the gentlemen are who are interested in it and whether they are qualified to build the road?

Mr. GREENE. The line is very largely owned in Baltimore by some gentlemen there of the name of Williams, the largest owners of it, a prominent law firm in the city of Baltimore

Mr. MADDEN. It seems to me, Mr. Chairman, that there ought to be some evidence of the ability of the men in whose favor this law is to be enacted to carry out the plan proposed in the bill—not only their ability to do that, but their willingness to do it. We ought to know who they are, where they are, how much money they have, what their ability is to get money if they have not enough, and all about it. It seems to me that this is a matter in which the people of the District are interested. It seems to me that there ought not to be any valuable franchise of this sort granted until the House is informed as to the ability of the men in whose favor the law is being enacted, and as to their identity as well.

Mr. CRUMPACKER. Has the gentleman examined sections 3 and 4 of the bill, containing conditions providing for good

faith from the company?

Mr. MADDEN. Oh, it requires a deposit of a thousand dol-

Mr. CRUMPACKER. Yes; section 3 requires a deposit of a thousand dollars and section 4 requires some action to be taken within a certain time, and carries with it a penalty and provides that unless the road has been constructed and is in operation within two years the charter shall be absolutely void.

Mr. MADDEN. Well, will anybody contend that a thousand dollars is any kind of security for the construction of a railroad? Mr. CRUMPACKER. There is the forfeiture of the charter within two years.

Mr. MADDEN. I presume they could enjoin themselves from going on with the improvement if they wanted to, and the Government would then be stopped from interfering and annulling the charter.

Mr. CRUMPACKER. If there is any money in the enterprise I suppose there would be no question about its being constructed.

Mr. MADDEN. Does the gentleman think it an unreasonable proposition to ask the names of the men and the ability of the men to do the thing which they are seeking to do?

Mr. CRUMPACKER. Oh, I am not criticising the gentleman for the questions he is asking, but simply call his attention to the safeguards that the bill already contains, which, it seems to me, are reasonably sufficient to secure action, and if no action is taken within two years there is no charter; and I think that that is a reasonable safeguard and about all that is usually connected with similar companies.

Mr. MADDEN. Well, what is usual-Mr. CRUMPACKER. This road, I This road, I understand, is intended for the accommodation and convenience of the community at Takoma Park, and it does not look as if it would be a very profitable enterprise.

Mr. MADDEN. I do not see why it would not. They are starting 2½ miles outside of the District line, and they are allowed to charge a 5-cent fare to the District line. They are allowed to charge 4 cents for a single fare from the District line to the Fourteenth street line. It is only about 3% miles at the utmost. Assuming they divided that fare within the District with the other company, the connecting company, then they have cents and something more for carrying a passenger 6 miles.

Mr. CRUMPACKER. They will get 2 cents-

Mr. MADDEN. So I do not see that they are to be pitied— Mr. CRUMPACKER. The other company will get 2½ cents and these people all there is left of the fare that the bill provides.

Mr. MADDEN. We would like to get the information as to who these people are.

Mr. CRUMPACKER. I do not know myself.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk resumed and concluded the reading of the bill. The bill was ordered to be laid aside with a favorable recommendation.

WASHINGTON, SPA SPRING AND GRETTA RAILROAD COMPANY.

Mr. BABCOCK. Mr. Chairman, I ask present consideration of the bill (S. 3668) to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Washington, Spa Spring and Gretta Railroad Company, a body corporate under the laws of the State of Maryland, be, and it is hereby, authorized to extend its line of street railway within the District of Columbia with single and double tracks, equip and operate the same for the carrying of passengers, parcels, milk, garden truck, and other small freight, with the necessary switches, turn-outs, buildings, mechanical devices, along the following route: Beginning on the Bladensburg road, or Baltimore and Washington turnpike, at the dividing line between the District of Columbia and Prince George County, Md., thence along said Bladensburg road to Fifteenth street east and H street where it intersects with Maryland avenue and said Bladensburg road; that the motive power of said road shall be electricity, operated by the overhead wire or trolley system, and a return wire, similar in capacity, situation, and insulation to the feed wire, shall be provided with a double trolley; and no dynamo furnishing power to the road or any portion thereof shall have either of its wires connected with the earth.

SEC. 2. That the said Washington, Spa Spring and Gretta Railroad Company may acquire, by gift, grant, or purchase, such real estate on either side of its line as may be necessary for depot, freight purposes, and car barns, and shall have the right to connect its line with the

SETC. 3. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

SEC. 4. That excavations in the highways shall be made only under permits from the Commissioners of the District of Columbia and subject to regulations prescribed by them.

SEC. 5. That the said railway and its appurtenances shall be constructed in a substantial and durable manner, subject to inspection by the Commissioners of the District of Columbia. All changes to existing structures in public space shall be made at the expense of the company.

isting structures in public space shall be made at the expense of the company.

Sec. 6. That the said company shall deposit such sums as the Commissioners of the District of Columbia may require to cover the cost of inspection and the cost of changes to public works in the streets caused by the construction of said railway.

Sec. 7. That the company shall keep the space between its rails and tracks and 2 feet exterior thereto in good condition, to the satisfaction of the Commissioners of the District of Columbia. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary, and when said Bladensburg road is improved the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878.

Sec. 8. That the cars shall be first class and shall be kept in good condition, to the satisfaction of the Commissioners of the District of Columbia.

Sec. 9. That the cars shall be run as often as public convenience requires, on a time-table satisfactory to the Commissioners of the District of Columbia and approved by them, and it shall be the duty of said railroad company to submit such time-table for approval whenever required by said Commissioners, and said company is required to run its cars in accordance with said approved time-table.

Sec. 10. That the speed of the cars shall be subject to the police regulations of the District of Columbia.

Sec. 11. That persons drunk, disorderly, contagiously diseased, or refusing to pay the legal fare may be ejected from the cars by the officers in charge thereof.

Sec. 12. That, as far as possible, articles left in the cars shall be cared for by the company, to the end that they may be returned to the

SEC. 12. That, as far as possible, articles left in the cars shall be used for by the company, to the end that they may be returned to the

rightful owner.

SEC. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed 5 cents per passenger, and six tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Columbia

senger over the whole or any part of said line in the District of Columbia.

Sec. 14. That the company is authorized to erect and maintain the buildings necessary to the operation of this road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners of the District of Columbia. All passenger rooms and transfer stations shall be provided with such conveniences for the public as said Commissioners may direct.

Sec. 15. That the said company, through its proper officers, shall annually, on or before August 1, make return under oath to the board of personal-tax assessors of the District of Columbia of the amount of its gross receipts in the District of Columbia during the preceding year ending June 30, and shall pay to the collector of taxes of the District of Columbia, at the same time and in the same manner as other personal taxes are paid, an amount equal to 4 per cent per annum thereon, in lieu of other personal taxes; that the real estate of the said company in the District of Columbia shall be assessed and taxed as is other real estate in said District.

Sec. 16. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of the street or highway occupied by said railway, or from altering and improving streets, avenues, highways, and the sewerage thereof; and the company shall change its railway construction and pavements so as to conform to such grades and improvements as may have been or may be established.

Sec. 17. That said company is authorized to construct and operate,

lished.

Sec. 17. That said company is authorized to construct and operate, for its own use only, telegraph and telephone lines along its railway, as herein provided for, subject to the approval of the Commissioners of the District of Columbia.

Sec. 18. That the construction of said extension on the lines of said railway company within the District of Columbia shall be commenced within one year of the passage of this act and be completed and cars running thereupon or passenger traffic within two years from the passage of this act, in default of which this act shall be void and of no effect.

sage of this act, in default of which this act shall be void and of no effect.

SEC. 19. That all the conditions, requirements, and obligations imposed by this act shall be complied with by any of the successors to or assigns of said company within said District.

SEC. 20. That within sixty days from the approval of this act the company shall deposit \$1,000 with the collector of taxes of the District of Columbia, to guarantee the construction of this railroad within the prescribed time, and if this sum is not so deposited this act shall be null and void. If the sum is so deposited and the road is not in operation as herein prescribed, said \$1,000 shall be forfeited to the District of Columbia and this act shall be void.

SEC. 21. That the construction, adoption of motive power, erection of buildings, regulation of schedule, and speed of running shall be at all times under the supervision and control of the Commissioners of the District of Columbia.

SEC. 22. That each and every violation of the requirements of this act or of the regulations of the Commissioners of the District of Columbia made under the authority thereof shall be punishable by a fine of not less than \$20 nor more than \$100, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

SEC. 23. That the company shall, on or before the 1st day of February in each year, make a report to each the Senate and House of Representatives, as prescribed in section 10 of the act of June 10, 1896, entitled "An act to extend the routes of the Eckington and Soldiers'

Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes."

SEC. 24. That this act shall take effect from and after the date of

passage. 25. That Congress reserves the right to alter, amend, or repeal this act.

During the reading of the above,

Mr. SHACKLEFORD. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SHACKLEFORD. Is the bill subject to amendment now?

The CHAIRMAN. It is not.

Mr. SIMS. Mr. Chairman, this bill is somewhat similar to the one the House has considered, except it is not connected, as I understand, with any Baltimore enterprise. It is a suburban road coming into the District of Columbia and joins the Washington Traction at Eighth street. People living along this line are much interested in having this road constructed. It would have been constructed long ago, except that the Bladensburg road was too narrow, being only 66 feet, but we have passed a law this Congress authorizing the widening of Bladensburg road to 90 feet, which makes it abundantly wide for a double trolley line without injury to the road. Now, this bill has passed the Senate. It has been thoroughly considered by the Commissioners, and I have been unable to hear a word in any direction in opposition. The people along the line are interested as much as they possibly could be.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SIMS. Just a moment; and I want to state to every Member of the House that I hope this bill will not be amended

from the fact if it is amended and goes back to the other body, with the crowded condition of public business at this time, in all probability it will not be considered and will not be passed. If it is passed now, the road can be constructed during the vacation, and as to the rate of fare and things of that sort, Congress will have abundant time to regulate anything of that sort before anybody will travel over this line, and the right to alter, amend, and repeal is reserved in this as in other acts. Now, Mr. Chairman, I want to yield to the gentleman from Maryland [Mr. Mupp], whose district this road runs into, and who introduced the bill in the House similar to the one that passed in the Senate, but if the gentleman from Illinois wishes to ask

me personally any question, I will yield to him.
Mr. MANN. Will the gentleman yield?

Will the gentleman yield? Mr. MADDEN. I notice that this provides that freight can be carried on the streets of the District of Columbia.

Mr. SIMS. Of certain kinds.

Mr. MADDEN. It provides that milk, garden truck, and other small freight. Now, what is "other small freight?" What does "garden truck" consist of, and what are the kinds of articles to be limited to the right of this road to carry and all that? Then another question I would like to ask is, how far outside of the District line does this road begin?

Mr. SIMS. That is a question that I could not answer, but the gentleman from Maryland [Mr. MUDD] can. Mr. Chairman, I suggest that I yield to the gentleman from Maryland [Mr. MUDD] to answer all these questions, as he is thoroughly

familiar with the bill in all its aspects.

Mr. MUDD. This railroad begins at a point which I find in the bill is designated as Gretta. Gretta is a suburb in the neighborhood of—in fact I may say, adjoining—a place called Riverdale, which is a station on the Baltimore and Ohio Railroad, just beyond Hyattsville, in Prince George County, Md. It is not over 4 or 5 miles beyond the District line.

Mr. MADDEN. What character of country is it through which this runs outside of the District?

Mr. MUDD. The character of the country in the District as well as outside of the District is almost exclusively rural. It does not run to any place of larger size than Hyattsville, to the extent that you may say it goes to Hyattsville at all. In fact, it runs about half a mile, I think, at the nearest point, of the village of Hyattsville, a village of from 1,500 to 2,000 inhabitants, situated a few miles outside of the District of Columbia.

Mr. MADDEN. What kind of freight originates within that

Mr. MUDD. The country is composed to a large extent of truck gardeners. I suppose milk, vegetables, just about the kind that were permitted to come in over the railroad that we chartered about two years ago, which comes in over the Anacostia Bridge, just over the line into the District of Columbia.

Mr. MADDEN. Is it proposed to allow these cars to be trans-

ferred from one railroad track to another within the District?

Mr. MUDD. There is no provision in the bill permitting that, and I take it for granted it could not be done without such a

Mr. MADDEN. Does the gentleman believe that it is a wise provision to allow a railroad to bring freight onto the streets of the District of Columbia?

I am not prepared to say that I think, as a Mr. MUDD. general proposition, that would be wise. But, as a matter of fact, taking into consideration the character of the population to be served by this railroad and that their livelihood is obtained to a large extent from the proceeds of the products mentioned herein and the further fact that the railroad company does not, in fact, come into the city, properly speaking, at all, but stops, as stated in the bill, at the intersection of Fifteenth street and H street NE., just at the boundary, I think no harm can come to the city by allowing that.

Mr. MADDEN. Does the gentleman believe that the city of Washington is going to become a great residence city some time in the future?

Mr. MUDD. I do not see that that has very much to do with

the merits of the pending measure.

Mr. MADDEN. What I want to get at is, that if it is going to become a great city, and you allow, in advance of the population living here, freights to be carried on any of the streets of the city, you are putting an embargo on the progress of the com-

Mr. MUDD. Mr. Chairman, I think the gentleman does not carry in his mind the statement I just made, that the terminus of the railroad in the District of Columbia is in effect in the country, on the line of what was called a few years ago and what is understood now as being the county. It only comes to what is called the "boundary," away out here where the Bladensburg road ends, and from that point, of course, the city

Mr. MADDEN. Does the gentleman mean by the words county line" that it is the boundary line between the Dis-"county line" that it is the boundary line trict of Columbia and the State of Maryland?

Mr. MUDD. Oh, no; it is the boundary line— Mr. MADDEN. What is known as the "city" as distinguished from the District of Columbia?

Mr. MUDD. What was called years ago, and what I think is perhaps properly called now, "the county."
Mr. MADDEN. It would come to Florida avenue?

Mr. MADDEN. It would con Mr. MUDD. Florida avenue.

Mr. MADDEN. That, I submit, Mr. Chairman, is right in the center of the city of Washington now, and it seems to me that we ought not to pass any bill that would give the right to any railroad company to come through the most thickly settled portion

Mr. MUDD. Why, the gentleman does not mean to say that there is any thickly settled portion of the city, or even of the

District, out there on that suburban road?

Mr. MADDEN. I may not know that particular road, but I

do know this, that outside of Florida avenue the most aristocratic part of the city exists.

Mr. MUDD. Not in the northeast.

Mr. MADDEN. Perhaps not in the northeast. But it seems to me it would be a very dangerous provision to allow to go into any bill an authorization to any railroad company to use the streets of the District or the city of Washington to carry

Mr. MUDD. Mr. Chairman, I believe I have some time allotted to me by the gentleman from Tennessee [Mr. Sims], and I think a little explanation will convince the members of the committee that there is nothing dangerous in this little modest railroad proposition; that there is no monopoly in it; that there is no oppression in it, but that the effect of allowing the road to come into the District of Columbia will be to reduce passenger fares and to the extent that the small truck freight would be allowed to come—and I apprehend that the time will never come when the people of this city will not want vegetables to come in here at reduced rates—will be to very substantially reduce the rate of freight on those small articles.

In the first place, bear in mind, Mr. Chairman and gentlemen, that this railroad, properly speaking, does not come into the When the gentleman from Illinois spoke of the thickly settled portion of the city in the District of Columbia he evidently had in his mind's eye that portion of the city in the direction of Mount Pleasant and the northwest which is beyond the boundary, and where many fine residences are being constructed and where many have been constructed until it is in fact in some portions as thickly settled as in the heart of

the city itself. The terminal of this road in the District is here on Florida avenue, or right about where Fifteenth and H streets NE. intersect. Beyond that is what you might very properly call a county road in that part of the District, and Prince George County, in the State of Maryland, a region that is inhabited by farmers. It is in fact a farmers' road. It is not any giant corporation; there is no trust or monopoly in it; there is nothing of the character of an anaconda about it. a little road running through a section of the District and a section of Prince George County where the people are without railroad facilities because they have not yet had one built, and unless this road is constructed no man along the route of the road will be able to come into the city except by means of the usual class of vehicles that have obtained there, some of them at least, for half a century.

Now, Mr. Chairman, I hope there will be no attempt to saddle this road with an amendment of the character put on the other railroad proposition just acted upon. This is an entirely different proposition. It will certainly not be for years to come a paying road to any extent, comparing with those inside of the city. It may be answered in reference to this road, as it was contended in reference to the other, that the road may not be built if the rates are reduced. In this connection I would like to say that in the Fifty-second Congress a railroad was chartered over almost identically the same route. I think it was called the City and Suburban. It went from Riverdale, in Prince George County, to Florida avenue, just as this railroad will go, and they were allowed precisely the same fares as are allowed in this bill. The railroad was not built, because the people interested in it could not procure the capital. I happened to have had a rather sad experience in connection with that, because I happened to be one of the incorporators, one of the stockholders, and one of the directors. I was not a Mem-ber of Congress at that time, I want to say in this connection. Mr. SHACKLEFORD. How long is the line that is contem-

plated?

Mr. MUDD. Altogether I do not think over 8 miles. Mr. SHACKLEFORD. Has the gentleman some information

as to what it will probably cost per mile?

Mr. MUDD. No; I do not know that. It will be an overhead

trolley, just as the other was.

Mr. SHACKLEFORD. Going to some point out in the coun-

Is it a single or double track?

Mr. MUDD. Double track.

Mr. MADDEN. I will state to the gentleman that it costs about \$15,000 per mile to build an overhead-trolley double-track

Mr. MUDD. The information I have given to the House will throw some light on the ability to obtain money. In or about the year 1892-93, under a charter granted in the Fifty-second Congress, I happened to be named as one of the incorporators. I do not know why it was. I suppose they thought that an ex-Member of Congress amounted to something—had, perhaps, some slight prestige that might be useful. Of course I knew to the contrary

Mr. PAYNE. We had a proposition here a few years ago, in a measure for a road to come in from Maryland into the District, providing that they should run freight cars on every line in the District. Is there any such provision as that in this bill?
Mr. MUDD. There is not, I think.

Mr. PAYNE. I have not seen the bill, and I do not know whether that proposition is in it.

Mr. MUDD. I think not. Mr. PAYNE. I remember the House by a very decided majority put in a provision that would prevent their running freight cars in the District on even a single road, and if this bill would allow that, and I ask the gentleman because he is familiar with it, there should be a similar prohibition in this bill.

I think there is no such provision in this bill. Mr. Chairman, I think the gentleman from New York refers to the bill called the "Washington and Surrattsville Railroad," which came in here in the closing hours of the session two years ago. I am frank to say he is mistaken in one respect. railroad, if I recollect aright, did contain a provision that the cars should be allowed to come over what I think is termed the "Washington and Potomac Railroad," which runs from this side of the Anacostia Bridge down near to the Washington Market. That was considered an unusually liberal charter, much more so than is being asked in this bill. Now, I want to say that this bill was introduced in the Senate by the late Senator Gorman, who wanted to gratify and to benefit the people of that section of Maryland through which he passed to go to his home. I introduced the same bill in this House at the same time. The Senate bill is the one now before us. It was reported unanimously.

I am informed by his successor in the Senate and upon the Committee of the District of Columbia of the Senate it has passed the Senate unanimously. So far as my information goes, it was reported unanimously by the House committee. I do not undertake to say that the people interested will not en-

deavor to build this railroad if they do not get the rates they want. I make no threat or any such statement as that; but, judging from the experience I have related, and as far as my information goes as to the present conditions, I honestly am of

the opinion that they could not possibly build the road.

Now, gentlemen talk about the extortions of railroad com-Gentlemen grow eloquent, as they always do grow eloquent, in talking of the exactions and the transgressions of great corporations. Now, what will be the result of not allowing this road to come in here? This line goes from the city limits to Hyattsville, or to Bladensburg and Riverdale. I beg the gentleman from Missouri [Mr. Shackleford], who made that eloquent speech, to listen to me for a moment.

Mr. SHACKLEFORD. Was the speech referred to eloquent or vociferous?

Mr. MUDD.

Both, I think; certainly vociferous, and I should say eloquent. [Laughter.]

Mr. CLARK. Are you referring to the speech which I made? Mr. MUDD. To your colleague's. Yours was eloquent, but not so vociferous. Now, the present fare to Riverdale on the Baltimore and Ohio Railroad is 20 cents, or a little over. It is 20 cents to Hyattsville, and I apprehend it may be a little more to Riverdale, to which this railroad will go. This railroad will bring passengers in for 10 cents, so you will be preventing the occurrence of those awful things you say are done by big corporations. You will be establishing competition and establishing cheaper rates for passengers by 50 per cent, and you also establish cheaper rates for the little, modest country products that will be brought over this railroad to the city limits, if you allow this bill to go through.

Mr. PAYNE. Mr. Chairman, I think if the gentleman will allow me I will ask if his attention has been called to the first

section of this bill:

That the Washington, Spa Spring and Gretta Railroad Company, a body corporate under the laws of the State of Maryland, be, and it is hereby, authorized to extend its line of street railway within the District of Columbia with single and double tracks, equip and operate the same for the carrying of passengers, parcels, milk, garden truck, and other small freight, with the necessary switches, turn-outs, buildings, mechanical devices, along the following route: Beginning on the Bladensburg road, or Baltimore and Washington turnpike, at the dividing line between the District of Columbia and Prince George County, Md., thence along said Bladensburg road to Fifteenth street east and H street where it intersects with Maryland avenue and said Bladensburg road.

Mr. MUDD. Yes. Mr. PAYNE. I understood the gentleman to say that this bill did not allow any freight car to run within the District of Columbia.

Mr. MUDD. Oh, no, Mr. Chairman; the gentleman misun-erstood me. Perhaps I did not make myself plain. derstood me.

Mr. PAYNE. I guess you did not understand the question I

Mr. MUDD. I repeat that it does not allow them to come within what are called the "city limits." The point that is here referred to as the terminus this way is just on or about the line of Florida avenue, which is the boundary between the city limits and the country.

Mr. PAYNE. The gentleman is making a distinction between

the city and the District of Columbia.

Mr. MUDD. Unquestionably. I think there is a very great and material difference between running cars in here on Pennsylvania avenue, for instance, and running through what is called the "country section" of the District along a country road and on out into Prince George County.

Mr. PAYNE. I would ask the gentleman whether Fifteenth

and H NE. is not within the city limits?

Mr. MUDD. I understand that the intersection of Fifteenth and H NE. is just about upon the boundary between what is called the city and the country, but in the District of Columbia, of course.

Mr. PAYNE. The gentleman is familiar with the locality. am only asking for information.

Mr. MUDD. Yes; it is right out here on the road to Bladensburg, about where the thickly built up section ends.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. MUDD. Certainly.

Mr. PERKINS. Is this district now as thinly settled as was the farther part of Connecticut avenue ten years ago, and which

has now become a densely settled part of the city?

Mr. MUDD. I can not answer, because I do not know how thinly settled the part of Connecticut avenue referred to was ten years ago.

Mr. PERKINS. It was very scantily settled.

Mr. MUDD. I do not think it was as scantily settled as the portions of the District through which this road will run. Now, Mr. Chairman, in all fairness, when that time comes, when this

portion of the District through which this road runs becomes populous, when it becomes fair and equitable to people along the road and to the taxpayers in the District, and fair and equitable as compared with other railroads, to impose lower rates of travel, then it will be time to consider that; but I think the gentleman will agree with me—certainly he would if he knew anything about the character of this section of the District through which this road is to pass-that this railroad could not be maintained at all if you put the fare down to 4 cents and eight tickets for a quarter. I suppose that the gentleman from New York, Mr. Perkins, and the gentleman from New York, Mr. PAYNE, have not had occasion to go out to that part of the District of Columbia; but I want to say to them that it is little more than a farming locality, and that is the character of the country from where the road begins to where it ends out in Maryland.

Mr. CRUMPACKER. That is just what I was going to inquire of the gentleman. How far beyond the city terminus of the proposed route are the stock yards?

Mr. MUDD. I do not know that I can state that exactly to

the gentleman.

Mr. CRUMPACKER. It is not a great distance, and that part of the city, as it seems to me, is not well adapted for resi-

dential purposes.

Mr. MUDD. No; and will not be for years to come. The Reform School is situated out there; I suppose gentlemen have seen it. It sits on a hill, somewhat isolated, no buildings other than those belonging to the school close to it. The people there are interested in this road, as well as the citizens of Maryland. I will say that I have no objection to acquainting the Members of the House with the people connected with the road. They are all Maryland people, reputable gentlemen of moderate means. None of them have any stock, as far as I am aware, in any railroad in Washington City, or in any other corporation that I know of.

Mr. MADDEN. Put their names in the RECORD.

Mr. MUDD. I shall be very happy to do so. I will name them ere now. They are James C. Rogers, of Hyattsville; J. Enos Ray-and I may say this of him, which ought to recommend him to the kindly consideration of some gentlemen here, that he was the very able floor leader in the last Maryland legislature; I have no especial desire to advance his interests, certainly not politically, although I do not mind doing justice to him financially, as well as to the others and all others of my constituents—Marion Duckett, Fillmore Beall, and Benjamin D. Stephen, who, I am sorry to say, was elected a few years ago on the Democratic ticket as clerk out here in this territory of mine-of Prince George County-and I am sorry to say he got in; but it makes him none the less a good business man of fairly good means and good business integrity.

These people are none of them speculators; there is not a touch of the speculative feature about this measure. It is simply an earnest endeavor by the people who live along the road to try to get into this city without walking or riding in a wagon or other vehicle drawn by horses. I do not think the objection of the gentleman from Illinois, that small freight is to come over the road, is an objection that ought to weigh at all. I am not an expert upon the subject-matter of electric railroads. Since I have been in Congress I have fried a number of times to get some constructed through the country I represent. I have been thus far unsuccessful, because they would run through a sparsely settled country and the needed

capital could not thus far be obtained.

I am told by my colleague that in Baltimore city—I assume not in the central portion of it—they allow freight to be brought in on street-car lines from the country. I understand it is allowed in quite a number of other cities.

Mr. MADDEN. Do they allow freight cars in the city?

Mr. WACHTER. Yes.

Mr. MUDD. Now, freight cars containing milk and vegetables and other small products would probably not weigh any more than a passenger car and could probably be kept in as good sanitary condition and state of cleanliness as cars that brought in passengers

I hope that this bill will not be amended. I have no interest in it on the face of the earth except the interest that I feel in every opportunity to build up and bring something like modern progress and prosperity to the sections of my district bordering on this city.

Mr. FITZGERALD. Will the gentleman from Maryland claim that they are going to carry milk in ordinary passenger cars?

Oh, I apprehend not.

Mr. FITZGERALD. Then they will have an ordinary freight car equipped for that purpose.

Mr. MUDD. When the gentleman says an ordinary freight

car, I take it it will not be a freight car of the ordinary kind that we see, for instance, on the Pennsylvania Railroad entering the city.

Mr. FITZGERALD. It is a box car so built as to operate

on these tracks.

Mr. MUDD. On what tracks?

Mr. FITZGERALD. The tracks they are going to build for this road to connect with the tracks running through the Dis-

Mr. MUDD. Assuming that to be true, what harm would that do?

Mr. FITZGERALD. I am asking if that is what is intended. Mr. MUDD. I answer frankly that I do not know just the character of cars they do construct where they are used for small freights of this character.

Mr. FITZGERALD. I have seen them in some places.
Mr. MUDD. I have not. I know so little about capital and capitalists that I really know practically nothing about these cars. I am a sort of modest farmer myself, like these people I am trying to help get their products into this District.

Mr. GILLETT. I suppose if we allow freight cars on this line we would have to allow them on all other lines, will we not?

Mr. MUDD. Oh, no. Mr. GILLETT. Why not?

Mr. MUDD. Because we allow freight cars going out of the city here, over a route that is as much rural as any portion of the gentleman's district, is no reason why we should permit them to run in the populous sections of the city.

Mr. GILLETT. But after it comes into the city—

Mr. MUDD. It does not come into the city.

Mr. GILLETT. It does not come into the city at all?

Mr. MUDD. No; there is a difference between what is called the "city" proper and what is called the "country," and which is a part of the District. There is a marked line, which is called "Florida avenue" on the one side and the river on the other

Mr. GILLETT. The gentleman well knows that was passed years ago, and that long since there has been but little distinction between the suburbs and the city, and that really now what is called the "boundary line" is within a large part of the thickly settled portion of the city.

Certainly; that is the case up here in the Mr. MUDD. northwest, but it simply happens not to be the case where this railroad comes. It simply happens that it has not been built

up to this point in this direction.

Mr. GILLETT. But it will be built out there some day, of course.

Mr. MUDD. Well, when it comes to building out there some day in the distant future, I am going to say to the gentleman that I shall look forward with a feeling of security in the integrity and wisdom of the Members of Congress of that future time to look after the conditions that prevail then—
Mr. GILLETT. Then the gentleman admits that freight cars

ought not to be in the city.

Mr. MUDD. It may be that a day will come when it will be easier to get bills reported. I do not know. Some gentlemen complain that it is rather difficult now.

Mr. GILLETT. The gentleman admits, then, that freight

cars ought not to come into the city.

Mr. MUDD. Into what is called a thickly settled portion of the city?

Mr. GILLETT. Yes.

Mr. MUDD. I can be satisfied and consistent as to their running over this route, and contend for it, and still not contend that they should come down into the city. We will cross that bridge when we get to it.

Mr. MANN. Does not the gentleman expect this country to be

settled out there?

Mr. MUDD. I hope so. I hope this railroad will contribute

And if the country is settled, then does the gentleman think they ought to have a freight-car line on a streetcar track?

Mr. MUDD. Well, I will answer the gentleman in this way and to this extent, that there would not be as good reason for it then as there may be reason for it now. But I will be willing to consider the propriety of removing the freight car under those conditions, if I am in Congress at that time.

Mr. MANN. Oh, I hope the gentleman will be in Congress,

one body or the other-

Mr. MUDD. And I would not be happy unless my friend

from Illinois remained with me. [Laughter.]

Mr. MANN. I know the District Committee could not get anybody who is as industrious for the District as is the gentleman from Maryland.

Mr. MUDD. I will admit a good portion of that. [Laughter.] But it is proper that I should say here that I do not happen to be a member of the District Committee. It is perhaps due to the committee that I say that. I have not been a member of that committee for some years and, I suppose, I must have ceased to be considered a good man for that place.

Mr. SPERRY. To what extent have land speculators through

which this road runs an interest in this concern?

Mr. MUDD. To no extent that I know of at all, except that felt by every man in the world who owns a farm. He hopes some day it will increase in value. I hope that it will. It may be said with fairness that almost any section, any rural section, through which a railroad runs will have the value of its farm lands somewhat increased. It is to be hoped so.

Mr. MANN. I understood the gentleman to say the Bladens-

burg road had been widened recently.

Mr. MUDD. In answer to that, Mr. Chairman—and I am glad the gentleman called my attention to it, because I want to say this bill as it stands to-day embraces all the amendments recommended by the Commissioners, except one-when this bill was introduced a little over a year ago and was referred to the Commissioners they reported it back, recommending an amendment to the effect that the railroad be required to widen the Bladensburg road to the uniform width of 90 feet; but since that time a bill then pending in Congress has passed both Houses and become a law by which, in the usual way of providing for opening streets generally in the District, Bladensburg road has been widened or will be widened at the joint expense, if I recall aright, of the city and the landowners along the road. That amendment therefore was omitted.

Mr. FITZGERALD. The fact is, that condition being recom-

mended by the Commissioners of the company, the company held up this question of getting the franchise and has had the road widened at the expense of the city, and they now come back to

get the franchise without the condition.

Mr. MUDD. No; that is not the fact.

Mr. FITZGERALD. It looks very suspicious.

Mr. MUDD. I will answer quite frankly to my friend by saying that the owners of this railroad in Maryland were not as anxious to have this charter with that burden imposed upon it and upon the railroad, but I will say this, that it ought not to be said that these gentlemen were the instruments of or used for the purpose of having this done. They are none of them, so far as I know, men of any power to influence legislation here; certainly they have no such influence with me, except in so far as the measures they present may seem to me to be possessed of merit.

Mr. MANN. What other purpose was there in widening this

ountry road to 90 feet?

Mr. MUDD. Why, Mr. Chairman, I have been trying to get this and other roads leading to my district widened for the past ten years. I think it ought to have been widened years ago without any reference to the question whether a railroad was to go over it or not.

Mr. MANN. Is it the customary width for a country road in the gentleman's district to have it 90 feet?

Mr. MUDD. Oh, no. Mr. MANN. What particular object was there in widening this road except for the mere purpose of a street-car line on it? Mr. BABCOCK. Let me answer the question.

Mr. MUDD. I can answer it.

Mr. BABCOCK. I want to say that the residents along the road asked to have it done, and paid the entire expense of widening the road, and it did not cost the District a dollar.

Mr. MUDD. And may I not ask if they have not been endeavoring to get this road widened before this railroad was ever mentioned before the committee or Congress?

Mr. BABCOCK. Yes.

Do the people living on the road want this? They do. Mr. Chairman— Mr. PAYNE.

Mr. MUDD.

Did they sign a petition for this road? Mr. MANN.

Mr. MUDD. I do not know of any formal signing of a peti-If I could acquaint the gentleman with the extent of the gatherings I have had in the corridors of this building of people along that line to get this railroad, the letters I have received, and also the action of various citizens' associations of this District and outside, I think he would be fully convinced that every man, woman, and child in that section are almost praying for the construction of this road.

Mr. HULL. Have you any protests against it? Mr. MUDD. I have not, from any source whatever. I understand there has not been a single protest of any man before the District of Columbia Committee or anywhere else.

Mr. MANN. What is the length of this road?

Mr. MUDD. In other words, practically every citizen living

out there is asking for this road and no one is protesting against it.

Mr. MANN. What is the length of this road?

I think it is a little less than 8 miles. Mr. MUDD.

That is, in the District? Mr. MANN.

Mr. MUDD. Oh, there are only about 3 miles in the District; perhaps not that much.

Mr. MANN. Is there to be two fares?

Mr. MUDD. There will be one in the District and one out-

Is the gentleman willing to accept an amend-Mr MANN ment to this bill similar to the one just passed by the Committee of the Whole in regard to the previous bill?

Mr. MUDD. I have been arguing for some time, Mr. Chairman, that that ought not to be done because of the very vastly

different character of the two projects.

The bill that we have just acted upon comes with its lines down into the thickly settled portions of the city. It is an inter-urban railroad, and, as I take it from its title, is to run from Baltimore city, a fairly well built up and prosperous sort of a village over there in Maryland, to Washington. I do not believe that the railroad for which I am arguing now will for years pay anything like a dividend to the extent of more than 5 per cent, if that much.

Mr. MANN. Does the gentleman now mean to tell us that the road that we were considering on the previous bill is to run from Baltimore, when the gentleman in charge of the bill assured the House that it only ran two miles and a half out of the

Mr. MUDD. I suppose he meant by that that it was all that

was built now.

Mr. MANN. But we had the distinct assurance from the Committee on the District of Columbia, on the previous bill, that the road did not connect with Baltimore and only ran 23 miles outside of the District.

Mr. MUDD. I do not have the good fortune, or maybe ill fortune-I do not know which I should call it-of being a memther of the Committee on the District of Columbia, but I do know that this other bill refers to what is called the "Baltimore and Washington Transit Company."

I think this is all I ought to say. This road which I am now advocating runs almost exclusively through a rural section. It is asked for by rural people, most of them farmers.

Mr. MADDEN. Mr. Chairman, I desire to offer an amend-

ment to the bill.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent that general debate be now closed.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I move that amendments be admitted at any point of the bill without further reading.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that it shall be in order to offer amendments to any part of the bill. Is there objection?

Mr. MANN. I object to that. Mr. MADDEN. Mr. Chairman, I desire to have my amendment pending, then.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed 5 cents per passenger, and six tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Co-

Mr. SHACKLEFORD. Mr. Chairman, I move to amend by striking out, in line 18, on page 4, the word "five" and inserting in lieu thereof the word "four;" and in line 19 strike out the word "six" and insert in lieu thereof the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 18, strike out "five" and insert "four;" and in line 19 strike out "six" and insert "eight;" so that it will read:

"Shall not exceed 4 cents per passenger, and eight tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Columbia."

Mr. SHACKLEFORD. I hope that the gentleman in charge of this bill will see proper to accept the amendment which I have offered. When the same amendment was offered to the bill that has just preceded it the argument was made by some that we ought not to discriminate, that the line embraced in the other bill was being discriminated against because we made them give a lower rate of fare than was furnished by other railways.

Now, Mr. Chairman, here is an opportunity to extend the effect of that amendment put on the other bill and embrace within its provisions a larger number of these traction com-

panles. If it was fair to put the amendment onto the other bill, it is fair to put it onto this. If it was a proper amendment to put onto the other bill, then certainly the House ought not to discriminate in favor of this proposed railroad.

Mr. MUDD. Does the gentleman think it is the same thing to put a provision of this kind upon a railroad that will pay large dividends and a railroad that will run through a sparsely settled section and that will find trouble in living at all, even at

5 cents?

Mr. SHACKLEFORD. I believe it would, for this reason: These interurban railroads that are being built throughout the country now will result in the building up of a large population along their lines. I believe these gentlemen who are pressing this bill now and who are the owners of large farms in that country will find after while their farms will be divided up into smaller tracts, and a large population will live along the lines of this railroad. I believe there is nothing more healthfui than the extension of a system of interurban railroads. I believe with the gentleman from Maryland [Mr. Mudd] that they should be permitted to carry small freight into the heart of the city, whether it be Washington or Baltimore. I believe these interurban roads are in the near future to largely take the place of our highways. I believe that they will radiate from every city into the country and build up the farming districts. I believe that this is one of that character. It is meritorious and should receive the approval of this House. But, Mr. Chairman, we should take into consideration not only what conditions are now, but what they must come to be in the near

We are starting; let us start right. Let us compel these transportation companies to start upon a proper basis and give to the people a fair rate of transportation. It will only be a short time until there will be a dense population along this road if it is built, and I hope to see it built, and hope in the near future to see that country have a dense population, when the land will be made many times as productive as it is now.

The gentleman from Maryland says it will kill the bill if we make the company carry passengers for 4 cents and to sell eight tickets for 25 cents instead of six. I think he is mistaken in saying that that road if built will not be a money-making road. I believe it will be a money-making road from the start. I hope it will; and, Mr. Chairman, I would be very sorry to do anything that would cripple it or in any manner prevent it from being a success financially.

Mr. MUDD. How do you account for the fact that when a bill was passed in 1892 or 1893 for the building of practically the same road, with rates of fare the same as provided in this bill, the company actually failed because they could not get people to take stock at those rates?

Mr. SHACKLEFORD. Mr. Chairman, I do not know why, but I will say that money was more difficult to get hold of then than now in all sections, and in all sections of the land through which your road runs the land values were much less than they

I want to say, further, in reply to what the gentleman has said, and the same argument was made by the chairman of the District Committee on the bill just preceding this, that it will not do to undertake to check the action of Congress by saying that the corporations will not submit to it. We are not to be told that we dare not do what we ought to do and not to cast a vote for the people that the people demand we should, because the corporations will balk and not carry out the authority given

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, in reply to the gentleman I wish to make a statement, as I had the honor of reporting this bill. To adopt this amendment means what? It means a vote to prevent anyone excepting the present street railroad monopolies or steam railways, who are hauling these people and their little freight, from doing any business for these people. It means to deprive the people along this line in Maryland of such advantage as they would obtain by it. If they are willing to pay 5 or 10 or 25 cents, as far as that portion of this road lying outside of the District is concerned, that is all right. That portion that is within the District we may regulate at any time.

We have just been assured by the chairman of the committee that there will be a bill brought in here after this bill on which such a proposition can be offered. But I may be asked why not place it in this bill? That bill will come up and then it may be carried. This is a Senate bill. It has passed the Senate. The session is getting short, and any kind of an amendment now will perhaps put the matter where it can not be considered at all. I hope the House will pass this measure as it ought to be; and to put an amendment on the bill, whether intended or not, means its defeat. Let us have some competition. Let us have

some company show what can be done in competition; and let those rural people out in Maryland have an opportunity to come in here. I know that those people want to do this. believe they are deceiving us in trying to have this bill passed. They are honest, earnest, and sincere. They want it; and I believe this House will make a mistake if we do not pass this bill, pass it quick, and pass it without any amendments. [Cries of "Vote!"]

Mr. BABCOCK. Mr. Chairman, I move that debate be now closed upon the pending paragraph and amendment:

The question was taken; and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 14. That the company is authorized to erect and maintain the buildings necessary to the operation of this road, subject to the building regulations of the District of Columbia. The company shall erect and maintain passenger rooms and transfer stations as required by the Commissioners of the District of Columbia. All passenger rooms and transfer stations shall be provided with such conveniences for the public as said Commissioners may direct.

Mr. HEFLIN. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amend by inserting after the word "Columbia," at the end of line 25, section 13, the following:

"That after the passage of this act the street-car companies of the District of Columbia shall be, and they are hereby, required to provide and operate separate street cars for negro passengers, and it shall be unlawful for said street-car companies to allow white and negro passengers to ride in the same street car, and for each offense shall be fined \$100.

Mr. MUDD. A point of order, Mr. Chairman. The proposed amendment is not germane to the provisions of this bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 23. That the company shall, on or before the 1st day of February in each year, make a report to each the Senate and House of Representatives, as prescribed in section 10 of the act of June 10, 1896, entitled "An act to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes."

Mr. BABCOCK. Mr. Chairman, I desire to offer a new section, to come in after section 23.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, insert between lines 16 and 17 the following:

"SEC. 24. That the time for the completion of the Anacostia, Surrattsville and Brandywine Electric Railroad in the District of Columbia is hereby extended for twelve months from March 3, 1907."

Line 17, strike out "24" and insert "25."

Line 19, strike out "25" and insert "26."

Amend title to read:

"To authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia, and for other purposes."

Mr. MADDEN Mr. Chairman I make the point of order

Mr. MADDEN. Mr. Chairman, I make the point of order that that is not germane to the bill now under consideration.

Mr. BABCOCK. Mr. Chairman, that provision extends the charter of another road for twelve months.

The CHAIRMAN. The point of order is sustained. The Clerk resumed and completed the reading of the bill. Mr. BABCOCK. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

The motion was agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the committee do now rise and report the several bills to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Grosvenor, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bills S. 7042 and S. 3668 and had directed him to report the same to the House without amendment and with a favorable recommendation; also that the committee had had under consideration the bill H. R. 22123 and had directed him to report the same back to the House with amendments and with a favorable recommendation.

WASHINGTON WATER SUPPLY.

Mr. BABCOCK. Mr. Speaker, I ask for a vote on the bill S. 7042.

The first bill reported from the Committee of the Whole House on the state of the Union was the bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia.

Mr. FITZGERALD. Mr. Speaker, I move to recommit that

bill to the Committee on the District of Columbia.

The SPEAKER. The gentleman from New York moves to recommit the bill to the Committee on the District of Columbia.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the House to this bill at this time, as many of the Members were not present when it was discussed in the Committee of the Whole House on the state of the Union. This bill provides for the transfer from the Engineer Corps of the War Department to the Commissioners of the District of Columbia of the Washington Aqueduct and filtration plant. It is now being conducted in an economical and satisfactory manner. There is no good reason why the control should be transferred. It seems to me that the transfer should not be made without a very full investigation, and I trust that the House will recommit the bill, in order that for the present, at least, the control of the aqueduct and filtration plant may be left in its present situation.

Mr. BABCOCK. Mr. Speaker, I want to say just a word. We have a divided supervision over the water plant which has caused a great deal of friction, and both departments agree that it should be under one head instead of two. I hope the House will concur in the committee recommendation. Mr. Speaker, I move the previous question.

Mr. MANN. Mr. Speaker, I hope the gentleman will not insist upon the motion. Is the gentleman not willing to let this go over? It is very evident that at present there is no quorum

in the House.

Mr. BABCOCK. I have no objection to its going over.

The SPEAKER. If there be no objection, the bill will go over as unfinished business.

Mr. FITZGERALD. Would that make it in order to-morrow? The SPEAKER. No; but it would make it in order on the next District day.

Mr. FITZGERALD. I have no objection to that.

WASHINGTON, SPA SPRING AND GRETTA RAILROAD COMPANY.

The next bill reported from the Committee of the Whole House on the State of the Union was the bill (S. 3668) to authorize the Washington, Spa Spring and Gretta Railroad Company of Prince George County to extend its street railway into the District of Columbia.

The bill was ordered to a third reading, and was accordingly

read the third time, and passed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY OF MARYLAND.

The next business reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 22123) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896, reported with amendments and a favorable recommendation.

The SPEAKER. The question is on agreeing to the amendments.

Mr. BABCOCK. Mr. Speaker, the same amendment that is to be voted upon in this bill was offered to the bill authorizing the Washington, Spa Spring and Gretta Railroad Company to extend its railway in the District of Columbia, which bill has passed the House, and the amendment was not adopted. House adopts the amendment reported on this bill, it will place itself in the position of adopting an amendment to one bill, and on another bill of exactly the same character refusing to adopt the amendment. I hope the House will refuse to adopt this 4-cent and eight-car-ticket amendment.

Mr. JAMES. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, in line 5, strike out the word "five" and insert the word "four." In line 8 strike out the word "six" and insert the word "eight;" so as to read: "Four cents for each passenger and eight tickets for 25 cents."

The SPEAKER. The question is on the first amendment just reported.

The question was taken; and on a division (demanded by Mr. James) there were—ayes 54, noes 61.

Mr. SHACKLEFORD. Mr. Speaker, is that a quorum?

The SPEAKER. It is not.

Mr. SHACKLEFORD. I raise the point that there is no quorum.

Mr. JAMES. I make the point, Mr. Speaker, that there is no

Mr. BABCOCK. Mr. Speaker, I move that the House do now

MINORITY VIEWS-POST-OFFICE APPROPRIATION BILL.

Mr. HEDGE. Mr. Speaker, pending that motion I would like to ask that the time for filing minority views on the post-office appropriation bill be extended three days. The SPEAKER. If the point of order is temporarily withdrawn, without prejudice, the gentleman's request can be considered.

Mr. JAMES. I will withdraw the point of order temporarily. Mr. HEDGE. I now ask that the time for filing minority views on the post-office appropriation bill be extended for three

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, may I inquire to what date that will extend the time?

Mr. HEDGE. I do not intend that it shall extend beyond

Thursday

Mr. STAFFORD. But it is contemplated to bring up the post-office bill for consideration on Thursday, and we should have time to consider the minority views.

Mr. HEDGE. I will make it until Wednesday night, then.
The SPEAKER. The gentleman modifies his request to
Wednesday evening. Is there objection? [After a pause.] The Chair hears no objection.

LEAVE OF ABSENCE.

Mr. Keliher, by unanimous consent, was given leave of absence for one week on account of sickness in his family.

PHILIPPINE AGRICULTURAL BANK BILL.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the minority may have until the close of the legislative day on Wednesday to file minority views on the bill H. R. 25186, the Philippine agricultural bank bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, I now insist on the point of order of no quorum.

The motion of Mr. Babcock was then agreed to; accordingly the House (at 5 o'clock and 10 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmit-ting an estimate of appropriation for compensation of certain inspectors of customs at the port of New York-to the Commit-

tee on Appropriations, and ordered to be printed. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Assistant Secretary of Commerce and Labor submitting an estimate of appropriation for additional land at Edgemoor (Del.) light-house depot—to the Com-

mittee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for removal of snow and ice in the District of Columbia-to the Committee on Appropriations, and

ordered to be printed. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Claims Commission submitting an estimate of appropriation for payment of certain awards-to the Committee on Appropria-

tions, and ordered to be printed. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Maud Polk Johnston, James Polk, and Burns Polk, jr., heirs of estate of Burns Polk, sr., against The United States to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Trustees of the Methodist Episcopal Church South, of Triune, Tenn., against The United States—to the Committee on War Claims, and ordered to be printed.

ADVERSE REPORT.

Under clause 2, Rule XIII, the following adverse report was delivered to the Clerk, and laid on the table, as follows

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 338) for the relief of John L. O'Mara, reported the same adversely, accompanied by a report (No. 7590); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred

By Mr. STAFFORD: A bill (H. R. 25574) to authorize the

location of the light and fog-signal station heretofore provided for at the south end of the proposed extension of the breakwater, harbor of refuge, Milwaukee, Wis.-to the Committee on

Interstate and Foreign Commerce.

By Mr. McGUIRE: A bill (H. R. 25575) for the relief of property owners and purchasers of lots in error on Osage town

sites—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 25576) giving jurisdiction to the Court of Claims to adjudicate the claims for removal of the

Mississippi Choctaws—to the Committee on Indian Affairs.
Mr. BURKE of South Dakota: A bill (H. R. 25577) authorizing the joining of Florida avenue and P street NW .- to the Committee on the District of Columbia.

By Mr BARTHOLDT: A bill (H. R. 25578) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: A bill (H. R. 25579) to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Doug-

las, Utah-to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 25580) to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district—to the Committee on the Judiciary.

By Mr. McGUIRE: A bill (H. R. 25581) to provide for the survey and sale of a certain island in Grand River, Cherokee Nation, heretofore unsurveyed—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 25582) to compensate the members of the Eastern Cherokee council and executive committee for expenses incurred and services rendered in administering the affairs of the said Eastern Cherokees-to the Committee on Indian Affairs.

By Mr. POLLARD: A memorial from the legislature of Ne-

braska, praying for more adequate inspection of cattle and sheep in Nebraska—to the Committee on Agriculture.

Also a memorial from the legislature of Nebraska, requesting the Nebraska delegation in Congress to vote against the ship-subsidy bill—to the Committee on the Merchant Marine and

By the SPEAKER: A memorial of the legislature of Arizona, praying that the rate of compensation of all Territorial legislators may be increased—to the Committee on the Territories.

Also, a memorial of the legislature of Arizona, praying for an appropriation for works to control the floods in the Gila Valley, Arizona—to the Committee on the Public Lands.

By Mr. DALZELL: Order No. 11, providing for the consideration of bills on the Private Calendar-to the Committee on

Rules.

By Mr. STEPHENS of Texas: A resolution (H. Res. 828) directing the Secretary of the Interior to furnish the House certain information concerning the cashier of the Indian agency at Muskogee, Ind. T .- to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:
By Mr. ACHESON: A bill (H. R. 25583) granting an increase of pension to Enoch French-to the Committee on Invalid Pen-

Also, a bill (H. R. 25584) granting an increase of pension to Chauncey R. Dever—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 25585) granting an increase of pension to Montcalm J. Stinson-to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 25586) for the relief of Charles W. Hutcheson-to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 25587) for the relief of Lars P. Peterson—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 25588) granting an increase of pension to Annie Miller-to the Committee on Invalid Pensions. By Mr. HASKINS: A bill (H. R. 25589) for the relief of Hiram N. Davis—to the Committee on Claims.

By Mr. HEFLIN: A bill (H. R. 25590) granting a pension to

Louisa J. Nelson—to the Committee on Pensions, By Mr. HOUSTON: A bill (H. R. 25591) for the relief of the

heirs of John G. Burris—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 25592) granting a pension to William F. Johnson—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 25593) for the relief of the heirs of Richard Parsons and Mildred Parsons-to the Committee on War Claims.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 25594) granting an increase of pension to Sarah A. Stephenson-to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 25595) granting an increase of pension to Nathan F. Buck-to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 25596) granting an increase of pension to Valentine Lapham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25597) granting a pension to Margaret Matthews—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 25598) granting an increase of pension to William L. Duvall-to the Committee on Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25599) for the relief of Mrs. Ann H. Rainey, widow, and the heirs of William S. Rainey, deceased—to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 25600) granting a pension to Martha Spencer-to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25601) to repeal the act approved January 22, 1903, granting a pension to Minerva Robinson—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 25602) granting a pension of the Committee on Invalid Pensions.

sion to Hattie W. Lord—to the Committee on Invalid Pensions. By Mr. WILEY of Alabama: A bill (H. R. 25603) granting

an increase of pension to Nancy Harmon-to the Committee on

By Mr. ZENOR: A bill (H. R. 25604) granting an increase of pension to Adam Myer-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Liliuokalani, for restitution to her of certain properties in the Hawaiian Islands-to the Committee on the Judiciary.

Also, petitions of various organizations of citizens of Philadelphia, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary

By Mr. ALEXANDER: Petition of the board of directors of the Ancient Order of Hibernians of Erie County, N. Y., against the immigration act-to the Committee on Immigration and Naturalization.

Also, petition of Typographical Union No. 9, of Buffalo, N. Y., for the copyright bill (H. R. 19853)-to the Committee on Patents.

By Mr. BENNET of New York: Petition of Ludwig & Co., for an amendment of the free-alcohol law—to the Committee on Ways and Means

By Mr. BOWERSOCK: Petition of the Kansas State board of agriculture, for a reciprocal trade treaty—to the Committee on

Ways and Means. Also, petition of the Woman's Christian Temperance Union of Olathe, Kans., for the Littlefield bill-to the Committee on the

By Mr. BURLEIGH: Petition of Ella Priest, of Castine, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Lila L. Ellis—to the Committee on Pensions.

By Mr. CALDER: Petition of the Chamber of Commerce of New York City, for the Olcott bill for a new post-office building in the city of New York-to the Committee on Public Buildings

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Jerry M. White—to the Committee on War Claims.

Also, paper to accompany bill for relief of Montcalm J. Stin-

son—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the library board of the

State University of Iowa, for bill H. R. 15268-to the Committee on Ways and Means.

Also, petition of the Tuesday Club, of Davenport, Iowa, for repeal of the duty on works of art-to the Committee on Ways

Also, petition of the general executive council of the Inter-national Association of Machinists, for a new building for a new foundry at the Naval Gun Factory, Washington Navy-Yard—to the Committee on Naval Affairs.

By Mr. DOVENER: Petition of Typographical Union No. 79, of Wheeling, W. Va., for bills S. 6330 and H. R. 19853—to the Committee on Patents.

Also, petition of the State board of agriculture of West

Virginia, for legislation to stop newspaper and magazine publishers from sending publications after paid-up subscriptions have expired—to the Committee on the Post-Office and Post-

By Mr. DRAPER: Petition of the Chamber of Commerce of York City, for a new post-office building-to the Committee on Public Buildings and Grounds.

By Mr. DUNWELL: Petition of the American Musical Copyright League, of New York, for bill H. R. 25133 (the copyright bill)—to the Committee on Patents.

Also, petition of Arnold T. Aborn, of New York, and Clarence Kenyon, of the Bay Ridge Yacht Basin, against the shoaling of Bay Ridge channel below 40 feet, as originally authorized-to Committee on Rivers and Harbors.

Also, petition of the Illinois Manufacturers' Association, for construction of a deep waterway between Chicago and St. Louis-to the Committee on Rivers and Harbors.

Also, petition of the National Convention for the Extension of Foreign Commerce of the United States-to the Committee on Ways and Means.

By Mr. ESCH: Petition of Madison Division, No. 73, Brotherhood of Locomotive Engineers, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, for a new foundry at the Naval Gun Factory-to the Committee on Naval Affairs.

By Mr. FITZGERALD: Petition of the Chamber of Commerce of New York, for a post-office building for the Pennsylvania Railway depot-to the Committee on the Post-Office and Post-Roads

Also, petition of the International Association of Machinists, for a new foundry at the Naval Gun Factory at the Washing-

ton Navy-Yard—to the Committee on Naval Affairs.

Also, petition of the National Wool Growers' Association, against forest reserves on land not timbered-to the Committee on Agriculture.

Also, petition of the Illinois Manufacturers' Association, for a deep waterway from Chicago to St. Louis-to the Committee on Rivers and Harbors.

Also, petition of the Chicago Real Estate Board, for improvement in all the branches of the Chicago River-to the Committee on Rivers and Harbors.

Also, petition of the Third Maryland Conference of Charities and Corrections, for an appropriation of \$300,000 for investigation of woman and child labor—to the Committee on Labor.

Also, petition of the Mechanics' Association of New York City, for an appropriation for a post-office building in New York City at the Pennsylvania Railway terminal-to the Committee on Public Buildings and Grounds.

Also, petition of the Grand Army of the Republic Association of Philadelphia, against abolition of pension agencies-to the Committee on Appropriations.

Also, petition of the German-American Alliance of the United States, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the National Convention for the Extension of Foreign Commerce of the United States, for a dual tariffto the Committee on Ways and Means.

Also, petition of the American Protective Tariff League, for a dual tariff-to the Committee on Ways and Means.

Also, petition of the Samuel Mundheim Company, for legislation to permit distillation of alcohol on a small scale-to the Committee on Ways and Means.

By Mr. FULLER: Petition of the National Wool Growers'

Association, against forest reservations on land not already timbered-to the Committee on the Public Lands.

Also, petition of Prescott F. Hall, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Moline Business Men's Association, for improvement of the upper Mississippi River-to the Committee on Rivers and Harbors.

Also, petition of R. S. Waddell, against the Du Pont powder

trust—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: Petition of the West Virginia board of agriculture, for legislation to stop sending newspapers after expiration of paid subscription—to the Committee on the Post-Office and Post-Roads.

By Mr. GARRETT: Paper to accompany bill for relief of

John Douglass—to the Committee on War Claims.

By Mr. GILLESPIE: Petition of Typographical Union No. 198, of Fort Worth, Tex., for the copyright bill (H. R. 19853)to the Committee on Patents

By Mr. GOLDFOGLE: Petition of the Chicago Real Estate

Board, for improvement of Chicago River in all of its branches—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of New York City for a new post-office building in New York City-to the Committee on Public Buildings and Grounds.

Also, petition of the International Association of Machinists, for a sanitary condition in the foundry of the Washington Gun Factory-to the Committee on Naval Affairs.

Also, petition of the American Copyright League, for bill H. R. 25133—to the Committee on Patents.

By Mr. GRAHAM: Petition of the American Musical Copyright League, for bill H. R. 25133 (the copyright bill)—to the Committee on Patents.

Also, petition of the Chicago Real Estate Board, for widening, deepening, and improving the Chicago River-to the Committee on Rivers and Harbors.

Also, resolution of the Moyer, Haywood, and Pettibone Protest Conference of Philadelphia, against the refusal of the Supreme Court to recognize the constitutional rights of Moyer, Haywood, and Pettibone-to the Committee on the Judiciary.

Also, petition of the Ohio Valley Improvement Association, for improvement of the Ohio River from Pittsburg to Cairo-to the Committee on Rivers and Harbors.

Also, petition of the International Association of Machinists, for sanitary improvement of the foundry of the Gun Factory at the Washington Navy-Yard-to the Committee on Naval Affairs.

Also, petition of William H. Graham et al., for increase of salaries of post-office clerks-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Civic Club of Allegheny County, Pa., against amendment of the pure-food bill-to the Committee on

Also, petition of the National Wool Growers' Association of the United States, against creation of forest reservations on land not already timbered—to the Committee on Agriculture.

By Mr. GRANGER: Petition of the League of Improvement Societies of Rhode Island, for the Appalachian forest reserve bill—to the Committee on Agriculture.

By Mr. GROSVENOR: Paper to accompany bill for relief of Hazen E. Soule-to the Committee on Invalid Pensions.

By Mr. HALE: Paper to accompany bill for relief of Annie Miller—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Harrison-to the Committee on War Claims.

By Mr. HAMILTON: Petition of civil war veterans of Portland, Oreg., for bill H. R. 15585—to the Committee on Invalid Pensions.

By Mr. HEFLIN: Paper to accompany bill for relief of John Tenant—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. Louisa J. -to the Committee on Pensions.

By Mr. HINSHAW: Resolution of the house of representatives of Nebraska, against the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of the house of representatives of Nebraska, for an amendment of the meat-inspection law to secure shipment within a period of thirty days after inspection—to the Committee on Agriculture.

Also, petition of J. W. Taylor et al., for increase of salary of postal clerks-to the Committee on the Post-Office and Post-

By Mr. HOWELL of Utah: Petition of I. E. Diehl, for a modification of the antipass provision of the railway rate billto the Committee on Interstate and Foreign Commerce.

Also, petition of P. F. Peixotto Lodge, No. 421, of Salt Lake City, Utah, against unreasonable restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. HUFF: Petition of the International Association of Machinists, for a new foundry for the Naval Gun Factory in Washington-to the Committee on Naval Affairs.

By Mr. HULL: Petition of citizens of Indianola, Iowa, for the Littlefield bill—to the Committee on the Judiciary.

By Mr. HUNT: Petition of the International Association of Machinists, for a sanitary foundry in the Washington Gun Factory-to the Committee on Naval Affairs.

Also, petition of St. Louis Typographical Union, No. 8, for the coypright bills (S. 6330 and H. R. 19853)—to the Committee on Patents

Also, petition of the National Convention for the Extension of Foreign Commerce, for a maximum and minimum rate of -to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Board of Trade of San Francisco, for bill H. R. 21671-to the Committee on Naval Affairs.

appropriation to improve the harbor at Hilo, Hawaii-to the Committee on Rivers and Harbors

Also, petition of the Board of Trade of San Francisco, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Camp Reinhold Richter, No. 2, United Spanish War Veterans, for restoration of the Army canteen-to the Committee on Military Affairs.

By Mr. KEIFER: Petition of P. P. Hayward and 36 other members of Keifer Command, No. 52, of the United Spanish War Veterans, for restoration of the Army canteen-to the Committee on Military Affairs.

By Mr. KELIHER: Petition of South End Boston Lodge, No. 226, O. B. A., against further restrictions of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of the Corn Belt Meat Producers' Association of Iowa, for amendment of the free-alcohol law-to the Committee on Interstate and Foreign Commerce

By Mr. LINDSAY: Petition of the National Wool Growers' Association of the United States, against creation of forest reserves on land not already timbered—to the Committee on Agriculture.

Also, petition of the American Musical Copyright League, for bill H. R. 25133—to the Committee on Patents.

Also, petition of the Chamber of Commerce of New York State, for a new post-office building in New York City—to the Committee on Public Buildings and Grounds.

By Mr. MARSHALL: Petition of G. L. Keil et al., for amendment to the free-alcohol law-to the Committee on Ways and

By Mr. McKINNEY: Petition of the Moline (Ill.) Business Men's Association, for improvement of the upper Mississippi River--to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Petition of the First Baptist Church of Port Huron, Mich., for the Littlefield bill-to the Committee on the Judiciary.

Also, petition of Mrs. Charles King et al., residents of Port Huron, St. Clair County, Mich., for the Littlefield bill-to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of the National Board of Trade, for lawful aggregation of capital-to the Committee on Patents.

Also, petition of Court Blucher, No. 203, F. of A., of Philadelphia, against the Littlefield bill—to the Committee on the Judiciary.

Also petition of Albert Kern and other citizens of Philadelphia, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Samuel Laudenberger et al., favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

Also, petition of the National Board of Trade, for a law to provide for participation of American trade-mark owners in the benefits of the International Union for the Protection of Industrial Property—to the Committee on Patents

Also, petition of Philadelphia Typographical Union, No. 2, for the copyright bills (H. R. 19853 and S. 6330)—to the Committee on Patents.

By Mr. OTJEN: Petition of E. B. Wolcott Post, No. 1, Grand Army of the Republic, of Milwaukee, Wis., against discontinuance of pension agencies-to the Committee on Appropriations.

By Mr. REYBURN: Petition of German citizens of Philadelphia, against the Littlefield bill-to the Committee on the Judi-

Also, petition of the National Woolgrowers' Association of the United States, against forest reserves on land not already timbered-to the Committee on Agriculture.

Also, petition of working people of Philadelphia in mass meeting, against the judicial murder of Moyer, Heywood, and Pettibone-to the Committee on the Judiciary.

Mr. RYAN: Petition of the International Association of Machinists, for a new foundry building at the Washington Navy-Yard—to the Committee on Naval Affairs.

Also, petition of the Chicago Real Estate Board, for improvement of the Chicago River-to the Committee on Rivers and

Also, petition of the American Musical Copyright League, for

bill H. R. 25133—to the Committee on Patents. Also, petition of Typographical Union No. 9, of Buffalo, N. Y., for the copyright bills (H. R. 19853 and S. 6330)—to the Committee on Patents.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of David B. Dowdell—to the Committee on War Claims. By Mr. SMITH of Arizona: Paper to accompany bill for relief

Also, petition of the San Francisco Board of Trade, for an of Cornelia H. Keyes—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., against conditions in the Kongo Free State-to the Committee on Foreign Affairs.

Also, petition of New Haven Typographical Union, No. 47, for the copyright bill with an amendment-to the Committee on

Also, petition of the Connecticut Editorial Association, against increase of second-class postal rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lumber Dealers' Association of Connecticut, for forest reserves in the White Mountains-to the Committee on Agriculture.

Also, petition of Elm City Division, No. 317, Order of Railway Conductors, for the sixteen-hour bill—to the Committee on In-

terstate and Foreign Commerce.

By Mr. TAWNEY: Paper to accompany bill for relief of Milton Selby—to the Committee on Invalid Pensions.

SENATE.

Tuesday, February 12, 1907.

The Chaplain, Rev. EDWARD E. HALE, delivered the following

Let us now praise famous men, leaders of the people by their counsels, and by their understanding men of learning for the

Without such no city shall be inhabited. His memorial shall not depart and his name shall live from generation to genera-

Nations shall declare his wisdom and the congregations shall show forth his praise.

Let us pray. Be pleased to consecrate to-day to us, Father, its memories, its lessons, its sacrifices for man and for Thee. Not in vain that he lived for us, not in vain that he died for us if we can follow in his footsteps, if we can carry out his purpose, if we are willing to live and die for our country-with charity toward all, with malice to none. Show us each and all how we can bear our brothers' burdens. Show us how to forget ourselves and to live for others, how State can help State and nation can help nation, that this may be Thy world, one world of the living God, alive with Thy life and strong with Thy strength.

Father, we turn back to the memory of such a life as this, and not backward only. We look forward for this country, that it may be that happy nation whose God is in the Lord; that the children of this country may know what it is that they have a country to live in, and that for that country they may be willing to live and die. We ask it in Christ Jesus.

Our Father who art in heaven; hallowed by Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory forever and ever. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

RULES AND REGULATIONS OF DEPARTMENT OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 1st instant, a copy of all the rules and regulations governing the Department of Agriculture in its various branches; which, with the accompanying papers, was ordered to lie on the table.

RAILROAD STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 8th instant, various original papers, documents, and figures prepared by Messrs. Hanks and Harriman, referred to in the answer of the Interstate Commerce Commission, as shown in Senate Document No. 285, Fifty-ninth Congress, second session.

Mr. CULBERSON. If the communication is not lengthy, I would be glad to have it read.

The communication was read, as follows:

INTERSTATE COMMERCE COMMISSION, Washington, February 11, 1907.

To the President of the Senate.

EIR: The Interstate Commerce Commission has the honor to submit the following response to the resolution of the Senate adopted Feb-ruary 8, 1907, which directs the Commission: "To send to the Senate copies of the 'various papers, documents,

and figures' which were prepared by Messys. Hanks and Harriman, and which are referred to in the answer of the Interstate Commerce Commission to Senate resolution shown in Senate Document No. 285, this session."

this session."

The material above referred to is described by the following list of exhibits, which was made out by Mr. Harriman at the time the papers in question were turned over to the Commission:

Exhibit 1. General balance sheet. Standard arranged according to gross earnings per mile.

Exhibit 2. General balance sheet. Treating all railroads as put in

e system.
Exhibit 3. Leased roads.
Exhibit 4. Financial classification general balance sheet.
Exhibit 5. Alphabetical list of operating railways. General informa-

tion.

Exhibit 6. Classification of kind of railroad.

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Exhibit 6. Classification of kind of railroad.
Exhibit 7. Tentative scheme for permanent numbering of railroads.
Exhibit 8. List of operating railroads arranged according to gross earnings per mile.
Exhibit 9. List of narrow-gauge roads.
Exhibit 10. Card index. List of operating roads arranged according to gross earnings from operations per mile for the year 1906.
Exhibit 11. 1905 operating roads arranged alphabetically.
Exhibit 12. Card index. List of time-card information.
Exhibit 13. Card index. List of time-card information.
Exhibit 14. Card index. List of time-card information.
Exhibit 15. Summary of the correspondence relative to switching and terminal companies.

Exhibit 16. Summary of the correspondence relative to switching and terminal companies.

Exhibit 16. Time tables received by result of correspondence.

Exhibit 17. Letter file. Replies of switching and terminal companies.

Exhibit 18. Letter file. Reply to time-card circular.

Exhibits 19 and 20. Alphabetical card index of railroads from vari-

ous sources. Exhibit 21. Maps. Location of switching and terminal companies as

Exhibit 21. Maps. Location of switching and terminal companies as disclosed by correspondence.

Exhibit 22. Card index. Terminal and switching companies.

In order that the Senate may be promptly furnished with the information called for by the resolution the original papers, documents, and figures turned over to the Commission by Messrs. Hanks and Harriman are herewith transmitted, as it would be impossible with our present clerical force to prepare copies during the present session of Congress. Congress.
All of which is respectfully submitted.

MARTIN A. KNAPP, Chairman.

Mr. CULBERSON. I move the communication and exhibits be referred to the Committee on Interstate Commerce. The motion was agreed to.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE-PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year 1906; which was ordered to be printed.

COMMITTEE SERVICE.

Mr. Long was, on his own motion, excused from further service upon the Committee on Indian Affairs.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. SMITH be appointed to fill the vacancy in the chairmanship of the Committee on the Examination and Disposition of Documents.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

 $Resolved, \, {\tt That \, Mr. \, Hopkins}$ be appointed to fill the vacancy in the Committee on Enrolled Bills.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

 $Resolved,\ {\it That}\ Mr.\ {\it Beveringe}\ be\ appointed\ to\ fill\ the\ vacancy\ in\ the\ Committee\ on\ the\ Examination\ and\ Disposition\ of\ Documents.$

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. Curtis be appointed to fill the vacancy in the Committee on Indian Affairs.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

 $Resolved, \, {\tt That \, Mr. \, Fulton}$ be appointed to fill the vacancy in the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 3668. An act to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia; and

S. 8065. An act to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 20067. An act to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes:

H. R. 21934. An act to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District;

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other pur-

H. R. 24284. An act for the opening of Warren and Forty-sixth streets NW., in the District of Columbia;

H. R. 24875. An act authorizing the extension of Forty-fifth street NW.

H. R. 24930. An act prohibiting the distribution of circulars and certain other advertising matter on private property within the District of Columbia, and for other purposes;

H. R. 25475. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, approved May 7,

1906; and H. R. 25482. An act to amend section 878 of the Code of Law for the District of Columbia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 6833. An act granting an increase of pension to Bettie May Vose

H. R. 8685. An act for the relief of Charles E. Danner & Co.; H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River; and

H. R. 25123. An act providing for the construction of a bridge across the Mississippi River.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Study Class of the Abraham Lincoln Center, of Chicago, Ill., remonstrating against any appropriation being made for the proposed military display at the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions

He also presented a memorial of the Commercial Club of Lafayette, Ind., remonstrating against the enactment of legislation curtailing the mail service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a memorial of the War Veterans and Sons' Association, remonstrating against the enactment of legislation abolishing the pension agencies throughout the country; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Searsmont, South Durham, Island Falls, and Parkman, all in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Stillwell, N. Dak., and a petition of sundry citizens of North Dakota, praying for the adoption of certain amendments to the present denatured-alcohol bill; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Pembina, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CULLOM. I present resolutions adopted by a convention of the National Association of Postmasters, held in St. Louis, Mo., October 3, 4, 5, 1906. The resolutions are not very long, and as they set forth the reason for the reclassification and greater compensation of post-office clerks, I ask that they be printed in the RECORD, and referred to the Committee on Post-Offices and Post-Roads.

There being no objection, the resolutions were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

Resolutions indorsing reclassification and greater compensation for post-office clerks.—Adopted by convention of the National Association of Postmasters, held in St. Louis, Mo., October 3, 4, and 5, 1906.

tion of Postmasters, held in St. Louis, Mo., October 3, 4, and 5, 1906.

Whereas the subject of a new classification of post-office clerks and an increase of pay for them having been carefully and fully considered by the convention of first-class postmasters, held in St. Louis, Mo., October 3, 4, 5, 1906, and it being established beyond a question that because of the era of great prosperity and great demand in all walks of life for competent and intelligent men in every branch of service, trade, or traffic, wages for skilled labor having increased materially, the cost of living in all the cities where large post-offices are maintained also greatly increased; and

Whereas the records of the Post-Office Department show no increase in some clerks' salaries for many years past, and now show an astonishing and alarming number of resignations of these Government employees during the past year or two, greatly in excess of any previous years, giving ample proof that in order to obtain good, efficient, and competent clerks in the service that some better inducement must be held out to them in the matter of pay and classification, otherwise the postal service will be still further seriously crippled, to the great damage of the business interests of this country: Now, therefore, be it

Resolved, That it is the sense of this convention that a committee of nine postmasters of the first class be appointed by the president of this

association, who, by and with the consent of the President of the United States and the Postmaster-General, will appear before the Congressional Committee on Post-Offices and Post-Roads, as soon as practicable, and present to said committee our most urgent request that for the good of the service they take immediate necessary action of a reclassification and a material increase in salaries of post-office clerks:

Feciassification and a material increase in samiles of post-base terms. Be it

Further resolved, That in order that this committee shall be prepared to properly present the question to the said Congressional Committee on Post-Offices and Post-Roads, it is hereby requested that every first-class postmaster in the United States immediately prepare a statement giving number of separations from the service in their respective post-offices and the reason for same during the past fiscal year, July 1, 1905, to June 30, 1906, and forward same to the chairman of this committee as soon as possible.

I, Addie Vester, secretary of the National Association of Postmasters, do hereby certify that the above and foregoing is a true and correct copy from the records of the above and foregoing resolution, and in witness whereof I have hereunto set my hand as said secretary at the city of St. Louis, Mo., this 5th day of October, 1906.

Addie Vester, Secretary.

Mr. PLATTI presented a memorial of the American Musical

Mr. PLATT presented a memorial of the American Musical Copyright League, of New York City, N. Y., remonstrating against the passage of the so-called "Kittredge copyright bill;" which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Lyons, N. Y., praying for the enact-ment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a petition of the Clearing House Association of Cleveland, Ohio, praying for the adoption of certain amendments to the present national banking law; which was referred to the Committee on Finance.

He also presented a memorial of the county board of directors of the Ancient Order of Hibernians of Erie County, N. Y., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the United Master Butchers' Association, of Troy, N. Y., praying for the enactment of legislation requiring meat markets in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Baptist Church of Fredonia, N. Y., and a petition of sundry citizens of Rush, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry business firms of Jamestown, Newburgh, and Falconer, all in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance

Mr. DEPEW presented petitions of sundry citizens of Ellicottville, Pleasantville, Porter, Hermon, Groton, Burke, Ceres, Rose, Millville, Bridgeport, New York, Port Byron, and Northville, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Indiciary

Mr. McCUMBER presented a petition of sundry citizens of Pembina, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. HEMENWAY presented a petition of the Spiegel Furniture Company, of Shelbyville, Ind., praying for the adoption of certain amendments to the present denatured-alcohol bill; which was referred to the Committee on Finance.

He also presented the petition of George H. Caldwell, of Indiana, praying for the enactment of legislation for the relief-of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. CRANE presented a petition of the National Board of Trade, of Washington, D. C., praying for the ratification of international reciprocity treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Board of Trade. of Washington, D. C., praying for the enactment of legislation providing for an elastic national currency; which was referred to the Committee on Finance.

Mr. GAMBLE. I present a joint resolution of the legislature of South Dakota, which I ask may be printed in the RECORD, and referred to the Committee on Interstate Commerce.

The memorial was referred to the Committee on Interstate Commerce, and ordered to be printed in the Record, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, STATE OF SOUTH DAKOTA.

I, D. D. Wipf, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of

writing is a true and correct copy of senate joint resolution No. 12, as passed by the tenth legislative assembly of the State of South Dakota, now in session, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, done at the city of Pierre this 8th day of February, 1907.

[SEAL.]

D. D. WIFF,

D. D. WIPF, Secretary of State.

A JOINT RESOLUTION.

Whereas there was reported in the House of Representatives of the United States (S. 5133) upon January 11, 1907, an act passed by the Senate of the United States entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon;" and

Whereas the interests of travelers upon railroads of the United States and of the employees thereon demand the speedy enactment into law of this measure: Therefore, be it

Resolved by the senate and house of representatives of the State of South Dakota, That the Representatives in Congress from the State of South Dakota, That the Representatives in Congress from the State of South Dakota be requested to use their votes and influence to secure an immediate favorable report upon and the passage of said act (S. 5133) entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon;" be it

Further resolved, That one copy of this resolution be sent to the Speaker of the House of Representatives of the United States, one copy to the chairman of the Committee on Interstate and Foreign Commerce of said House, and to each Member of Congress from the State of South Dakota.

[Indorsed.]

[Indorsed.]

A joint resolution requesting the Representatives in Congress from the State of South Dakota to use their votes and influence to secure an immediate favorable report upon and passage of an act (S. 5133) entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon."

M. J. CHANEY,

Speaker of the House.

Attest:
JAMES W. CONE,
Chief Clerk.

Howard G. Shober, President of the Senate.

Attest:

L. M. Simons,

Secretary of the Senate.

I hereby certify that the within resolution originated in the senate and was known in the senate files as "S. J. resolution No. 12."

L. M. Simons, Secretary.

L. M. Simons, Secretary.

STATE OF SOUTH DAKOTA, OFFICE OF THE SECRETARY OF STATE, ss: Filed February 8, 1907, at 3.15 o'clock p. m.

D. D. Wipf, Secretary of State.

Mr. STONE presented petitions of sundry citizens of Green City and Caruthersville, in the State of Missouri, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Caruthersville, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was

referred to the Committee on the Judiciary

He also presented a petition of the Affiliated Business Men's Associations of St. Louis Mo., praying for the enactment of legislation providing increased appropriations for the improvement of the Mississippi River from St. Louis to Cairo; which

was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Joplin and Webb City, in the State of Missouri, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Kansas City Section, Council of Jewish Women, of Kansas City, and of Kansas City Lodge, Independent Order of B'nai B'rith, of Kansas City, in the State of Missouri, remonstrating against the adoption of certain amendments to the immigration law; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Caruthersville, Mo., praying for the enactment of legislation to regulate the manufacture and sale of patent and proprietary medicines; which was referred to the Committee on Manufactures.

He also presented a petition of St. Louis Typographical Union, No. 8, of St. Louis, Mo., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Branch No. 4, National League of Navy-yard Workmen, of Portsmouth, N. H.,

praying for the passage of the so-called anti-injunction and halfholiday bills; which was referred to the Committee on the

He also presented a petition of the New Century Club, of Philadelphia, Pa., praying that an appropriation be made for a scientific investigation into the industrial condition of woman and child workers in the United States; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade

of Washington, D. C., praying for the enactment of legislation to regulate the issue of receipts for warehoused produce and merchandise; which was referred to the Committee on Finance.

Mr. ALLISON presented memorials of sundry citizens of Sioux Rapids, Taylor County, Montgomery County, Clarke County, Buchanan County, Marshall County, Scott County, Prairie City, Mills County, Lee County, Story City, Sheldon, Osceola County, Pottawattamie County, Comanche, Atalissa, Atlantic, Millersburg, O'Brien County, Clinton County, Adel, Davis County, Storm Lake, and Davis City, all in the State of Iowa, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Drakeville, Dubuque, Smyrna, Bristow, Danville, Marshalltown, and Louisa County, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the National Association of Retail Druggists, of Chicago, Ill., praying for a legal con-struction of the present antitrust laws; which was referred to

the Committee on the Judiciary.

He also presented the petition of Rev. J. H. Benedict, of Iowa City, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships, and also for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Public Buildings and

He also presented a memorial of the Corn Belt Meat Producers' Association, of Des Moines, Iowa, remonstrating against the repeal of the present meat-inspection law; which was or-

dered to lie on the table.

He also presented a petition of the Negro Republican Club of Polk County, Iowa, praying for an investigation into the dismissal of three companies of the Twenty-fifth Infantry; which was referred to the Committee on Military Affairs.

He also presented a petition of the Iowa State Retail Mer-

He also presented a petition of the lowa State Retail Merchants' Association, of Des Moines, Iowa, praying for the enactment of legislation to repeal the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Farmers' Grain Dealers' Association, of Fort Dodge, Iowa, praying for the enactment of legislation providing for a national reciprocal demurrage law penalizing railroads for neglecting to perform their duty as common carriers of freight; which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of sundry citizens of Watson, Minn., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the

Committee on Finance.

He also presented a petition of sundry citizens of Stillwater, Minn., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Rela-

Mr. PILES presented a petition of sundry citizens of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented sundry papers to accompany the bill (S. 8224) granting an increase of pension to Charles Gunter;

which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 8227) granting an increase of pension to John H. Johnson; which were referred to the Committee on Pensions.

Mr. PENROSE presented a memorial of the National Board of Trade of Washington, D. C., remonstrating against the own-ership of railways by the United States Government; which was referred to the Committee on Railroads.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the passage of the so-called "Southern Appalachian and White Mountain Forest Reserve which was ordered to lie on the table.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation to confer upon the administrative branch of the Government additional authority in arranging treaties with foreign nations; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation providing for a reduction of letter postage to 1 cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Board of Trade of Washington, D. C., praying that an appropriation be made for the improvement of the rivers, harbors, and waterways of the country; which was referred to the Committee on Commerce.

Mr. DANIEL presented memorials of sundry business firms of Richmond and Danville and of the Board of Trade of Richmond, all in the State of Virginia, remonstrating against the passage of the so-called "free leaf-tobacco bill;" which were referred to the Committee on Finance.

Mr. HOPKINS presented a petition of the Trades and Labor Assembly of Quincy, Ill., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Galesburg, Ill., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Will County Farmers' Institute, of Joliet, Ill., remonstrating against the passage of the so-called "ship-subsidy bill;" which was ordered to lie on the table.

He also presented a petition of the Will County Farmers' Institute, of Joliet, Ill., praying that an appropriation be made for the construction of a deep waterway from the Great Lakes to the Gulf of Mexico; which was referred to the Committee

He also presented a petition of the Woman's Christian Temperance Union of Elgin, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. BLACKBURN presented a petition of sundry citizens of Columbus, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

SAMANA BAY COMPANY.

Mr. McCUMBER. I present a petition of the Samana Bay Company, of Santo Domingo, relative to their claim against the Government of the Dominican Republic. I move that the petition be printed as a document and referred to the Committee on Foreign Relations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6277) granting an increase of pension to Marie J. Blaisdell, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 17266) granting an increase of pension to Henry W. Alspach, reported it without amendment, and submitted a report thereon.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 13566) to amend sections 6 and 12 of the currency act, approved March 14, 1900, to report it with amendments.

I desire to give notice that I shall try to call up the bill to-morrow morning with a view to its early passage. The VICE-PRESIDENT. The bill will be placed on the Cal-

endar.

Mr. PILES, from the Committee on Territories, to whom was referred the bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, reported it with amendments, and submitted a report

CEPTIFICATES OF LICENSES.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 21204) to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots, to report it favorably without amendment. It is a very short bill, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4446 of the Revised Statutes so as to read as follows:

SEC. 4446. Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: Provided, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel; and for every

neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of \$100, or to the revocation of his license.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHT-SHIP ON LAKE MICHIGAN.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8252) to construct and place a light-ship at the easterly end of the southeast shoal near North Manitou Island, Lake Michigan, to report it favorably without amendment, and I submit a report thereon.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill just reported by the chairman of the Committee on Commerce.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of Commerce and Labor to have constructed and placed at the easterly end of the southeast shoal near North Manitou Island, Lake Michigan, a lightship, at a cost not to exceed \$50,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS ON RIVER AND HARBOR BILL.

Mr. FRYE. Mr. President, I gave notice on Saturday that the Committee on Commerce would hear Senators on Monday morning, Tuesday morning, and Wednesday morning. There is only one other morning left, and I call the attention of Sena-tors to the fact that hearings will be closed to-morrow. The committee meets every afterooon from 2 o'clock, and will be glad to see any Senators who desire to be heard on amendments they have offered.

CANCELLATION OF INDIAN ALLOTMENTS.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was recommitted the bill (S. 8365) authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project, to report it favorably with amendments, and I submit a report thereon.

Mr. NEWLANDS. I ask unanimous consent for the consideration of the bill just reported by the Committee on Indian Affairs.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Indian Affairs were, on page 2, line 1, to strike out the words "general allotment act" before the words "the Secretary of the Interior" and to insert "act of Congress approved February 8, 1887, and the acts amendatory thereto;" and in line 2, after the word "authorized," to insert "with the consent of the allottees;" so as to read:

That in carrying out any irrigation project which may be undertaken under the provisions of the act of June 17, 1902 (32 Stat. L., 388), known as the "reclamation act," and which may make possible and provide for, in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the act of Congress approved February 8, 1887, and the acts amendatory thereto, the Secretary of the Interior is hereby authorized, with the consent of the allottees, to cancel all such allotments, including any trust patent which may have issued therefor, and in lieu thereof to reserve for and allot to each Indian having an allotment of such irrigable land and legally entitled to the same 10 acres of irrigable land, which shall be exempt from the payment of any charges by the allottee assessed under the act of June 17, 1902 (32 Stat. L., 389), but such expense shall be borne by the United States: Provided, That any of the lands which may have been included in the canceled allotments and which are not needed or reserved for allotment in smaller areas shall be restored to the public domain, to be disposed of subject to the provisions of the above-mentioned reclamation act.

The amendments were agreed to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in,

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 8432) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. FOSTER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8433) for the relief of the heirs of Daniel Goos, deceased: and

A bill (S. 8434) for the relief of the heirs of Laura Delahousave.

Mr. PATTERSON introduced a bill (S. 8435) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PATTERSON. I introduce a bill and ask that it lie on the table. I may offer some remarks upon it later in the session.

The bill (S. 8436) to provide for the acquisition, purchase, construction, and condemnation by the United States of America of railroads in the several States and Territories of the United States and the District of Columbia engaged in interstate commerce and in carrying the mails, and to provide for the operation of said roads by the United States, was read twice

The VICE-PRESIDENT. The bill will lie on the table at the

request of the Senator from Colorado.

Mr. PENROSE introduced a bill (S. 8437) granting an increase of pension to J. De Puy Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 8438) granting an increase of pension to John D. Harris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 8439) to correct the military record of John Webster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 8440) to authorize the payment of \$2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manza-nares against Luna; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 8441) granting an increase of pension to Charles C. Gage; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 8442) to amend an act mf. Gallinger introduced a off (8.542) to afficial an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901," approved June 8, 1906; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8443) granting a pension to Fanny M. Grant; which was read twice by its title, and referred

to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 8444) granting an increase of pension to Zephaniah Sams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 8445) to promote the efficiency of the militia, and for other purposes; which was read twice by its title, and referred to the Committee on Military

Affairs.

Mr. GAMBLE introduced a bill (8, 8446) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Rail-way Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PERKINS introduced a bill (S. 8447) for the relief of the estate of Joaquin Gomez, or the estate of Vicente P. Gomez, both late of Monterey County, Cal.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DUBOIS introduced the following bills; which were severally read twice by their titles, and referred to the Committee

on Territories:

A bill (8. 8448) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.;

A bill (S. 8449) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly, providing for the issuance of bonds by Mohave County to erect court-house and jail in said county;

A bill (S. 8450) to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company

and to extend and improve said plant; and
A bill (S. 8451) ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz

Mr. DUBOIS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (S. 8452) to compensate the members of the Eastern Cherokee council and executive committee for expenses incurred and services rendered in administering the affairs of the said Eastern Cherokees;

A bill (S. 8453) to extend the period during which persons heretofore identified as Mississippi Choctaws may remove to

the Choctaw-Chickasaw country; and

A bill (S. 8454) to provide for the survey and sale of a certain island in Grand River, Cherokee Nation, heretofore unsurveved.

Mr. HOPKINS introduced a bill (S. 8455) granting an increase of pension to John A. Garrisine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES (for Mr. WARNER) introduced a bill (S. 8456) granting an increase of pension to Margaret Baber; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was re-ferred to the Committee on Commerce, and ordered to be

Mr. PLATT submitted an amendment relative to certain drafts heretofore issued in payment of refunding internal-revenue taxes illegally collected, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

printed.

Mr. DEPEW submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate \$177.95 to pay the claim of O. Maury & Co., of Bordeaux, France, for damages and storage of three casks of wine, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on

Agriculture and Forestry, and ordered to be printed.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and or-

dered to be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

AFFAIRS OF MEXICAN KICKAPOO INDIANS.

Mr. CLAPP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate resolution No. 220, second session Fifty-ninth Congress, be amended and modified so as to read as follows: "The Committee on Indian Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to the affairs of the Mexican Kickapoo Indians. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, either at Washington or elsewhere, as may be deemed advisable; the expenses of the investigation to be paid from the contingent fund of the Senate."

Mr. KEAN subsequently said: The resolution offered this morning by the Senator from Minnesota [Mr. CLAPP] is a modification of the existing resolution, and as it will save the Government a great deal of money by adopting it, I desire to report it back favorably from the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask for its passage.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CULBERSON. I recall that in the Indian appropriation bill, or during the discussion of that bill, it was proposed that the Department of Justice should make an inquiry into this matter, and, if necessary, institute proper legal proceedings.

Mr. CLAPP. That amendment was stricken out on a point of order.

Mr. CULBERSON. Very well.

Mr. KEAN. It was stricken out on a point of order, one of the reasons being because the Committee on Indian Affairs is at the present time investigating the matter. The VICE-PRESIDENT. The question is on agreeing to the

resolution.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 20067. An act to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes;

H. R. 21934. An act to provide for reports and registration of all cases of tuberculosis in the District of Columbia, for the free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District;

H. R. 23576. An act to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other

H. R. 24284. An act for the opening of Warren and Forty-sixth streets NW., in the District of Columbia; H. R. 24875. An act authorizing the extension of Forty-fifth

street NW.

H. R. 24930. An act prohibiting the distribution of circulars and certain other advertising matter on private property within the District of Columbia, and for other purposes

H. R. 25475. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May

7, 1906; and H. R. 25482. An act to amend section 878 of the Code of Law for the District of Columbia.

CERTAIN LAND TITLES IN LOUISIANA.

Mr. FOSTER. I ask unanimous consent for the consideration of the bill (H. R. 15242) to confirm titles to certain lands in the State of Louisiana.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. PILES. I ask for the consideration of the bill (S. 7382) to encourage the holding of an Alaska-Yukon-Pacific Exposition at the city of Seattle, State of Washington, in the year 1909. The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the consideration of the bill which has just been read?

Mr. PATTERSON. Is there a report from a committee?

The VICE-PRESIDENT. A report accompanies the bill.

Mr. PATTERSON. I should like to have the report read.

The VICE-PRESIDENT. Without objection, the Secretary

will read the report.

The Secretary proceeded to read the report submitted by Mr. WARNER, from the Select Committee on Industrial Expositions, on the 8th instant.

Mr. PATTERSON. I am told that the report is a very long Let the bill go over until to-morrow morning.

The VICE-PRESIDENT. Under objection, the bill will lie

APPEALS IN CRIMINAL CASES.

Mr. NELSON. In pursuance of the notice I gave last night, I move that the Senate proceed to the consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions. The motion was agreed to.

MARGARET NEUTZE.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. I had agreed to yield to the Senator from Texas to call up a bill that will not lead to debate.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 20169) for the relief of Mar-

garet Neutze, of Leon Springs, Tex.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Margaret Neutze, of Leon Springs, Tex., \$100, in full settlement for damages due her by reason of the killing of two horses by the troops of the United States Army while engaged in target practice near Leon Springs, Tex.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKenney, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of

heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Smith of Iowa, Mr. Keifer, and Mr. Fitzgerald managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Mann, Mr. Stevens of Minnesota, and Mr.

Adamson managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, in North

AIDS TO NAVIGATION.

I ask the Chair to lay before the Senate the bill Mr. FRYE. just returned from the House to authorize additional aids to

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

I move that the Senate insist on its amendments Mr. FRYE. and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. Elkins, Mr. Perkins, and Mr. Mallory as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. Perkins, Mr. Warren, and Mr. Daniel as the conferees on the part of the Senate.

TWIN CITY POWER COMPANY.

Mr. President-Mr. CLAY.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. I yield to the Senator from Georgia to call up a local bill if it will not lead to debate.

Mr. CLAY. It can not possibly lead to debate, I will say to the Senator from Minnesota. I ask unanimous consent for the present consideration of the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Saturation of the vannah River above the city of Augusta, in the State of Georgia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

whole, proceeded to consider the bill.

Mr. CLAY. I move to amend the bill in section 3, on page 3, line 8, after the word "unless," by inserting "said work is commenced within one year and;" in line 10, before the word "years," to strike out "five" and insert "three;" and in line 11, after the word "within," to strike out the words "the same time" and insert the words "five years."

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia will be stated

Senator from Georgia will be stated.

The Secretary. In section 3, page 3, line 8, after the word "unless," it is proposed to insert "said work is commenced within one year and;" in line 10, before the word "years," to strike out "five" and insert "three;" and in line 11, after the word "within," to strike out "the same time" and to insert "five years;" so as to read:

Sec. 3. That this act shall be null and void unless said work is commenced within one year, and one of the said dams herein authorized shall be completed within three years of the passage of this act, and unless the dams shall be completed within five years the rights and privileges hereby granted shall cease and be determined so far as pertains to the incompleted dam.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, I ask leave at this time to submit a report.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Yes; I yield for a report. Mr. GALLINGER. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 24103) making appropriations to provide for the expenses of the govern-ment of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that at the earliest possible opportunity I shall ask for the consideration of the bill.

The VICE-PRESIDENT. The bill will be placed on the Cal-

C. A. BERRY.

Mr. RAYNER obtained the floor. Mr. ALLISON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. Certainly. Mr. ALLISON. I ask unanimous consent for the consideration at this time of the bill (H. R. 8365) for the relief of C. A. It will take but a moment of time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to C. A. Berry, of Casey, Iowa, \$150, that being the amount paid by C. A. Berry and J. G. Berry for Ruth C. Berry, as shown by cash receipt No. 21616 of the Des Moines (Iowa) land office, the entry under which the payment was made having been canceled, and C. A. Berry being the sole heir and

legatee of Ruth C. Berry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY M'L. P. HUSE.

Mr. DICK. I ask the Senator from Maryland to yield to me in order that I may secure the consideration of a bill which will not lead to debate.

Mr. RAYNER. I yield to the Senator.

Mr. DICK. I ask unanimous consent for the immediate consideration of the bill (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to appoint, by and with the advice and consent of the Senate, Harry McL. P. Huse, now a professor of mathematics in the United States Navy with the rank of commander, a commander on the active list of the Navy, to take rank next after William L. Rodgers; but he shall establish to the satisfaction of the Secretary of the Navy by examination pursuant to law his physical, mental, moral, and professional fitness to perform the duties of that grade, and shall be carried as an additional to the number of the grade to which he may be appointed un-der this act, or at any time thereafter promoted; and he shall not by the passage of this act be entitled to back pay of any kind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPEALS IN CRIMINAL PROSECUTIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15434) to regulate appeals in crimi-

Mr. RAYNER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Maryland will be stated.

The Secretary. On page 2 of the bill, after the amendment inserted after line 20, it is proposed to insert:

Provided, That if upon appeal or writ of error it shall be found that there was error in the rulings of the court during the trial a verdict in favor of the defendant shall not be set aside.

Mr. RAYNER. Mr. President, this bill is a very important bill; I think one of the most important bills we have had before us at this session. It changes the whole criminal practice in one regard in the Federal courts. I am opposed to the bill, fearing that it may pass, I have offered the amendment which has been read. I am very frank to say that I would not yote for the bill with the amendment in it, but without the

amendment I think it is a perilous undertaking. While I shall only take a very short time in discussing it, I think I can convince almost anybody who will kindly give me his attention that this bill ought not to pass in the shape it is in.

Before I state my objections to the substance of the bill let me give you an objection to the form of the bill, which I do with great deference and respect to the Judiciary Committee. If you look at lines 19 and 20, on page 2, you will find the bill provides:

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. President, there is no bill of exceptions in civil cases in any of these instances at all. I submit to the Senator from Minnesota [Mr. Nelson] in charge of this bill that a bill of exceptions was never heard of in any of the instances he has cited. There is no such thing as a bill of exceptions from a motion quashing an indictment; there is no such thing as a bill of exceptions from a demurrer sustaining an indictment; there is no such thing that I know of, either in the Federal or the State practice, as a bill of exceptions to the overruling of a demurrer to a plea, such as this bill has. My own judgment is that if we intend to pass an important bill of this sort we might as well pass it right.

Mr. BACON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Georgia? Mr. RAYNER, I do.

Mr. BACON. I am not prepared to say that the Senator's criticism in regard to taking an appeal, from a technical standpoint, is not correct; but I desire to correct one statement he makes, and that is that in no jurisdiction is there allowed a bill of exceptions from a decision upon the various matters specified in the bill now under consideration. In the State which I have the honor in part to represent that is the exact writ upon which an alleged error on such questions is taken from the circuit court up to the supreme court for consideration-a bill of exceptions,
Mr. WHYTE. That is by statute.

I stated that in no State that I knew of was Mr. RAYNER. that the case. Of course you may have a statute of a State that gives you a bill of exceptions, but neither at the common law nor in any State where the common law is in vogue is there any such thing as a bill of exceptions in any of the cases mentioned in this bill. It is by appeal or writ of error. Of course you may have a statute giving you a bill of exceptions. If the court overrules the testimony, you must have a bill of exceptions in order to acquaint the appellate tribunal with the facts that occurred in the court below, because the testimony does not go in the record; but when you are quashing an indictment or sustaining a demurrer, it appears in the record, and an appeal carries up the record, so there is no necessity for a bill of exceptions. That, however, is only a minor point, but I think it ought to be changed, and we ought to say that in all these instances the United States should be entitled to a writ of error or an appeal, if you want to perfect the bill.

I am opposed to the substance of the bill, Mr. President, and I will state briefly why I am opposed to it. I am not particular about the form of my amendment. I am perfectly willing to accept any suggestion that may improve it. The amendment reads in this way:

Provided, That if upon appeal or writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

I have another proposition here, which I have not offered in the shape of an amendment, but which might perhaps be acceptable to me. It carries out the same idea. It reads in this

In all these cases the judgment of the inferior court shall not be reversed nor in any manner affected, but the decision of the Supreme Court shall determine the law to govern in any similar case which may be pending at the time the decision is rendered or which may afterwards arise.

Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. I do. Mr. NELSON. Mr. President, I want to call the attention of the Senator from Maryland to the fact that that suggestion of his would make the case simply a moot case, and the Supreme Court would never consider it.

Mr. RAYNER. Well, if by making a case a moot case you mean where a man is found to be not guilty it enables the court to find him guilty, then I am in favor of making a moot case out of it. I am coming to that in a moment.

There is nothing new about the proposed amendment at all. I have copied ft from the legislation of several States. I have no objection, if there is a motion made to quash an indictment upon the ground of the unconstitutionality of the law or a demurrer is filed, that the Supreme Court shall finally determine whether or not that law is constitutional, so as to have some uniformity of decision in the Federal courts; but I will never consent to the case being tried over again if the defendant has been acquitted upon the ground of the unconstitutionality of the law.

The Senator from Minnesota calls it a moot case, but where a man has made a motion to quash an indictment upon the ground that the law is unconstitutional and goes to trial and the court acquits him and it is sought to provide that the Supreme Court can reverse the lower court and have the case tried over again, it is no moot case, so far as the defendant is concerned.

But let me go on and the Senator will understand my point. I have given some examination to this subject; I have had occasion to do so at other times. I want to state this proposition and I do it again with great deference to the Judiciary Committee and especially to the Senator from Pennsylvania [Mr. Knox], who I understand proposes to advocate this bill, because must say there is no member of the American bar whose legal opinion I respect more than I do his opinion-but I want to say that if there is any one phrase in the law upon which there is an irreconcilable conflict of opinion it is upon the question as to what constitutes jeopardy. There is the trouble. If we knew what "jeopardy" meant there would be no trouble about it, because a man can not be put twice in jeopardy, either at common law, under the Constitution, or, I apprehend, under the statutes or constitutions of any of the States.

But what is "jeopardy?" Listen to this a moment. Here is one of the best authorities we have. He has made a summary of the law on this subject. The Senator from Georgia [Mr. Bacon], without sustaining them entirely, in the course of his argument read the citations from Abbott. I say, with great deference to Mr. Abbott, that his definition of "jeopardy" is wrong and that the text writers and the authorities have rejected it long ago. Listen to this definition of "jeopardy" and then, Mr. President, see whether it is not necessary to incorporate into this bill just precisely the provision that I have placed in the amendment in order to prevent a man from being tried twice for the same crime. Here is Mr. Abbott's definition:

A person once placed upon his trial before a competent court and jury, charged with his case upon a valid indictment, is in jeopardy.

I apprehend that no lecturer upon criminal law would venture to tell his class that that is a definition of jeopardy. Let us see how he follows this up:

When a person is placed on trial upon a valid indictment before a competent court and a jury he is put in jeopardy.

All the time he has to be placed on trial before a competent court and a jury.

Mr. SPOONER. And under a valid indictment.

Mr. RAYNER. And under a valid indictment. Mr. Abbott

Whenever a person has been given in charge, on a legal indictment, to a regular jury, and that jury is unnecessarily discharged, he has once been put in jeopardy.

The last quotation I will give is this, because the definition is wrong if the later authorities, in fact, any binding authorities that I know of, are to be taken as decisive of this question:

Whenever a valid indictment has been returned by a competent grand jury to a court having jurisdiction, the defendant has been arraigned and pleaded, a jury been impaneled and sworn and charged with the case, and all preliminary things of record are ready for the trial, jeopardy has attached.

Mr. President, there is no necessity in the world for having a jury before a man can be put in jeopardy; none whatever. man can be tried before the court and be put in jeopardy. In my State, for instance, the defendant can select his method of trial. He can be tried before the court, and the State has no choice in the matter. He is in jeopardy. But the authorities have gone way beyond that. A man can be put in jeopardy, as I know the Senator from Wisconsin [Mr. Spooner] and the Senator from Pennsylvania [Mr. KNOX] will recollect, by being tried before a magistrate. The leading case at common law on this subject was decided by Blackburn and Lush. I have the case here, and I will give it to you in a moment. In that case a prisoner was tried before a magistrate, not on preliminary hearing, but on the merits. He was acquitted, and he was indicted and tried again by the Court of King's Bench. The court unanimously held that he had been put in jeopardy, and that was the end of it. Therefore Abbott's definition is wrong. I only want to show you—and I am anxious to show this to the Senator from Pennsylvania—that there is no accurate definition of "jeopardy.".

There is no man can say actually what "jeopardy" means. I understand, Mr. President, that I have not the right to define | wanted to try him over again, and, while it is true that a ma-

the word "jeopardy." I am fully aware of that. It is a constitutional provision, and we would not have any right in an act of Congress to define what "jeopardy" is.

Mr. SPOONER. It is a judicial question.
Mr. RAYNER. It is a judicial question, and I would not have any right to define it or limit it or qualify it in any

I have drawn this amendment in such a manner as not to define what "jeopardy" is. I have merely used this phrase, and I have taken it from other statutes, as I will show. I have said that a defendant shall not be tried again, call it " ardy" or not. I put myself on the basis that when a man is once tried and once acquitted, no matter what an appellate tribunal may do-it may settle the question for the future and for all pending cases, but the defendant ought not to be tried again.

Let me show that I am right about the conflict of cases. I have read from Abbott. Let us look at what Mr. Bishop says on this subject—and I only intend to quote a few authorities. He experiences the trouble of trying to define what "jeopardy" He says, speaking of "jeopardy:"

The subject of this subtitle is in its nature difficult and intricate. It is rendered more so by much conflict in the decisions. So that we are here required to accomplish the not always easy task of following the principles while not departing from the discordant cases.

And then he proceeds to accomplish a task that he fails to accomplish and which is utterly impossible of accomplishment. How is it possible to follow the principles without departing from discordant cases?

When we look at the encyclopedia we encounter the same difficulty. If there was an absolute definition of "jeopardy," if we could all define what "jeopardy" meant, there would be no trouble about this bill; but I want an amendment in it that does not reach the word "jeopardy" at all. I want a plain provision, as they have in some of the States, that when a man is once tried and acquitted, no matter what the judgment of an appellate tribunal may be, that man shall not be tried over again; and even if it is surplusage, it does not hurt to put it in the bill. Let us see what is said in the encyclopedia about this word concerning which the cases are in conflict:

The general rule established by the preponderance of judicial opinion and by the best-considered cases is that when a person has been placed on trial on a valid indictment or information before a court of competent jurisdiction, has been arraigned, and has pleaded, and a jury has been impaneled and sworn he is in jeopardy.

That ought to be the law, but it is not. Then the author goes on to say:

But in some jurisdictions it is held that jeopardy does not attach until a valid verdict either of acquittal or conviction has been rendered.

And then is given an utterly irreconcilable array of conflicting decisions upon the entire subject.

I want to show you how far my own State has gone. I think the court has gone much further than most States on this subject; and while I do not want to pass any criticism on any case in my own State, I can not find a case that sustains this case. I refer my friends to this case—the case of Hoffman v. The State of Maryland (20 Md., 475). A man was indicted for murder, and when the case was in progress the State's witnesses-some of the State's witnesses-failed to answer.

This is the case:

The plaintiff in error being indicted for murder jointly with one Robert Miller by the grand jurors of the State of Maryland, for the city of Baltimore, and being arraigned, severed in his defense, and pleaded not guilty. On the 25th of October, 1859. a jury was impaneled and sworn. The State's witnesses being called did not answer; attachments were issued, and the court was adjourned to the 26th of October, 1859. The attachments being returned non est, the following proceedings were entered of record.

I will not read the entire proceeding.

In this case the jury was discharged. When the man came to be tried over again he put in the plea that he had been once That man was in jeopardy, but the court said not. If that is the law, then the State can abandon the case at any time while it is in progress, because some of the State's witnesses are returned non est. The State might go on with its case, the defendant might be ready, and some of the State's witnesses might either be returned non est or not be present, and the prosecuting attorney, not being able to prove his case, the jury would be discharged and another indictment found. That man is in jeopardy. There are any number of authorities that hold that the defendant is in jeopardy in a case of that That illustrates the conflict.

But the worst trouble we encounter in regard to the meaning "jeopardy" is in the Federal courts. We have a case in 195 United States, which is about as troublesome a case as you can find, and I want to call particular attention to this case. There was a man tried before a court and acquitted. They

jority of the court held that he could not be tried over again in an appellate tribunal, there were three dissenting opinions in that case—the dissenting opinions of Justices Holmes, Mc-Kenna, and Brown. In that case is quoted the leading common-law case, the case of Wemyss v. Hopkins (Law Reports 10, Queen's Bench, 378), where it was held that a conviction before a tribunal of competent jurisdiction, even without a jury, was a bar to a second prosecution. That case was as follows:

The appellant had been summarily convicted before a magistrate for negligently and by willful misconduct driving a carriage against a horse ridden by the respondent, and was afterwards convicted on the same facts for unlawful assault.

It was held that the first conviction was a bar to the second, and Blackburn and Lush rendered the celebrated opinion with which we are all familiar, because it is one of the leading cases at common law upon the subject of jeopardy, and they held that the defendant could not be tried over again.

In order to show the Senate what a dilemma we are in, just listen for one moment. Let us look at the Federal case in 195 United States. Mr. Justice Holmes announced a dissenting Here are three judges who dissent and hold that a man can be tried over again. If there had only been one judge absent and one more judge dissented, you would have had a divided court on the question. I am not criticising the opinion of Justice Holmes, but just listen to this opinion for one moment and see if it does not occupy an isolated position upon the proposition before us. Judge Holmes says you can try a man as many times as you want, provided you never leave the case. That is what you are doing in this bill. You are going to hang a man up and suspend him until, through the machinery of the Federal court, you may finally convict him. I am giving you word for word here what Justice Holmes held in this case

It is more pertinent to observe, and it seems to me that logically and rationally a man can not be said to be more than once in jeopardy in the same cause, however often he may be tried.

You can try him just as often as you want, provided you try him in the same cause, and he is never in jeopardy.

The jeopardy is one continuous jeopardy from its beginning to the end of the cause. * * * There is no rule that a man may not be tried twice in the same case.

I say, respectfully, there is a rule—a rule ever since the beginning of the common law—that a man can not be tried twice in the same case.

Mr. SPOONER. What is the case? Mr. RAYNER. This is the opinion of Mr. Justice Holmes in the case of Kepner v. The United States, the Philippine case (195 U. S.), and Justice Holmes is a man of profound learning. Mr. KNOX. Is not that a dissenting opinion?

Mr. RAYNER. I say it is a dissenting opinion. Three judges dissented. If another judge had dissented and one judge had been absent, you would have had a divided court on a definition of jeopardy.

Mr. SPOONER. Can the Senator from Maryland conceive of any means by which stability of opinion upon such a question

can be absolutely assured for all time in the court?

Mr. RAYNER. I do not know of any way in the world in which you can do it, and for that reason I want a plain provision in this bill that a man once tried shall not be tried again, jeopardy or no jeopardy. Then the court can decide whether he has been in jeopardy. But once tried and once acquitted, no matter on what point tried and acquitted, that ought to be the end of that man's trial. I have not used the word "jeopardy" in the amendment. I want to steer clear of it. I am afraid of it.

Mr. SPOONER. The object of the amendment is to guard a man against an erroneous decision of the Supreme Court of the United States as to the meaning of the word "jeopardy

in the Constitution.

That is not at all the object of the amend-Mr. RAYNER. ment. He is guarded now against jeopardy. I say when you take him to the Supreme Court, let the Supreme Court rule upon the question, so as to have uniformity of decisions. If it is possible to get from the Supreme Court uniformity of decisions upon any question, let us have it, but let the decision only apply to future cases.

Mr. KNOX. I wish to ask the Senator a question. When you speak of a man being "acquitted," do you mean technically acquitted by the verdict of a jury or dismissed by the court and freed from the burden of trial for any other reason? I want to know the sense in which you use the word "acquitted."

Mr. RAYNER I mean where there has been a verdict of not guilty, whether by the court or the jury, and judgment on that verdict. That ought to be the end of that case. It has been the end of the case for hundreds of years until this legislation was precipitated here. I am coming to the reasons that brought about this contemplated legislation. I am opposed

to the whole spirit of it, from the beginning to the end. My objection goes a little deeper than any objection I have stated

Mr. President, let me finish the opinion of Justice Holmes:

If a statute should give the right to take exceptions to the Government, I believe it would be impossible to maintain that the prisoner would be protected by the Constitution from being tried again.

Mr. NELSON. Will the Senator allow me a question?

Mr. RAYNER. Certainly.

Is it the contention of the Senator from Mr. NELSON. Maryland that where an indictment has been quashed or a demurrer to an indictment has been sustained, the defendant can not be tried again? Do not all the authorities hold that in all such cases if the indictment is bad the case may be submitted to another grand jury and the defendant may be indicted and tried again on a new indictment? It does not follow that the quashing of an indictment or the sustaining of a demurrer or a motion in arrest of judgment terminates the prosecution. In all those cases if the indictment is bad the court can order the case to be submitted to another grand jury and the defendant can be reindicted and tried.

Mr. RAYNER. The Senator from Minnesota has asked three

or four questions, and he has given three or four answers, I suppose satisfactory to himself; I am sorry to say not to me. We must discriminate. Law is a science of discrimination. You can not jumble up motions in arrest of judgment and motions for defects in indictment and the unconstitutionality of a

law in one question.

Let us discriminate, and before I finish I will answer every question the Senator asked, and I will show him that while he right in one proposition he asserts, he is wrong in the others.

I say to him now, if there is a motion in arrest of judgment for a defect of form, the man can be tried again on another indictment. We all know that. The defendant at the proper time makes a motion in arrest of judgment for defect of form. The court grants the motion. It arrests the judgment because of some defect in the indictment. The grand jury can find another indictment against him.

Mr. NELSON. Mr. President-Mr. RAYNER. In one minute.

Mr. NELSON. I want to call the Senator's attention to a decision of the supreme court of his own State. It is the case of the State of Maryland v. William Sutton, where a man was convicted upon an indictment containing two counts, one count charging him with committing the crime of rape and another count charging him with an assault to commit rape. He was convicted. A motion in arrest of judgment was made. motion was granted. The attorney-general of the State took an appeal to the supreme court of Maryland, and the supreme court held that the motion in arrest of judgment had been improperly granted. Here are the final words of the decision:

The verdict was imperfect, and the matter in issue not so ascertained as that the court could render any judgment thereon, and therefore it was a mistrial. The county court erred in discharging the prisoner. The court should have awarded a venire de novo. Judgment reversed and procedendo awarded. (State of Maryland v. William Sutton, 4 Gill's Rept., pp. 494-498.)

There is a case in the Senator's own State where a writ of error was taken to the supreme court of the State upon motion

in arrest of judgment.

Mr. RAYNER. I want to say to the Senator from Minnesota that while I am very much obliged to him for giving me a decision in my own State, both my colleague and I are rather familiar with those decisions. Each of us has occupied the office of attorney-general of our State, and I have quoted that case half a dozen times. It shows what I said, that the Senator will not discriminate. Where there is a motion in arrest of judgment and the judgment is arrested, the defendant can That is an elementary proposition of law. No be tried again. one

Mr. NELSON. What about a motion to quash an indictment? Mr. RAYNER. Let me answer your questions one by one. We have disposed of the first question. The judgment is arrested on a motion made by the defendant, and one of two things takes place. The defendant can either be tried again under the same indictment, provided the motion in arrest does not go to the indictment, but goes to some other part of the record. If the motion goes to the indictment, there must be a new indictment. There is no use discussing that further. It is an elementary proposition.

Mr. NELSON rose.

Mr. RAYNER. I ask the Senator not to interrupt me on this legal proposition. I am coming to the other class of cases in a

Mr. NELSON. Allow me a question in that connection, and that is this: Has not this man, according to your doctrine, been

in jeopardy? According to the doctrine you advocated a moment ago with respect to jeopardy, has not this man been in jeopardy, when a verdict of the jury was rendered upon the indictment and the motion in arrest of judgment made?

Mr. RAYNER. He has never been in jeopardy for one moment, and the Senator will see it, if he will examine the case.

Mr. NELSON. When is a man in jeopardy?

Mr. RAYNER. Let us get down to the cases. He has never been in jeopardy, upon the principle that he has arrested the jeopardy by his own motion, and the authorities state that while the jeopardy may attach, that the jeopardy can be arrested by the motion of the defendant. This is a rule, however, subject to exception.

Mr. KNOX. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. Certainly. Mr. KNOX. May I ask the Senator from Maryland if the provisions of this proposed act do not apply exclusively to motions made by the defendant? A motion to quash is a motion made by the defendant; a demurrer to the indictment is the action of the defendant, and a motion to arrest judgment after verdict is the act of the defendant. Now, does not the defendant in all these cases arrest his jeopardy?

Mr. RAYNER. He does not, and I shall show the Senator

he does not.

Mr. KNOX. I should like, then, for the Senator to distinguish between the question I have put to him and his answer to the question of the Senator from Minnesota. Mr. KNOX.

Mr. RAYNER. I will; because the defendant need not make any motion in these cases, and yet the indictment may be quashed. I will give the Senator a case. The court can quash it without motion. I will come to that in a minute. I know exactly what the Senator thinks upon that subject. It is not an unbending rule, one not without exceptions, that every time the defendant makes the motion it arrests the jeopardy. But it is an answer to the proposition of the Senator from Minnesota, and that is that a motion in arrest of judgment suspends the jeop-Let us take a case.

Mr. KNOX. Let me put a question right here. When is a demurrer by the defendant to the indictment an act of the de-

fendant which arrests his jeopardy?

Mr. RAYNER. I doubt very much whether a demurrer by the defendant to the indictment upon the ground of the unconstitutionality of the act will arrest jeopardy. I am coming to that, and I will give you the cases.
Mr. NELSON. Mr. Presid

Mr. President-

Mr. RAYNER. Will not the Senator let me proceed for about five minutes?

Mr. NELSON. Will the Senator allow me a question?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. I suppose I will have to.
Mr. NELSON. I do not want to take up the time unless it is satisfactory

Mr. RAYNER. It is not very satisfactory.

Mr. NELSON. Let me put the case to the Senator from Maryland on the motion to quash an indictment. Suppose the motion is granted and the indictment is quashed. Has the defendant been put in such jeopardy that he can not be tried again?

Mr. RAYNER. That illustrates the point I made. The Senator from Minnesota will not discriminate. You can quash an indictment upon a dozen different grounds. What ground does the Senator speak of? You can quash an indictment for defect of form. You can quash it upon the ground that the law has been repealed. You can quash it upon the ground of the un-constitutionality of the law. You can quash the indictment upon the ground that the grand jury has not been properly impaneled.

Mr. NELSON. Mr. President—— Mr. RAYNER. One moment. The Senator from Minnesota mixes and confuses all these grounds and seeks an opinion upon all of them when an opinion that would apply to one would not apply to the others.

Mr. NELSON. Mr. President-

Let me proceed. I beg the Senator's pardon. Mr. RAYNER. The Senator will have his own time. I want to say that I am not before the Senate to allege that a man can be put in jeopardy twice. I want a provision put in this bill that he can not be tried twice. I want to get rid entirely of the word "jeopardy," and then the Supreme Court can decide in each case whether the defendant has been put in jeopardy or not. But when a man has been once tried and acquitted that ought

to be the end of it, jeopardy or not. Let me go back and finish this quotation, because I want to give some authorities on that.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maryland

yield to the Senator from Colorado?

Mr. RAYNER. Of course I have to yield, but I would rather

Mr. PATTERSON. It is for a question. The question I want the Senator from Maryland to answer is this, having the pend-ing bill as the basis of my question: How in any case can a defendant who has been tried and acquitted make any of the motions that are provided for in this bill? These motions are only made where the ruling is against the Government. A motion to quash must be against the Government. The decision on a demurrer must be against the Government. arrest of judgment is after there has been a trial and a conviction, and not a trial and an acquittal. If a motion in arrest of judgment is sustained—and that is the only one of the three cases in which there can have been a trial—the motion in mind to be presented to the court—if the defendant has been tried and convicted and then he interposes a motion in arrest of judgment and his motion is sustained, and then a writ of error taken to an appellate tribunal, that is not a case in which the defendant has been tried and acquitted, and he can be put to trial again. It is a case in which he has been tried and convicted, but the court for technical reasons, whatever the reasons may be, sees fit to arrest the judgment that would follow on the verdict of the jury or the finding of the court in that case, and the case goes to the appellate tribunal. If there should be a reversal, I can not understand how a man is put in jeopardy the second time, because he has never been acquitted.

It is always in case of a trial and conviction in the matter of an arrest of judgment, and in the other two cases, a motion to quash or a demurrer, the motions must ex necessitati be made

before jeopardy attaches.

Mr. RAYNER. Is that your question?

Mr. PATTERSON. It is one of those questions which I could

not put without making a speech.

Mr. RAYNER. I know; but I have made that same speech.

I agree with you entirely in every word you say. That is what I have been trying to show to the Senator from Minnesota. Let the Senator from Colorado convince the Senator from Minnesota, not me. I agree with him. When a judgment has been arrested—I will say for the third time—the man is not in

Let us get on to another matter. I have said twice that no

one can contend that where a judgment is arrested on motion of the defendant he has been in jeopardy.

Mr. PATTERSON. But how can any provision of this bill

put him in jeopardy?

Mr. RAYNER. If you will let me come to that, I will gladly do so. In the cases I have cited here I have reached the point where everyone on this floor must admit that there is a great conflict of decisions upon the definition of the word "jeopardy." I have already stated the ground upon which I want this amendment put in the bill. I have gone along and said that where upon motion of the defendant judgment is arrested, he is not in jeopardy. If you will only let me get to the cases where it is doubtful whether he is in jeopardy or not, a class of cases I want to reach, then I will get to the end of this argument. I want to finish what Justice Holmes says in this opinion, which is more important than other collateral matters which do not affect the question here at all. I will read it again, and I ask the attention of the Senate to it:

If a statute should give the right to take exceptions to the Government, I believe it would be impossible to maintain that the prisoner would be protected by the Constitution from being tried again. He no more would be put in jeopardy a second time when retried because of a mistake of law in his favor than he would be when retried for a mistake that did him harm. (Kepner v. United States, 195 U. S., 135.)

Mr. President, now let me give a class of cases where the trouble occurs. Suppose, for instance, a defendant is put on trial. He is arraigned, pleads not guilty, employs counsel, the testimony for the prosecution is heard, the testimony for the defense is heard, and at the end of that case the court mere motu, not upon the motion of the defendant, announces upon an examination of the authorities that it believes that the act under which the prisoner has been indicted is unconstitutional, and it acquits the prisoner. Should that prisoner be tried again? You can not answer that question, because there are half a dozen cases one way and half a dozen the other, and, with the greatest respect to the eminent members of the profession on this floor, that question can not be answered satisfactorilywhether the man has been in jeopardy. With the great respect I have for the opinion of the Senator from Colorado, he can not

answer it, because if he says the man has been put in jeopardy he will be met with authorities which say he has not been, and if he says he has not been he will be met with authorities that

say he has been put in jeopardy.

These are not moot cases. They have oc-Another case. curred in the different States. It is a familiar practice in my own State for a court to decide a case on points never raised by counsel. My distinguished colleague and I once had a very important case in Maryland, and we thought we understood it. We argued it below, and we won the case. It went to the court of appeals, and we thought we had thoroughly argued it, and after we had finished the court decided the case against us upon a point that never occurred to either counsel on either side of the case, and there the decision stands. Over and over again our courts decide cases upon points that are not raised by counsel.

Let me give two other cases. I am not dogmatic upon this

point.

Having studied the question, having annotated the authorities upon the subject of jeopardy, I am in great doubt as to what jeopardy means, and I want a plain provision in this bill, not defining what "jeopardy" means—I can not do that; I am aware of that; I can not give a legislative construction to a constitutional provision-but I want a plain provision put in this billnot an invention of my own, but copied from the statutes of some of the States and copied from a law that you gentlemen passed here in the Senate-providing that in no case where the defendant had been acquitted shall he be tried again, no matter

what the ruling of the appellate tribunal may be.

Let me give you another case. You go on to trial. The man is arraigned. He pleads. He employs counsel. The testimony for the prosecution is taken. The testimony for the defendant is taken. At the close of the case the court says upon an examination of the statutes it has come to the conclusion that that statute has been repealed by subsequent legislation; and we know that sometimes among these hundreds and hundreds of Federal statutes, with their unjust and unmerited punishments, it is almost impossible to tell whether a statute has been repealed by implication by the enactment of subsequent laws. Ought that man to be tried again? He has been ready for his trial. He has called his witnesses. He has employed counsel. He is ready to go before the jury. The court holds that the statute has been repealed. The prosecuting attorney takes the case to the Supreme Court of the United States and it says, "The law has not been repealed." Ought that man to be tried again? I am not prepared to say that that man has been in jeopardy. I am not prepared to say that that man has not been in jeopardy. I am prepared to say that that man ought never to be tried again in any tribunal governed by the common law.

Mr. KNOX. Mr. President—

Mr. RAYNER. One moment. Let me give you one other

case

Will the Senator permit me to put one question? It will not be long.

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. Certainly.
Mr. KNOX. I think it goes to the meat of your amendment and to the point of this bill. The amendment of the Senator from Maryland, I understand, is that there shall be no retrial after a man has been acquitted. Am I correct in that state-That is the substance of the amendment—there shall be no trial after the defendant has been acquitted.

Mr. NELSON. Acquitted by the verdict of a jury. Mr. RAYNER. I have in the amendment no suc Mr. RAYNER. I have in the amendment no such words as "acquitted by the jury." I have nothing to do with the jury. He may be acquitted by a magistrate if it is on the merits, as it was in the common-law case. There it was a trial before a parliamentary magistrate on the merits. That ought to be the end of that man's trial, and no supreme court on earth ought to have the power to try that man again. I do not care by what tribunal he is acquitted, if it is a tribunal of competent jurisdiction.

Mr. KNOX. Now I will finish my question, with the per-

mission of the Senator from Maryland.

Mr. RAYNER. The Senator from Minnesota interrupted me. Mr. KNOX. I do not want the Senator to understand necessarily that my questions all indicate antagonism to the views he has set forth here this morning, because there are many things the Senator has said with which I agree entirely. But for the purpose of considering the amendment I should like to have the Senator indicate where under this bill there is any writ of error or appeal given to the United States where the defendant has been acquitted.

Mr. RAYNER. What is the verdict in the case I have given?

What verdict does the court find? Where the court holds that the law is unconstitutional, what is the verdict in the Senator's

Mr. KNOX. Courts do not render verdicts with us: juries

render verdicts, and the courts pronounce judgments.

Mr. RAYNER. It is not that way in our State. A court may render a verdict and a court may pronounce judgment, because the prisoner has a right to be tried before the court, and you can not deny him that right. The practice is different in the different States. Let us take a jury trial, however, and suppose that proceedings have progressed to the point I have indicated, and then the court holds the law unconstitutional. What is the verdict and what is the judgment in that case? What is done in that case in the Senator's State, if he knows? The Senator does not know and no one knows-

Mr. SPOONER rose.

Mr. RAYNER. What is done in the State of Wisconsin in a case of that sort?

Mr. SPOONER. I did not hear the Senator.
Mr. RAYNER. You heard the case—my illustration?
Mr. SPOONER. No; I did not.

Mr. RAYNER. I beg pardon. A man is arraigned on an indictment. He pleads not guilty. He employs counsel. The testimony for the prosecution is heard. The testimony for the defense is heard, and the defendant is ready to go before the And at the end of the case the court says that upon an examination of the statute it believes the statute to be unconstitutional, and it quashes the indictment upon the ground of the unconstitutionality of the statute upon which it is founded. What is the verdict and the judgment in Wisconsin? I know

what it would be in my own State, but not in any other State.

Mr. SPOONER. The court would direct an acquittal by the

jury

Mr. RAYNER. Do you think that man ought to be tried again?

Mr. SPOONER. I will get to that.
Mr. RAYNER. I want you to get to it, and get to it slowly and surely. I say under this proposed statute you could try that man again. That is my point, as I have indicated to the Senator from Minnesota. That man will be tried again under the proposed statute. In other words, you open the doors under this proposed statute. If there was no appeal taken the man could not be tried again.

Let me give another case, a case that comes right home to als bill. Suppose there is a plea of limitations. Suppose a man is indicted. I want to say to Senators I have had little criminal nisi trial practice; I do not want it. I tried two criminal cases, murder cases, when I first came to the bar, for the prisoners, and I felt worse than either of the men did.

Mr. PATTERSON. Mr. President-

Mr. RAYNER. One minute. I say I felt worse than did either of the men, who ought to have been hanged, and I made up my mind that I could not practice criminal law at nisi prius. About a week after that time I was offered the position of State's attorney for Baltimore city, which I accepted for the moment, but in about a week I came to the conclusion that I could not prosecute a man. I felt every time I prosecuted a man that I was prosecuting his wife and children. I have, as attorney-general, had four years' practice in the appellate tribunals, and it became my duty, in connection with the State's attorneys for the different counties and cities, to try these cases

My colleague has had the largest criminal trial practice in the State of Maryland-perhaps as large a criminal trial practice, as well as any other practice, as any lawyer here. I think

he agrees with me upon the views I have taken.

I am speaking now of what is the law, and I want to be distinctly understood, so as to have no mistake about it. I am not defining jeopardy. There are questions that can be asked me as to what is jeopardy or what is not jeopardy that can not be answered. I merely say when a man is tried and when he is acquitted he never ought to be tried again. I do not care what he is acquitted on.

Let me give this plea of limitations case now. Suppose a plea of limitations is not filed in time. In our State we file what is called a ne recipiatur—that the plea be not received. Suppose the Government files a plea of ne recipiatur and the court overrules the plea and the Government takes an appeal. An acquittal is directed upon the plea of limitations. Now, can you try that man over again? One author say you can. Another says you can not. The Encyclopedia says that when a man has been tried upon the plea of limitations you can not try him over again. He has risked his case upon the plea of limitations, has been acquitted, and you can not try him over again. In this bill you permit him to be tried over again, because you take an appeal to the Supreme Court, and the Supreme Court holds that the plea of limitations was not filed in time, that the man has never been put in jeopardy, and he is

In order to show my friend that this amendment is not new, that this is no innovation of my own, I want to put in what was stricken out in the original bill. Why did the Judiciary Committee strike this out? The words that were stricken out of the original bill occur on lines 6, 7, and 8. Read it and it will not be considered that my argument has anything peculiar at all about it or that there is anything novel about the point I am making. Lines 6, 7, and 8 read:

That if on such a writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Why was that taken out of the original bill? Why was it not left in there? I want that put back. It is the best thing that you can do—to put this back into this bill. It was put into the District of Columbia bill. There is therefore nothing startling about it. I am just trying to extricate ourselves from this howling wilderness of confusion upon the subject of what constitutes legal jeopardy. Here is the District of Columbia bill that the Senate passed giving the appeal:

Provided, That if on such appeal it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Not only that, but you will find this same provision in the laws of Arkansas, of Nebraska, and of Nevada. I like the Nevada law better than I do any other. In Arkansas it is provided that judgment in favor of the defendant which operates as a bar to future prosecution of the offense shall not be reversed by the supreme court. In Nebraska you find a provision

The judgment of the court in the case in which the bill was taken shall not be reversed nor in any manner affected.

This is good law. Why not put this in?

But the decision of the supreme court shall determine the law to govern in any similar case which may be pending at the time the decision is rendered or which may afterwards arise in the State.

Why not put the Nevada law in? In Nevada there is a pro-

vision that an appeal taken shall in no case stay or affect the operation of a judgment in favor of the defendant.

Texas has a provision in her constitution that an appeal shall not be taken by the State. I think the Senator from Texas, perhaps, will tell me whether I am quoting the points correctly or not in the constitution of Texas, giving no right of appeal at all in criminal cases to the State. Twenty States have refused to give the right of appeal in criminal cases, and out of the other States that have given them half of them have a provision similar to my amendment. They are not defining "jeopardy," they are simply reiterating a principle which has existed from time immemorial, that when a man is once tried and once acquitted, no matter by what tribunal, if it is a tribunal of competent jurisdiction, he shall not be tried again.

Now, in conclusion, I do not propose to go to work and pass

a law for 80,000,000 people to remedy the erroneous judgment, perhaps, of a judge in a single case, and that is all that this law seems intended for. We never heard of it until that decision. I want to say that I believe that decision was right. I have carefully examined it. I think if Judge Humphreys

Mr. NELSON. Will the Senator allow me to interrupt him? The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Certainly.

Mr. NELSON. I want to call the Senator's attention to the fact that in the very case to which he refers no appeal could have been made under this bill. No appeal on a writ of error could have been taken under this bill for the reason that the issue of fact was submitted to a jury and the jury found in favor of the defendant upon that plea in bar. Under this bill that case could not be appealed to the Supreme Court of the United

Mr. RAYNER. That is just what I have said. I said you could not have taken an appeal.

Mr. NELSON. Not in that case, because the defendant had

He had been tried by a jury on that issue. I said you could not have taken an appeal been in jeopardy.
Mr. RAYNER. in that case, and that is the reason why this law is proposed.

It is to give an appeal in a case of that sort.

Mr. NELSON. This proposed law does not give an appeal in Mr. NELSON. This proposed law does not give an appeal in a case of that kind. It gives an appeal from the decision or judgment sustaining a special plea in bar when not put in

Mr. RAYNER. You can raise precisely the same question by special plea in bar. The Senator from Minnesota knows why this law is being urged and precipitated. As far as I am con-

cerned, I do not suppose anyone has stood out here longer and more strongly than I have against all the combinations of railroad companies or trust companies or any other companies when they are violating the law. I have gone to the extreme point on that question, and I stand here ready to enforce the law with the severest punishment when there is any violation of it.

But I am not prepared to pass such a law to-day for 80,000,000 people, perhaps because a judge has made a mistake in a given case. I think the judge was right, but even if he was wrong I am not in favor of changing the common law. This is a perilous matter that we are engaged in. This is a perpetual matter. We have gone along for over a hundred years without it and now in a moment we are to revolutionize the practice of the appellate tribunals of the United States. We have gone along for centuries under the common law without it and now, because a judge in a given case gave an opinion that did not suit somebody, we are asked to pass a law which endangers the liberty of our citizens. Men may not have been put in jeopardy, and there are hundreds of cases where a man ought not to be tried again whether he was put in jeopardy or not.

The Senators from the South have seen men dragged from their homes to northern prisons for violations of law that they were innocent of. We are not so much concerned with the common carriers violating the law and with people violating the Sherman trust act in my jurisdiction. I am not afraid to trust the inferior courts of the United States with the adjudication of those cases. Find better judges and you will have better decisions, and if your judges are not honest, then there

is a remedy.

Let me give you, in conclusion, a case that expresses my sentiments better than I can, from a great judge, and one of the greatest judges who ever sat in a State tribunal of this Union. Let me read what he says about this condition and I will finish

what I desire to say.

The Senator from Georgia [Mr. Bacon] knows these judges. He was a student with one of them. They are great names with us in Maryland—Joseph Henry Lumpkin and Eugenius A. Nisbet. This is Judge Nisbet's opinion. It is very short. I want to give it to you. Speaking of jeopardy, he held that a writ of error did not lie to the court in a criminal case at the instance of the State, except to settle future cases. It ought never to lie. If the constitutionality of a law is involved, let the Supreme Court of the United States decide upon the constitutionality or the unconstitutionality of the law. I am perfectly willing to vote for a law of that sort, and that decision will be binding thereafter in every case that arises upon the law. But I am unwilling to go beyond that. I am not willing that the case should have a retroactive effect, virtually an ex post facto effect, and convict a man who has been already acquitted before a tribunal of competent jurisdiction. Now, let us see what was said in this case:

These principles are founded upon that great fundamental rule of the common law, "Nemo debet bis vexari pro una et eadem causa," which rule, for greater caution and in stricter vigilance over the rights of the citizen against the State, has been in substance embodied in the Constitution of the United States.

That means what I have been contending for to-day, that no man should be twice tried for the same cause.

man should be twice tried for the same cause.

The trial of a citizen for a violation of the criminal law is a very different thing from the trial of civil rights between two citizens. The forms of procedure and the principles upon which they proceed are different. * * If there is, by reason of the offense charged, an injury done, especially to any one person, he has a remedy for the wrong. In criminal trials the State—the supreme authority, that authority which makes the law and prescribes its penalty and executes its judgments—moves against the citizen. * * It is a salutary precaution in favor of the citizen against an abuse of the sovereign authority; for history teaches the melancholy truth that however fenced and guarded, limited, and defined by laws or usages, it sometimes breaks over all these barriers, defees the sentiment of the world, and, in the name of the law, violates justice and outrages humanity. The reign of the Stuarts in England illustrates these views. That the state will not, in this signally favored country, thus abuse its powers, is not only hoped, but believed. Vigilant for right and liberty, we will not trust her, but hold her steadily to the just limitations within which the wisdom of other states and past generations have circumscribed her.

Now, Mr. President, in conclusion, I am opposed to this law upon still another and a broader and a higher ground.

The VICE-PRESIDENT. The Senator from Maryland will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary

The Secretary. Table Calendar 26, Senate resolution 214, by Mr. CARTER.

Mr. NELSON. I I ask that the unfinished business be tem-

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Maryland will proceed.

Mr. RAYNER. Mr. President, I could not state my conclu-

sion any better than the Senator from Maine [Mr. HALE] stated

it the other day. Just in a few words, as concisely as it could be put, he made the whole objection that lies to this bill. I am opposed to it upon the grounds stated by him. I am opposed

to it, but, as I have said, upon a broader ground.

We are here, Mr. President, day by day legislating in the interest of centralization. The Executive, it seems to me, is day by day encroaching upon constitutional limitations; and now we are to commence with the judiciary and enlarge the powers of the Supreme Court and give it a jurisdiction which is more of the Supreme Court, and give it a jurisdiction which, in my judgment, violates the cardinal principles of the common law, is against American precedent, and, what is worse than all, in-fringes upon the Constitution of the United States.

Mr. President, you can count me out of this performance, do not know how long I will remain here, but so long as I am here I will to the last degree with all my humble strength resist every enlargement of Federal power, whether in the hands of the legislative, the executive, or the judiciary departments, that is not demanded by the absolute requirements or necessities of

the American people.

Mr. KNOX. Mr. President, if I entertained any such view of this proposed legislation as suggested a few days since by the Senator from Maine [Mr. Hale] and repeated to-day by the Senator from Maryland [Mr. RAYNER], I would be most earnest

in my opposition to the bill.

The Senator from Maine stated exactly my position when he said that the old-fashioned doctrine that a man should not be placed twice in jeopardy of life or limb for the same offense was good enough for him. It is good enough for every American citizen, and whether he willingly yields his assent to that doctrine or not, it is the doctrine of the Constitution, and he must bend to it.

Mr. President, if I thought there was a single line, or a sen-nce, or a clause contained in this bill which by any court would be construed to place a man twice in jeopardy, I would vote to cut it out, not because there would be any necessity for cutting it out, as it would be invalid under the Constitution of the United States, but I would vote to cut it out upon the ground that it would not be an artistic and intelligent bill with such a

provision within its borders.

Mr. President, before proceeding to say anything—and I propose to say very little-as to the merits of the bill, I wish to correct an impression that the Senate must have from what the Senator from Maryland has just stated, that this is an entirely new proposition; that it has been sprung on the Senate because of some very recent things that have occurred in the judicial history of the United States. Such, Mr. President, is not the case, and in respect to this I speak of personal knowledge, because I can say to the Senator from Maryland that as long ago as 1902 I had the honor, in a report to the Congress of the United States, when I held the position of Attorney-General of the United States, to recommend this legislation to Congress and it is my impression that I was not the first Attorney-General to make that recommendation.

Mr. President, this legislation is along the line of the law as it is understood in England under the common law. the line of the action by a great majority of the States of the United States. In England the Crown always had the right to an appeal in a criminal case. In my own State since its foundation the right has been conceded. Our courts have always said that it exists except where limited by statutory provision. If I had the time I could enumerate from the report of the committee at least twenty-eight States where the provisions of their statutes are substantially the same as those contained in the pending bill.

Mr. President, the question of what or what is not jeopardy is a most material one for our consideration. I quite agree with the Senator from Maryland that it is extremely difficult to define what jeopardy is; and we get our best notion of jeopardy from the decisions of the courts which say what is not jeopardy

under the particular circumstances. I quote from the law writers:

Jeopardy, in its constitutional and common-law sense, has a strict application to criminal prosecution only. (In re McClaskey, 37 Pac., \$54, 858, 2 Okla., 568.)

A defendant is not in legal jeopardy within the meaning of the constitutional restriction until he has been put upon his trial before a court of competent jurisdiction, upon an indictment or information which is sufficient in form and substance to sustain a conviction. Thus a plea of former jeopardy, which merely alleged that defendant had formerly been informed against for the same offense, but did not allege that he had been put on trial, was demurrable. (Klein v. State, 60 N. E., 1036, 1037, 157 Ind., 146, citing Cooley, Const. Lim., 6th ed., 399; Rowland v. State, 126 Ind., 517, 26 N. E., 485; Dye v. State, 130 Ind., 84, 29 N. E., 771.)

Where an indictment was so defective that, if the defendant had been convicted under it, he could have had any judgment entered up against him reversed, there is no jeopardy, and the solicitor is authorized to ask for a nol. pros and indict anew. (White v. State, 49 Ala., 344, 347.)

Where an indictment is quashed on demurrer, the defendant is not in jeopardy under it, and may be prosecuted under a second indictment for the same offense. (State v. Gill, 33 Ark., 129, 131.)

"Jeopardy" is not synonymous with the words "twice put on trial," and there is a wide difference between a verdict given and jeopardy as a verdict whenever the jury are charged with the person, and the offense—

And this comes nearer being a definition of jeopardy than any I have been able to find-

And this comes nearer being a definition of jeopardy than any I have been able to find—

whenever the jury are charged with the person, and the offense is punishable by death, and the indictment is not defective, he is in jeopardy of life, and accordingly, if discharged without a verdict, he can not be tried again. But where a person is put on trial under a bad indictment he may be tried again, though acquitted, because his life was not in jeopardy, and the court could not have given judgment against him if he had been convicted. (United States v. Gilbert, U. S., 25 Fed. Cas., 1287, 1300.)

Jeopardy does not attach if, after a verdict against accused, it has been set aside on his motion for a new trial. (People v. Travers, 19 Pac., 268; 77 Cal., 176.)

Jeopardy does not attach if, after a verdict against accused, it has been set aside on arrested judgment. (People v. Travers, 19 Pac., 268; 77 Cal., 176.)

Jeopardy is not considered as attaching, although the jury has been sworn, if the defendant is erroneously convicted and obtains a reversal of judgment. (Lovett v. State, 14 South., 837, 838, 33 Fla., 389; "jeopardy," within the meaning of the Constitution, is meant lawful jeopardy from the commencement of the proceedings until their termination by a proper judgment and sentence or acquittal, or what the law regards as such. Where, either for want of jurisdiction or from some defect in the indictment, or from such error in the course of the proceedings, the verdict is set aside or the judgment arrested on a writ of error brought by the defendant or on a motion made by him, and he is tried again, he is not thereby put in jeopardy a second time. (Commonwealth v. Wheeler, 2 Mass., 172, 174; Commonwealth v. Peters, 53 Mass., 12 Metc., 387; Commonwealth v. Roby, 29 Mass., 12 Pick., 496, 502; Commonwealth v. Laby, 74 Mass., 8 Gray, 459; Commonwealth v. Gould, 78 Mass., 12 Gray, 171; McKee v. People, 32. N. Y., 239; People v. McKay, N. Y., 18 Johns., 212; State v. Walters, 16 La. Ann., 400; Jones v. State, 15 Ark., 2

I ask the indulgence of the Senate to read about a page and a half from Bishop on Criminal Law, volume 1, sections 1024-1030. I have made the selection of these excerpts with the greatest care, and because I think they will be of use to Senators in making up their minds about this bill.

ators in making up their minds about this bill.

Rights of State to have proceedings reversed.—In England writs of error, the practical object of which is generally to bring whatever appears of record under the review of a higher tribunal, seem to be allowable to the Crown in criminal causes; but the courts of most of our States refuse them and refuse the right of appeal to the State or Commonwealth, except where expressly authorized by statute, as in some States they are. In Maryland the State may have a writ of error at common law to reverse a judgment given on demurrer in favor of a defendant. And in some other States questions of law may, without specific statutory direction, be reviewed by this proceeding or by appeal on prayer of the State. The question is not free from difficulty; but probably some judges have refused the writ to the State from not distinguishing sufficiently between cases in which the rehearing would violate the constitution and cases in which the prosecuting power has the same inherent right to a rehearing as a plaintiff has in a civil suit.

Common law impediments to rehearing.—It should be borne in mind that the constitutional provision under consideration is not the only impediment to the rehearing of a criminal cause. It is the only one not removable by legislation; but, when legislation has not interfered, and the question depends on common-law principles, there may be various other absolute bars to a further trial.

Validity of statute authorizing rehearings.—Whatever the terms of a statute providing for the retrial of criminal causes, or a reexamination of the proceedings, it will not ordinarily be interpreted, and will never have force, to violate the constitutional provision under consideration. If the jeopardy has once attached, there can be no second jeopardy without the consent of the defendant, whatever the statute may direct. It will apply only where it constitutionally may.

Reversal by State after trial.—A statute which undertakes to give to the State the right of appea

But-

Reversal before jeopardy.—Before jeopardy, any reversal of proceedings, whether on prayer of the State or of the defendant, may be had without prejudice to a fresh prosecution.

Valid indictment quashed—Judgment on invalid.—If, without a trial, the court quashes a valid indictment, or enters judgment for the defendant on his demurrer, believing it invalid, a trial may be had after the prosecutor has procured the reversal of these proceedings; because, as we have seen, the prisoner is not in jeopardy until the jury is impaneled and sworn. And the same consequence follows where a judgment of conviction has been rendered on an invalid indictment.

But-

Proceedings regular down to trial.—Where the indictment is sufficient and the proceedings are regular before a tribunal having jurisdiction down to the time when the jeopardy attaches, there can be no second jeopardy allowed in favor of the State on account of any lapse or error at a later stage. This doctrine should be considered in connection with what was said under our last subtitle, else it may be misapplied.

For example-

Quashed at detendant's prayer.-If-

And I take it this is the nub of the whole proposition-

And I take it this is the nub of the whole proposition—

If at any stage of the proceedings a defendant procures an indictment to be quashed, he can not be heard to assert, in bar to a new one, that the first was good and he was in jeopardy under it.

Court without authority.—If the court has no jurisdiction over the offense, or derives its existence from an unconstitutional statute, or is holding a term not authorized, or is otherwise without authority in the premises, the defendant is not in jeopardy, however far the tribunal proceeds. In most or all of these circumstances the final judgment is not voidable, as mentioned in a previous section, but void; so that his unreversed conviction is no more a bar to another prosecution than his acquittal.

Concurrent jurisdiction (magistrate's—court-martial).—But if the tribunal has authority, concurrent with another, or exclusive—whether it is an inferior one, as a justice's court, a court-martial, or the court of a municipal corporation, or is a superior one—a conviction or acquittal in it will be a bar to subsequent proceedings in whatever court undertaken.

The plea.—The plea, usually put in at the arraignment, is an essential part of the proceedings. And, until an indicted person has pleaded, he is not in jeopardy, though a jury has been sworn to try him or even though there has been an actual trial. But the similiter appears not to be essential.

Mr. President, from these authorities, it seems to me, the fol-

Mr. President, from these authorities, it seems to me, the following can be deduced: If a defendant, as is provided by this bill, demurs to an indictment and the court sustains the demurrer, and the prosecutor appeals, and the court sustains the appeal and reverses the judgment on the demurrer, the defendant was not in jeopardy, because he defeated his right to a verdict by his own act.

It is the same in case of motion to quash as well as in case of a motion in arrest of judgment after verdict if the motion is

sustained.

Suppose, however, the prisoner is acquitted upon a valid indictment. I agree with the Senator from Maryland [Mr. RAYNER] that no statute could constitutionally open anew the question of his guilt upon any appeal for errors at the trial, and this act does not propose to give any such appeal. This bill allows to Government an appeal only from-

Defendant's motion to quash or set aside indictment;
Defendant's demurrer to indictment;
Defendant's motion, successfully made, in arrest of judgment for insufficiency of the indictment;
A judgment sustaining defendant's special plea in bar.

These proceedings are all defendant's acts before a verdict to prevent a trial, except the motion in arrest of judgment, which is defendant's act after a verdict against him to defeat a judgment on the verdict. These motions of defendant rest upon the want of jurisdiction of the court, the unconstitutionality of the statute, or some other lack of right to proceed to trial or to judgment on the verdict, the effect of all of which is to defeat the jeopardy. Mark this: It is not proposed to give the Government any appeal under any circumstances when the de-fendant is acquitted for any error whatever committed by the court.

We can not give the Government an appeal or writ of error in any case where a judgment of reversal would put the defendant again in jeopardy, and this bill does not undertake to do so. It gives the Government an appeal only when the defendant has

been successful in defeating his jeopardy by defeating the trial.

The Government takes the risks of all the mistakes of its prosecuting officers and of the trial judge in the trial, and it is only proposed to give it an appeal upon questions of law raised by the defendant to defeat the trial and if it defeats the trial.

The defendant gets the benefit of all errors in the trial which are in his favor, and can challenge all errors in the trial which are against him. It is certainly not too much when he attacks the trial itself or the law under which it is conducted to give the people the right to a decision of their highest courts upon the validity of statutes made for their protection against crime.

Mr. PATTERSON. Mr. President, the position of the Senator from Maryland [Mr. RAYNER] with reference to this bill, it seems to me, is somewhat of a reflection against either the intelligence or the sense of justice of the members of the Ju-diciary Committee who reported it. After listening with great care to the remarks of the Senator from Maryland, I am convinced that his attitude arises wholly from a misconception of what this bill intends.

The Senator asks why a certain provision that was in the bill, which came from the House of Representatives, was not retained in the bill as it now stands. The reason is conclusive

that the House bill was so completely changed by the Judiciary Committee of the Senate that such a provision would have been wholly improper and have rendered the bill, as reported by the Senate committee, thoroughly inartistic, if I may use that term. The changes made in the bill by the Judiciary Committee show how solicitous the Senate committee was as to the rights and the privileges of a defendant who has been once in jeopardy. The House bill, as it came to the Senate, provided for writs of error to the Supreme Court, or the court of appeals, in every instance, and in every case in which a defendant was entitled to a bill of exceptions and a writ of error; in other words, the bill, as it came from the House, permitted writs of error on matters of evidence given before a jury on the trial of a criminal case; writs of error as to the instructions of the court to the jury; bills of exceptions and writs of error in every possible

contingency where they might be demanded by a defendant.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER (Mr. Gallinger in the chair). Does the Senator from Colorado yield to the Senator from Min-

nesota?

Mr. PATTERSON. Certainly.

Mr. NELSON. Allow me to make a suggestion in that connection, which is, that the House bill allowed an appeal even where the defendant had been acquitted by the verdict of a

jury; which would be altogether meaningless.

Mr. PATTERSON. Yes; and the Senate committee curtailed the bill as it came from the other House and eliminated from it everything that might seem to be responsive to the objections made by the Senator from Maryland, and, instead of allowing writs of error and bills of exception in every case in which a defendant in a criminal case would be entitled to them, the committee limited the writs of error and bills of exception to four particular specific cases, in neither one of which, Mr. President, was it possible for jeopardy to have attached; and because it was impossible for jeopardy to have attached in either of the cases in which writs of error are allowable to the appellate court, the provision in the House bill covering the matter of jeopardy was not incorporated in the Senate bill. Let me read what the House bill was:

That in all criminal prosecutions the United States shall have the same right of review by writ of error that is given to the defendant, including the right to a bill of exceptions.

With that sweeping, broad provision it is absolutely necessary, Mr. President, if the rule of jeopardy is to be preserved, that the provision which the Senator from Maryland insisted should be incorporated in this bill should be in the House bill, which is:

Provided, That if on such a writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Under the Senate bill there can be nothing which occurred on the trial submitted to the appellate court. Therefore the necessity for the proviso in the House bill does not exist and would be wholly improper in this bill.

Now, Mr. President, is there any jeopardy under any definition, do not care how broad or indefinite or definite the definition of "jeopardy" may be? I maintain, whatever the definition is, that no jeopardy can attach in cases in which writs of error will lie under the Senate bill, bills of exception and writs of error being, first-

From the decision or judgment quashing or setting aside an indict-

That is, as a rule, before pleading. The motion to quash an indictment is, as a general rule, filed before the prisoner is required to plead guilty or not guilty. If the prisoner pleads guilty or pleads not guilty in order that the motion to quash may be heard and decided by the court, the plea of not guilty is set aside or held as not having been made.

Mr. SPOONER. And they ask leave of the court to withdraw it.

Mr. PATTERSON. And they ask leave to withdraw the plea of not guilty.
Mr. SPOONER.

Mr. SPOONER. A request which is always granted.
Mr. PATTERSON. So that nothing that squints at jeopardy has existed up to the time the court has passed upon the motion to quash the indictment.

What is the next?

From the decision or judgment sustaining a demurrer to an indictment or any count thereof.

A demurrer is simply another form of a motion to quash. demurrer simply reaches the insufficiency of the indictment to put the defendant upon his trial, and therefore it also is interposed before the defendant is required to plead. If he has pleaded before the demurrer can be heard and determined, the request will be made to withdraw the plea of the defendant until the demurrer has been heard and passed upon by the court. I skip from the second to the fourth because the third ground is one of an entirely different class.

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

A special plea in bar, Mr. President, is a plea that does not relate to the guilt or innocence of the defendant in the sense as to whether he did or not commit the act for which he was indicted. A special plea in bar is that which is set up as a special defense notwithstanding the defendant may be guilty of the offenses with which he is charged; it is for some outside matter; yet it may have been connected with the case. The special plea in bar that was filed by the indicted Chicago packers is a very good illustration of that. Their plea in bar set forth the fact of their having been induced or led, whatever it may have been, to make communications to the law officers of the Government with reference to their business that gave the district attorney information which enabled him to bring about the indictments and to help in their prosecution. That had no reference to the guilt or innocence of the accused. It was a pleading of fact that was independent of the crime for which those packers had been indicted.

Therefore, Mr. President, there could be no jeopardy in a case of that kind where there was a decision upon the special plea in bar, because it is not under a plea of guilty or not guilty that the insufficiency of a special plea in bar is determined; it is non obstante whether the defendant is guilty or not guilty.

In neither of these three instances, Mr. President, is it possible that there could have been jeopardy in any sense under any definition that can be found in the decisions of any court of record. So that all that the Senator from Maryland has said upon the subject of preserving to an accused all the rights and privileges that attach to the rule of jeopardy, as we find it contained in our constitutions and the records of the courts, had nothing whatever to do, nor did it relate in any wise to either of the cases in which the writ of error would lie, to which I have called the attention of the Senate.

From the decision arresting the judgment for conviction for insufficiency of the indictment.

Mr. President, it is utterly impossible that a writ of error would lie in a case where a defendant had been found not guilty. The motion in arrest of judgment can only be made—it is wholly inapplicable to any other condition than that of conviction—to a verdict of guilty. It is interposed after a verdict of guilty and before judgment for an alleged legal reason that will arrest the court in pronouncing judgment upon the verdict. Therefore if a motion in arrest of judgment is sustained, and the Government takes its writ of error to the court of appeals or to the Supreme Court, it is not a case of putting a man twice on trial for the same offense who had been acquitted in the first instance. It is a case in which the defendant has been tried, in which he has been found guilty on the merits of the case, and by reason of some technicality, if I may use the term in its broad sense, the hand of the court is arrested from imposing the penalty upon him.

So, Mr. President, in either of these cases the writ of error is taken to the Supreme Court, and in each instance it must be taken to the Supreme Court by the Government, because the defendant would have the right to do those things quite independently of the enactment of this bill.

If the Supreme Court shall reverse the decision of the lower court, it is not putting the defendant in jeopardy the second time, for in the case of sustaining the motion to quash he had not been in jeopardy; in the case of a demurrer being sustained he had not been in jeopardy; in the case of a special plea in bar that went against the Government the defendant had not been in jeopardy on the merits of the case; and in the case of the arrest of judgment the defendant had not been in jeopardy, because, Mr. President, he had been convicted; he had not been acquitted; and if the Supreme Court should hold that the action of the lower court in sustaining the motion in arrest of judgment was erroneous, then, Mr. President, the defendant could not complain, either if the judgment of the court shall be entered upon the verdict or a new trial shall be ordered, because it is giving to the defendant a new opportunity to go acquit when, under the trial that was had, he had been consisted.

The reason, Mr. President, that I, as a member of the Committee on the Judiciary, favored this bill is this: Without this bill in the criminal laws there is liable to be the greatest confusion throughout the country. Congress passes a law, and we find that the district court—it may be of Ohio—will render a decision that the law is unconstitutional. The district court in the State of Kentucky may render a decision that it is con-

stitutional. The decision of one district court is in no manner binding or conclusive upon another district court. of such courts are only persuasive, and not controlling. They may be controlling within the jurisdiction in which they are rendered, but they are not controlling outside of that jurisdic-And we would have, Mr. President, this strange and extraordinary condition as we have had it-and to my mind it is a disgrace to the judiciary of the country that such things should be witnessed. We have a district court in one jurisdiction holding that a law is ineffective for one reason or another-it may be that it is unconstitutional, or for some other reason-and we have a district court in another jurisdiction holding the reverse; and as the cases multiply in the several sections of the country we may find one half of the courts of the country arrayed against the other half of the courts of the country upon the same identical law; one half holding that it is entirely constitutional and the other half holding that it is unconstitutional. So, Mr. President, that confusion, that ridiculous condition, exists and must continue to exist, because, as the law now stands, until a case involving the question shall go to the Supreme Court and it is brought there by the defendant, there can be no adjudication by a court whose decision and

I am quite willing to have it said, so far as I am concerned, that the decision of Judge Humphreys in the Chicago case led to the legislation that is now proposed. Why should it not, Mr. President? If it calls the attention of the country to a condition of our laws that is absurd, that leads to injustice in one half of the country and to justice in the other half, to a condition of our laws that will permit the same law to be held constitutional in one half of the country and unconstitutional in the other half, and have a citizen committing an act that is not an offense in one half of the country but is an offense in the other half of the country, the same act being done without any fear of consequence in certain States in the Union and leading to the penitentiary, it may be, in other States in the Union—if that condition has been brought to the attention of the country and of Congress, Congress has done right to grapple with the question and to make it possible to eliminate such a status from the laws and their enforcement in the United States.

I would have been, Mr. President, as rigorous as the Senator from Maryland in protesting against any interference in any way with the right of protection under the law of once in jeopardy. We can not afford in this country to in anywise weaken the protection that the statute law and the Constitution afford. This bill, Mr. President, in nowise does it. It does not even wink at it, if I may use that term in connection with a grave and dignified subject such as this. The bill is intended to cure a defect in the administration of justice, a defect that should be cured as speedily as possible if the decisions of our courts are to be received with the dignity and confidence that the decisions of all of the Federal courts should meet with throughout the country.

Mr. HEYBURN. Mr. President, I desire to send to the Secretary's desk some amendments which I propose to offer to the bill.

The PRESIDING OFFICER. Does the Senator desire the amendments read at this time?

Mr. HEYBURN. I desire to discuss the amendments.

The PRESIDING OFFICER. The proposed amendments will be stated.

be stated.

The Secretary. On page 2, line 2, after the word "taken," it is proposed to insert "on objection to the sufficiency of the indictment in matters of law;" on page 2, line 21, after the word "objections," to insert the words "by the United States;" and on line 22, after the word "form," to strike out the word "only" and insert the words "or law."

Mr. HEYBURN. Mr. President, if the right of appeal intended to be provided for by this measure is confined to jurisdictional questions, the question of jeopardy passes out of consideration. A man can only be placed in jeopardy by a trial in a court having jurisdiction to try the matter. The amendment which I have proposed confines the operation of the proposed review by the appellate court to the questions of jurisdiction. The question of jurisdiction involves the question of the legality or binding force of the statute under which the man is held for trial. That is a jurisdictional question. It involves the question of the manner of the execution of the law, that it shall be in accordance with the provisions of the statute. That is jurisdictional.

If the courts do not proceed along the lines laid by the statute, then the party has not been in jeopardy under any rule asserted by the Senator from Maryland [Mr. RAYNER] or the Senator from Pennsylvania [Mr. Knox] or the Senator from Colorado [Mr. Patterson]. He has been in jeopardy only when the trial might result in a binding verdict against him.

In line 2, page 2, I have proposed, after the word "taken," to limit the effect of the right of review, so that it will read as follows:

That a writ of error may be taken on objection to the sufficiency of an indictment in matters of law.

Those words "in matters of law" are broad enough to cover

every possible question of jurisdiction.

Then I propose, in line 21, to limit the right to take this appeal by inserting after the word "objection" the words "by the United States;" so that it will read:

That hereafter all objections by the United States to the sufficiency of the indictment in matters of form—

Then I propose to insert-

And it continues-

shall be made and determined prior to the empaneling of the jury.

It would not be safe to leave out those words of limitation, "by the United States," because to leave them out would prohibit a defendant, who may discover in the hour of the execution of the judgment that the indictment was defective, from entering objection. The defendant should have the right, up to the very last possible moment, to take objection to the legal sufficiency of the indictment. As the bill comes to us for consideration there is no limitation in favor of the defendant. has often happened that when the trial court has entered judgment and passed sentence upon a defendant and an intermediate tribunal has affirmed the action of the trial court upon a question of law as to the sufficiency of the indictment being presented to a member of the Supreme Court of the United States, a writ for the review of the proceedings of the lower courts has been granted and an order issued suspending the execution of the judgment, perhaps the party having been sentenced to be hanged. So it is absolutely important, if we are to pass this bill at all, that these words of limitation shall be inserted in it. Otherwise it strikes at an existing right of a defendant.

Mr. RAYNER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. Certainly.
Mr. RAYNER. I am compelled to leave the Chamber for a moment. Will the Senator permit me to add to my amendment just a word?

Mr. HEYBURN. Certainly. Mr. RAYNER. So as to read "during the trial and verdict or judgment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HEYBURN. I am confident that the Judiciary Committee did not intend to take away from a defendant any right now possessed by such defendant under the law to appeal from a decision against the defendant. They intended evidently by this legislation to enlarge a right of the Government without interfering with the right of the defendant. Where the court holds that a law is unconstitutional, and that therefore the indictment is bad, because of no authority to bring it, or where the court holds that an indictment is bad, when as a matter of fact it is in conformity with the statute (one going to the right to indict and the other going to the manner of the indictment), I have no particular objection to the right of appeal being given the Gov-ernment if taken before the trial, in order that the court may determine it at that time, before the defendant is put to the expense and the annoyance and the other incidents of a trial.

Those are instances that already have been in the minds of those who propose this legislation. The decision of Judge Humphreys and the decision of the court in Tennessee on the question of the employers' liability act involved those two ques-I believe if those questions are raised by the United States before the trouble and the expense of a trial the hands of the trial court may safely and properly be stayed until the sufficiency of the law or the sufficiency of the indictment may be tested by the highest tribunal in the land. Then if the highest tribunal in the land sustains the court below, that will be the end of the trial. If the highest court in the land reverses the action of the court below, then the trial will proceed and the defendant will have the benefit of knowing that those questions involving his right to the defense based upon an attack upon the indictment have been adjudicated, and it resolves itself down to a question of fact.

All lawyers of long experience have known of cases where defendants, under erroneous advice that the indictment was

bad and that it might be safely relied on to set aside a verdict or judgment upon the verdict, have allowed their cases to be tried carelessly, relying upon these legal questions that afterwards proved to be an insufficient reliance. If those questions are settled before trial, upon appeal by the Government of the United States, the defendant goes to trial with an absolute certainty that the law has been determined; and the amendment which I propose simply provides that the Government shall raise its objections to the indictment before the impaneling of a jury. The party is not in jeopardy up to that time. The machinery of the court has not laid its hand upon him up to that time. He is merely charged, and he has not been brought within the limits of jeopardy. Jeopardy can not exist where there is no jurisdiction, because the question of jurisdiction is an undetermined one until a judgment is executed, and may be raised, as has been suggested, in the various ways-for instance, on a motion in arrest of judgment.

Mr. President, I would be compelled to vote against this bill so long as it would deprive the defendant of the right, up to his last hour on earth, to call the attention of the court to a defect in the indictment or a defect in the proceeding under the statute under which the indictment was found. I could not vote for a bill, no matter how good its other provisions might be, that would take from the defendant that right. This bill as it comes to the Senate does take away from the defendant that right. I would vote for the measure cheerfully if the defendant were protected in his existing right to raise these questions at any time up to the final execution of the judgment, and, coupled with that, if the rights proposed to be given to the United States by this bill are limited. The bill reads now:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, * * * in all criminal cases, in the following instances.

Then it cites the instances appropriate to the accomplishment Then it cites the instances appropriate to the accomplishment of this class of legislation. It does not limit the grounds upon which the United States may take an appeal. The United States should never be allowed to take an appeal upon questions of fact or upon the rulings of the court as to the admissibility of testimony pending the trial. The burdens upon those charged with the violation of law are sufficiently heavy at presentations. ent to put us on guard against adding unnecessarily to them for the accomplishment of a purpose that on its face does not pertain to the rights of the defendant, but to the rights of the Government rather. So I have proposed the amendment limiting the right of writ of error, providing that it may be taken only on an objection to the sufficiency of an indictment in matters of law

Mr. President, I do not think the provisions in lines 19 and 20 are essential to the bill in any way. The matter of a bill of exceptions will not arise under any of the provisions of this bill. An exception to the ruling of a court is settled under the rules of the court and not by virtue of an act of Congress or of any legislative body. The manner of settlement of a bill of exceptions is provided for by the rules of the court. That a party is entitled to except to the rule is sufficiently provided within the general provisions of this bill. The bill of exceptions is simply an evidence, the party having taken an exception, that that exception has been allowed by the court; and the court does not strictly allow a bill of exceptions. It settles a bill of exceptions to conform to the facts, showing that an exception was taken.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly. Mr. CULBERSON. I may have misunderstood the Senator from Idaho, but I understood him to say that he wants to amend lines 11 and 12 so as to read:

From the decision or judgment quashing or setting aside an indictment on matters of law.

Mr. HEYBURN. No; the Senator misunderstood me. not referred to lines 11 and 12. My amendment is confined to line 2 and to line 21 and to line 22.

Mr. CULBERSON. I note now the proposition of the Sena-I invite his attention to the suggestion that at the present time the United States is not permitted in criminal cases a writ of error on any ground. This bill specifies the grounds upon which that right shall exist so far as the United States is concerned. I will ask the Senator if that does not necessarily exclude all other cases, so that the amendment suggested by him

is unnecessary?

Mr. HEYBURN. I think I see the point of the Senator's suggestion, that it is not necessary in line 2 to limit the scope of the writ of error because from line 11 to line 17 the purposes

for which the writ may be taken are defined. But it was be cause there are many ways of attacking a decision or judgment quashing or setting aside an indictment that I have specified the questions which may be reviewed. An indictment may be quashed or set aside for other reasons than those included within the exception I have stated; and in order that there may be no question as to the grounds on which those objections may be raised, I have limited them to questions of law.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. With the permission of the Senator, I now have the amendment suggested by him. It has not been printed, but it has been furnished me from the desk. Page 2, line 2, after the word "taken," insert "on objections to the Mr. HEYBURN. Yes. The words "in matters of law."

words of limitation.

Mr. CULBERSON. What I wanted to inquire of the Senator is whether there are any objections to an indictment on

matters of fact?

Mr. HEYBURN. There are grounds of objection on matters of mixed fact and law, because of the manner in which the law is stated or the facts are stated under the law. Indictments are quashed on those mixed grounds. I desire to confine it simply to the questions of law.

Mr. SPOONER. I do not remember ever to have known a demurrer to an indictment to raise any other question than a

question of law.

Mr. HEYBURN. We are not discussing the question of a demurrer. We were discussing the question of a motion to quash an indictment, which, while it partakes of the nature of a demurrer, is something more than a demurrer.

Mr. SPOONER. Oh, yes; that is true. It may go to the

validity of the grand jury.

Mr. HEYBURN. It may go to all those questions-the manner of their summons, the manner of their impaneling.

Mr. SPOONER. The matter of their conduct.
Mr. HEYBURN. Yes. Those are mixed quest Yes. Those are mixed questions of law and fact. I would not have such a question reviewed on appeal of the Government of the United States, because it does not test the validity of a statute; it does not test the proper manner of indicting under a statute. I would limit the questions that may be raised by the Government of the United States to a narrow scope, because, as a rule, the question of the manner of impaneling a grand jury, the question of the manner in which a grand jury were summoned, are provided for by different statutes than those which provide for the punishment of the party who is to be tried before the court, and, therefore, are more matters of detail and form than they are matters of legal substance.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Certainly.

Mr. CULBERSON. With the permission of the Senator, I will say that I have listened to his explanation of the amendment, but, rather than appear to acquiesce in his position, I desire to say that I do not yet perceive a case in which a motion to quash or set aside an indictment can raise a question of fact or a matter of fact. The motion to quash an indictment ordinarily is that it states no offense

Mr. HEYBURN. That is one of the grounds.

Mr. CULBERSON. Against the laws of the Government in favor of which the prosecution is aimed. But I can not con--there may be, but I can not conceive of it where the sufficiency of the indictment on a motion to quash can be said to raise a question of fact. It necessarily, as I un-

derstand, raises a question of law.

Mr. HEYBURN. I think I can call the Senator's attention to circumstances under which it would be a mixed question of law and fact—that is, the court would have to determine Suppose, for instance, it was charged by affidavit-because that is the basis of a motion to quash, as a rule, where it is not something that appears on the face of the indictmentthat the officer who summoned the grand jury was not such an officer as is authorized by law to summon a grand jury. Suppose the matter of fact was shown by affidavit that members of the grand jury were not citizens of the United States. Those are questions of fact to be determined outside of the record as it appears upon the face of the indictment, and I desire to eliminate those questions, so that the United States will not be permitted to take an appeal from the decision of the court upon that class of questions.

Of course the defendant must be allowed to take advantage The defendant must not be disarmed to any extent whatever in defending himself against the charge of violation I hope that those instances, while there are other of the law. instances, may be sufficient to direct the mind of the Senator to the purpose that I have in limiting this in express terms to questions of law. It is a question of law as to whether or not a person other than a citizen may summon a grand jury. But is a question of fact as to whether or not the person who did summon the grand jury was a citizen. The question of the citizenship of the members of the grand jury is also a question Questions of law are necessarily involved in the determination of questions of fact. So I desire to eliminate all such considerations and let the United States have the right of appeal only when the motion to quash, for instance, is based upon the fact that the indictment upon its face is not in conformity with the law under which the indictment is framed. That question may be raised sometimes either by motion to quash or by demurrer. There are circumstances under which either of those proceedings may be selected, but it does not follow that in all cases both of them would be applicable.

Mr. President, if this measure is to be enacted into a statute in such manner as to widen or broaden the present rights of the Government in the prosecution of those charged with offenses so as to take away a single existing right of the defendant, then it should be defeated. If we can not so legislate as to the Government the right on its own motion to test the validity of statutes under which it seeks to punish offenders against the law without infringing the rights of the defendant, then the Government had better rest as it has rested for a hun-

dred years.

This is one of the gravest questions that have come before the Congress of the United States at any time. The presumptions are all against it, because it has been for a hundred years thought quite sufficient for the preservation of the rights of the people and the rights of the individual that the law should remain as it is, and only legislation that will eliminate the conjectural question of jeopardy is safe legislation on this subject. Any legislation that leaves that question to be determined or to rest upon the uncertain and varying decisions of the courts is dangerous. Only by carefully guarded language in this bill against the possibility of the question of jeopardy entering into the interpretation and the application of it can we make this safe legislation, and not otherwise, because that question is involved in too much uncertainty. That is a mixed question of law and fact, too, sometimes. It is determined upon strictly legal grounds, but it involves a consideration of conditions and circumstances that ought not to enter into the construction of a law of this kind, which is a radical change and about-face proposition in the jurisprudence of this country.

No more important question arises than that of the rights of individual against the whole people, and when a person is arraigned to answer a criminal charge in the courts, then it is all the people against one, and no safeguard should be removed from that one. There is an element of danger in this bill to that one person who is on trial. We have no right to overlook any possible safeguard that that person now has.

Rather had we better add to than take away from.

The instances under which this question arises in the courts are not numerous. It has arisen only in a few instances where the Government has been dissatisfied by the determination of courts of law of the rights of the individual under the law. and the instances in which these questions have arisen and have been impressed upon the attention of the people are semi-The questions have arisen out of the political law rather than out of the criminal law, the violation of political statutes rather than statutes affecting the safety of property and the safety of homes and individuals. The interstate-commerce law, a penal statute, is a political statute. The employers' liability law, a penal statute, is a political one. I mean in its nature. The Government can afford to lose sometimes when it may perhaps think it should win, rather than to take the chances of depriving of his rights a defendant who, under these acts, is generally the agent of some other person, acting under instructions, under fixed rules, rules prescribing his conduct and defining his duties, which he obeys or observes at the risk of his employment.

Mr. President, with those amendments or others that accomplish the same purpose I could give my vote and support to the Without them I shall be compelled to vote against it.

Mr. NELSON. Mr. President, I do not intend to take up much of the time of the Senate in the discussion of the bill. Its merits have been ably presented both by the Senator from Pennsylvania [Mr. KNox] and the Senator from Colorado [Mr. PATTERSON]. I think the Senator from Maryland [Mr. RAYNER]

was subject to some confusion of ideas as to the question of jeopardy. I think if we examine the decisions of our courts on that subject they lay down a rule that is certainly decisive

The Constitution provides that no man shall be put in jeopardy a second time for the same offense. If a man has been in jeopardy he can not be reindicted. If on first indictment the indictment is quashed, or the indictment is held bad on a demurrer or a motion in arrest of judgment, in all those cases, according to all the authorities, he can be reindicted. His case can be sent to another grand jury and he can be indicted again and tried. He could not thus be reindicted and retried if on the first trial he had been in jeopardy. I read from Wharton's Criminal Pleading and Practice, and it states the law correctly, for I have examined the authorities:

A conviction under a defective indictment is no bar, unless the conviction has been followed by judgment and execution of the sentence. Hence, after judgment has been arrested or reversed on a defective indictment, or after an indictment has been quashed, or a judgment for the defendant has been entered on demurrer, a new indictment may be found correcting the defects in the prior indictment, and to the second indictment the proceedings under the first are no bar.

Numerous authorities are cited in this connection, and if this is good law, and I think no one can question it, in none of these cases has the defendant been put in jeopardy under the constitutional provision, because if he had been in jeopardy under the first indictment he could not be reindicted and tried on the second indictment.

To the same effect is a text-book on the Law of Crimes and Criminal Procedure, by Mr. Hochheimer, of the Baltimore bar. He lays down the same doctrine-

That after indictment is quashed a new one may be preferred, and refusal to quash does not preclude demurrer or motion in arrest

Judgment for the defendant upon demurrer is that he be dismissed and discharged from the premises, leaving him liable to be reindicted. In section 338 the author cites several cases and says:

If judgment is arrested for insufficiency of the indictment, the proceedings are set aside, but the party may be reindicted; if it is arrested because the verdict is wrong, the verdict is set aside and a new trial ordered on the indictment.

The arrest of judgment in this case, on which an appeal lies, is not a general motion covering all the grounds on which a judgment may be arrested. It is simply for arrest of judgment because of the insufficiency of the indictment—that is, the failure of the indictment to charge a criminal offense.

I was a little surprised the other day to see the junior Senator from Maryland [Mr. Whyte] offer the amendments to the bill striking out the provisions in it relating to an appeal from a decision or judgment quashing an indictment, and from a decision or judgment sustaining a demurrer to an indictment, and from a decision arresting a judgment or conviction for insufficiency of indictment.

I find on looking in the decisions of the State of Maryland those cases in which demurrers have been allowed. I take the case of the State of Maryland v. William Sutton, found in Gill's Reports, volume 4, on page 494. I have already referred to it. There the defendant was indicted on an indictment containing two counts-one count charging him with rape, the other count The jury found charging him with an assault to commit rape. him guilty on the second count, and a motion was made in arrest of judgment and the motion sustained. The State of Maryland—not the defendant, but the State of Maryland—took a writ of error to the supreme court, and the supreme court of Maryland held that the motion in arrest of judgment should not have been granted, and directed the case to be sent back to the lower court for further proceedings; in other words, it directed the case to be sent back for a new trial or a new indictment, as the case might be.

I find another Maryland case which was a criminal case. It is the State of Maryland v. Patrick McNally, found in 55 Maryland Reports, on page 559. In this case the defendant was indicted in the court below for stealing some wheat. A motion to quash the indictment was granted and the State took a writ of error. After reciting the case, stating the indictment and stating what proceedings were had upon it and that a motion was made to quash it, the decision adds.

And thereupon the attorney for the State, desiring to have the record removed to this court as upon writ of error, filed a petition in the name of the State, designating the questions of law by the decision of which the State was aggrieved, namely, the quashing of the indictment.

The court, after discussing the case, finally concluded as fol-

Being of opinion that this is the correct doctrine-

That is, as to the validity of the indictment-

and it appearing that the ruling of the circuit court in this case was clearly erroneous, its order and judgment quashing the indictment will

be reversed and the cause will be remanded, to the end that the defendants may be required to plead to the indictment and the trial be proceeded with according to law.

I find another case in 48 Maryland, the case of Kearney v. The State of Maryland, 48 Maryland, page 16. There a demurrer was sustained to an indictment because it did not charge a criminal offense. The court in deciding that case concluded as follows:

The demurrer must therefore be sustained and the judgment reversed. But this reversal does not relieve the party from further liability. Not having been tried on a valid indictment, he has not been put in jeopardy, and may, on being discharged from his present imprisonment, be rearrested, reindicted, and tried again.

All these decisions and authorities that I have quoted go to show that the proper criterion in all these cases as to whether the defendant has been put in jeopardy or not is whether, if in any form before there has been a trial and a verdict the indictment is held defective and bad because it does not charge a criminal offense, the defendant can be reindicted, rearrested, and tried over again.

That could not be done under the Federal Constitution nor under the constitutions of the various States, which are alike on that subject, if the defendant had been in jeopardy. It is because the courts held that he was not in jeopardy on the first indictment that he could be rearrested and reindicted and tried over again. So we need not have any difficulty about the question whether a man has been put in jeopardy, because this amendment of the Senate committee to the House bill limits it exactly to all those cases, except in one instance, where the defendant can be reindicted, rearrested, and retried for the same offense.

As to the fourth ground contained in the bill, there we have provided, and expressly provided, that where the defendant has been in jeopardy he can not be tried over again.

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

So in that matter, out of extreme caution and to put it exactly in harmony and in line with the provisions of the three preceding paragraphs, we have expressly provided that where the defendant has been put in jeopardy he can not be reindicted.

The Supreme Court of the United States has covered this ground pretty well in two or three important cases. Take the case of The United States v. Ball, a case where three defendants were indicted for murder committed in the Indian Terri-They were indicted and tried in the district of Texas, to which the Indian Territory was attached for judicial purposes. On the first trial one of the defendants was acquitted, and two of them were found guilty. The defendants who were found guilty moved an arrest of judgment on the ground, among others, that the indictment was too insufficient; that it did not properly charge a criminal offense. The case was taken up to the Supreme Court of the United States, and in 141 United States the court ordered the indictment, in its final decision, to be quashed and directed that the case be proceeded with further in the court below. The three defendants were afterwards They were again tried, all three of them, as well reindicted. the man who had been acquitted on the first and bad indictment as the two who had been found guilty.

When that case came to the Supreme Court of the United

States, the Supreme Court held that the first indictment was bad and did not properly charge a criminal offense, and yet the one defendant who had been acquitted on that indictment could not be tried over again, he having been in jeopardy; but as to the other two defendants, they having moved an arrest of judgment and got the trial and proceedings reversed on their own motion, they were liable to be reindicted and retried, and they were properly convicted.

The same thing was held in one of the most recent cases that came to this court from the Philippine Islands, the case of Trono v. The United States. In that case the man had been convicted in the lower court. He took an appeal to the higher court. He was indicted for murder. He was convicted of an inferior offense, and he appealed to the supreme court of those islands, and the supreme court affirmed the conviction-that is, they found the defendant guilty, as he had been found in the court below, but they found him guilty of a higher offense. The court held there that, having taken an appeal to the supreme court of the Philippine Islands, it did not lie in his mouth to object to the proceedings, and under the procedure prevailing in the Philippine Islands where a case of that kind is appealed to a higher court upon the motion of the defendant the whole case is retried by the higher court.

In another case from the Philippine Islands where the government undertook to take an appeal-I refer to the Kepner case—the government undertook to take an appeal, and the supreme court held that in that case the government had no right of appeal.

All the cases provided for in this bill—and they are strictly covered, and nothing more is covered—relate to cases where under the decisions of our courts the defendant has not been put in jeopardy. I conceive that in all those cases it is proper that the Government should have the right of appeal to the Supreme Court of the United States to settle the important questions in-

To me it seems strange that a nisi prius judge in a distant part of the country shall take it upon himself to pronounce an enactment of Congress unconstitutional and void. There is no other country on the face of the earth that I know of where the courts of the country can veto legislation. In this country there is a double veto on our legislation. First, the President can veto a bill that we pass, and then after we have passed a law the courts can veto it. We can overcome the veto of the President, but under our system and our jurisprudence we can not overcome the veto of the courts.

Where it relates to an important subject that is of national concern, in which the welfare of all the people of the United States is involved, before an act of Congress should be pronounced unconstitutional we should have the opinion of the highest court of the land—the Supreme Court. In my opinion no other court ought to have the ultimate power to place a veto upon an act of Congress.

I have heard it said by the Senator from Maryland [Mr. RAYNER] and reiterated by the Senator from Idaho [Mr. Hey-BURN] that this is a great innovation, that we have got along for one hundred years without any change in our criminal law. That is true; and we have got along a great many years without any changes or innovation in respect to many other important subjects. It is not until recent years that we found the necessity of passing the Sherman antitrust law. It was not until recent years that we found the necessity of passing a law to regulate interstate commerce and the transportation of interstate commerce. It is not until recent times that we found the necessity of passing a national pure-food law, providing for the inspection of the foods of the people. It is not until recently that we found the necessity of passing a national quarantine law. To all these laws the same objection might have been urged as has been urged by these Senators: "Oh, we have got along; we have sledded along all these years without this legislation; why should we have these innovations? Why not rest on the common law, which is big enough and broad enough for anything?

Mr. President, the question in its broadest sense appeals to me in this shape: We as the representatives of the people of the United States have found it necessary to enact this most important legislation to which I have called your attention, and the question now before us is whether we will allow a nisi prius judge of an inferior court to render ineffective our efforts in this behalf to protect the American people against trusts and monopolies and other dangerous things; whether we will allow ourselves to be handicapped and crippled by the decision of an inferior nisi prius judge.

To my mind the decision of Judge Humphrey in Chicago regarding the meat inspection law cuts no figure at all. I desire to call the attention of Senators to the fact that under the amendment that the Judiciary Committee have tendered to the Senate an appeal could not have been taken in that case. that case a jury was impaneled, and the question whether the defendants were entitled to immunity under the immunity law because they had furnished Mr. Garfield and the officials of his Bureau information was submitted to the jury, and the jury under instructions of the court found for the defendants. In that case the defendants under the Constitution had been in jeopardy and in that beef-trust case no appeal could lie.

A case may occur where a special plea in bar is interposed and the Government does not deny the fact pleaded in the special plea in bar, admits the truth of it, but says in its answer or demurrer to the plea in bar that it constitutes no bar. In that case, where a plea in bar is decided without the intervention of a jury, there has been no jeopardy; and if the decision on the plea in bar is against the defendant or in favor of the defendant, where the defendant has not been in jeopardy, he should have the right of appeal. We expressly provide in the fourth paragraph that in the case of a special plea in bar where the defendant has been put in jeopardy no appeal lies.

The Senator from Maryland referred to the matter of a bill of exceptions. A bill of exceptions is simply to preserve the record of the proceedings in the lower court. It is simply an official record of the proceedings taken in the court below, and they go up with the pleadings, with the indictment and the de-murrer to it, and the decision of the court. It shows what the court did in the premises. It simply puts it in a legal and

technical form before the court. That is all there is in a bill of exceptions. I take it that in a case of a demurrer, where there is a broad demurrer and simply a decision of the court

upon that demurrer, no bill of exceptions is necessary.

But this provides that in any of these cases where a bill of exceptions is necessary in order to bring an authenticated record before the court as to the proceedings that took place in the court below, the Government can have a bill of exceptions. It is necessary to include that in the bill, because under the authorities and decisions of the United States court the United States is not entitled to a bill of exceptions in criminal cases. Therefore that provision was put into this bill. It can do nobody any harm. It is simply to perfect the record, so that when the writ of error is brought for consideration in the appellate court it can have the whole record before it in an authenticated form.

I may be all wrong about it, but it seems to me that all Senators who have at heart the enforcement of the great body of remedial legislation that we have passed in recent years ought to be actuated by the desire to make that legislation effective and not to permit some inferior nisi prius court to put a veto

on our efforts to protect the American people.

I have no pride about this matter. When this bill came over from the House it seemed to me that the provision of the bill was too bread, and that there was no meaning in taking an appeal where the verdict of the jury could not be set aside, where you could not disturb it. So when the bill was referred to a subcommittee I took pains to look up all the authorities on this question that I could find, and I aimed to put the bill in such a form that it would cover exactly those cases in which the defendant had not been put in jeopardy under the Constitution of the United States. I believe that the bill is limited strictly to that matter. As to the rest, while I have no doubt about the constitutional authority of every provision of the bill, it is simply a question of policy, a question whether we will allow inferior courts in many instances to render this great body of remedial legislation that we have been compelled to pass in recent years to be noneffective and allow these inferior courts to veto a legislative act.

Mr. WHYTE. Mr. President, it seems to be almost a travesty for anyone to discuss so important and serious a question as this to empty benches. Nevertheless, as I stated the other day, when the bill was about passing without opposition, it is too important a matter to pass without consideration; that it is a startling innovation upon the Federal practice in criminal cases for the last hundred years.

I was not in error when I looked upon it in that light, for those Senators who are familiar by practice in the Federal courts with the views of the highest of those tribunals will know that not long since the question came up in the Supreme Court, and it was argued that under the Evarts Act, the act creating the circuit court of appeals between the lower courts and the Supreme Court of the United States, the court of appeals decided against it, and it was an innovation so serious that the language of the legislature should be so expressed that

he who runs may read and understand.

In the case of the United States v. Sanges, in 144 United States Reports, 310, the Supreme Court, remarking upon that clause in the law giving a right of a writ of error in the case of conviction of a capital crime, said that the Supreme Court can not review by writ of error a judgment of acquital, except, possibly, when a constitutional, jurisdictional, or treaty question is involved. Under the statute they have a right under the writ of error to consider such a case; but except in these extreme cases, where a high question of constitutional law or that which goes to the jurisdiction of the court or in regard to a treaty, the Supreme Court of the United States could not review a case where there had been a judgment of acquittal.

Again, in answer to this attempt on the part of the counsel to get the court to interfere under that act of 1891, the Supreme Court said:

It is impossible to presume the intention on the part of Congress to make so serious and far-reaching an innovation in the criminal jurisprudence of the United States.

That can be found on page 323 of 144 United States Reports. Under that law of 1891 it can be seen that by section 5 appeals or writs of error may be taken from the district court, or from the existing circuit court of the United States, direct to the Supreme Court in the following cases:

In any case in which the jurisdiction of the court is in issue. In such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision.

From the final sentences and decrees in prize causes.

In cases of conviction of a capital or otherwise infamous crime.

In any case that involves the construction or application of the Constitution of the United States, etc.

When the case of De Lemos v. The United States came up before the circuit court of appeals—and it is reported in 46 Circuit Court of Appeals Cases, 196—the court there laid down the distinction which seems to me to be lost sight of in the bill now under consideration. The court there said:

The writ of error and the appeal are the two principal methods known to English jurisprudence and to the jurisprudence of the Federal courts by which cases may be removed from an inferior court to an appellate court for review.

In the bill now under consideration, which it is proposed to enact into law, the terms "writ of error" and "appeal" seem to be used as though they were synonymous instead of being entirely different. Bills of exception are spoken of as if they did not have reference to appeals when they are made applicable, under the bill, to writs of error, and consequently in the confusion which is to be found in this proposed law is the great danger I apprehend in ever having it administered by a court of valid jurisdiction.

The appeal, says the court, brings up the whole case on its merits on the ruling of the court in regard to the admission of testimony or the rejection of testimony, and the various other questions that may arise during the pendency of the trial. That is the appeal, that is the bill of exceptions by which the appeal is taken—entirely different from any proceeding by writ by which a jurisdictional question or a constitutional question can be decided. It was for that reason that I suggested the other day that in these cases the writ of error was to be issued and its service was to be applied solely to jurisdictional or constitutional questions; but you will see, Mr. President, upon examining this bill, that you can not tell where the limitation comes in with regard to the right of the United States to persecute, instead of prosecute, the party charged with crime. In the first part of the bill you will see that it speaks of the writ of error which is to be issued:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases.

But farther on it provides:

In all these instances

For instance, after a motion in arrest of judgment on conviction for insufficiency of indictment-

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

What do they want with a bill of exceptions when they have a writ of error carrying the jurisdictional or constitutional question from the lower to the higher court? If I had not too great respect for the Judiciary Committee, I would say it was a legal trap. Then what does the appeal do? Says the United States circuit court of appeals:

The appeal brings up the whole case for reexamination on the merits to both law and facts, and for decision as if no decree had been ever entered.

But this bill says "As in civil cases." The court further

A writ of error was the only appropriate remedy at common law by which a case could be brought up for review by a superior court having jurisdiction.

In the case of Cohens v. Virginia (6 Wheat., 409) the writ of error is described and shown to be confined entirely to rulings on points of law, and the distinction is fundamental, and yet under this bill a bill of exceptions and an appeal are made precisely similar to a writ of error, in conflict with the under-standing of all the practice in the Federal court from the time that court was established under the Constitution of the United States.

I do not want to take up too much time of the Senate by going into details, but I will say, in passing, that it was for that reason I proposed the other day to limit the writ of error in its operation to matters of law coming up before the jury impaneled to try the party. Then you have got no question of jeopardy. There is no difficulty in raising a jurisdictional or a constitutional question by a demurrer to the indictment, and I suggested the form and substance of a simple amendment to the latter part of this bill, where the objections to be taken are described, and they are limited to four, and compel the man under trial to make his constitutional objection on a demurrer at the time he is called to the bar to plead. He is in jeopardy after he has pleaded, after issue has been joined on the part of the Government, after the jury is sworn, and all the preliminaries are completed for trial. It is not that he is put in jeopardy by conviction or by acquittal under peculiar circumstances in the case of certain penalties. He is put in jeopardy

when he is required to be put to a second trial. That is the time when he is in jeopardy, and the Supreme Court has said so. The Constitution—which is nothing in reality in the part to

which I have referred but the embodiment of the common lawthe Constitution in that humanity which, thank God, exists among us all, that humanity to protect the unfortunate when they are accused of crime by the presumption of innocence, which begins from the very moment the charge is made against him at law until the last moment when the trial is brought to an end—that same humanity provided that he should not be put to trial a second time, and thus his life or limb be put in jeopardy. Our fathers, when they inserted this amendment in the Constitution, embodied only that principle which we have inherited from those upon the other side of the great ocean. These are the words:

No fact tried by jury shall be otherwise examined in any court of the United States than according to the rules of the common law.

Then follows the protection which is given to the individual, that he shall not be put in jeopardy of life or limb. Then the act of 1897, following the act creating the circuit court of appeals, came up for judgment in the case of Bucklin v. The United States (159 U. S., 680), in which the court said this:

The final judgment of a court of the United States of the conviction of a capital offense or other infamous crime is not reviewable here except on writ of error. Our review of the judgment when brought here in that form is confined to questions of law properly by a bill of exceptions as arising upon the record.

Not a bill of exceptions, as in criminal cases, but a bill of exceptions as arising on the record, and then only the question which is shown to have occurred in the trial upon the face of the record, and not upon the facts.

Again, in the same case, the court said:

Under the act as amended (January 20, 1897) it is not denied that capital cases can only be reviewed by the Supreme Court on writ of error. It is conceded and is clear that other criminal cases, not infamous, can be reviewed only by writ of error in the circuit court of appeals.

Here is a bill opening the door wide to try a man over again through a bill of exceptions arising upon the merits and the facts of the case.

A proper construction of the act does not allow an oppeal to this court

There is the distinction the circuit court of appeals makes between a writ of error taking up a purely legal question and an appeal which opens wide the door to an examination of the case entirely, as it would be tried in the upper court de novo-

A proper construction of the act does not allow an appeal to this court from a judgment of a circuit court convicting a defendant of an infamous crime.

Now, on the question of jeopardy I shall detain the Senate but a few moments. The language of the fifth amendment of the Constitution relating to jeopardy is:

Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.

In Commonwealth v. Fitzpatrick, which I find in 1 Law Reports Annotated, 451, the jury had been dismissed in disregard of the protest of the defendants, and when they were again put on trial the court said they had the right under the Constitution to say: "We have been once put in jeopardy for the crime, and we can not be compelled to undergo the same peril a second time for the same offense." This was the effect of their special plea, and it was unanswerable.

The case I cited-and I am sorry that my friend the Senator from Pennsylvania [Mr. Knox] is not hereis from 15 Pennsylvania, page 466, Pieffer v. Commonwealth.

Again, withdrawing a criminal prosecution from a jury which had been charged with the trial of a prisoner, and dismissing the jury merely because a witness was absent, operates as an acquittal, and the prisoner can not again be placed on trial, under the constitutional provision that no person shall be for the same offense subject to be twice put in jeopardy of his life or liberty. That was decided by the South Carolina supreme court in the case of South Carolina v. Richardson (47 S. C. Rept.,

It is only the common-law maxim embodied in the Constitution, as I stated, founded in the humanity of the law and in a jealous watchfulness over the rights of the citizens when brought in unequal contest with the State.

That I quote from the opinion in the case of State v. Jones (7 Geo., 422), cited by my colleague from Maryland [Mr. Ray-NER] this morning. The same principle is found in the case of United States v. Sanges (144 U. S.).

Again:

At common law the protection from second jeopardy for the same offense clearly included immunity from second prosecution when the court having jurisdiction had acquitted the defendant of the offense; and it is the settled law of this court—

Says the Supreme Court of the United States, from which I

and it is the settled law of this court that former jeopardy includes one who has been acquitted by a verdict duly rendered, although no judgment be entered on the verdict, and it was found upon a de-fective indictment.

That is the case of Kepner v. United States (195 U. S.)

The Senator from Minnesota [Mr. Nelson] has cited my My own State has had the right of writ of error on jurisdictional questions ever since it was a State. not stand upon the statutes. But it had no greater right. It never had any right of appeal until the act of 1872. In the case referred to by the Senator from Minnesota and in the other cases afterwards referred to by him the right to claim by special plea in bar former jeopardy was waived by the defendants where they were convicted and where they themselves appealed. And so it is the same law in Maryland.

I am not, as the Senator from Wisconsin [Mr. Spooner] will remember, interposing any objection to an appeal and to a writ of error issued in a case where prior to the impaneling of the jury, on a demurrer raising jurisdictional or constitutional questions, the United States shall have the right of appeal, but it is against the bill which is about to be enacted that I enter a

protest.

I do so not as a child at the bar. I practiced in my first career as a lawyer as the assistant of the attorney-general of my State in prosecuting in Maryland; afterwards, on the other side of the table, defending persons charged with crime, and subsequently as attorney-general of my State. I was the governor who signed the Maryland law in 1872 in regard to giving the State the right of appeal in certain cases. So that I say to the Senator from Minnesota that every case he cited tends to prove our theory that the moment a man has pleaded to the indictment and not demurred; the moment he has raised an issue with the State and the State accepts the issue and the jury is impaneled he is in jeopardy from that time until the verdict of acquittal by the jury is rendered.

Mr. President, while I am most earnestly opposed to the bill, I am ready to yield that far. It would have made the case that happened out in the West-the case decided by Judge Humphrey—impossible. An appeal would have been taken at that time originally, and the question of immunity could not have been raised afterwards if the clause that is in this bill had been in the law then, that objections of a constitutional or jurisdictional character must be made before the jury is sworn. There would have been no trouble, for the defendants would have been compelled to have raised the question upon demurrer.

Mr. President, I felt it my duty to make my protest to add to what my vote will indicate when this bill comes up for final

action.

Mr. SPOONER. Mr. President, only a few words on this bill. It is absolutely unnecessary, after the remarks which have been submitted in favor of it by the Senator from Minnesota [Mr. Nelson], the Senator from Pennsylvania [Mr. Knox], the Senator from Colorado [Mr. Patterson], and other Senators who

favor it, to go in any detail into the discussion of it.

I have listened with great interest to the argument of the Senator from Maryland [Mr. Whyte] who has just taken his seat. It was the argument of a lawyer of great ability and very large and long experience. He is not opposed to the presentation by writ of error by the Government to the Supreme Court in criminal cases within defined limits of questions of law. He is much more discriminating, I think, in his opposi-tion to this bill than my distinguished friend, his colleague [Mr. RAYNER], impressed me as being.

Mr. President, I have never been much alarmed or had any sympathy whatever with the criticism which is made of our judicial system so far as it involves the decision by nisi prius judges of constitutional questions. Some of the ablest judges who have ever sat upon the Supreme Bench won their reputation as jurists in the district and circuit courts of the United One or two of those now upon the Supreme Bench achieved great fame sitting at the circuit as circuit judges. I have known, and so has every Senator here known, some very able lawyers upon the district bench of the United States. They take the same oath of office that the Supreme Court judges do and that the judges of the circuit courts do, and if a district judge of the United States in a case properly before him involving a constitutional question has a conviction that the law before him is unconstitutional, he would be a coward and

unfit to sit upon the bench if he did not so declare.

Mr. President, I did not discover, if I may be permitted to say so, weight in the opposition made by the Senator from Maryland [Mr. RAYNER] who first spoke to this bill, upon the ground of the conflicting decisions of the various courts in the United

States as to jeopardy and what constitutes it. The courts in the various States have differed about it, but the decisions of the Supreme Court of the United States as to what constitutes "jeopardy" within the meaning of the Constitution will be binding upon every district and circuit judge in the United States, without any regard whatever to differences of the State courts upon the subject of the legal meaning of the word

jeopardy."

The Senator from Maryland spoke of the pending bill as a step toward centralization and the enlargement of Federal power. I am too obtuse, Mr. President, to be able to discover anything whatever in the proposition before the Senate involving enlargement of Federal power, using the phrase in its proper sense, or tending to centralization in the Government. ply deals with the practice in the courts of the United States. It is not intended to affect the substantial right of any defendant who has been indicted in any of the courts of the United States. It does not enlarge Federal power. It really regulates the practice and the procedure. No defendant has any vested right, nor has any citizen, in mere matters of procedure, nor has any defendant a right per se to object to an appeal by the Government in certain cases. To my apprehension there is no constitutional question involved in this measure. It is not possible for the Congress, by any valid act, to subject a person for the same offense to be twice in jeopardy of life or limb. That is impossible.

It is in the Constitution. It is fundamental. No person in the United States I suppose would for a moment, if he could, depart from it, so elemental is its justice, and the Congress can not, if it would; and if the court should feel obliged to construe anything in this bill as violating that provision of the Constitution, which I think it could not possibly do, it would be clearly a void act, and the court would give it a construction which would render it valid, not one which would render it void. Jeopardy is not involved in it at all, as the Committee on the Judiciary thought and as I think has been very clearly shown here to-day by the Senator from Pennsylvania [Mr. Knox] and others, by

argument which I do not intend to repeat.

It is an "innovation." Everything that changes an existing system or practice is an innovation. The circuit court of appeals legislation was an innovation. The prosecution by information for a large class of offenses in the Federal courts was an innovation. It does not follow, as it seems to be thought by some Senators here, that because for a hundred years there has been no change in the matters covered by this bill there is no There have been changes in nearly all of the need for it. States in regard to the criminal practice. The people of a large number of States became satisfied, some of them a long time ago, others at later dates, that the old system which denied the State the right of appeal in criminal cases, within certain limits, was absolutely unjust to the people. The old law, it has been thought, gave too many technical advantages and grounds for indefinite delay to the defendant in criminal cases.

In many of the States the criminal laws have been changed so as to simplify them, not depriving the defendant of any substantial right at all, but facilitating and hastening the disposition of criminal causes. In my State they have provided for trial by information. They have made informations amendable. In many States, and notably in some of the Southern States, as shown by the report made with great industry by the Senator from Minnesota [Mr. Nelson], public opinion demanded a change in the ancient rules so that there may be an appeal in certain cases and upon certain questions, and it is interesting to note that in nearly all those cases appeals have been given as they are proposed to be given in this bill.

It is not the function of the Government to confine its interest solely to the defendant in criminal cases. The rights of the defendant must be religiously safeguarded. Of course that goes without saying. But, subject to that, the legislature has a right—and not only a right, but it is its duty—to look to the interests of the great body of the people. That is what has been done in the States. That is what within narrow limits is proposed to be done by this bill, and would be done, I think, if the word "appeal" and these lines about a bill of exceptions were

stricken out.

Take Alabama. In Alabama they provide that-

In all criminal cases where the act of the legislature under which the indictment or information is preferred is held to be unconstitutional the solicitor may take an appeal in behalf of the State to the supreme court, which appeal shall be certified as other appeals in criminal cases.

In Arkansas they have a provision very carefully guarded:

If the attorney-general on inspecting the record is satisfied that error has been committed to the prejudice of the State, and upon which it is important to the correct and uniform administration of the criminal law that the supreme court shall decide, he may, by lodging the transcript in the clerk's office of the supreme court within sixty days after

the decision, take the appeal; but a judgment in favor of the defendant which operates as a bar to a future prosecution of the offense shall not be reversed by the supreme court.

Of course not, but that language which operates as a bar to a future prosecution of the offense is significant language. do not know how it has been construed by the supreme court of Arkansas, if it has been construed at all, but it is well used.

If the Senator from Wisconsin will permit me, I understand it applies where the party has been in jeopardy en a valid indictment.

Mr. SPOONER. Certainly. Mr. BERRY. The Supreme Court says that jeopardy attaches when the jury is sworn.
Mr. SPOONER. Yes.
Mr. BERRY. I think that is it.

Mr. SPOONER. That is right, I will not read all of this report. When Senators talk about public opinion and about everything being well enough as it has been for a hundred years, simply call attention to the fact that the people of many of the States have found it a necessary reform in criminal procedure to incorporate in their statutes provisions almost identical with those that are proposed here as to the United States in certain cases.

CALIFORNIA.

An appeal may be taken by the people: (1) From an order setting aside the indictment or information; (2) from a judgment for the defendant on a demurrer to the indictment, accusation, or information; (3) from an order granting a new trial; (4) from an order arresting judgment, and (5) from an order made after judgment, affecting the substantial rights of the people.

The statute of the State of California goes much further than is proposed by this bill, and further than I, for one, should be satisfied to go.

Connecticut has broad provisions on the same subject. has a provision very much like the provision in this bill:

An appeal may be taken by the State: (1) From a judgment for the defendant on a demurrer to the indictment or information; (2) from an order granting a new trial; (3) from an order arresting judgment, and (4) from any order made after judgment affecting the substantial rights of the prosecution.

The Indiana provision is very much like this bill.

Appeals to the supreme court may be taken by the State in the following chees, and no other: (1) Upon a judgment for the defendant on quashing or setting aside an indictment or information; (2) upon an order of the court arresting the judgment; (3) upon a question reserved by the State.

That is their reform of the criminal procedure in respect to the matters which we are here considering. In Iowa-

Either the defendant or the State may take an appeal. But in appeals by the State the supreme court can not reverse the judgment or modify it so as to increase the punishment.

A limitation which would be entirely unsatisfactory in its scope to me.

Kansas has the same as Idaho. Kentucky has a provision for appeal by the State in criminal cases. Mississippi has one which is very well drawn and quite as broad as that proposed here. Missouri has one-

An appeal is allowed to the State in any criminal prosecution when a indictment has been held insufficient on motion to quash, demurrer, or motion in arrest.

And so Montana has one like the one proposed here, and Nebraska and Nevada. New York, a very progressive State—Mr. RAYNER. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly. Mr. RAYNER. If you will take the Nebraska or the Nevada law, I would be perfectly satisfied with it. Just look at the Nebraska and the Nevada laws. Both have the provision I have asked for in this amendment.

Mr. SPOONER. I will get to the provision the Senator asks for, which I do not think ought to be in the bill.

Yes, but I want to call the attention of the Mr. RAYNER. Senator, when he is citing Nebraska and Nevada as having laws of this sort, to the fact that Nebraska and Nevada have

qualified them with provisions substantially similar to the amendment I have offered.

Mr. SPOONER. With respect to future operation. That is true. They provide, in Nevada, that it shall not operate to

affect a judgment in favor of the defendant.

Mr. RAYNER. Look at Nebraska.

Mr. SPOONER. It is too long. I will not take time to read it. In New York the provision is:

An appeal to the supreme court may be taken by the people in the following cases and no other: (1) Upon a judgment for the defendant, on a demurrer to the indictment, and (2) upon an order of the court arresting the judgment.

The last is the only item in the bill which has given me any trouble. They have it in several of the States. I might take

the time further. They have it in North Dakota. North Carolina has a provision including arrest of judgment and everything else, as I now recall it, in this bill. Oregon has one which extends also to motions granted arresting the judgment. In Tennessee either party may appeal. South Carolina pro-

The State may appeal from a judgment granting a motion to quash an indictment.

In Utah an appeal may be taken by the State. In Wisconsin we do not allow appeals in criminal cases

Mr. President, that is a pretty fair indication as to what the people of many of the States have in the tide of time found to be necessary by way of reforming the criminal procedure. course it needs no argument to show that what is due to the great body of people, represented by the Government in these cases in the States is due to the great body of the people of the United States represented by the Government in its prosecutions.

The amendment proposed by the Senator from Maryland [Mr. RAYNER], as I understand it, is an absolute change in the law. It changes the rule as to jeopardy. The Senator said after a man had been once tried he did not want him tried again, jeopardy or no jeopardy. That is going very much further than the States have gone and very much further, so far as I remember, than anyone here has proposed to go.

The Supreme Court of the United States, in the case to which the Senator from Minnesota called attention, made a very interesting decision on the question of jeopardy. They overruled the esting decision on the question of jeopardy. English rule as laid down in the books which we who have practiced the criminal law have been accustomed to take as standard. The court in its unanimous opinion says:

In England an acquittal upon an indictment so defective that if it had been objected to at the trial or by motion in arrest of judgment or by writ of error it would not have supported any conviction or sentence has generally been considered as insufficient to support a plea of former acquittal. (2 Hale, P. C., 248, 394; 2 Hawk., P. C., c. 35, sec. 8; 1 Stark. Crim. Pl. (2d ed), 320; 1 Chit. Crim. Law, 458; Archb. Crim. Fl. & Ev. (19th ed.), 143; 1 Russell on Crimes (6th ed.), 48.) And the general tendency of opinion in this country has been to the same effect. (3 Greenl. Ev., sec. 35; 1 Bishop's Crim. Law, sec. 1021, and cases there cited.)

The court deals with that rule and is not satisfied that it was well sustained by the English authorities. I will not take the time to go into it. But they cite as the leading American case on the subject, which they adopt, the case of The People v. Barrett (1 Johns, N. Y.). They also cite with approval the case of The Commonwealth v. Purchase (2 Pick.), in which Chief Justice Parker delivered the opinion of the court. I will not take time to read it. They cite the Massachusetts statute—
Mr. RAYNER. I should like to ask the Senator from Wis-

consin a question.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly.
Mr. RAYNER. Why does he object to this amendment? If it is surplusage, it certainly is not objectionable. If the substance of the amendment is already in the bill, that is no objection to it. Why object to it when, with respect to the District of Columbia, Congress has passed a law identical, word for word, with the language of this amendment:

Provided, That if on such appeal it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

If it is good in the District of Columbia, why is it not good all over the United States? What is the objection to it?

Mr. SPOONER. Has it ever been passed upon by the Su-

Mr. RAYNER. I am satisfied the Senator from Wisconsin would not claim that this amendment is unconstitutional.

Mr. SPOONER. Which amendment?
Mr. RAYNER. The one I have offered and the one I have just read.

Mr. SPOONER. I think the one the Senator has just read, unless the Supreme Court has passed upon it, about which I do not know, would very likely be held by the Supreme Court to be calling upon them to exercise no judicial function. words, as presenting to the court and inviting decision by the court upon a purely moot question; and I am inclined to think that under the doctrine laid down by the Supreme Court in the case of Gordon, in which the opinion was by Taney, C. J., who died before it was announced, and which the court adopted (I do not remember the volume), and in the decision made by the court affirming Ex parte Sanborn afterwards, and numerous other cases, the Supreme Court of the United States would say that it is a purely moot question.

Mr. RAYNER. Will the Senator allow me?
Mr. SPOONER. Certainly.
Mr. RAYNER, Suppose they did say that? No one would

be hurt by it. Then they would determine whether or not the prisoner had been in jeopardy. This measure, I understand, was considered by some of the ablest lawyers in both the Senate and the House, and if the Senator from Wisconsin will permit me, it does not, as I am trying to show, undertake to define what jeopardy is.

Mr. SPOONER. No; and that is one—
Mr. RAYNER. Just a moment.
Mr. SPOONER. Let me have the amendment.
Mr. RAYNER. It does not undertake to define what jeopardy is or is not, because, as I tried to show, there are a number of cases that might not be legal jeopardy. The amendment does not involve the plea of autrefois convict or autrefois acquit.

Mr. SPOONER. No.
Mr. RAYNER. It simply says that if a man has been indicted once and tried, he shall not be tried again. It is entirely outside the question of jeopardy. If the Supreme Court pro nounces it unconstitutional, then it certainly does not hurt anybody; and if it is all right, it may be necessary; and if it is mere surplusage, it can not hurt anybody.

I have not heard from the Senator from Pennsylvania [Mr. KNOX] or the Senator from Wisconsin [Mr. Spooner] or the Senator from Minnesota [Mr. Nelson] in all this argument a single objection to the amendment that I have offered.

Mr. SPOONER. I have this objection to the amendment which the Senator has offered: If it means anything it means too much.

Mr. RAYNER. That is an objection— Mr. SPOONER. If it does not mean anything, it is not very dignified or wise legislation to incorporate in an important act

of Congress.

Mr. RAYNER. I will modify it in any way the Senator can

suggest to give it additional dignity.

Mr. SPOONER. I am not speaking of its apparel. I am speaking of the substance. It is the body that ought not to be projected here. It is not the clothing. There is nothing that can interfere with jeopardy-

Mr. NEWLANDS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. Certainly.
Mr. NEWLANDS. I will ask the Senator from Wisconsin whether the chief purpose of this proposed act is not so much to secure the conviction of a defendant as to secure uniformity of construction as to the validity of statutes of Congress. Assuming that the amendment proposed by the Senator from Maryland does present simply a moot question, I will ask him whether he can not suggest some method by which the decision of the Supreme Court can be obtained upon these questions without tying up the defendant and subjecting him to all the

law's delays resulting from tedious appeals?

Mr. SPOONER. I think there was great merit in the amendment offered by the Senator from Nevada [Mr. New-Lands], which was voted down by substituting for it the Peter

Mr. NEWLANDS. But that simply released the defendant on his own recognizance.

Mr. SPOONER. Yes. Mr. NEWLANDS. And pending the appeal he would be under constant anxiety with reference to the result of a case which might take months and possibly years to determine. It seems to me the humanity of the law requires that the de-fendant should not only not be put in jeopardy twice, but that he should have a speedy trial. He should not be kept hanging by the eyelids while these legal questions are being determined.

Mr. SPOONER. He can not be put in jeopardy twice. Such "anxiety" can not well be avoided in all cases. against public justice has no right to be protected against this

Mr. NEWLANDS. He can not be.
Mr. SPOONER. No.
Mr. NEWLANDS. I understand that; but I understand the purpose of the law also is to give, and that the humanity of the law demands that there shall be given, a speedy determination and out of that humanity thus far appeals have not been given in criminal cases as against the defendant. Nor did appeals exist at the common law, as I understand.

Now we propose to change all that, and the change necessarily keeps the defendant hanging by the eyelids for months and possibly years awaiting the determination of the court. It seems to me that if the purpose is simply to obtain uniform construction by the courts as to the constitutionality or validity of the acts we ought to find some means of doing it without tying up the defendant for an interminable time.

Mr. SPOONER. The method here proposed is the one adopted

in a good many of the States.

Mr. NEWLANDS. I am not informed as to that. The Senator from Maryland referred to a number of States where the decision on appeal did not affect the defendant, where a judgment or a verdict releasing the defendant was not set aside upon a decision by the appellate tribunal unfavorable to him upon points of law

Mr. RAYNER. There are twenty-three States which have declined to adopt it, and of those that have adopted it, half a dozen have put in the reservation, among them the State of the Senator from Nevada. So the large majority of the States either have not adopted this legislation, or they have put an amendment in it making it perfectly harmless, the way I have proposed to do here. I have not yet heard the slightest argument whatever on this floor against it-not a word.

Mr. SPOONER. I should like to have the Senator from Maryland point out to me what there is in this bill that can in-

volve double jeopardy.

Mr. RAYNER. I do not know whether or not the Senator heard me when I discussed this question for about an hour.

Mr. SPOONER. I heard the Senator, but—
Mr. RAYNER. I am sorry. I did my best to make myself

Mr. SPOONER. The Senator always does well.
Mr. RAYNER. I know. The Senator himself does well sometimes, too. I do not think he is doing quite as well on this matter as I have heard him do before.

Mr. SPOONER. I do not think the Senator ever thinks I do well when I disagree with him.

Mr. RAYNER. I think the Senator is doing as well as any-one else could. I think he is handling a bad case in the best possible way.

I admitted that there was no jeopardy in the cases I referred to. I have no right to define jeopardy. What right have we here to define jeopardy? We all have to agree upon the proposition that Congress can not define jeopardy. The Supreme Court must define it.

Mr. SPOONER. Yes.
Mr. RAYNER. I gave three instances, and there was no answer on the floor, although I asked for an answer, where a man was not in legal jeopardy but where he had been tried. A man may be tried without being put in legal jeopardy.

Mr. SPOONER. Yes.

Mr. RAYNER. And I wanted the amendment to cover those There is no use of my repeating the cases. One of them was where the court mere motu had decided the law to be unconstitutional. Second, where the court had held that the law under which the prisoner was being tried had been repealed. Third, on a demurrer or a motion ne recipiatur to a plea of limitations, unless you put this amendment in the defendant can be tried again.

Mr. SPOONER. He can not if he has been in jeopardy.
Mr. RAYNER. The Supreme Court will say he has not been in legal jeopardy. I do not want that man tried again whether he has been in legal jeopardy or not.

Mr. SPOONER. I am glad the Senator puts it that way. Mr. RAYNER. I put it that way before.

Mr. SPOONER. I was so unhappy as not to understand the Senator fully, although I think he did put it that way before. There are a vast number of cases in which if a man has been once tried and the court finds that he was not, for some reason, in legal jeopardy and that therefore under the Constitution of the United States he may be lawfully tried again, justice to the people, justice to decency, justice to the Government require that he shall be tried again.

Mr. RAYNER rose.

Mr. RAYNER. The Senator will permit me.
Mr. RAYNER. Oh, yes; I will not interrupt you.
Mr. SPOONER. Permit me. Take a case of piracy. Take
a case of treason. Take the infamous case of rape. Take some cases of murder, cowardly, merciless, brutal as the human mind can conceive of, and on appeal to the Supreme Court of the United States the case is reversed, under a decision by the court that the defendant has not been in legal jeopardy. Why should he not be tried again?

Mr. RAYNER. I will answer that question.

Mr. President, that would be a complete answer to every objection that has been made to this proposed law, if the Senator did not forget to state that this amendment requires that there shall be a verdict for the defendant. This amendment says that in every case where there has been a verdict and a judg-ment for the defendant he shall not be tried again.

Mr. SPOONER. Mr. President-

Mr. RAYNER. One moment. I do not say that wherever a defendant is tried he shall not be tried again, for every one of us knows that where there is a motion in arrest of judgment he is always tried again, either on the same indictment or on another indictment. But I say where the defendant is acquitted, where there is a verdict of not guilty, where there is judgment on it, that he shall go without day and be discharged, I do not care how great the crime, because the greatness of the crime never changes the principle, I say that man ought not to be tried again.

Mr. SPOONER. There is nothing in this bill that reaches a verdict of not guilty. There is nothing that touches that subject in any way on earth except one provision, and that is the motion made by the defendant himself where he has been

found guilty, of course, to arrest the judgment.

Mr. RAYNER. Let us see if the Senator is correct. Let us see if he is not mistaken about that. Will the Senator let me have that report? Let me ask the Senator, because we want enlightenment on this subject. I have no feeling about it— Mr. SPOONER. Nor I.

Mr. RAYNER. Not the slightest. It is a question of law. Mr. SPOONER. Nobody can have any feeling about it. Mr. RAYNER. I am perfectly willing to vote for a law that

will give the Supreme Court of the United States the right to decide these questions, if you do not apply it to pending cases. I am perfectly willing to vote for a bill to give the Supreme the right to determine the constitutionality or the unconstitutionality of a law and to decide any point whatever of I am perfectly willing to do that, when you save law or practice. a man who has been tried from being tried again.

Now suppose the case I gave you this morning. At the end of the case, after the testimony is in, the court quashes the indictment upon the ground of its unconstitutionality. The

court does it itself.

That does not apply. Mr. PATTERSON.

Mr. RAYNER. I beg your pardon. It does apply. I will show the Senator from Colorado that it applies to it, unless I misconceive the language of it. "From the decision or judgment quashing or setting aside an indictment." That does not say that the prisoner must file that motion. There is not a word in it about the defendant filing a motion. Can not the court render a decision or judgment or set aside the indictment of its own motion? It has done so over and over again in our State. I should like the Senator's opinion upon that point.

Mr. SPOONER. Is that jeopardy?

Mr. RAYNER. I say that is not jeopardy, and that the man ought never to be tried again. That is just the division between us. The man ought never to be tried after giving his testimony in that case.

Mr. SPOONER. As far as I am concerned I am not willing to lay down any rule of that kind in this country—

Mr. RAYNER. Then that is all right.
Mr. SPOONER. That no matter what the offense may be, no matter how vitally the public interest is involved in the administration of justice, in such a case where the Supreme Court finds that there has been no jeopardy we shall declare by law

that the defendant shall not be again tried.

Mr. RAYNER. If the Senator from Wisconsin will permit another interruption, does he think the judgment should be reversed after the man has been arraigned, after he has plead to the indictment, after he has employed counsel and the testimony for the prosecution has gone in and his own testimony has gone in, so that the prosecution knows exactly what his case is? He is perfectly willing to go before the jury and take the chances of conviction or acquittal. It is not his fault. court steps in and holds the law unconstitutional. The Senator thinks that a man ought to be tried over and over again, if the Supreme Court should reverse the judgment of the court below?

Mr. SPOONER. Yes; he may be tried over again.

Mr. RAYNER. Of course. Does the Senator think he ought to be tried over?

Mr. SPOONER. Yes; in many cases.

Mr. RAYNER. I say never, never. Not as long as there is any spirit of liberty in the land will I ever vote for anything The prosecution knows every word of that man's

Mr. SPOONER. I see no good reason and the framers of the Constitution saw no good reason for it; there was not incor-porated in the Constitution such a provision as the Senator contends for. What was placed in the Constitution was that of life or limb. That is the constitutional rule. That is the rule under which we have administered the Government ever

since it was ordained. The Senator from Maryland is not content with that rule, but he insists that independent of it, in all cases where a man has been tried even on his own motion and judgment or verdict of guilty has been arrested-

Mr. RAYNER. No; not arrested. Mr. SPOONER. Yes; arrested. Mr. RAYNER. Not arrested.

Mr. SPOONER. All this bill does

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further to the Senator from Maryland?

Mr. SPOONER. Yes. Mr. RAYNER. I beg the Senator's pardon. I am not refer-Mr. RAYNER. I beg the Senator's pardon. I am not referring to arrest of judgment. When the judgment is arrested a man is always tried over. He can be tried under the old indictment or a new indictment. I am asking the Senator for infor-I say that the man ought not to be tried again. Senator from Wisconsin says that the man ought to be tried again. If he ought to be tried again, then the amendment ought to be defeated, and if he ought not to be tried again, the amendment ought to be adopted.

Let me ask the Senator this question: That man practically outside of this proposed law can not be tried again. You can not try a man over again for the simple reason that he would go before the same judge, in the same jurisdiction, and the judge has already decided the law to be unconstitutional. Practically it is impossible now to try that man over again, but by passing this law you give the court the right to try him over

Mr. SPOONER. If the court below had held the law unconstitutional and the Supreme Court had held the law constitutional. I suppose the nisi prius judge would probably by the

time the case got back there have changed his mind.

Mr. RAYNER. But the Senator forgets that the Supreme Court has no power under existing law to pronounce the law constitutional, because you have no right of appeal. This law steps in for the first time and gives a right of appeal. If I can only impress that upon the mind of the Senator it may be that he will change his view.

Mr. SPOONER. That is perfectly understood, and that is one of the objects of this proposed law.

Mr. RAYNER. It opens the case against him. Mr. SPOONER. The question is whether it subjects a man under any aspect of it to the danger of double jeopardy. Mr. RAYNER. Does it not do it in that case practically

Mr. SPOONER. The Senator says he does not care whether it is double jeopardy or not. Even if a man under the Constitution may properly and lawfully be put on trial again, if he has been tried once, even though it were a mistrial, if he had been for a moment in jeopardy, he insists that we shall provide by law, no matter what the case may be, that he shall not be tried again; that he shall go acquit.

Mr. RAYNER. That when he has been acquitted he shall stay acquitted. I do not believe in a man being acquitted and afterwards being convicted. If acquitted once he ought to be

acquitted forever.

Mr. SPOONER. The Senator is arguing for a much larger rule than the committee has reported, and a larger innovation.

Mr. President, the case of The United States v. Ball is a very interesting case, as I was saying, in overruling the English doctrine. I will state it again for the moment, for it goes to this question of jeopardy. It would not cover all such cases. It was a case where there were two brothers Ball, and another man, who were indicted for murder. One was acquitted. The other two were convicted. They appealed to the Supreme Court of the United States, and the Supreme Court reversed the conviction upon the ground that the indictment was bad. A new indictment was found, which included the man who was acquitted. He plead former acquittal, and the court below overruled The Supreme Court sustained it, and said that he his plea.

could not be again put upon trial.

Mr. RAYNER. I know the case.

Mr. SPOONER. The court said:

As to the defendant, who had been acquitted by the verdict duly returned and received, the court could take no other action than to order his discharge. The verdict of acquittal was final and could not be reviewed, on error or otherwise, without putting him twice in jeopardy and thereby violating the Constitution. However it may be in England, in this country a verdict of acquittal, although not followed by any judgment, is a bar to a subsequent prosecution for the same offense. (U. S. v. Ball, 163 U. S., 671.)

That is where the indictment was bad.

Mr. President, I do not intend to take further time. The matter has been thoroughly argued. I am content to leave it, under the bill, if it shall become a law, to the Supreme Court of the United States. It is their function to determine what is jeopardy. It is their function to protect the citizens of the United States against any invasion of the constitutional guaranty as to double jeopardy. I think we can rely upon the court to protect as far as the Constitution requires it all defendants, without supplementing the Constitution by the Senator's amendment to this bill.

Mr. CLARKE of Arkansas obtained the floor.

Mr. President Mr. CHILLOM.

The PRESIDING OFFICER (Mr. Kean in the chair). Does the Senator from Arkansas yield to the Senator from Illinois? Mr. CLARKE of Arkansas. Certainly.

Mr. CULLOM. If the Senator from Arkansas would prefer to go on to-morrow, I desire to move an executive session.

Mr. CLARKE of Arkansas. Very well.

Mr. NELSON. Before the motion is put, I should like to make a statement. I desire to state that I shall move to take up this bill for consideration at the earliest practicable moment to-morrow morning after the routine morning business, not to interfere, however, with appropriation bills.

Mr. LODGE. I gave notice yesterday that I would call up the Philippine bank bill. Of course, if the pending bill is not to be disposed of, there will be no chance to have anything else done. I feel bound now to give notice that I shall try to call up the Philippine bank bill and dispose of it at the earliest possible moment.

Mr. CULLOM. I will state in addition to that that there is a very important appropriation bill ready to be taken up tomorrow.

Mr. HEYBURN. I move that all the amendments to the pending bill submitted to-day be printed.

The motion was agreed to.

ELIZABETH H. RICE.

Mr. LODGE. I ask that the Senate proceed to the consideration of the bill (S. 6731) granting a pension to Elizabeth Huntington Rice.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth H. Rice, widow of Edmund Rice, late colonel Nineteenth Regiment United States Infantry, and brigadier-general, United States Army, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving her a pen receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elizabeth H. Rice."

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, February 13, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1907. SURVEYOR-GENERAL.

Matthew Kyle, of Nevada, to be surveyor-general of Nevada, to take effect February 26, 1907, at the expiration of his term. (Reappointment.)

REGISTER OF LAND OFFICE.

John W. Price, of Casper, Wyo., to be register of the land office at Douglas, Wyo., vice Albert D. Chamberlin, resigned.

RECEIVER OF PUBLIC MONEYS.

Samuel Slaymaker, of Douglas, Wyo., to be receiver of public moneys at Douglas, Wyo., vice Merris C. Barrow, removed.

POSTMASTER.

SOUTH DAKOTA.

Willis H. Bonham to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota, in place of Willis H. Bonham. Incumbent's commission expired December 20, 1906,

CONFIRMATIONS,

Executive nominations confirmed by the Senate February 12, 1907.

PROMOTIONS IN THE NAVY.

Passed Asst. Surg. Henry E. Odell to be a surgeon in the Navy from the 6th day of September, 1906.

Asst. Surg. Robert H. Michels to be a passed assistant surgeon in the Navy from the 8th day of October, 1906, upon the completion of three years' service in his present grade.

RECEIVER OF PUBLIC MONEYS.

Samuel Slaymaker to be receiver of public moneys at Douglas,

UNITED STATES ATTORNEY.

Charles W. Hoitt, of New Hampshire, to be United States attorney for the district of New Hampshire.

REGISTER OF THE LAND OFFICE.

J. W. Price to be register of the land office at Douglas, Wyo.

POSTMASTERS.

CALIFORNIA.

Thomas E. Byrnes to be postmaster at San Mateo, in the county of San Mateo and State of California.

Felix L. Grauss to be postmaster at Calistoga, in the county Napa and State of California.

Eri Huggins to be postmaster at Fort Bragg, in the county of Mendocino and State of California.

M. M. Scoon to be postmaster at Rocklin, in the county of Placer and State of California.

Renaldo E. Taylor to be postmaster at Gridley, in the county of Butte and State of California.

William L. Williams to be postmaster at Madera, in the county of Madera and State of California.

ILLINOIS.

Edward E. Gott to be postmaster at Norris City, in the county of White and State of Illinois,

Clark J. McManis to be postmaster at Princeton, in the county of Bureau and State of Illinois.

Frank G. Robinson to be postmaster at El.Paso, in the county Woodford and State of Illinois,

Otis E. Stumpf to be postmaster at Findlay, in the county of Shelby and State of Illinois.

Thomas H. White to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois.

Joseph C. Andrew to be postmaster at Redkey, in the county of Jay and State of Indiana.

Cash M. Graham to be postmaster at South Whitley, in the county of Whitley and State of Indiana. KENTUCKY.

Marcus L. Kincheloe to be postmaster at Hardinsburg, in the county of Breckinridge and State of Kentucky. MARYLAND.

George C. Riggin to be postmaster at Crisfield, in the county of Somerset and State of Maryland.

MICHIGAN.

Earl B. Hammond to be postmaster at Vermontville, in the county of Eaton and State of Michigan.

Newton E. Tower to be postmaster at Union City, in the county of Branch and State of Michigan.

MINNESOTA.

Andrew J. Davis to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota.

MISSOURI

Troy L. Crane to be postmaster at Lees Summit, in the county of Jackson and State of Missouri.

Jerome W. Jones to be postmaster at Brookfield, in the county of Linn and State of Missouri.

NEW YORK.

John R. Costello to be postmaster at Chittenango, in the county of Madison and State of New York.

George H. Keeler to be postmaster at Hammondsport, in the county of Steuben and State of New York.

Fred O'Neil to be postmaster at Malone, in the county of Franklin and State of New York.

William J. H. Parker to be postmaster at Moravia, in the county of Cayuga and State of New York.

John O. Thibault to be postmaster at Clayton, in the county of Jefferson and State of New York.

James A. Wilson to be postmaster at Sacket Harbor, in the county of Jefferson and State of New York.

OHIO.

J. A. Donnelly to be postmaster at New Lexington, in the county of Perry and State of Ohio.

James A. Downs to be postmaster at Scio, in the county of Harrison and State of Ohio.

Homer S. Kent to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio.

Charles T. La Cost to be postmaster at Bryan, in the county of Williams and State of Ohio.

WISCONSIN.

George H. Dodge to be postmaster at Arcadia, in the county of Trempealeau and State of Wisconsin.

Frank H. Marshall to be postmaster at Kilbourn, in the

county of Columbia and State of Wisconsin.

Albert H. Tarnutzer to be postmaster at Prairie du Sac, in the county of Sauk and State of Wisconsin.

Earl S. Welch to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

Tuesday, February 12, 1907.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the fol-

lowing prayer

We thank Thee, our Father in heaven, that our Republic holds in grateful memory all who have contributed to its life and per-petuity, especially that host of illustrious men "who have breathed their spirits into its institutions" and made it great and glorious; that to-day the hearts of eighty millions will beat with patriotic pride and take the name of Abraham Lincoln upon reverent lips and vie with each other in telling the story of his marvelous life and achievements. Out of obscurity Thou didst lead him to be the savior of his people. "With malice toward none and charity for all" he died a martyr to liberty and freedom. God grant that we may keep his memory sacred to our hearts and honor ourselves by following his example in American citizenship. In the spirit of the Lord Jesus Christ,

The Journal of the proceedings of yesterday was read and approved.

JAPANESE SCHOOLS.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to extend in the Record some remarks upon the Japanese schools.

The SPEAKER. The gentleman from Kentucky asks unani-

mous consent to extend remarks in the Record upon the subject indicated. Is there objection?

There was no objection.

UNITED STATES JUDGE NORTHERN JUDICIAL DISTRICT OF ALABAMA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24887) providing for a United States judge for the northern district of Alabama. The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc.. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the northern judicial district of Alabama, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall possess the same powers and perform the same duties within the said northern judicial district of Alabama as are now possessed by and performed by the district judge of the United States in any of the judicial districts established by law, and he shall receive the same compensation now or hereafter prescribed by law in respect to other district judges of the United States: And provided, That the judge appointed under this act shall reside at Birmingham, in said district.

Mr. CLAYTON. Mr. Speaker, Loffer, the following amond.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On page 2, line 2, after the words "provided, That," insert the words "after appointment."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. CLAYTON. I move that the title be amended by inserting, after the word "northern," the word "judicial."

The amendment was agreed to.

On motion of Mr. Clayton, a motion to reconsider the vote by which the bill was passed was laid on the table. Mr. CLAYTON. Mr. Speaker, I thank the House for the action just taken. This bill presents a most meritorious case. The facts are stated in the report, which I prepared and presented. I here insert it in the RECORD. It is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 24887) providing for a United States judge for the northern judicial district of Alabama, having had the same under consideration, report it back with the recommendation that the bill do pass.

At present there is only one judge for both the northern and middle judicial districts of Alabama, and he resides at Montgomery, in the middle district.

It is impossible for one judge to do the work of both districts. The terms of the circuit and district courts in the northern district of Alabama are held as follows:

Huntsville: April and October; duration of term, two months.
Anniston: May and November; duration of term, two months. Tuscaloosa: January and June; duration of term, three weeks. Birmingham: March and September; duration of term, six months. Total, about eleven months.

Total, about eleven months.

Total, about eleven months.

Total different intervals from time to time. The minimum requirement for holding the district court is also held there the first Monday in each month. Besides, special terms of the courts have been held there at different intervals from time to time. The minimum requirement for holding the district and circuit courts by the present judge in the northern and middle judicial districts aggregates about thirteen months in each year. In the southern district, where there is a judge residing at Mobile, court is in session about five months in each year. In addition to the terms of the court there the judge has much work to do in chambers at all times, as there is a very considerable admiralty business done at that port. Besides, this judge holds court twice a year at Selma, Ala., in his district, and is frequently called to serve on the circuit court of appeals at New Orleans. All his time is now occupied.

Circuit Judge Shelby has held the circuit court at Huntsville since

occupied.

Circuit Judge Shelby has held the circuit court at Huntsville since May, 1905. Judge Boarman, of Louisiana, held the district court there last year. Judge Toulmin, of the southern district, has held all the terms of court at Anniston. The judge of the northern and middle district, Judge Jones, held the court at Tuscaloosa in May, 1906. The business at Huntsville, Tuscaloosa, and Anniston is fairly well up to

date.

For many years district judges from neighboring States have been called in to assist in the northern district of Alabama, but such assistance as these judges have been able to give has not been sufficient to dispose of the business or to relieve the congested condition of the

dispose of the business of the United States courts is about three years behind. There are about 300 civil cases on the docket there. It takes nearly three years to get a civil case to trial at Birmingham. That city is the center of large coal-mining, frommining, and manufacturing industries. The commerce and tonnage there is greater than at any other point in the entire South. There are fourteen rallroads and two more are being built. Many civil suits are brought there against foreign corporations, and these suits are, at the instance of the attorneys for these corporations, generally removed to the Federal courts.

At the last session of Congress an act was passed requiring the court at Birmingham to be held six months in each year. It has been impossible for the present judge to strictly comply with this law, and it is obvious that this act has not afforded the desired relief. During the year ending June 30, 1906, circuit and district courts were held at the different places in the northern district as follows:

Huntsville: By Circuit Judge Shelby______ By Judge Boarman, of Louisiana_____ Anniston: Judge Toulmin, of southern district of Alabama

Birmingham:

Judge Jones

Judge Toulmin

27 Tuscaloosa: Judge Jones_____

It is understood, of course, that this shows only a fraction of the work performed by the present judge. It is an ascertained fact that besides holding courts at Montgomery he holds court for the northern district at chambers in Montgomery many days each month. Indeed, when he is at Montgomery he transacts more or less business for the northern district—that is, the Birmingham district—every day, such as orders in bankruptcy cases, hearing and deciding cases in equity, etc. On June 30, 1906, there were pending in the northern district of Alabama 504 criminal and civil cases, all of them said to be live cases, Besides, there were pending there at the same time 349 bankruptcy cases. At the same time there were pending 230 criminal and civil cases at Montgomery, most of them live cases. Besides, there were pending at Montgomery at the same time 302 bankruptcy cases.

The Department of Justice recently made a very thorough examination of the conditions in Alabama and elsewhere in nine cases in which bills were introduced into Congress for additional judges. This investigation showed the necessity for four more district judges, one of them for the northern district of Alabama.

For several years past the condition of the business in the

For several years past the condition of the business in the United States courts in the northern district of Alabama has presented an urgent case for relief. Several bills have been presented an urgent case for relief. Several bills have been proposed. I introduced one for an additional judge of the middle and northern districts. That bill did not meet with the favor of the committee nor with the approval of the Department of Justice. Besides, one of my colleagues has always opposed it, upon the ground that a separate judge for the northern judicial district of Alabama was what was needed—that district now having no separate judge—and not an additional judge for the two districts. for the two districts.

He has informed me that he would object to the consideration of any bill except one in present form—that is to say, the bill which has just been read at the Clerk's desk, and which I also Of course the objection of any one Member would have defeated the passage of this bill. Whatever may have been my preférence as to the details of the matter, I did not succeed in getting the approval of the committee or the Department of Justice, or the cooperation of all of my colleagues from Alabama, for any measure except the bill which has just passed.

During the present Congress the Department of Justice has

recommended the appointment of four additional judges. One for Alabama, one for Nebraska, one for Ohio, and one for Cali-fornia. The House has recently passed bills authorizing an additional judge in each of the States of Ohio and California and in the Territory of Arizona.

The Department of Justice, in reply to my letter to the At-

torney-General, has sent me the following letter:

DEPARTMENT OF JUSTICE, Washington, February 9, 1907.

Hon. Henry D. Clayton, Committee on the Judiciary, House of Representatives.

Sir: The Department is in receipt of your letter of the 9th instant, inclosing H. R. 24887, providing for a United States judge for the northern district of Alabama, and report thereon from the Committee on the Judiciary.

I have the honor to say that this Department recently made an investigation as to the necessity for a United States judge for the northern district of Alabama, and that the facts contained in the committee report which you inclose are in accord with the result of such investigation.

Respectfully

Respectfully.

H. M. HOYT, Acting Attorney-General.

I have received the following telegram:

BIRMINGHAM, ALA., February 9, 1907.

Hon. HENRY D. CLAYTON, M. C., Washington, D. C.

At a Jefferson County bar meeting this day held it was unanimously resolved that the bar of this county heartily favor the Clayton bill, providing a separate judge for the northern district of Alabama, and we were instructed to wire this to the Senators and Representatives of Alabama and the chairman of the Judiciary Committee, and to urge the passage of said bill at this session of Congress in preference to any other. Please communicate this to them.

Frank S. White, Chairman,
A. O. Lane,
C. P. Beddow,
R. N. Bell,
Committee.

BRIDGE ACROSS MISSOURI RIVER.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, be, and the same is hereby, so amended as to read as follows:

"Szc. 3. That the construction of the bridge authorized to be constructed by the act approved March 3, 1887, hereinbefore named, and of which this act is amendatory, shall begin within one year from March 19, 1907, and be completed within two years thereafter, and unless these conditions are complied with this act and the acts of which it is amendatory shall be null and void.

"Szc. 2. That the Congress reserves the right to change, alter, amend, or revise this act and the acts of which it is amendatory at any time."

With the following amendments:

With the following amendments:

Page 2, lines 1 and 2, after the word "year," insert the words "and be completed within three years."

Page 3, after the word "seven" strike out the words "and be completed within two years thereafter."

At the end of section 1 insert the following:

"Provided, That such beginning of construction within said period of one year shall relate to the superstructure of said bridge above the piers heretofore constructed in the Missouri River in pursuance of the act of which this act is amendatory: And provided further, That in all matters and particulars not expressly provided for in the act of which this act is amendatory the construction, control, and use of such bridge shall be governed by the act of Congress approved March 23, 1906, entitled 'An act to regulate the construction of bridges over navigable waters.'"

The SPEAKER. Is there objection?
Mr. RUCKER. Mr. Speaker, reserving the right to object, I desire to ask the gentleman a question. Is there not a good deal of objection to this bill both in Clay County and Jackson County?

Mr. ELLIS. There has been some objection, but the matter has been thoroughly thrashed out before the committee, and the amendments virtually satisfy everybody.

Mr. RUCKER. The gentleman says the amendments do satisfy those who oppose it?

Mr. ELLIS. Yes. The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Ellis, a motion to reconsider the last vote was laid on the table.

TRANSFER OF SCHOOL FUNDS TO SOUTH CAROLINA.

Mr. PATTERSON of South Carolina. Mr. Speaker, unanimous consent to take from the Speaker's table the bill (S. 8065) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, and to consider the same at this time.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the bill which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the sum of \$50,450, heretofore invested in United States registered 4 per cent bonds of the funded loan of 1907, and the sum of \$40, invested in United States registered 3 per cent bonds of the loan of 1908 to 1918, an aggregate of \$50,490, invested by the Secretary of the Treasury under the provisions of the act of Congress of March 3, 1873 (17 Stats., p. 600), as a fund for the use and support of free public schools in the parishes of St. Helena and St. Luke, South Carolina, the interest on which is applied to the support of said schools, shall, on the 1st day of July, 1907, be paid over to the State of South Carolina, which State shall set apart said sum as a separate interest-bearing trust fund and administer the same in such manner as it may elect for the benefit of free public schools in the parishes of St. Helena and St. Luke, in said State, as provided in the act of Congress approved March 3, 1873.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, I desire to have inserted in the RECORD the following letter relating to the bill.
The SPEAKER. Without objection, the letter may go in the

There was no objection. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, February 9, 1907.

Hon. James R. Mann, House of Representatives, United States, Washington, D. C.

House of Representatives, United States,

Washington, D. C.

My Dear Mr. Mann: Replying to your inquiry by telephone, with reference to Senate bill 8065, to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, I beg to submit the following statement:

It appears from the acts relating to the funds in question, namely, Chapter CC, Statutes at Large, Volume XIV, passed July 16, 1866; Chapter CCCXXXVII, Statutes at Large, Volume XVII, approved June 8, 1872, and Chapter CCLX of the same, approved March 3, 1873, that these funds arose from the sale of "school farm lands" in the parishes of St. Helena and St. Luke, South Carolina, such school farm lands having been reserved for school purposes from certain lands which came into the hands of the General Government through failure of the owners to pay the direct tax imposed in the year 1862. The act of March 3, 1873, provided that such funds should be turned over to the Secretary of the Treasury and invested by said Secretary in bonds of the United States to be by him retained as a fund for the use and support of free public schools in the parishes of St. Helena and St. Luke in equal parts, the interest of which shall annually be expended by a special board of three commissioners to be appointed by and act under the direction of the Secretary of the Treasury and removable at his discretion, to increase the efficiency of any free public schools established and sustained in said parishes by the authority of said State if such school shall exist, otherwise at the discretion of said commissioners.

I have thus far been unable to find any report or record of the pro-

lished and sustained in said parishes by the authority of said State if such school shall exist, otherwise at the discretion of said commissioners.

I have thus far been unable to find any report or record of the proceedings of these commissioners or of the use which they have made of these funds. I am informed by the Treasury Department that no such report or record is known in that Department. I have caused the reports of the education department of the State of South Carolina to be examined and find in them no reference to these funds, except that in the fifteenth annual report of the State superintendent of education, 1883, there appears in the statement of Thomas H. Wheeler, school commissioner of Beaufort County, the following words: "The districts in St. Luke and St. Helena parishes received aid from the United States Government." No information concerning these funds is to be found in the publications of the Bureau of Education. The names of the special commissioners appear in the latest Official Register of the United States, Volume I, page 294. They are D. W. Bythewood, E. J. Ravenah, and Thomas G. White, all of Beaufort, S. C., each of whom receives compensation to the amount of \$50 a year. I am informed that Mr. Bythewood acts as special disbursing officer of the Treasury Department in this matter.

Referring to the question whether it is desirable that these funds be turned over to the State of South Carolina in trust for the purposes for which they are intended, in the absence of definite information concerning the actual disposition of the funds I can only offer subsuggestion as grows out of the past practice of the United States Government in its relations with the school systems of the several States. Such assistance as has been extended by the National Government to the several States for educational purposes has been generally in the form of public lands or of funds derived from the sale of such lands.

The earliest grant was made to Ohio in 1802, where section No. 16 in every township was gr

ceeds of the sales of public lands "shall be paid to the said States to be used as a permanent fund, the interest of which only shall be ex-pended for the support of common schools within said States, re-spectively."

be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively."

These provisions show that it has been the policy of the General Government to grant lands and funds for educational purposes to the several States, and to vest in such States the management of the funds, including those derived from the sale of school lands.

The case presented by the school farm lands of South Carolina, with which Senate bill 8065 deals, is not altogether parallel with those mentioned above. The origin of the funds was different, and those funds have hitherto been administered by the Treasury Department of the General Government. It does not appear, however, that the intent of the grant was essentially different from that of the several grants referred to above. The act of July 16, 1866, provided that "the proceeds of said sales, after paying expenses of the surveys and sales, shall be invested in United States bonds, the interest of which shall be appropriated "to the slands in the parishes of St. Helena and St. Luke."

The act of March 3, 1873, provides that the interest on the bonds purchased with these funds "shall annually be expended to increase the efficiency of any free public schools established and sustained in said parishes by authority of said State, if such schools shall exist, otherwise at the discretion of the commissioners hereinafter named." It is clear from the provisions of the act last named that these funds are intended to supplement the provisions of the public school system of the State so far as these two parishes are concerned, and only in default of public schools may they be devoted to the support of other schools.

In view of these facts, it seems to me that Senate bill 8065, in pro-

schools.

In view of these facts, it seems to me that Senate bill 8065, in providing for the transfer to the State of South Carolina of the funds derived from the sale of the lands in question, to be held in trust for the support of the common schools of the State in the two parishes named, is in accord with the established and well-nigh universal practice of the General Government in dealing with educational grants for the benefit of the several States.

I have the honor to be,

Very respectfully,

ELMER ELLSWORTH BROWN,

Commissioner.

Commissioner.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

Mr. PATTERSON of South Carolina. Mr. Speaker, I ask unanimous consent that a similar House bill, H. R. 25056, on the House Calendar do lie upon the table.

The SPEAKER. Is there objection?

There was no objection; and it was so ordered.

CALIFORNIA DÉBRIS COMMISSION.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13367) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate mining in the State of California," is hereby amended so as to read as

mining in the State of California," is hereby amended so as to read as follows:

"Sec. 13. That in case a majority of the members of said Commission, within thirty days after the time so fixed, concur in the decision in favor of the petitioner or petitioners, the said Commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; what restraining or impounding works, if any, if facilities therefor can be found, shall be built and maintained; how and of what material; where to be located; and in general set forth such further requirements and safeguards as will protect the public interests and prevent injury to the said navigable rivers and the lands adjacent thereto, with such further conditions and limitations as will observe all the provisions of this act in relation to the working thereof and the payment of taxes on the gross proceeds of the same: Provided, That all expense incurred in complying with said order shall be borne by the owner or owners of such mine or mines: And provided further, That where it shall appear to said Commission that hydraulic mining may be carried on without injury to the navigation of said navigable rivers and the lands adjacent thereto, an order may be made authorizing such mining to be carried on without requiring the construction of any restraining or impounding works or any settling reservoirs: And provided also, That where such an order is made a license to mine no taxes provided for herein on the gross proceeds of such mining operations shall be collected."

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?
Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain the change in the law

What committee reported the bill?

Mr. ENGLEBRIGHT. The Committee on Mines and Mining has unanimously reported the bill. It is a bill introduced by my predecessor, Mr. Gillett, and the only change in the law is the clause at the end of the section from the words "And provided further," and is covered in the latter part of the report of the committee:

The purpose of the present bill is to authorize and empower the California Débris Commission to order that hydraulic mining may be carried on without first going to a needless expense of building dams, barriers, etc., where the same can be done without injuring the navigability of the rivers or lands lying adjacent thereto.

It leaves the whole matter in the hands of the Commission, as it always has—only gives them discretion in the matter of some small mines lying back in the mountains where mining could be done without injury to the rivers

Mr. STEPHENS of Texas. I would like to ask the gentle-

man if this is a local measure?

Mr. ENGLEBRIGHT. It is entirely local to California, and the entire California delegation is satisfied with it.

Mr. MANN. Is this a matter that has been considered in any way at all by the Committee on Rivers and Harbors?

Mr. ENGLEBRIGHT. I do not know.
Mr. MANN. There has been considerable complaint out there about the Commission and its work in reference to filling up at least one of the rivers. That has been before our committee a number of times

Mr. ENGLEBRIGHT. Well, this bill would not interfere in any manner with that state of affairs. It merely gives this Commission discretion in certain places. There are mines where it is not necessary to construct any restraining works at all, yet under the act it is absolutely necessary to construct works whether they are needed or not, as the Commission abso-

Mr. MANN. Have you not had a lot of litigation out there?
Mr. ENGLEBRIGHT. There has been a large amount of litigation. It is a matter which in years past attracted the attention of Congress, and resulted in the passage of the act providing for the California Débris Commission, under which all hydraulic mining has to be done. A man desiring to do any hydraulic mining must at first make an application to this Commission for a permit to do so. After making the application, it is advertised, allowing anyone to come before the Commission in regard to the subject, and then the Commission, if they deem it proper, will allow works to be constructed, and after the works are constructed they give a permit. This little clause added to one section of the bill gives this Commission authority to allow work to be performed when it is not necessary to construct any works.

Mr. MANN. Does it affect in any way this litigation?

Mr. ENGLEBRIGHT. No, it does not affect the litigation at all.

The SPEAKER. The Chair hears no objection. Will the gentleman indicate his amendment?

Mr. ENGLEBRIGHT. In line 17, page 2, change the spelling

of the word "provided."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the typographical error in line 17, page 2, making the word "provided."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SALE OF CERTAIN TIMBER ON MENOMINEE INDIAN RESERVATION, WIS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24043) to authorize the sale of timber on certain of the land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.
The SPEAKER. The Clerk will report the bill.

The Clerk read as follows

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, the blown-down timber and the standing merchantable timber on the sections containing blown-down timber in the north half of township No. 29, range No. 13 east; the north half of township No. 29, range No. 13 east; and in the south half of township No. 30, range No. 13 east, on the Menominee Indian Reservation in Wisconsin, as herein provided, such sale to be in addition to the amount authorized to be sold annually by the act of June 12, 1890 (26 Stat. L., p. 146).

Sec. 2. That the timber shall be sold on stumpage, the sale to be confined to the sections containing blown-down timber, to the highest bidder or bidders, for cash, after due advertisement inviting proposals, in such manner and at such time and place as the Secretary may direct. And the Secretary shall appoint a competent man, who shall be a practical logger, to superintend the marking and cutting of the timber and the scaling of the logs, the timber to be paid for according to the Government scale, no sale, however, to be valid until approved by sald Secretary. The compensation of the superintendent and scalers shall be fixed by the Secretary.

Sec. 3. That from the net proceeds of sales of said Menominee timber shall be deducted one-fifth part, which shall be deposited in the Treasury of the United States to the credit of the Menominee Indians in Wisconsin, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be funded in the United States Treasury, interest on which shall be allowed said tribe annually at the rate of 3 per cent per annum, to be paid to the tribe per capita, or expended for their benefit under the direction of the Secretary of the Interior.

Sec. 4. That all acts or parts of acts inconsistent with this act are hereby repealed.

The SPEAKER. Is there objection? [After a pau

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Brown, a motion to reconsider the last vote was laid on the table.

RELIEF OF HOMESTEAD AND OTHER ENTRYMEN PAYING EXCESS LEGAL FEES, ETC.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22588) for the relief of homestead and other entrymen who have been required to pay more than the legal fees, commissions, excesses, and purchase money.

excesses, and purchase money.

Be it enacted, etc., That section 2 of the act of June 16, 1880 (21 Stat., p. 287), be amended to read as follows:

"Sec. 2. That in all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have been improperly charged the double-minimum price for minimum lands, or where they have been required to pay more than the lawful fees, commissions, excesses, or purchase money, the excess shall in like manner be repaid to the entryman or to his heirs or legal representatives."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what is the extent of the changes this makes in existing law?

Mr. MARTIN. Mr. Speaker, in 1825 the first statute was passed, and it provided for the return of the purchase money in cases where entries had been erroneously allowed. That was amended in 1880, so that the purchase money or excess might be returned where the double minimum price had been by mis-take charged for minimum price land. That is the law at the present time governing both of these propositions. There is still a class of cases where mistakes have been made not covered by law, such as, for example, where a land officer has by mistake of the law taken more than the legal price under the statute. There are instances where Indian reservations have been opened and prices have been fixed; for instance, \$1.25 an acre for land entered within a certain period, 75 cents or \$1 an acre for land entered in another period, and the officer has received the \$1.25 price for lands where 75 cents or \$1 should have been received under the law. Under the administration of the Land Department, carrying on so large a business as it does, mistakes will necessarily arise, and this bill has been prepared in the Department for the purpose of meeting those cases.

Mr. PAYNE. I would like to ask the gentleman if this does

not involve a large amount of money?

Mr. MARTIN. I think not.

Mr. PAYNE. I have been informed it does.
Mr. MARTIN. Of course, mistakes of this kind have been made, but the class of cases not now reached by the law is

limited, and would not cover a very large amount of money.

Mr. PAYNE. Mr. Speaker, I think for the present I shall have to object.

Mr. LACEY. I trust the gentleman from New York will not

Mr. MARTIN. I yield to the gentleman from Iowa [Mr. LACEY] for a moment.

Mr. LACEY. I would suggest to my friend that while it does involve a considerable amount of money, it does not involve any of the Government's money. The Government has got somebody else's money by mistake.

Mr. MANN. That is the case with everything.
Mr. LACEY. Oh, no; not at all. It only occasionally occurs, and they want to get rid of it. Instead of having it come in here each time to the Committee on Claims it is to allow them to adjust these matters and pay back wherever they have

taken money that does not belong to them.

Mr. STEPHENS of Texas. Does the gentleman yield to a

question?

Mr. LACEY. Certainly.
Mr. STEPHENS of Texas. As I understand the law now, the minimum is \$1.25 an acre, and the double minimum is \$2.50 an acre. Is that correct?

Mr. LACEY. That is railroad land.
Mr. MARTIN. I would say this is already covered by the law. The law now specifically, by the act of 1880, returns the excess always where the double minimum price has been taken for a minimum land. It does notMr. MANN. Does the gentleman yield for a question?

Mr. MARTIN. Certainly.

Mr. MANN. Is it not a fact that there has been a good deal of suspicion created at times, with reference to the existing law, about the return of money paid on desert-land claims and other entries of that sort?

Mr. MARTIN. I am not aware of it if any suspicion of that

kind ever existed.

Mr. MANN. I will be glad, then, to give the gentleman some evidence on the subject.

Mr. MARTIN. I think, Mr. Speaker, as the gentleman from New York has suggested, it is a matter that may involve the payment of some money, but whatever may be said along that line it certainly does not involve the payment of any money that the Government rightfully holds. The same rule between private individuals will compel an individual to return what he has received purely by mistake; and so every time a case of this kind gets into the Court of Claims invariably, upon the facts that would be reached by this law, the Government has to return it at the end of litigation in the Court of Claims, and after taking of time and the expenditure of money on behalf of the Government. For all entries now that are errone-ously made, where the party does not get the land, the Department adjusts the claim and returns the money. where double minimum price is charged for minimum land they adjust the claim of excess and return the money. in other cases, where by mistake they have received more than the lawful price for lands, there is no law now authorizing the return.

Mr. MANN. Is not this the statute now? Mr. PAYNE. Mr. Speaker, I think we had better insist upon the objection.

The SPEAKER. The gentleman from New York [Mr. PAYNE] objects.

COLUMBIA INDIAN RESERVATION LANDS.

Mr. JONES of Washington. Mr. Speaker, I ask for the present consideration of the bill H. R. 25550.

The SPEAKER. The gentleman from Washington asks consideration of a bill H. R. 25550, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 25550) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

of Washington.

Be it enacted, etc., That all lands in the former Columbia Indian Reservation, in the State of Washington, which are embraced in entries heretofore allowed under section 2306 of the Revised Statutes of the United States, or which are embraced in any application to make entry under said section 2306, which were presented before the lands covered by such application were withdrawn under the reclamation act, are hereby declared to be subject to such entries, and applications and entries shall be allowed and patents shall be issued thereunder in the same manner and upon the same conditions under which entries are allowed and patents are issued under said section 2306 for other public lands of the United States, and all patents heretofore issued under such entries are hereby confirmed.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I

wish the gentleman would tell us what the bill does.

Mr. JONES of Washington. Mr. Speaker, in 1884 we passed an act declaring all lands formerly known as the "Columbia Indian Reservation" to be opened to homestead entry, and under the practice of the Department we accepted soldiers' additional homesteads for several years, and several claims went to a patent, and several applications were pending when they decided that these lands under the terms of that act were not subject to a soldier's additional homestead application and entry, and therefore they held them up. The land involved consists of about a thousand acres. Several parties have gone in and have made very valuable improvements, and the object of this bill is simply to confirm those applications and entries made under the practice of the Department, and this bill was prepared by the Department itself to cover that matter.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Jones of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN LANDS TO BUFFALO, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23324).

The bill was read, as follows:

A bill (H. R. 23324) authorizing the sale of certain lands to the city of Buffalo, Wyo.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to the city of Buffalo, Johnson County, Wyo.,

for the sum of \$1.25 an acre, for use as a public park and fair grounds, the following described lands: The southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter of section 27 and the northeast quarter of the northwest quarter, and lot 5 of section 34, in township 51 north of range 82 west of the sixth principal meridian.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the words "the southwest quarter of the southeast quarter" and insert in lieu thereof the words "lot twelve."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Mondell, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOTMENT OF LANDS TO INDIANS OF LA POINTE INDIAN RESERVA-TION, WIS.

Mr. BROWN. Mr. Speaker, I call up the Senate bill 2787, and ask unanimous consent for its present consideration.

The Clerk read as follows:

A bill (8. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin."

Be it enacted, etc., That the act of Congress approved February 11, 1901 (31 Stat., p. 766), entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin," shall not be construed so as to bar or in any manner abridge or curtail the right of any Indian to allotment on said reservation as provided by the treaty concluded with the Chippewas of Lake Superior and the Mississippi September 30, 1854.

The amendment recommended by the committee was read, as follows:

Amend by inserting after the word "reservation," in li ords "whether born before or after the passage of said act. in line 9, the

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I think we ought to know what the bill is.

Mr. BROWN. Mr. Speaker, for the information of the House and the gentleman from Illinois, I will say that this bill is a Department bill, and was introduced for the purpose of correcting an injustice under the allotment act of February 11, 1901. In that law there was a clause that confines the allotment to the Indians living, resident, and entitled to reside on the La Pointe or Bad River Indian Reservation.

I will refer to what the Secretary of the Interior and the Commissioner of Indian Affairs say of this bill and the necessity for it. In a communication from the Secretary of the Interior to the chairman of the Committee on Indian Affairs he states as follows:

The object of the amendment, as set forth in the Commissioner's report, is to authorize allotments on the reservation to full-blood non-resident Indians, who by the terms of the act of February 11, 1901, and the decision of the Department of June 8, 1905, have been barred from receiving such allotments.

In addition, I will read to you a letter from Commissioner Leupp, dated December 4, 1905, to the Secretary:

Leupp, dated December 4, 1905, to the Secretary:

The question presented was whether these nonresidents should be allotted, as they were entitled under the treaty, or did the act of February 11, 1901, bar such rights? Under date of June 8, 1905, the Department decided that the act of February 11, 1901, confined the right of allotment to "each Indian now living and residing on said reservation and entitled to so reside," and therefore the full-blood nonresident members were not entitled to allotment. It was further held that relief for these Indians should be sought at the hands of Congress. This decision and its result were reported to the agent, and great dissatisfaction was thereby created among the Indians, as there were a good many whose names were on the schedule who were not entitled to allotment under the law.

This bill I will say to the gentlement was drafted by the contempt of the contempt of the contempt.

This bill, I will say to the gentleman, was drafted by the Department, and is, as stated, to correct an interpretation that they were compelled to put upon the law of 1901. It authorizes the allotment to Indians belonging to this reservation who were off the reservation and whom the Department have decided

are entitled to these allotments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the amendment was agreed to. The bill as amended was ordered to a third reading, was read

the third time, and passed. On motion of Mr. Brown, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for

the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the fortification bill, nonconcur in the Senate amendments, and ask for a conference.

Mr. WILLIAMS. Mr. Speaker, before that consent is granted, will the gentleman give the House some idea of the points of dif-

ference between the two Houses?

Mr. SMITH of Iowa. Well, the points are somewhat numer-The points include large increase of appropriations for fire control, and they also include large items for repair of the devastations by reason of the Gulf storm. They involve some other items. I will say to the gentleman from Mississippi that hearings have been had on some of the items since the bill passed the Senate, that the conferees of both Houses may have information concerning them. The evidence was not taken as to the extent of the ravages of the Gulf storm in November. These estimates reached the House after the hearings closed. Provision was put upon the Senate bill, and no hearings were had until recently, and it was there considered as to the order and the necessity of speed in doing the work.

Mr. WILLIAMS. Do the minority members of the committee

agree with you?

Mr. SMITH of Iowa. There has been no such understanding except as to the ordinary course. The minority understood that I would ask for this order, which is known to the Representative from Mobile, who is on the whole committee, but not on the subcommittee, and he is very much interested in the matter.

Mr. WILLIAMS. I shall not object.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair announced the following conferees: Mr. Smith of Iowa, Mr. Keifer, and Mr. Fitzgerald.

OMNIBUS LIGHT-HOUSE BILL.

Mr. MANN. I ask unanimous consent to take from the Speaker's table the bill known as the omnibus light-house bill, and to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the omnibus light-house bill, to nonconcur in the Senate amendments, and to ask for a conference. Is there objection?

Mr. WILLIAMS. Reserving the right to object, will the gentleman make some statement of the differences between the two

Houses?

Mr. MANN. The bill, as it passed the House, carried items amounting to \$1,600,000 exclusive of light-house keepers' dwellings. The Senate have added items amounting to about \$800,000, and have stricken out two small items from the House bill.

Mr. WILLIAMS. Is it the general desire of the committee to go to conference?

Mr. MANN. It is by direction of the committee this morning that I make the request.

Mr. WILLIAMS. I shall not object. The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. Mann, Mr. Stevens of Minnesota, and Mr. Adamson.

PATENTS TO OFFICERS AND EMPLOYEES OF THE GOVERNMENT.

The SPEAKER laid before the House the joint resolution (H. J. Res. 224) directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases, with a Senate amendment thereto.

Mr. CHANEY. I move to concur in the Senate amendment.

The motion was agreed to.

INTERMARRIED CHEROKEE INDIANS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Indian

To the Senate and House of Representatives:

The Senate and House of Representatives:

The Supreme Court of the United States, in its decision of November 5, 1906, in the case of Daniel Red Bird, the Cherokee Nation, et al., v. The United States, held that "the rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or interest in any of the vested funds of the Cherokee Nation, and such intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said

nation, and are not entitled to be enrolled for such purposes; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently, being left a widow or widower by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee biood, and those white men who, having married Cherokee women and subsequently abandoned their Cherokee wives, have no part or share in the Cherokee property, and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people, and are not entitled to be enrolled for such purpose."

I invite your attention to the urgent necessity for legislation for the relief of intermarried citizens of the Cherokee Nation adversely affected by such decision, many of whom have made permanent and valuable improvements upon lands of the nation, where they have resided for many years, undisturbed in their possession, under the belief that they were entitled to the same rights in the lands as native-born citizens of such nation.

In the decision of the court it was stated that, as to the improvements made by these intermarried citizens, "they seem to have been treated as those of a tenant who had made them under an agreement that they should remain his."

As the lands of the nation are being allotted under the act of June 28, 1898 (30 Stat., 495), and subsequent legislation to the other members of the tribes, these intermarried citizens will lose their improvements to citizens of the nation entitled to enrollment. I therefore earnestly recommend the passage of an act substantially as follows:

"That for sixty days after the approval of this act white persons who intermarried with Cherokee citizens prior to July 1, 1902, and made permanent and valuable improvements on lands belonging to the Cherokee Nation prior to the decision of the Supreme Court of the United States in the

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 11, 1907.

FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The SPEAKER laid before the House the following resolution from the Senate of the United States.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, N. Dak.

The SPEAKER. Without objection, the request will be complied with.

There was no objection.

VALIDATION OF BONDS OF NEW MEXICO.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12857) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of the thirty-fourth legislative assembly of the Territory of New Mexico entitled "An act providing for additional buildings for the New Mexico Military Institute at Roswell," approved February 20, 1901, and the act of the same assembly and session entitled "An act providing for additional buildings for the New Mexico Insane Asylum at Las Vegas," approved March 21, 1901, and the act of the same assembly and session entitled "An act to provide for the issue of bonds for the New Mexico College of Agriculture and Mechanic Arts," approved March 21, 1901, and chapter 53 of the acts of the thirty-fifth legislative assembly of said Territory of New Mexico, entitled "An act creating two armory beards of control and providing for the construction of armories in the cities of Las Vegas and Albuquerque, and authorizing an issue of bonds therefor," be, and each of said acts hereby is, approved, ratified, validated, Mr. STEPHENS of Texas. Mr. Speaker reserving the side of the seminatory of the construction of armories in the cities of Las Vegas and each of said acts hereby is, approved, ratified, validated, and confirmed.

Mr. STEPHENS of Texas. Mr. Speaker, reserving the right to object, I desire to ask the gentleman whether or not the bonds have been issued and sold and the money raised and these buildings erected by means of the money raised under this

Mr. BATES. I understand so.

Mr. STEPHENS of Texas. What is the necessity for Congress acting upon it?

Mr. BATES. They want authority to validate the bonds.

Mr. STEPHENS of Texas. It simply validates the bonds that have been issued? I understand the bonds have not been sold, and that the reason is that there is some question arising as to the validity of the bonds. I desire to ask if there are any suits pending?

Mr. BATES. There are no suits pending, and, as I under-

stand, the bonds have not been sold.

Mr. MANN. I would like to say to the gentleman that a few years ago there was an effort made to pass a bill through the House validating certain bonds of New Mexico where there was a good deal of opposition engendered and the project was defeated. Is this the same thing?

Mr. ANDREWS. No. Mr. BATES. This is for the purpose set forth in the bill, for building certain buildings.

Mr. MANN. Of course we have not the original bills of the legislature here, and we do not know what they cover.

Mr. BATES. I understand that the bonds have been issued and are ready for sale; they have not been disposed of, but are waiting until the act validating the bonds is passed.

Mr. MANN. There was a question here in reference to a mat-ter very much like this where the people who had the bonds wanted to obtain an act of Congress to make them good. I suppose they hadn't paid very much for them, but the project did not go through.

Mr. BATES. This is not that case and is not a similar case. Mr. STEPHENS of Texas. These bonds have not been hypothecated or sold, as I understand. The question is being held until the legislation is had. It seems to me this remedial legislation should be passed.

The bill was ordered to be engrossed and read a third time;

was read the third time, and passed.

COUNTY OF TAOS, N. MEX.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12858) permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding anything to the contrary in the laws of the United States limiting the indebtedness of counties in the Territories, the county of Taos, in the Territory of New Mexico, be, and the same is hereby, authorized and empowered to refund its floating indebtedness of \$7,500 and its bonded indebtedness of \$42,400 by an issue of its bonds therefor, under the laws of the said Territory providing for the refunding of county indebtedness: Provided, That said bonds shall not run for more than twenty years nor bear interest at a higher rate than 5 per cent per annum, nor shall the same be sold for less than par: Provided further, That nothing in this act shall be construed as in any manner creating any liability upon the part of the United States. strued as in United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SCHOOL LAND IN OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school land.

The Clerk read the bill, as follows:

Be it enacted, etc., That the legislature of the State of Oklahoma is hereby authorized to grant section 16, in township 14, north of range 4, east of the Indian meridian, Lincoln County, Okla., to the board of education of the city of Chandler, in said county, for school purposes upon such terms as the said legislature may impose.

The following committee amendment was read:

In line 3, after the word "Oklahoma," insert the words "when the State of Oklahoma shall have been admitted."

Mr. WILLIAMS. Reserving the right to object, Mr. Speaker, will the gentleman from Oklahoma explain the necessity of this legislation? Why is it the legislature of the State of Oklahoma can not do this without an act of Congress? The land will go to the State for educational purposes, and it goes with

their full control and authority.

Mr. McGUIRE. The enabling act provides that the legislature of Oklahoma can dispose of this school land if it desires, but if it does dispose of it it must be done to the highest bidder. The purpose is to give a section of school land not to the highest bidder, but to the city schools. The reason for the bill is this: There are nine townships adjacent to the city of Chandler that are set aside for school purposes—that is, for common schools, This is known as "lieu land." It has been impossible to support schools where these lieu lands were chosen by the authorities, and these children have had to go necessarily to the Chandler school. This has been done at a very great expense to the city of Chandler. The common schools of every Territory have had the benefit of lieu lands, and the city of Chandler and the county of Lincoln have been paying for it.

They have carried the burden. This is to reimburse them to

a limited degree for the expenditures they have incurred for the

benefit of all the schools of the Territory.

Mr. WILLIAMS. Does not the gentleman think it would be better to wait until after Oklahoma is admitted to the Union and then let the legislature of the State of Oklahoma ask for this legislation?

Mr. McGUIRE. That is exactly what I am trying to do with this bill. I would be glad to do that if it would not be too late,

but it would be too late. We could not then reimburse these people for the money that they have expended.

Mr. WILLIAMS. This bill does not make a disposition of the

land?

Mr. McGUIRE. No. Mr. WILLIAMS. It merely enables the legislature of Oklahoma to do it?

Mr. McGUIRE. That is the idea.

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24925-the naval appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. SHERMAN in the chair.

The CHAIRMAN. General debate is closed, and the Clerk

will read.

The Clerk read as follows:

PAY OF THE NAVY.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations; clerks to paymasters at yards and stations, general storekeepers, receiving ships, and other vessels; commutation of quarters for officers on shore not occupying public quarters for flowing boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates, and also naval constructors and assistant naval constructors; for hire of quarters for officers serving with troops where there are no public quarters for officers serving with troops where there are no sufficient quarters possessed by the United States to accommodate them, or commutation of suarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reculisting under honorable discharge; interest on deposits by men; pay of perfect, see men, landsmen, and apprentice seamen, including men in the engineers force, and men detailed for duty with Naval Militia, and for the Fish Commission, 36,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such cordinement; and as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 2,500 apprentice seamen under training stations and on board training ships, at the pay prescribed by law, \$21,000,000.

Provided, That the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment by request, for inaptitude, as undesirable, or for disability not incurred in line of duty: Provided, that officers of the Navy above the grade of captain, who served with credit in the regular

Mr. PRINCE. Mr. Chairman, I make the point of order against the provision on page 3, line 6, and running to the end of line 21 on page 3.

Mr. HULL. Mr. Chairman, I reserve the point of order on the balance of the section.

Mr. MANN. Mr. Chair the balance of the section. Mr. Chairman, I make the point of order on

Mr. CRUMPACKER. Mr. Chairman, I hope the gentleman

from Illinois [Mr. PRINCE] will reserve his point of order.
Mr. FITZGERALD. Mr. Chairman, is it necessary to reserve all points of order at this time?

The CHAIRMAN. It is necessary to state what points of order are reserved against this section at this time.

Mr. FITZGERALD. Mr. Chairman, then I reserve a point of

order against the language on page 2, commencing in line 5, ending with line 11.

Mr. MANN. Mr. Chairman, I also reserve the point of order upon the words "thirty-six thousand men," in line 17, page 2.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to discuss any of the points of order?

Mr. FOSS. So far as the point of order made by the gentleman from New York [Mr. FITZGERALD] is concerned, which I

think comes up first upon the paragraph—
Mr. FITZGERALD. Oh, Mr. Chairman, my purpose is to have the gentleman explain the provision. I reserve the point

I did not make the point of order.

Mr. FOSS. Mr. Chairman, I would say that this provision has been put in here and is due to a recent decision of the Comptroller of the Treasury, disallowing commutation for quar-

ters for officers where there are no public quarters,
Mr. FITZGERALD. I call the attention of the gentleman to the language of this provision, that it is for hire of quarters for officers serving with troops. When do the naval officers

serve with troops?

Mr. FOSS. The decision of the Comptroller was to the effect that where a naval officer was stationed at a navy-yard he was there with men—that is to say, the men in the navy-yard ne was there with men—that is to say, the men in the navy-yard were construed by him as troops. It was a roundabout construction, and in applying the Army law, which applies also to the Navy, the decision of the Comptroller was to the effect that commutation for quarters could not be allowed. This puts it on the same basis as Army officers. I have here the letter from the Chief Quartermaster and also a letter from the Navy Department, which I will be pleased to put into the RECORD.

NAVY DEPARTMENT,
Washington, February 5, 1907.

Sir: I have the honor to invite the attention of the committee to the inclosed copy of a memorandum from the Bureau of Navigation requesting that the clause providing for "hire of quarters for officers serving with troops where there are no public quarters; which clause appears in the bill making appropriations for the naval service as it passed the House, be amended so as to provide for the allowance, in the settlement of accounts of disbursing officers, of payments for such commutation of quarters made prior to July 1, 1907.

Inasmuch as the provision as it now reads in the naval bill will not be effective until July 1, 1907, and will not cover payments made on the account referred to prior to that date, the Department recommends that the suggested amendment be made.

A duplicate of this communication has this day been addressed to the chairman of the Committee on Naval Affairs of the Senate.

Very respectfully,

V. H. Myroung for

Hon. George Edmund Foss, Chairman Committee on Naval Affairs, House of Representatives.

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION, Washington, D. C., February 2, 1907.

[Memorandum for the Department.]

Washington, D. C., February 2, 1997.

[Memorandum for the Department.]

On November 30 last this Bureau had the honor to invite the attention of the Department to a decision rendered by the Comptroller of the Treasury that officers of the Navy serving on shore with troops are not entitled to commutation of quarters. The resulting hardship of this decision upon officers ordered on shore duty with enlisted men was pointed out and as a remedy it was suggested that Congress be asked to insert the following language in the naval appropriation bill:

"For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops."

This request received favorable action in Congress, and the new language has been incorporated in the naval bill, page 2, lines 5 to 11.

As this bill when enacted into law will not become effective until July 1, 1907, pay officers who have made disbursements prior to that date for commutation of quarters for officers on shore serving with troops will, under the Comptroller's decision, be checked for the sums so paid. To forestall this checkage, the Bureau suggests the insertion of the following language in the naval bill after the word "troops," on page 2, line 11:

"And the proper accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of accounts of disbursing officers all payments made prior to July 1, 1907, for commutation of quarters for officers on shore serving with troops and not provided with public quarters."

It is believed that if the attention of Congress is called to the fact that this slight change in the bill will prevent the enactment of separate legislation for the relief of each pay officer so checked and will lessen the work of the accounting officers of the Treasury Department the a

OFFICE OF THE QUARTERMASTER-GENERAL, Washington, June 25, 1906.

Hon. George Edmund Foss.

House of Representatives, Washington, D. C.

My Dear Sir: In reply to your communication of June 23, 1906, addressed to the Secretary of War and by him referred to this office for reply, asking for the statute under which quarters are hired for officers serving with troops where there are not sufficient quarters possessed by the Government to accommodate them, you are respectfully informed that paragraph 1035, Army Regulations, 1904, provides: "If the pub-

lic buildings are inadequate, the commanding officer will apply, through the department commander, to the Secretary of War for authority to hire the necessary quarters." This paragraph of the Army Regulations is based upon section 9 of the act of June 17, 1878 (20 Stat. L.,

Very respectfully,

C. F. Humphrey, Quartermaster-General, U. S. Army.

NAVY DEPARTMENT, Washington, June 22, 1906.

Washington, June 22, 1906.

Sir: In answer to your informal inquiry of this morning I have the honor to submit the following statement:

By letter dated May 25, 1906, addressed to the chairman of the Committee on Naval Affairs of the Senate, the Department recommended the insertion in the then pending naval appropriation bill of the following clause:

"For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government and where there are not sufficient quarters possessed by the United States to accommodate them."

This clause now appears as Senate amendment No. 1 in the naval bill as it passed the Senate and was the subject of discussion yesterday in the House (Congressional Record, June 21, 1906, p. 9159 et seq.).

bill as it passed the Senate and was the subject of discussion yesterday in the House (CONGRESSIONAL RECORD, June 21, 1906, p. 9159 et seq.).

The provision is rendered necessary by recent decisions of the Comptroller of the Treasury to the effect that an officer of the Navy on duty with troops is not entitled to commutation for quarters (decision of November 13, 1905, in the case of Asst. Surg. W. N. McDonell, United States Navy, copy inclosed). Under this decision officers, when ordered to shore duty for service with enlisted men at points where there are no quarters available, suffer a special hardship, inasmuch as they receive neither quarters in kind nor commutation therefor. To correct this discrimination is the purpose of Senate "amendment No. 1."

The phraseology of this clause is not new. Prior to the decision of the Comptroller in question, however, such a provision was not needed for the Navy. The language of this "amendment No. 1." appears verbatim in acts making appropriations for the naval service passed as far back as 1890. (See, for example, 33 Stat., p. 349; 26 Stat., p. 204.) This language has, therefore, received interpretation in practice during a period of sixteen years or more, and it has been uniformly interpreted to mean that officers serving with troops, where there are no public quarters or insufficient quarters, shall receive commutation therefor at the rates allowed officers of the Army in like cases—that is to say, at the rate of \$12 per room for the number of rooms to which the rank of the officer concerned entitles him. These rates are fixed by law and regulation as follows:

"That the rate of commutation shall hereafter be \$12 per room per month for officers' quarters." (21 Stat., 31; act of June 23, 1879; 1 Supp. Rev. Stat., p. 267.)

This statute fixes the rate at \$12 per room. By Army Regulations (1904), article 1051, page 152, the number of rooms allowed "as quarters" and "as kitchen" are given as follows:

Lieutenant-General or colonel

Lieutenant-General or major-general____ Brigadier-general or colonel _______ Lieutenant-colonel or major_____ Lieutenant _

By section 13 of the personnel act it is provided that "officers of the line of the Navy and of the medical and pay corps shall receive the same pay and allowances, except forage, as are or may be provided by or in pursuance of law for the officers of corresponding rank in the Army. This statute makes the Army allowances applicable to the Navy, and by other provisions of law they are made applicable to the Marine Corps.

Articles 1035 and 1036 of the Army Regulations (1904) read:

"1035. An officer will not occupy more than his proper allowance of quarters, except by permission of the commanding officer, when there is an excess of quarters at the station. The allowance will be reduced pro rata by the commanding officer when the number of officers and troops present makes it necessary. If the public buildings are in-adequate, the commanding officer will apply, through the department commander, to the Secretary of War for authority to hire necessary quarters.

"1036. Officers on duty without troops at stations where there are public quarters will be furnished them in kind. If insufficient, application for authority to hire quarters will be made as directed in paragraph 1035."

graph 1035."

It is learned by informal inquiry at the War Department that it is the practice in that branch of the service to hire quarters for officers serving with troops where there are no public quarters or where the public quarters are insufficient.

From the foregoing statement it will be seen that the amendment to which objection has been made, Senate amendment No. 1, is not new, but has been running in the statutes relating to the Marine Corps for sixteen years; that its meaning has been settled and determined in practice; that the language does not confer upon the officers concerned any greater privileges than are enjoyed by officers of the Army in like situation.

Very respectfully,

TRUMAN H. NEWBERRY,

TRUMAN H. NEWBERRY, Acting Secretary.

Hon. George Edmund Foss, Chairman Committee on Naval Affairs, House of Representatives.

Mr. FITZGERALD. If this provision puts the officers of the Navy on the same basis as officers of the Army, so far as I am concerned, I have no desire to press the point of order.

Mr. MANN. Does this provision in any way enlarge what has heretofore been practiced in the Navy Department?

Mr. FOSS. No; it does not-prior to the decision of the Comptroller.

Mr. FITZGERALD. When was this decision made?

Mr. FOSS. I have the decision right here. Mr. MANN. It is a recent decision?

Mr. FOSS. It is a decision that was made a year agolittle over a year ago-and this provision first came to the House in the shape of a Senate amendment last year upon the naval bill.

Mr. FITZGERALD. I withdraw the point of order. The CHAIRMAN. The gentleman withdraws the point of order. The question is on the point of order raised by the gentleman from Illinois [Mr. Mann] to the word "thirty-six," in line 17, page 2.

Mr. FOSS. Mr. Chairman, right in this connection I would like to offer an amendment. Some of the accounts of the naval officers have already been held up for several months, and this will allow a settlement of those accounts.

The CHAIRMAN. The point of order should be disposed of

first, but

Mr. FOSS. I think I can offer it by unanimous consent. The CHAIRMAN. Is there objection to an amendment being offered by the gentleman from Illinois, chairman of the committee?

Mr. Chairman, it seems to me-Mr. MANN.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. MANN].

Mr. MANN. It seems to me it is wiser to pursue the regular

The CHAIRMAN. That amounts to an objection. The question is on the point of order raised by the gentleman from Illinois [Mr. Mann] to the word "thirty-six" in line 17, page 2.

Mr. MANN. May I ask the gentleman in charge of the bill, my colleague, whether the law provides for the number of men in the Naval Militia and the Fish Commission; and if so, whether this does not fix the number?

Mr. FOSS. Well, I would say to the gentleman we have no law providing for the number of men in the Navy, only as we fix it each year in the naval appropriation bill.

Is the theory of this to cover the additional Mr. MANN. force of marines?

Mr. FOSS. Oh, no; simply men in the Navy. The Depart-lowed 1,500, and this 36,000 men is giving them the 1,500 in ad-dition to what they already have now, 34,500.

Mr. MANN. Mr. Chairman, I withdraw the point of order. I do not think it is subject to the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order against line 17. The question is on the point of order raised by the gentleman from Illinois [Mr. PRINCE] to lines 6 to 21, inclusive, on page 3. Does the gentleman from Illinois desire to discuss the point of order?

Mr. HULL. Mr. Chairman, I understood the gentleman from Illinois to reserve the point of order.

Mr. PRINCE. Mr. Chairman, in order to hear the discussion, if there is any reason for it, I reserve the point of order and it can be considered as pending.

The CHAIRMAN. The point of order is reserved.

Mr. FOSS. Mr. Chairman, I do not care to speak upon the proposition now.

Mr. HULL. Mr. Chairnman, I only desire to say a very few words. This is legislation, and of course it is subject to the point of order. The proper way to have dealt with it undoubtedly would have been to have brought in a bill correcting the evil, but there has been an injustice done some very distinguished older officers of the Navy in our legislation in the last few years. When the naval personnel bill was passed all men of civil-war service then on the active list received an additional grade on retirement without any limitation as to rank. In other words, it went from the lowest officer to the highest officer of the Navy. When the Army bill was passed we limited the additional grade to those not above the grade of colonel, so that those who were on the retired list, the brigadier-generals, got no additional grade on account of civil-war service.

We passed a bill for the Army giving an increased pay to We passed a bill for the Army giving an increased pay to all civil-war soldiers on the retired list below the grade of brigadier-general or not above the grade of colonel, the grade of colonel, as you all understand, corresponding in the Army with the grade of captain in the Navy. When the Committee on Naval Affairs reported their bill-I think at the last session of Congress, the chairman can correct me if I am wrong-they gave to the officers of the Navy on the retired list an additional grade where they had had civil-war service. We limited it to those not above the grade of captain. The result was that there are fifteen older officers of the Navy on the retired list who had been retired before the personnel bill was enacted into law. Those men had high rank in the Navy during the civil war, and the anomaly is shown by our legislation that the juniors who had limited service in the civil war, some of them only a few months, some only a few weeks, going to the grade of rear-admiral, senior grade, passed these men who at that time were called commodores, an office that was abolished by the personnel bill, leaving them stationary and at a lower grade

on the retired list than the men they commanded during the civil war. In other words, these fifteen men-is that the num-

Mr. FOSS. Fifteen rear-admirals and three commodores.

Mr. HULL. Fifteen rear-admirals and three commodores have been pocketed by the legislation, have received no benefit whatever from the civil-war service, although they had com-mand rank during the civil war. It seems to me that, while this is not the proper place to legislate on that matter, any place is good enough to correct an injustice of that character, and for one I hope the point of order will not be insisted upon.

Mr. PRINCE. I want to ask my colleague on the committee Did not the Military Committee only a day or two ago decline to grant the privilege to eighteen majors and eleven captains who felt that they had been discriminated against on

account of this same law?

Mr. HULL. Yes; they did; but I want to say to my friend that, under the construction of the War Department, as I understand it, each one of those officers had received a grade above the one they were serving in for the purpose of retirement or at the date of retirement. Our law, as my colleague will remember, had this provision in it, that any officer who had received a grade for retirement should not have the benefit of the additional grade to civil-war veterans. Now, if those men did not come under that provision the War Department has been guilty of an injustice in their treatment. If it did come under that provision, or if they did come under the provision, then they have already had the grade and have no complaint to make on account of it.

Mr. CRUMPACKER. Mr. Chairman, I desire to reenforce the position of the gentleman from Iowa [Mr. HULL]. In short, this proviso undertakes to put fifteen rear-admirals and three commodores on the retired list upon the same footing-that is, admirals and commodores who were retired before the personnel bill became a law-with rear-admirals and corresponding officers who have been retired under the operation of that law. These fifteen rear-admirals, the youngest of whom is 72 years of age, held commissions in the civil war and performed honorable, distinguished, and faithful service for the Union during that war. They were retired by operation of law prior to the enactment of the personnel bill, and when the personnel bill went into force it increased by about 20 per cent the retired pay of men who held equal rank in the naval service

Mr. SHACKLEFORD. May I ask the gentleman a question? Mr. CRUMPACKER. So that these fifteen admirals to-day are getting about \$1,100 a year less of retired pay than rearadmirals who have been retired under operation of the person-

Mr. MANN. How much do they get? Mr. CRUMPACKER. I do not know. The same as majorgenerals.

Mr. HULL They get the same as brigadier-generals.

Mr. MANN. How much do they get?

Three-quarters of \$5,500 a year. Mr. HULL.

Mr. SHACKLEFORD. Why make it a rider to this bill? Why not make it a general measure, to be considered on its

Mr. CRUMPACKER. That is a question of procedure. When the House has an opportunity to do justice to these fifteen rearadmirals who performed distinguished service during the civil war, and who are discriminated against by acts of Congress, I think it ought to avail itself of the opportunity and not quibble over questions of procedure. It is not unusual for acts of Congress to give preferential privileges to men who stood by the Government during the civil war, but this is the first instance that I know of in the legislation of this country where men who performed that service on behalf of the Union are discriminated against. The officers who are retired under the personnel law. very few, if any of them, performed actual service during the civil war. They are receiving, I repeat, 20 per cent more of retired pay than these fifteen veterans to whom the country is under especial obligations. It is simply a question of doing plain, common justice to fifteen or eighteen worthy and deserv ing men, and I hope the gentleman from Illinois [Mr. PRINCE] will withdraw his point of order.

Mr. WALDO. I want to ask the gentleman a question, if he

Mr. CRUMPACKER. I will yield to the gentleman from New

Mr. WALDO. I want to know whether this clause is intended to include any pay for time of service in a military or naval

Mr. CRUMPACKER. No. The proviso to which the point of order is pending begins on line 6 and ends on line 31, and simply

relates to rank and retired pay. These officers have been on the retired list now for over seven years

They were retired by operation of law prior to the passage of the personnel bill, and they receive the same pay as brigadiers-general. The personnel law provides that all men, officers of the Navy, who should be retired as rear-admirals in the future should receive the rank and retired pay as majors-general. The personnel bill assimilated the rank, and put rear-admirals upon the same rank and pay as majors-general. It only applied to those in the service and who retired after the act went into effect on the 30th of June, 1899; and the fifteen rear-admirals who were retired before that act went into effect received no benefit whatever from it. They are on the retired list with the rank and pay of brigadiers-general, while a number of other officers of the Navy who have been retired since, under the operation of that law, who performed practically no active service for the Government, are on the retired list with the rank and pay of majors-general.

The CHAIRMAN. Does the gentleman from Illinois [Mr.

Foss] desire to be heard upon the point of order?
Mr. FOSS. Mr. Chairman, I do not care to discuss this matter, because it has been fully covered, I think, by the speech of the gentleman from Iowa [Mr. Hull]. If the gentleman from Illinois insists upon the point of order, I should like to know it now, because I think we could save a great deal of time.

Mr. PRINCE. Mr. Chairman, as near as I get a hold of it, this amendment tries to correct and change what was the law at the time of its passage, namely, these officers retired under the then existing law, and they were satisfied with it. Now, a later day came, and Congress passed another law which seemed to give somebody more benefits than were given under the law at the time these officers retired. Now gentlemen come and say therefore they want us to bring them up to the present If that were done and in the future you should make another change of law, then here is a precedent to bring up all those other men that have been treated otherwise in the past and give them all the benefit of recent legislation.

Now, they want to make fifteen majors-general. The active pay of a major-general is \$7,500. The retired pay three-fourths of that. Three-fourths of \$7,500, which is \$5,625, is a very pleasant amount to come in as retired pay for services rendered. Now, I can not consent to it; and if it should be done, it should be done in some other way. If there was a wrong done, it should have been corrected at the time. I am getting almost weary of doing something all the time to correct some of these retirements and promotions. There are thousands of men all retirements and promotions. over the country to-day who braved the storm of battle who are only receiving \$12 a month; and here is a proposition to increase the retired pay of fifteen brigadiers-general on the retired list and make them majors-general, retired, at three-I will take the responsibility of infourths of \$7,500 pay. sisting upon the point of order.

The CHAIRMAN. The point of order is sustained. The question is on the point of order raised by the gentleman from Illinois [Mr. Mann] on the balance of the section.

Mr. MANN. I insist upon the point of order. The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to discuss the point of order?

Mr. FOSS. No, Mr. Chairman; I do not.

The CHAIRMAN. It seems that it is clearly legislation.
Mr. VREELAND. Mr. Chairman, I want to inquire if the part objected to includes that portion of the bill commencing

with line 22 on page 3?

The CHAIRMAN. That is right; and down to line 11 on page 4.

Mr. VREELAND. I would ask the gentleman from Illinois to withhold his point of order at least until the reason for placing it in the bill may be given to the House. I think it will commend itself to his judgment upon hearing the reason for it.

Mr. MANN. Well, Mr. Chairman, I am perfectly willing to reserve the point of order until the gentleman makes his speech. However, I am not making the point of order in ignorance of the reason for putting it in the bill.

Mr. VREELAND. Perhaps there may be more reasons than the gentleman thinks.

Mr. MANN. Oh, there are some reasons that probably have not been disclosed to me.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. MANN. At the request of the gentleman, I temporarily reserve the point of order.

The CHAIRMAN. Very good.

Mr. VREELAND. Mr. Chairman, I recognize, with other gentlemen on the floor, that it would be better to bring these

matters before the House in separate bills; but we all know it is practically impossible to secure consideration for them. This bill has been pending before Congress for at least five years. It was first introduced by Representative Dayton during his service, and in the present Congress it was introduced by the gentleman from Louisiana [Mr. MEYER], receiving the unanimous indorsement of the committee, but has not been reached upon the Calendar up to the present time by the House, and it is evident that it can not be reached during the present session. At my request the Naval Committee inserted this item in the appropriation bill, believing that a mere statement of the facts in the case would so commend it to the House that it would receive unanimous consent, as it must.

Mr. Chairman, before the year 1900 retired naval officers could only be ordered into the service in time of war. Only in time of war could the Secretary of the Navy order retired officers returned to the service. In the year 1900 this law was changed for a period of twelve years, during which time the Secretary of the Navy may order any retired officer back into active service, on sea or on shore. By what I believe to be an inadvertence in the law, no provision was made whereby these officers who go back into active service can receive any benefit for the new

services which they perform.

I want to give the House two or three examples of the effect of the law as it now stands. We will take the case of Lieutenant Graham, who served twenty years and five months in the active service of the Navy. He was then retired for physical disability. Recovering sufficiently from his disability to per-form service, he was ordered back into the service, and has now been on the active list again for five years and three months, making him a total of more than thirty-two years of active service for his country. Yet under the provisions of the act of 1900 this officer can receive no advancement whatever, although he performs service side by side with those who are receiving advancement for the services they perform. This man is likely to stay in the service until he can see boys graduated down here at the academy since he returned to active service pass him in rank in spite of the more than thirty-two years

of service which he has performed.

Take the case of Ensign W. L. Varnum, who served thirteen years and a half, was retired for physical disabilities, went back into the service, being called there by the Secretary of the Navy, and has now served seven years more, making twenty years of active service in the Navy. Yet to-day he retains the rank of ensign, and if he should complete the balance of the twelve years of service he will still retain the rank of ensign. Meanwhile these young boys that are graduated down at the academy pass him and outrank him in the service, despite the

twenty years of service which he has put in.

Mr. PRINCE. May I ask the gentleman a question?

Mr. VREELAND. Yes.
Mr. PRINCE. Does it not often occur that our colleagues come here, serve with us, and pass us, as in the case of the very able justice of the Supreme Court, Mr. Moody? Can we rectify all these differences and equalities of men and officers by

Mr. VREELAND. We can not rectify all inequalities, but I want to point out to my friend from Illinois that this does not come under the objection that he made to the section of the bill that has just gone out. This does not give an arbitrary raise of pay to men who have retired from the service. merely gives a chance to men who have come back into active service by order of the Secretary of the Navy and perform new service, and we merely give them the common justice of a chance for promotion for the new service which they render.

I will cite one more example. Take the case of a gunner, S. Cross, who served twenty-five years and ten months, being retired for physical disability. He has now come back into the service and has served more than six years, and yet he can see the gunners by the side of him, with far less years of service than he has had, promoted to be chief gunners, while he must spend the balance of his service in the same position.

Now, I want to explain to the House just what this amendment does. Under this present law, the act of 1900, the Secretary of the Navy can order any retired officer back to active service. It is not a matter of discretion with the officer to serve or not, as it is in the Army. He is ordered back into the service. Now, this bill provides that those who are ordered back into the service and who have been retired for physical disability only—the men who voluntarily retired from the service are not affected by this-after having served three years, may then have credit for the years of active service that they had before their retirement. If that is not common justice and fairness to men who are now performing active duties in the service, then I am totally mistaken in the premises.

We know the reason for this law, Mr. Chairman. that it was passed because we have not officers enough in the Navy to man our ships. We know that we have to order these men back into the service because we are not turning out officers at Annapolis fast enough to man the ships which we have built. I have no hesitation in saying that it is not only unjust, but positively mean and niggardly, for Congress to require these men by law to return to active service and then refuse to permit them to advance, but subject them to the humiliation of being passed by their juniors in years and length of service.

Now, Mr. Chairman, I want to say that no officer of high grade will be affected by this bill. It is not a permanent change in the law; this act of 1900 limits its provisions to It merely affects those retired for physical disatwelve years. bility and called back into the service by order of the Secretary of the Navy, who are now performing active duty in the service wherever they are sent.

Under these circumstances it did seem to me that a statement of the effect of this provision would commend itself to the judgment of the House.

Mr. MANN. Mr. Chairman, I insist on the point of order. Mr. OLMSTED. I wish the gentleman would withhold his point of order.

Mr. MANN. There are several gentlemen who wish to be heard, but the committee is anxious to proceed. However, I will reserve the point of order if the gentleman from Pennsylvania wishes to address the committee.

Mr. OLMSTED. Mr. Chairman, I wish to say a few words. I happen to be familiar with the case of Mr. Graham, referred to by the gentleman from New York [Mr. VREELAND]. son of a distinguished judge, and has many relatives living in His is a most meritorious case. If I mistake not, there has been once or twice a special bill favorably reported to this House covering his particular case. Now there has been reported by the proper committee a bill covering all similar cases, the same provision that is in this bill with reference to these several cases. I suggest to the gentleman from Illinois that while the rule he invokes is, in the main, a very good rule, with which we are all in sympathy, its object is to prevent vicious legislation which probably could not otherwise be effected than as a rider to an appropriation. This seems to me—and I hope it will seem to him—to be invoking a technical rule, not to prevent an evil, but to prevent a good proposition from becoming law.

There is no doubt that if the general bill which has been reported from the committee could be brought before the House at this time it would pass. I have no doubt that the gentleman from Illinois himself would be very glad to vote for it. That being the case, the measure having been acted upon by the proper committee and favorably reported to the House, and failing to be considered by the House only because it is so far down on the Calendar that it can not be reached at this session, I hope the gentleman from Illinois will not feel it his duty to press the point of order in this case. One great object of the rule is to prevent the springing upon the House of entirely new. propositions which have not been considered by the proper committee. It is quite customary to withhold or refrain from making the point of order where the subject-matter of the paragraph has been acted upon by the proper committee, and I ask the gentleman from Illinois not to invoke it against so worthy a provision, which simply does justice to several very worthy officers.

Mr. WEEKS. Mr. Chairman, I want to add one or two words to what the gentleman from New York has said, and that is that these men are retired for physical defects incurred in the They are not retired on their own volition. They oppose retirement in almost every case, and are retired by order of the Department because they have some physical defect. If we had a reserve list, as we should have, these men would be continued in the active service, not doing the duty they are not fit to do, but doing the duty which they could do.

Now, there is a vital difference between the method of the operation of the law as it works in the Army and Navy. the Army retired officers are only placed on duty at their own request and with their own consent, and they are only placed on certain stipulated duty, fixed by law; but in the Navy the Department has the option to order any retired officer on duty and to perform any duty which the Department requires him to do. So that these men, who have been retired through no fault of theirs, no matter if they have taken up some active business, wherever they reside, and while engaged in that business, at the option of the Department may be taken from it and ordered on active duty. It therefore works a direct and immediate financial loss in very many cases.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. WEEKS. Certainly.

Mr. FITZGERALD. The active duty to which these men are ordered is not the class of duty that is of special service in the time of war-only active duty in connection with recruiting stations at yards?

Mr. WEEKS. I will say to the gentleman from New York that they are ordered on any duty which the Department sees

fit to order them to.

Mr. FITZGERALD. But, as a matter of fact, the physical defects are such that they are incapacitated even in time of war, if I am correctly informed, of rendering the service which the average man considers to be active service.

Mr. WEEKS. Generally speaking, that is the case.

The CHAIRMAN. Does the gentleman insist on his point of order?

I insist on the point of order.

The CHAIRMAN. The point of order is sustained. Mr. FOSS. Mr. Chairman, I have offered an amendment, which the Clerk has at his desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "troops," in line 11, on page 2, insert the following: "And the proper accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of accounts of disbursing officers all payments made prior to July 1, 1907, for commutation of quarters for officers on shore serving with troops and not provided with public quarters."

Mr. MANN. Mr. Chairman, I reserve the point of order on

Mr. FITZGERALD. Does the gentleman mean prior to that time or subsequent to that time?

Mr. FOSS. Prior to that time. Mr. FITZGERALD. How far back would that go?

Mr. MANN. To the beginning of the Government. Mr. FOSS. Oh, no.

Mr. FITZGERALD. Yes; I think it would.

Mr. FOSS. Back to the date of the decision of the Comptroller.

Mr. FITZGERALD. I think the amendment should so state. Mr. MANN. Here is a direction on the Comptroller to allow all accounts at any time in reference to officers' quarters.

Mr. FOSS. Mr. Chairman, I wish the Clerk would again re-

port the amendment.

The CHAIRMAN. Without objection, the Clerk will again

report the amendment. There was no objection, and the Clerk again reported the

That would cover all claims for officers' quarters prior to next July, no matter where they occurred or for what reason they had been allowed.

The CHAIRMAN. Does the gentleman from Illinois now

make the point of order?

Mr. MANN. I reserve the point of order.

The CHAIRMAN. The Chair will recognize the gentleman

from Illinois [Mr. Foss].

Mr. FOSS. Mr. Chairman, I want to state there has been no question as to the commutation of quarters up to the time of the Comptroller's decision, which was on November 15, 1905, and since that time these accounts have been held up. If the gentleman desires to insert "prior to June 30, 1907, and after November 15, 1905," I have no objection.

Mr. FITZGERALD. The gentleman ought to have his amendation.

ment prepared so that it would cover all accounts affected by

Mr. FOSS. This amendment was prepared by the Department and affects only these accounts which have been held up by the

Comptroller's decision.

Mr. MANN. It affects all accounts prior to July 1, 1907, for officers' quarters, no matter whether they have been authorized by law or not. Under this they could allow anything they

Mr. ROBERTS. Prior to 1905 they were not held up at all;

they were paid.

Mr. MANN. That is not the amendment. I have no objection to providing an amendment in accordance with the language of the bill in some way.

The CHAIRMAN. Does the gentleman insist on his point of order?

I do in its present shape. Mr. MANN.

The CHAIRMAN. Wherein does the gentleman claim the amendment is out of order?

Mr. MANN. It is a change of law absolutely. It is direct-

ing that accounting officers shall allow certain accounts which are not now allowed by law. It is a specific direction, the law

now providing that accounts shall be allowed by the accounting officers for disbursements for officers' quarters. Here is an amendment directing the accounting officers to allow all disbursements for officers' quarters, though it may be directly in the teeth of the law fixing the allowance.

The CHAIRMAN. Does the gentleman from Illinois [Mr.

Foss] desire to be heard on the point of order?

Mr. FOSS. I do not, Mr. Chairman.

The CHAIRMAN. In the opinion of the Chair, the point of order is well taken, and the Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following

amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 22, insert:
"The grade of the active list of the Navy hereinafter designated shall be so increased that there shall be sixteen additional chaplains."

Mr. FOSS. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. FITZGERALD. It is clearly subject to the point of order, but I sincerely hope, since the bill carries so much legislation, the chairman will permit the committee to consider the matter, most particularly as on February 19, 1903, when a similar amendment was offered by me, members of the committee assured me that the bill I had introduced for this purpose would be considered and reported, and no action has yet been taken upon it.

The CHAIRMAN. The point of order is made by the gentle-

man from Illinois, and sustained.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last two paragraphs, both having gone out on the point of order. Mr. Chairman, I would like to ask the privilege of the House, and I hope, if my request receives the indorsement of the chairman of the committee, to be permitted to continue for fifteen minutes

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none.

Mr. SLAYDEN. Mr. Chairman, it is a curious coincidence that usually as we approach the consideration of the naval bill there is a revival of war talk. Our enemies appear in increasing numbers and with a more threatening aspect just as there

mention this as cause and effect, but I do think it suggestive.

Although we are at peace "with all the world and the rest of mankind," as a President of the United States is reported to have said, the air is thick with rumors of war. Senators of the United States see storm clouds in the Fast and parimeters. United States see storm clouds in the East and peripatetic preachers of unlimited naval construction are declaring in public addresses that a conflict with Japan is inevitable. Some of our friends who represent the Pacific coast on the floor of this House are frightened almost into a state of nervous collapse over the vision of little brown men marching under the banner of the "rising sun." The fact that 6,000 miles of salt water lie between them and the islands of Japan does not appear to allay their fears. They are not even reassured by the recollection of the fact that the President of the United States has recently been honored with the Nobel prize as the world's chief champion of peace. If this official selection of the President as the world's most conspicuous exemplar of the doctrine of love and peace—and no one has yet openly suggested that it is a misfit—can not calm their fears, it is useless, I suppose, for me to undertake to say anything with the hope that it will reassure them. Still, as one who can not appreciate the imminence of this danger, as one who can not persuade himself that there are certain physical and financial obstacles which even the Japanese, brave,

physical and mancial obstacles which even the Japanese, brave, clever, and resourceful as they are, can not overcome, I shall contribute my mite toward restoring their peace of mind.

Mr. Chairman, the war between Japan and Russia was one of the most remarkable in the history of the world. A nation of only about 40,000,000 people, recently emerged from what we are pleased to call "barbarism," met and overcame on the field of battle one of the great military powers of Europe. markable series of battles, always ending in victory for the Japanese, and the result of the war are striking illustrations of what discipline and intelligent preparation will accomplish. The Russians outnumbered the Japanese about three to one; they had better credit; their march into Asia had been for years an uninterrupted series of victories; they held their enemy in contempt, and this may have had something to do with their defeat, but the end was humiliation to the Czar and his armies.

However, it must not be forgotten that the theater of war was several thousand miles away from the Russian base of supplies. Not only the army of Russia but all the provisions of war had to be carried this great distance over two little,

slender threads of steel, and in this fact alone lay an advantage for the Japanese which quite balanced the disparity in

I call upon my nervous fellow-citizens of the Pacific coast to remember that although the Japanese could march across Korea and through Manchuria, their legs are entirely too short to wade the Pacific. On our side of the Pacific Ocean they have no coaling stations, and ships of war which cross that ocean under their own steam would be comparatively helpless before they could reach the coast of California. Again—and the recollection of this may help our California friends to a night's rest-it should also be remembered that after winning brilliant victories in the greatest battles of all history the Japanese made a treaty of peace, which, if not humiliating, was at least a confession of weakness. No man can believe that the Japanese would have yielded what they did yield at Portsmouth if they had not been physically and financially exhausted. They may have recovered from their physical exhaustion, but it is certain that they have neither paid their debts nor filled their war chests since the summer of 1905. The statesmen of Japan, who seem to measure up in capacity to those of any other nation, know that a bankrupt country can not wage war successfully against a wealthy one, particularly under the circumstances which surround this country and theirs. The poverty of Japan and the wealth of the United States both speak for peace.

It has been suggested by a gentleman who ought to know better that in a crisis of this sort Japan would be used as the tool of England and made the agency of Great Britain for wreaking vengeance on the United States to satisfy an enmity which is not explained and for purposes that no man can fathom. The suggestion is absurd and unwarranted by any facts of current or recent history.

I do not believe that there has been a day in the last ten years when any Government of Great Britain, Conservative or Liberal, would not gladly have entered into a treaty of arbitra-tion with this country. That England would prefer not to tion with this country. That England would prefer not to share the trade of the East with us goes without saying. But the English people are clever traders and they would never throw away a great business for a small one, nor would they be so stupid as to shut out our grain and cotton from their own country in order to preserve a trade which is of less importance to them, less vital to them, in fact. The tables of our com-merce with Great Britain, if carefully studied, should, it seems to me, satisfy any man not besotted with the lust for war that there is absolutely no danger of any trouble between that country and the United States. Then there is a higher plane upon which our relations with Great Britain might be considered. Blood is thicker than water. We speak the same language, hold the same traditions, and have inherited the same love of liberty that has been a conspicuous quality of the British since the barons had their trouble with King John. They are our kinsmen, bone of our bone, and in dealing with other races this is bound to have its influence. Although we may have our periods of irritation, although on two occasions we have actually come to blows with the English, no man can convince me that the great mass of Englishmen or any English government which derives its powers from the people will ever so actively sympathize with those of another race as to lead them to commit political and commercial suicide, both of which would be made almost certain by a war with the United States. This talk of war is ridiculous and wicked. Whether it is more stupid than sinful or more sinful than stupid I can not say. believe it is the maximum of both.

Arbitration is an honorable, reasonable, and inexpensive way of maintaining peace. It is more in harmony with the platform of the Galilean and more consistent with modern civilization than the "big stick" or "big navy" plan which proposes to keep the peace by developing a power so great that it may crush the life out of opposition. Although it seems a long time coming, I still indulge the hope that the Christian and peaceloving people of this country will some time compel their own Government to write treaties of arbitration with all the other Governments of the world that are willing to enter into them. If I could have my way I would begin by making treaties with the smaller and weaker nations of the American Continent. I would then move steadily forward in the great work until finally the powerful nations of the earth, made ashamed by the noble example that the smaller nations had set them, would gladly seek the advantage of these covenants that are based on the Golden Rule.

I have never been able to appreciate the force of the argument that peace is best preserved by unusual preparation for war. Bringing that argument down to the range of personal observation I would suggest that the man who carries arms is the individual most apt to have personal difficulties. Nations, which

are but aggregated individuals, are governed by the same impulses and follow the same lines of reason, or unreason, as it is more ant to be.

The greed of nations, which is best controlled by treaties of arbitration, is what causes all the trouble. If the strong nations did not lust after the soil and sovereignty of the weaker there would be fewer wars. If we were not debauched by the same lust for other people's goods and government we would have fewer troubles of our own than we have had for the last ten years.

Nothing so marks the growth of the imperial idea in our country as the development of the Navy. All thoughtful and patriotic Americans admit that we need a good defensive Navy, but that is as far as they go. They are beginning to be awakened to the fact that we have gone far beyond their conservative views, and the end is not in sight. We have finally gone into competition with the greatest naval power on earth, and it is no uncommon thing to hear Americans say that we must not stop until we have a Navy equal to if not greater than that of England. To balance England's great war ship, the Dreadnought, we are urged to lay down two upon even more powerful lines. Where he got his figure of speech I do not know, but a distinguished clergyman said to me the other day that he detested the poker-playing suggestion that in the matter of building war ships we should always "go one better."

A year ago when this bill was being considered I asked the

A year ago when this bill was being considered I asked the attention of the House to a comparison of our naval budget then and what it was in the last year of Mr. Cleveland's Administration. That comparison may still be studied with advantage, but it must be distressing to the thoughtful and patriotic American to whom I have referred.

The Navy is not for defense. Strictly speaking it is an offensive weapon. The integrity of our territory is secured by the coast defenses erected at an ultimate cost of nearly \$200,000,000 and in the stout hearts of the \$0,000,000 Americans behind them. Perhaps I am to a degree wrong in that statement, for the Navy may be considered necessary for the defense of certain outlying and outlandish islands. But, Mr. Chairman, when the outlanders don't want our defense, or our sovereignty, it would seem that we are really paying too high a price for the privilege of thrusting the benefits of our political system on an unwilling pecule.

I do not suppose that any moderately well-informed man will deny the proposition that if we did not have the Philippines on our hands our naval expenses could be cut half in two and our military budget greatly reduced. There are very few men of even the most moderate information, no matter what their political faith may be, who are not ready to admit that the monumental blunder of our history was the annexation of those islands. We have dissipated our strength in assuming the burden of their defense. We have repudiated cherished principles by compelling them to accept a government which they do not want. We have complicated our vexatious race problem by making them our wards, and we are increasing the burden of our own taxes because we do not seem to have sense enough to get rid of an expensive nuisance.

My friend Champ Clark of Missouri, who has the habit of

My friend Champ Clark of Missouri, who has the habit of forceful and interesting speech, hammered some wholesome truths over, if not into, the heads of Members the other day when he said that while we wanted more land and were trying to get it by draining swamps and watering the plains, we did not want the Philippines, because our children would never live there. The history of our people will show that he is absolutely right in that statement. Our race has usually recoiled from the Tropics, and when it has ventured in that direction the experiment has ended in disaster. The prolonged residence of white men in the Tropics has usually ended in physical and moral degeneracy. Sometimes they have adjusted themselves to the environment and debased themselves by a race merger with the natives, and the result has always been a mongrel who has done nothing worth remembering and who is capable of nothing worth doing.

After nearly four hundred years of efforts at colonization the number of people of European stock in tropical countries is a negligible quantity. The Philippines were occupied by the Portuguese and Spaniards before the English settled at Jamestown and Plymouth Rock. Nothing ever seriously impeded the development of the colonies of Plymouth and Jamestown. They grew in spite of all obstacles. Neither the hostility of the savages, who beset both these plantations, nor the occasionally desperate state of their fortunes could prevent the coming of other colonists or their growth into great and liberty-loving States. But the favor of kings and the nurturing care of the church was not equal to the task of making an important state out of the Philippines, and when the Americans landed at Manila, three

hundred and seventy-seven years after their discovery by Magellan, the natives were still mostly naked savages, who were being ruled and robbed by a handful of Spaniards.

No wonder Mr. Clark says that American children will not go there. They instinctively know that their destiny lies in the Temperate Zone. Under these circumstances what incredible folly it is for us to go on squandering millions of the money of the American taxpayer to build a great Navy to hold islands which we do not want and can not inhabit if we wanted to.

We have wasted enough money already in the scheme of Asiatic colonization to deepen all the harbors and improve all the rivers in the United States. And what have we gotten for it? The bayonet-enforced right to govern some colored people on the other side of the earth, who never heard of us until they saw the muzzles of our guns and who, if they survive a thousand centuries, will, no doubt, always associate us with schemes of reconcentration and heroic feats of arms like that at Mount

We have acquired a footing in the Asiatic storm center. We have provoked the jealousy of Europe and excited the dread of We have secured conditions out of which we may reasonably expect wars enough to keep our swords from rusting in their scabbards. These are so far the net results of our maneuvering on the China seas.

FORTIFYING THE PHILIPPINES.

It is now proposed to extend our coast defense project to the Philippines. This is a plan that was gotten up to protect American homes against assault from the outside. When completed it will cost nearly \$260,000,000. It is a large tax on the public treasury, but a burden which our people cheerfully bear. I do not believe that they will patiently submit to its extension to the Philippine Islands.

The number of guns proposed for these defenses, with the estimated cost of the guns, carriages, and emplacements, submarine mines, etc., is as follows:

Proposed armament.—Manila: Eight 12-inch mortars, eight 14-inch, four 12-inch, two 10-inch, four 6-inch, and fourteen 3-inch guns. Subig Bay: Eight 12-inch mortars, four 12-inch, three 10-inch, and twelve 3-inch guns.

Estimated cost of armament, etc.

	Manila.	Subig Bay.
Guns, carriages, and emplacements Submarine defense Power plants. Searchlights Fire control	709, 106 348, 697	\$1,472,865 276,310 160,633 95,000 243,391
Total Personnel required: Officers. Men	6, 168, 819 39 1, 049	2, 248, 199 58 1, 563

These figures indicate, Mr. Chairman, that it is proposed to These figures indicate, Mr. Chairman, that it is proposed to spend \$8,417,018 more for defensive works at the two places of Manila and Subig Bay than have already been spent. The estimates do not include the cost of eight 12-inch guns to be mounted at Manila and in Subig Bay, as these guns have already been manufactured from funds heretofore appropriated. The emplacements for six of these 12-inch guns and for four mortars have also been constructed from funds previously appropriated.

There are other points on the islands which, our military advisers think should be fortified, if we are to retain them. Iloilo and Cebu will call for as many millions, perhaps, as Manila and Subig Bay, and for a corresponding increase in the personnel of the Coast Artillery.

Very few harbors in the United States will have as costly deference as Manila. Colvector for accounts which had a costly deference on Manila.

defenses as Manila. Galveston, for example, which had an outgoing trade in the last six months of 1906 twice as great as the import and export trade of all the Philippine Islands for the entire fiscal year ending June 30, 1906, will be defended by one-third the coast artillerymen required at Manila and Subig Bay and for less than one-third the cost.

Then, after all, there are military experts who do not believe that the islands can be put in a state of defense for any sum of money which will not be prohibitive.

Shall we persevere in this political folly and extravagance? I believe that when the American voter once has his conscience and judgment aroused he will command the abandonment of this strange and un-American policy of meddling with the affairs of Asia.

I have argued this question altogether from the point of view of the Americans and their interests. Now, with the permission of the House, I shall print an article which not only graphically describes political conditions in the islands, but

also undertakes to give the view of the Filipinos. It is not unreasonable to ask that they be considered in the settlement of their affairs.

The article is as follows:

[North American Review, January 18, 1907.]

PHILIPPINE INDEPENDENCE-WHEN?

PHILIPPINE INDEPENDENCE—WHEN?

[By James H. Blount, late judge of the court of first instance of the Philippine Islands.]

After seven years spent at the "storm center" of "expansion," the first of the seven as a volunteer officer in Cuba, the next two in a like capacity in the Philippines, and the remainder in the last-named country as United States judge, the writer was finally invalided home last spring, sustained in spirit at parting by cordial farewells, oral and written, personal and official. Having now been invited by the editor of the Review to prepare an article embodying his views as to our Philippine problem, he naturally enters upon a discussion of the subject with some degree of diffidence, because it involves calling in question the wisdom and righteousness of a policy inaugurated and carried out by a small group of distinguished men, under whom he shared in this nation's work beyond seas for a very considerable fraction of the average duration of life. However, he can truly say to all former fellow-workers:

"I have eaten your bread and salt,
I have drunk your water and wine,
The deaths ye died I have watched beside
And the lives that ye led were mine.

"Was there aught that I did not share In vigil or toll or ease, One joy or woe that I did not know, Dear friends across the seas?"

"Was there aught that i did not share
In vigil or toll or east."

In Charles Dickens's nevel, Bleak House, there is a chapter entitled "Telescopic philaintropy." wherein is introduced the famous Mrs. Jeljby, the mother of a large and interesting family, "a lady of very remarkable strength of character, who devotes herself entirely to the public," who "has devoted herself to an extensive variety of public subjects at various times and is at present devoted to the subject of Africa, with a general view to the cultivation of the coffee berry and inspect of her own children, the latter continually getting into all times of mischlef while her attention is diverted from home. Seeing that the original proposes to continue its policy of "benevolent assimilation" in the remote Philippines indefinitely, at whatever cost, the analogy between its attitude and Mrs. Jellyby's misplaced philanger," is by no means remote.

Mr. Bryan maintains, substantially (see his newspaper, the Commoner, of April 27 and May 4, 1906):

(1) That the Filipinos want independence.

(2) That if protected from the great land-acquiring powers, "so fast the subject to any allen government."

(3) That we should at once disclaim any intention of exercising permanent sovereignty over the archipelago and declare it to be our purpose to remain only long enough to see a stable government started, and then leave them to work out their own destiny.

Senator Dusors, of Idaho, who was a member of the Congressional party referred to, has since said in the New York Independent:

Senator Dusors, of Iwah, who was a member of the Congressional party referred to, has since said in the New York Independent.

Senator New Axors, of Nevada, also a member of the Congressional party referred to, has since said in the New York Independent.

There is no question that all the Filipino parties are now in favor of independence.

"There is nobody in the islands, no organization of any kind or description, which favors the population of the islands to some party referred to, ha

hamlets), has the same kind of stores and similarly dressed people as a Christian manicipality of the island of Mindamac."

Ing a comparison between itself and the schedules of the Twelfth Census of the United States:

"Those of the Philippine Census are somewhat simpler, the differences being due mining by the more homogeneous character of the population of the company of the more homogeneous character of the population of the company o

they ought to have independence." (Speech at Cincinnati, February 22, 1904.)

The imputation of selfishness put by this statement upon all Filipinos who desire independence is uncalled for. "The gentlemen that are looking for office under an independent government" could undoubtedly get office under the present government if they would only stop wanting independence. And "if you permit their independence and make it a definite promise," you will have no agitation to hasten the day, provided the promise itself fix the day. During nearly four years of service on the bench in the Philippines, the writer heard as much genuine, impassioned, and effective eloquence from Filipino lawyers, saw exhibited in the trial of causes as much industrious preparation, and zealous, loyal advocacy of the rights of clients as any ordinary nisi prius judge at home is likely to meet with in the same length of time. Some of these lawyers are ex-officers of the insurgent army. Each of them has his clients and is the center of a circle of influence. All of them, without exception, want independence. Of course the law of self-preservation precludes them from proclaiming this from the house tops, especially if they are holding office under the Government. But in their heart of hearts the dearest hope that each of them cherishes is that he may live to see the star of the Philippine republic risen in the Far East. Let a date be fixed by the United States Congress for turning over the government of the archipelago to its people, a date which will afford to the great majority of the present generation a reasonable expectation of living to see the independence of their country, and all political unrest, including most of the brigandage in

the islands, will at once cease. The news will spread "like wildfire," to borrow a famous phrase of our sunshiny Secretary of War. We shall have exchanged a balking horse for a willing one. The sullen submission of a conquered people will give place to genuine and universal gratitude toward America. The unborn national life will leap for joy in the womb of time. Te Deums will be celebrated in every church of every town in the archipelago from Aparri to Zamboanga. Aglipay himself may even say: "Now, Lord, let my schism depart in peace, for mine eyes have seen Thy salvation."

The great ocean steamship companies of the world publish the sailing dates of their vessels a year ahead. Everything else hinges upon this point of departure. All preparations, whether by crew, shippers, or prospective passengers, are shaped to that end. Why can not the same be done in the matter of the launching of a ship of state? If three strong and able men, familiar with insular conditions and still young enough to undertake the task—say, for instance, Gen. Leonard Wood, of the Army; Judge Adam C. Carson, of the Philippine supreme court, and W. Morgan Shuster, collector of customs of the archipelago, or three other men of like caliber—were told by a President of the United States, by authority of the Congress, "Go out there and set up a respectable native government in ten years, and then come away," they could and would do it, and that government would be a success, and one of the greatest moral victories in the annals of free government would have been written by the gentlemen concerned upon the pages of their country's history.

To understand the causes of the present discontent and how incurable it is except by a promise of independence at a fixed date, let me review this tragedy of errors which we have written in blood and selfish legislation in that unhappy land, as rapidly as may be consistent with clearness and commensurate with the ability of an inconsistent with clearness and commensurate with the ability of an inconsistent w

otis had us evacuate this place and fall back. We have just had to take it again." The Schurman Commission hoped that the Filipinos could be persuaded to give up their idea of independence. The Army knew better.

In the first half of 1899 General Otis inexcusably postponed recommending to President McKinley the call for Federal volunteers. He did not really understand the seriousness of the situation. He conducted the campaign all the time he was there from a desk in Manila, and never once took the field.

The Volunteer Army of 1899 was to last, under the act of Congress, for two years only—that is, until the close of the fiscal year ending June 30, 1901. The insurrection had to be over at that time, whether or no. To use an expression of the theatrical managers, that date was to be "positively its last appearance." The volunteers began their work in the fall of 1899, twenty-five regiments of them, and, shoulder to shoulder with the regulars, pegged away cheerfully at the war, doing their country's work: and they had been vigorously convincing the Filipinos of the benevolence of our intentions for about nine months when the idea of a second Philippine Commission, a second olive branch, was conceived at Washington. The Presidential election was to occur in the following November, and men high in the councils of the Republican narry at home believed that the success of the party would be seriously imperiled if the situation did not soon clear up, or at least improve, in the Philippines. The public press of that period contains interviews with such men of the tenor indicated. In this state of the case the Tatt Commission was sent out. Things looked dismal. Philippine stock was going down. Optimism was devoutly to be wished. Judge Taft did not disappoint his friends at home. He was not then a judge. He was a partisan of the Republican party, an advocate. And, like many another able advocate, he persuaded himself that the witnesses whose testimony militated against his client's interest were, if not mendaclous, at l

expressed in General MacArthur's annual report to the Secretary of War:

"* * The people seem to be actuated by the idea that in all doubtful matters of polities or war, men are never nearer right than when going with their own kith and kin. * * " " " Alusion is then made to the "aimost complete unity of action of the entire native population. That such unity is a fact is too obvious to admit of discussion." Then follows this humorous thrust:

"* * The adhesive principle comes from ethnological homogeneity, which induces men to respond for a time to the appeals of consanguineous leadership."

If the volunteers whose term of enlistment was scheduled to expire with the fiscal year, June 30, 1901, should have to be replaced by anything like an equal number of other troops, a call for further appropriations to conduct a long-drawn-out and unpopular war would surely try the patience of the American people and endanger the ultimate fortunes of the Republican party. Everything had to be shaped to avoid such a catastrophe. Whether the country should be ready for civil government on that date or not, it had to be. When Joel Chandler Harris's creation, "Uncle Remus," tells his little friend the story of Brev

Rabbit's climbing the tree to elude the dogs, and the lad interrupts: "But, Uncle Remus, a rabbit can't climb a tree," the resourceful narrator very promptly replies: "Oh, but, honey, dis rabbit des 'bleeged ter climb dis tree." The Administration was "bleeged" to climb the tree of civil government. Civil government was therefore duly inaugurated on July 4, 1901.

Within less than six months thereafter the flames of insurrection broke out anew in Batangas and the adjacent provinces, and it became necessary to give the military a free hand. General J. Franklin Bell accordingly invaded Batangas and the region round about with an ample force, a brigade, and proceeded to wage war—the sort of war General Sherman described, only more so, for General Sherman did not practice reconcentration. General Bell went there to make those people "long for peace." And he did make them "long for peace," or, to use his own language, "want peace and want it badly." General Bell is not to be blamed for this. He is a brave and skillful soldier, one of the best in our own or any other army. He was simply doing his duty, obedient to orders. This Batangas insurrection of 1901–2 would never have occurred had not Governor Taft persisted in belleving that the Fliipinos could be genulnely satisfied with something less than independence. This error led him to reduce, most imprudently, the army of occupation and the number of Army posts, against military advice, thereby giving the insurrection a chance to get its second wind. If the army of occupation had not been so reduced, reconcentration would never have been necessary in Batangas or elsewhere. Reconcentration tactics are born of numerical weakness. If you have troops enough thoroughly to police a given territory, no need for reconcentration will arise there. Reconcentration is an admission that you are not able constantly to provide protection for all the people. As a corollary of the fundamental mistake indicated, a constabulary force was organized, which, it was believed, could control

rienced civilians and unfriendly constantiaty to sharp, like.

Caring for the peaceably inclined people, or pacificos, as they were called in Cuba—those who upon being told to do so voluntarily come within the zone or radius prescribed in the order for reconcentration—is not the only problem which can be competently handled by the military alone. There are the prisoners brought in by the policing force, from time to time, because found outside the prescribed radius, and put in the provincial jail. An ordinary jail, with 400 to 800 people crowded into it within a short period of time, can not be properly handled by inexperienced hands. The sanitary conditions are sure to become bad and foul, and more or less disease and death is certain to ensue.

handled by inexperienced hands. The sanitary conditions are sure to become bad and foul, and more or less disease and death is certain to ensue.

In the latter part of 1903, about the middle of November, the writer was sent to hold court in the province of Albay, where quite a formidable insurrection had been in progress for about a year without suspension of civil government. There had been as many as 1,500 men in the field on each side at times. Reconcentration under the law quoted had been resorted to. There had been as many as 700 or 800 prisoners in the provincial jail at one time, so he was told. Toward the close of the term, just after Christmas, when most of the docket had been disposed of, and there was time for matters more or less perfunctory in their nature, the prosecuting attorney brought in rough drafts of two proposed orders for the court to sign. One was headed with a list of fifty-seven names, the other with a list of sixty-three names. Both orders recited that the foregoing persons had died in the fail—all but one between May 20 and December 3, 1903 (roughly six and one-half months), as will appear from an examination of the dates of death—and concluded by directing that the indictments against them be quashed. The writer was only holding an extraordinary term of court there, and was about to leave the province. The regular judge of the district was scheduled soon to arrive. He did not sign the proposed orders, therefore, but kept them as legal curios. A correct translation of one of them appears below, followed by the list of names which headed the other (identical) order:

The United States of America, Philippine Islands, eighth judicial

The United States of America, Philippine Islands, eighth judicial district, in the court of first instance of Albay.

The United States of America, Philippine Islands, eighth judicial district, in the court of first instance of Albay.

The United States against Cornello Rigorosa, died December 3, 1903; Fablan Basques, died September 25, 1903; Julian Nacion, died October 14, 1903; Francisco Rigorosa, died October 18, 1903; Anacleto Solano, died November 25, 1903; Valentin Cesillano, died November 6, 1903; Felix Sasutona, died September 26, 1903; Marcelo de los Santos, died June 3, 1903; Marcelo Patingo, died November 15, 1903; Juan Raynante, died September 7, 1903; Dionisio Carifiaga, died October 4, 1903; Felipe Navor. died September 17, 1903; Luis Nicol, died November 23, 1903; Balbino Nicol, died September 23, 1903; Dionisio Carifiaga, died October 24, 1903; Felipe Navor. died September 17, 1903; Luis Nicol, died November 23, 1903; Balbino Nicol, died September 23, 1903; Damiano Nicol, died November 23, 1903; Leoncio Sabalburo, died November 20, 1903; Catalino Sideria, died July 25, 1903; Marcelo Ariola, died October 26, 1903; Francisco Cao, died November 26, 1903; Martin Olaguer, died November 13, 1903; Juan Neric, died November 16, 1903; Eufemio Bere, died November 21, 1903; Julian Sotero, died October 30, 1903; Juan Payadan, died September 20, 1903; Benedicto Milla, died July 30, 1903; Placido Porlage, died June 13, 1903; Gaudencio Oguita, died October 11, 1903; Alberto Cabrera, died September 8, 1903; Julian Payadan, died August 4, 1903; Eusebio Payadan, died August 10, 1903; Leonardo Rebusi, died November 2, 1903; Julian Riobaldis, died October 2, 1903; Victor Riobaldis, died October 23, 1903; Mauricio Balbin, died September 27, 1903; Tomas Rigador, died July 23, 1903; Miguel de los Santos, died July 28, 1903; Eusetaquio Mapula, died November 18, 1903; Eugenio Lomibao, died November 1, 1903; Francisco Luna, died August 7, 1903; Gregorio Sierte, vember 1, 1903; Francisco Luna, died August 7, 1903; Gregorio Sierte,

died October 31, 1903; Teodoro Patingo, died November 21, 1903; Teodorico Tua, died September 23, 1903; Ceferino Octia, died November 10, 1903; Graciona Pampiona, died September 12, 1903; Felipe Bonifacio, died November 26, 1903; Baltazer Bundi, died October 12, 1903; Julian Locot, died October 13, 1903; Francisco de la Punta, died August 20, 1903; Pedro Madrid, died August 24, 1903; Felipe Pusiquit, died July 17, 1903; Rufo Mansalan, died July 14, 1903; Ignacio Titano, died June 20, 1903; Alfonso Locot, died June 29, 1903; Gil Locot, died May 23, 1903; Regino Bitarra, died September 7, 1903; Bonifacio Bo, died August 2, 1903; Francisco de Beien, died September 29, 1903.

DECREE.

The defendants above named, charged with divers crimes, having died in the provincial jail by reason of various ailments, upon various dates, according to official report of the jailer, it is Ordered by this court, That the cases pending against the said deceased persons be, and the same are hereby, quashed, the cost to be charged against the government.

Albay, December 28, 1903.

Graced by this court, That the cases pending against the said decaded persons be, and the same are hereby, quasiled, the cost to be challed the cost of the cost o

creeds at home, in which the unfortunate inhabitants have been the

creeds at home, in which the unfortunate inhabitants have been the shuttlecock.

Space does not remain sufficient to do more than briefly suggest how true this is also of the Washington end of the line.

For the benefit of American cotton manufacturers, cheap English textiles, previously worn by and satisfactory to millions of poor natives, have been shut out of the Philippines by a practically prohibitive import duty, a surtax of 100 per cent imposed by the United States Congress. (Act of Feb. 25, 1906.)

For the benefit of American shipping interests, the Philippines have been treated by our maritime legislation as part of the United States by extension of the coastwies shipping laws to the archipelago.

For the benefit of American sugar and tobacco interests, the Philippines have been treated by our tariff legislation as foreign territory. Those interests defeated the effort to give to the islands the benefit of a reduction of the duty on Philippine products to 25 per cent of the Dingley tariff, their representative insisting before the Committee on Ways and Means, almost in the language of Mrs. Jellyby's critics, "I believe our own children have more claim upon us." The leading Filipinos perceive, as clearly as we Americans do, that in the nature of things this sort of argument will always be an obstacle in the path of their progress so long as human nature retains a modicum of selfishness.

The instinct, of self-preservation of our own sugar and tobacco producers would surely be satisfied with and lend their support to a free-trade, or at least a lower tariff, measure between this country and the Philippines, if the same were coupled with a promise of independence within a decade. This seems to be the only solution that is at once righteous and practicable. It is the only lever that will lift the Philippine ship of state upon the ways, and launch her successfully upon the voyage of national life.

JAMES H. BLOUNT.

JAMES H. BLOUNT.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, \$121.340: Provided, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen, unless a certificate of birth or written evidence, other than his own statement, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment.

Mr. GRANGER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 7. line 3, after the word "statement," strike out the comma and insert the words "or statement of another based thereon."

Mr. FOSS. Mr. Chairman, I desire to reserve the point of

Mr. GRANGER. Mr. Chairman, a year ago this provision which has been just read was, after considerable debate, in-serted in the bill of that year and has been repeated in the present bill. It has, however, sir, utterly failed to carry out the desires of the House. At that time the purpose of the House in voting the amendment offered by the gentleman from Massachusetts [Mr. Keliher] was to provide that boys 14, 15, and 16 years of age should not be enlisted solely on their own statement of their age; that they should, in the absence of their parents' consent, provide a certificate of birth or written evidence other than their own statement satisfactory to the recruiting officer. During the past year I have had several cases called to my attention, of one of which I will speak. A boy runs away from home, goes to a recruiting station, and tells the recruiting officer he is 18 years of age when he is only 16. The recruiting officer then says, "Go right around the corner to Mr. So-and-so and make your statement to him." He goes around the corner, comes back within two hours with a sworn statement from the person to whom he is sent by the recruiting officer that he has been appointed guardian of the boy, and havoncer that he has been appointed guardian of the boy, and having made diligent inquiry is satisfied that the boy was born at such and such a time. The instance which I have in mind is one which occurred in the city of New York. A boy in my State ran away from a good home, from parents who were amply able and willing to care for him. He was then 16 years of age. He ran away, to the great distress of his parents, to New York. He went to the recruiting officer, and I have here a copy from the Navy Department of the captain's letter to the Chief of the Bureau of Navigation, which states the case as

NAVAL RECRUITING STATION,
87 South Street, New York, December 7, 1996.
Sir: I have to acknowledge the receipt of instructions from the Chief of Bureau to make a detailed report of all the facts connected with the enlistment of Abraham Bander at this station on August 28,
1906.
Bander presented bloods

Bander presented himself at the station for enlistment on August 28; he was questioned by me personally as to his age, parentage, etc.; then he was required to write out a formal application for enlistment. As he claimed to have no parents or guardian. I sent him to Mr. Herbert Van Dyke to secure a sworn certificate of his age; on his return to the office with this certificate, he was sworn in and sent to the training station at Newport.

I inclose the written application of this boy, in which he states that

^a An eloquent and indignant protest against this by Rev. Charles H. Brent. Episcopal bishop of the Philippines, appeared in the Outlook for July 19, 1996.

he was born on April 3, 1888; I also inclose the sworn certificate which he brought from Mr. Van Dyke.

I very much regret the frequent occurrence of such cases at this station. Every pre-caution is taken to prevent illegal enlistments, and candidates are strictly examined by the recruiting officer before their applications are considered. If they will falsify as to their age and parentage and it they pass the required physical examination, I can not refuse to accept them. If at any time the appearance of the boy leads the doctor or recruiting officer to doubt the authenticity of his age statement, the candidate is promptly rejected.

Very respectfully,

Captain, United States Navy, and Recruiting Officer.

The Chief of Bureau of Navigation.

The Chief of Bureau of Navigation, Navy Department.

Mr. FOSS. May I interrupt the gentleman? Mr. GRANGER. Certainly. Mr. FOSS. Whose statement did the gentleman take—the Mr. GRANGER. I take the statement of this letter from the

captain, which was furnished me from the Navy Department. Mr. FOSS. Do I understand he makes the statement that the

recruiting officer sent this boy to somebody to make a false statement?

Mr. GRANGER. He says that, "as he claimed to have no parents or guardian, I sent him to Mr. Herbert Van Dyke to secure a sworn certificate of his age."

That is the statement. On his return to the office with this certificate he was sworn in. Mr. Herbert Van Dyke, to whom he was sent, makes this sworn statement:

STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK, 88:

Herbert Van Dyke, being duly sworn, says: That he is the guardian of Abraham Bander, who has applied for enlistment as apprentice seaman in the United States Navy; that he, deponent, has made diligent investigation as to the nativity of said Bander, and is satisfied that he was born on the 3d day of April, 1888, at Providence, R. I., U. S. A.

HERBERT VAN DYKE.

Sworn to before me this 28th day of August, 1906.
[SEAL.] GEORGE A. MINASIAN,
Notary Public, Kings County.

Certificate filed in New York County.

It was the same day that Captain Stuart says he sent him to Herbert Van Dyke. I wrote to Herbert Van Dyke and asked him to kindly tell me of what his "diligent investigation" consisted, and what evidence he had other than the word of the boy himself as to his age and his birthplace. He never replied to my letter, and, my letter having never been returned to me, I have every reason to suppose he received it. I am informed by the Navy Department that Mr. Van Dyke is in the business of acting as guardian for runaway boys; that he takes them as he did this boy

The CHAIRMAN. The time of the gentleman has expired.
Mr. GRANGER. Mr. Chairman, I ask unanimous consent that I may be allowed five minutes more.
The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRANGER. According to the statement of the Department, Mr. Van Dyke takes these boys and goes to the surrogate court and becomes their guardian. I have no doubt that he is philanthropic man, one of those professional philanthropists who do a great deal of good in the world, but he does not stop to think that he helps to break up homes or that he brings trouble and sorrow, as he did in this case, into a good home, where he allowed a boy of 16 years of age to hoodwink the Government and go into the Government service at a time when he should not have been allowed there.

Now, Mr. Chairman, the amendment which I offered is a very simple one. If this clause is to be kept in the bill at all, it should be made effective. The words which I offer are simply as to the evidence other than his own statement-that is, the statement of the person who is about to be enlisted or statement of another based thereon—that is, that the "other evidence" shall not be based upon the statement of the person who desires to enlist. Under the present condition of things the boy makes the same statement, which is not sufficient to allow him to be enlisted by making it to the recruiting officer, but he makes it to somebody else, say, to Mr. A., and then Mr. A. makes an affidavit that he has made that statement, and then the boy comes back and gets around the law. It is merely enlisting the boy under his own statement. All along the Atlantic seacoast, and within the range of the Atlantic seacoast, where boys are attracted at the age of 14, 15, and 16 by the circulars and advertisements that are put up by the Navy Department, boys are being continually taken away from home. And I say, Mr. Chairman, that I do not believe that it is necessary that the United States should undertake to fill its Navy by offering inducements to. or by encouraging the running away of, 15 and 16 year old boys from their homes to enter the Navy. I believe we should offer sufficient inducements in order that men who have reached the age of 21 should enlist, or else

we should keep out boys unless they bring satisfactory evidence. Does the gentleman from Illinois [Mr. Foss] wish to discuss the point of order? I ask this, because I wish to speak on that if he intends to press it.

Mr. FOSS. Mr. Chairman, I do not press the point of order, but I object to the amendment. Last year we inserted a provision that the applicant desiring enlistment shall furnish a certificate of birth or written evidence, other than his own

statement, satisfactory to the recruiting officer.

I may say that that provision, which we recommend in the appropriation bill this year, was inserted last year by the House, and the Chief of the Bureau of Navigation says it has worked to great disadvantage in enlisting men for the Navy. In the Army, I am informed, there is no requirement for any certificate of birth or any other evidence. In the enlistment in the Marine Corps there is no requirement for certificate of birth or any other evidence. But a boy goes to the recruiting officer of the Navy and he must furnish a certificate of birth or written evidence, other than his own statement, satisfactory to the recruiting officer. Not so with the Army or Marine Corps. Now, the gentleman's provision has, further, a greater requirement. It often occurs, for instance, that a boy goes to a naval recruiting office and can not furnish the certificate of birth, but he goes right over to an Army recruiting office or Marine Corps recruiting office and is enlisted.

Now, I will say, Mr. Chairman, that we are behind on enlistments. It is very difficult to obtain this certificate of birth. It has only been in recent years that some municipalities have provided an office where the certificates of birth are registered. It is, I may say, during the last ten years in some municipalities and communities this has been provided; and it is very difficult to secure these certificates. It seems to me that we ought not to make it any harder than it is at the present time for boys to get into the Navy who desire to get in. I hope this

amendment will be voted down.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois forgets that there has not been the same difficulty about enlisting boys in the Army that there has been about enlistments in the Navy. The naval service, before boys get into it, is very attractive; after they are in the service it is not so attractive. The result has been in the past that a great many boys have run away from their homes, misstated their age, and after getting into the service there has been considerable diffi-culty to get them out. This provision was put in the bill last year to compel boys to procure either a written certificate of birth or some other written evidence that they had attained the age necessary to permit them to enlist. The gentleman from Illinois expresses the hope that no further difficulty will be placed in the way of these boys entering the service. that every possible difficulty will be placed in the way of permitting a minor to enlist in the service without the permission of his parents or his guardian. What is the effect when a boy does so enlist? If the parent applies to the Department to have the boy discharged, notice is given that if he exercises the right to take the boy out of the service, the boy will be court-mar-tialed for perjury and imprisoned for two years in a naval prison. Those who have the control of minor children are entitled to some consideration. The Department should do its utmost to prevent these boys going into the service ill advisedly. They are of no benefit to the service. If they be not discharged, they desert, and we have continual difficulties arising from boys enlisting without the consent of their parents and guardians, being refused their discharge, leaving the service of their own volition, obtaining employment, then being apprehended by private detectives who receive a reward from the Department for the return of these deserters. If this proposed amendment of the gentleman from Rhode Island will prevent these wild boys, these boys who are ill advised, from going into the service without the consent of their parents or guardians, it ought to be adopted, and any other amendment that would prevent them going into the service, except with proper consent, should be enacted into law.

The mere fact that the Department is suffering from the want of boys and men is no excuse for taking in improperly boys who imagine they will be satisfied in the service, but who quickly become discontented and make trouble for themselves, their parents, and everybody connected with the Government. I hope if this amendment will effect the desired result it will be

adopted.

The gentleman from Rhode Island called my attention to this case some time ago. There is a gentleman in New York who is a philanthropist who makes it a business to look after boys who are homeless, and he seems to make it a special business to have himself appointed guardian by a court in the State so that he can give the consent required by the State for a boy

to enlist. This boy, having run away from his home, with his father and mother living in Providence, applied to the enlistment officer in New York without being able to furnish certificate of birth or other written evidence that he had attained the age that would enable him to enlist. The recruiting officerthe boy having stated that he had no parents-suggested that he visit the office of the philanthropist. That gentleman had him sign an application to the court for the appointment of him as the boy's guardian. The boy swore his mother and father were dead, and prayed that the court appoint this man, whom he had never seen more than two or three minutes, as his guardian. The action had was purely of a formal nature, the order was signed, and thereupon this man signs this certificate, gives it to the boy, and the boy takes it and goes back to the same recruiting officer and is immediately enlisted in the naval Here is the case of a boy with a certificate from a man service who has been appointed his guardian, appointed upon a false statement of the boy, and his parents unable to take him from the service except upon condition that the boy shall be court-martialed and punished for perjury. It seems to me that the House should do whatever it can to prevent a recurrence of such a transaction, and I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE. Mr. Chairman, I wish to indorse all the remarks that have been made by the gentleman from Rhode Island, who introduced the amendment, and also of the gentleman from Island. man from New York, who has so clearly stated the case. I know of a great many cases similar to that related by the gentleman from Rhode Island, where young men under the age of 18 have run away from their homes and enlisted, and afterwards many of them becoming dissatisfied with the Navy, because they are too young to enter it, have deserted, being then hounded by officials and in some cases arrested and imprisoned, destroying their hope for future preferment in any kind of service. The fact that the Navy needs the boys is of course made clear to us by the statement of the chairman of the committee, but that fact alone should not weigh against the amendment offered by the gentleman from Rhode Island, for in my judgment it is better to protect the youth from the liability of the trouble that arises from enlistments of boys too young and unfit for the service. I trust the amendment will be adopted. I feel sure that it will work well in the section of the State where I reside, and believe that it will work well everywhere for the better protection of the youth, and for the protection of the fathers and mothers who do not want their children taken

from them in an unjust way.

Mr. FOSS. Mr. Chairman, I think we are too apt to listen to the stories of the boys and not to investigate all sides of the question. I know I have had a good many applications for discharges from the Navy, for one cause or another, but when I came to look up all of the facts never in a single instance have I found that the naval recruiting officer was at all to blame. These boys come to the recruiting offices and are very anxious to get into the Navy. They are full of the naval spirit; but after they get into the Navy and see that it means good hard work, then they want to get out, and very frequently they tell all kinds of stories and appeal to the sympathies of Members of Congress. want to say that so far as the recruiting officers are concerned. think they have been honest and conscientious in the discharge of their duties. Admiral Converse, Chief of the Bureau of Navigation, and who is, in my judgment, one of the ablest officers in the American Navy to-day, speaking before the committee, said that most of the recruiting officers are very apt to err on the safe side, and are unwilling to accept any man unless they can get very good testimony in regard to his age. Now, what I do insist on is that we ought to make the same provision here for the Navy that we do for the Army and the Marine Last year we hedged about the applications for enlistment with additional provisions, which are in the law to-day, and which the committee recommend to remain in the law for the coming year, although those provisions have had a very disadvantageous effect upon enlistments. For instance, in the months of July and August, at Boston and various substations, there were 1,752 candidates presented themselves for enlistment, and of that number 200 passed. There were 966 who failed to present evidence of age and were rejected at Boston and sub-stations during the months of July and August. That shows that the naval recruiting officer is carrying out the provisions of the law.

Mr. GRANGER. Mr. Herbert Van Dyke does not live in Boston.

Mr. FOSS. I hope that the Members of the House will not be moved by these appeals in cases which come up, where I think Members pay too much attention to the stories of the boys and do not look thoroughly into all the facts in regard to the particular cases of enlistment. As I said before, the restrictions around the matter of enlistment in the Navy are a great deal more stringent to-day than they are in the Army or Marine Corps. For that reason I do not think that we ought to make them any more so, thereby checking the enlistment of men whom we are short of in the naval service.

Mr. McNARY. Mr. Chairman-

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. McNARY. I move to strike out the last word.

Mr. FOSS. I move to close debate.

Mr. PERKINS. I ask that the amendment be again reported. The CHAIRMAN. The gentleman from Illinois moves to close debate.

Mr. McNARY. I had my motion in first.

The CHAIRMAN. The gentleman from Massachusetts was not recognized.

I move to close debate in ten minutes.

The CHAIRMAN. On this amendment or on the paragraph? On the paragraph and amendments thereto.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this paragraph and amendments thereto be closed in ten minutes.

The question being taken, the motion was agreed to.

Mr. McNARY. Mr. Chairman, it seems to me that the gentleman from Illinois [Mr. Foss] is not meeting this question squarely. I do not understand that anybody here has impugned the honor of the recruiting officers. As I understand the purpose of this amendment, it is to make clearer the fact that the boy himself must present absolutely reliable evidence, and not present evidence that appears to be fair and conclusive by means of fraud and duplicity. Now, if the naval officer accepts the evidence of the boy presented and believes it to be true, it is not necessarily duplicity on the part of the officer, but we desire to have the matter put in such a form that there will be no opportunity of fraudulent enlistment.

I believe in the American Navy and in upbuilding it, but every man from the northern stations, from Boston, New England, down the Atlantic seaboard, knows full well that there has been great and grievous complaint as regards the method of enlistment of boys in the Navy, and that we have been unable to get these boys out of the Navy, even though they were enlisted fraudulently and under age, and even though their guardians and parents demanded their release, because the Navy Department officials threatened the boy with prosecution for perjury.

Now, we desire to have this matter made clear and definite, and if there be boys—and there ought to be plenty of them—who seek to enter the American Navy, let them do it honorably and start their career in the right way, in truth and honesty, and not have them go in by fraudulent representations and per-It is certainly a queer school in which to start a boy if you expect to make him a truthful and honest man:

Let me say to the gentleman from Illinois that one reason why the attraction of the Navy is not so great as the Army and Marine Corps is the fact that in both the Army and Marine Corps the man who goes in has a reasonable and definite opportunity, if he is studious, if he is honest and honorable, if he is intelligent and ambitious, of being able by passing an examination to be promoted into the list of officers. To be sure there is such a provision in the naval service, but as a matter of fact very few, if any, boys are ever allowed to reach beyond the

position of warrant officer.

As a matter of fact, the provisions of the law allowing promotion into the ranks of officers are practically ignored, or deliberately ignored, so that it is almost impossible to-day for a boy who enters the American Navy, no matter how intelligent, no matter how earnest, no matter how ambitious he may be to become an officer in that Navy, it is almost impossible for him to do so, although the records of the Department prove and the history of the country shows that many of the most successful naval captains in our history from the days of the Revolutionary war were men who have been taken from the ordinary seafaring class and the merchant marine. Nobody will attempt to decry the great advantages of the present system of naval education, but if the gentleman wants to increase enlistments he should seek to change the law in such a respect that it will give boys who are ambitious and studious an opportunity to get into the ranks of the officers of the Navy, and he will find a far larger number of boys seeking enlistment than under the present system, because it will give them an opportunity that every American craves-to advance himself in life to the highest point his ambition and ability will let him.

I believe in the amendment offered by the gentleman from Rhode Island, and let us have recruiting put on a square, honest, and honorable ground, by which fraudulent enlistments will be prevented upon the part of the boy himself or upon the

part of fictitious guardians and parents-by means of false affidavits. Then boys can go into the Navy honorably and honestly, and Members of Congress will not be appealed to in the future, asking them to get boys out who have been enlisted by fraud and deception. Let us be square and honest with the boys and square and honest with the whole community, and in my judgment the Navy will not suffer once the policy is

adopted and squarely maintained. [Applause.]
Mr. WILLIAM W. KITCHIN. Mr. Chairman, as this debate, I believe, has five minutes more to run, I will just take two and a half minutes of that time and give the remaining portion to the gentlemen on the other side who desire to speak against the amendment. As the law is now we recruit boys under 18 years of age, with the consent of their parents or guardians. A boy As the law is now we recruit boys under 18 years that is over 18 years of age is not required to get the consent of his parent or guardian. In my judgment nobody ought to be enlisted in the Navy under 21 years of age without the consent of his parents. The parent ought to have a right higher than the right of the recruiting officer. The parent ought to have a right to control his boy until he is 21 years of age, but as the law is now the recruiting officer can enlist a boy at 18 years of age and the parent has no recourse. We are troubled year in and year out trying to get boys out of the Navy who enlisted contrary to the wishes of their parents, between the ages of 18 and 21; but as far as this amendment goes, as I understand it, it is to require some certainty in a boy's being 18 years of age when he pretends to be of that age. It is to prevent officials from relying altogether on the boy's statement as to his age, or upon the testimony of some man who bases his opinion upon the boy's statement only. It seems to me this is a wise amendment, that it is not contrary to the interests of the Government. admit that there are many desertions from the Navy. I admit it is hard to get enlistments for the Navy, but those faults ought not to be put upon individual citizens, the individual mothers and fathers of this country. If there is a fundamental fault, the Naval Committee ought to devise some plan to obviate it. If the conditions are hard, and thereby prevent enlistments in the Navy, then the Government ought to do something to alleviate those hard conditions. There ought to be some inducements held out, and conditions ought to be made such that it will not be difficult to enlist men in the Navy who are 21 years of age. There ought to be such conditions as will tend to discourage desertions and to decrease the number of desertions from the Navy. But with all this failure to enlist sufficient men, and with all these desertions, yet I do not believe it can be logically argued that it should remain easy for recruiting officers to enlist boys under 18 years of age without the consent of their parents, for we know a boy under that age who seeks to enlist is not a disinterested witness as to his age. As far as I am concerned I do not believe they ought to be permitted to enlist when under 21 years of age without the consent of the parents. I think this is a wholesome amendment and that it ought to be adopted.

Mr. MEYER. Mr. Chairman, I agree fully with the proposition that every safeguard should be applied to prevent boys who are under the legal age from enlistment in the Navy, but the amendment proposed by the gentleman from Rhode Island [Mr. Granger], in my judgment goes too far. Our desire is and should be not to make it easy for boys under legal age to enlist through misrepresentation of their years, but also to obviate a condition which keeps those beyond that age from entering the service. According to the report of Admiral Converse, which I have before me, but which I have not now the time to read, he states that the great difficulty is that experienced at times by men who wish to enlist, but who can not within the necessary time produce positive proof of eligibility of age-men who would make valuable additions to the Navy, men thoroughly and legally qualified. It is to that class of men to whom we wish to give opportunity to enter the Navy, without being hampered and embarrassed in the way probably that this amendment, if adopted, would do, and which would have a de-

terrent rather than encouraging effect.

I append extract from the report of the Chief of Bureau of Navigation for 1906:

CERTIFICATES OF BIRTH.

The current naval appropriation act contains the following provision:

"That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless a certificate of birth or written evidence, other than his own statement, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment."

Itstment."

The observance of this requirement has reduced enlistments of seamen, ordinary seamen, and apprentice seamen about 30 per cent. Few men who desire to enlist can produce, at short notice, "a certificate of birth or written evidence," not based upon their own statements, showing their precise age. Naturally every man intelligent enough to be wanted in the Navy knows his own age, but the majority of

them when away from home can not confirm such knowledge by written evidence that is worth anything.

No State of Territory of the United States at the present time possesses a complete registration of births. It is estimated by the Director of the Census that in none of them registration reaches 90 per cent of the births, and this standard has been attained only in recent years. Registration is most complete in California, Colorado, Connecticut, the District of Columbia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Dakota, and Vermont, but even in these States it is probable that such information could not be obtained in more than 75 per cent of the actual cases; in all other States the records are still more imperfect.

Such are present conditions. Carrying the inquiry back eighteen or more years, to the date of birth of men now seeking to enlist in the Navy, a worse state of affairs is found. In a communication upon this subject the Director of the Census says:

"The statements made above will indicate the probability, in most cases, that there was very little satisfactory registration of births as far back as the year 1886."

This explains the serious falling off in enlistments under the statute above quoted. Given time enough, perhaps a majority of the men seeking to enlist could obtain the paper evidence called for by this statute, but to a considerable portion of them the requirement stands as a bar. Men who have left their homes seeking employment can rarely afford to await the slow and uncertain results of a search of any registration records that may have existed in their native States when they were born. Although admitted to other vocations, they find the Navy closed to them. The matter is one of grave public concern on account of the embarrassment to the service, on the one hand, and, on the other, the denial of the privilege of enlistment to a worthy and desirable class of citizens.

This statute has, by crippling enlistme

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division, demanded by Mr. Foss, there were—ayes 42, noes 26.

So the amendment was agreed to.

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men and apprentice amen of the Navy on first enlistment, at not to exceed \$60 each, \$600,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committee the reasons for the change between the present bill and the bill of last year? I see the provision for outfit is raised from \$45 to \$60, and the provision in the bill last year allowing the Secretary in certain cases to charge against the men who had not served six months a portion of the outfit is stricken out. What is the object of the change?

Mr. FOSS. In regard to the first part of the gentleman's question I will say that we have increased the cost of the outfit to \$60. That is due to the increased cost of materials. Admiral Converse said the cost of everything in the Navy has jumped up. He goes on to specify, for instance, that overshirts which formerly cost \$2.40 the price is now \$2.75, and blue trousers which cost \$2.65 have jumped to \$4.25, so that the same outfit which cost, for instance, \$45 before, can not be purchased under \$60 at the present time.

Mr. PERKINS. Has it jumped up in a single year as much as

that'

Mr. FOSS. Well, not in a single year, no; but in the last two or three years

Mr. PERKINS. But the outfit last year was purchased at \$45.

Well, it went over \$45. Mr. FOSS.

Mr. PERKINS. That is what they were allowed by law.

Mr. FOSS. Then they cut off some things of the outfit, but now the full outfit which they will give to every one will cost \$60. Mr. PERKINS. Why was the clause in reference to the re-

funding of the outfit stricken from the bill?

Mr. FOSS. If I recall rightly, that was made permanent law. The word "hereafter" was used, and of course when that is used it makes it permanent law, and it is not now necessary to put it in the bill this year.

Mr. PERKINS. I withdraw the pro forma amendment.

The Clerk read as follows:

Maintenance of naval auxiliaries: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval auxiliaries and all

expenses connected with naval auxiliaries employed in emergencies which can not be paid from other appropriations, \$500,000.

Mr. PERKINS. Mr. Chairman, I reserve the point on that. That, I think, is a new provision.

Mr. FOSS. No; it is an old provision. Mr. PERKINS. Then I am mistaken.

Mr. FOSS. The only new thing is the heading. It used to read "Maintenance of naval colliers." Now we change the word "colliers" to "auxiliaries" in order to include two provision ships and two ammunition ships, etc.

Mr. PERKINS. No; I think the gentleman is mistaken, or

else I am. The clause just read is at the top of page 8.

Mr. FOSS. Well, that is the clause. It read "Maintenance of naval colliers" before.

Mr. PERKINS. Well, it now provides for the subsistence of civilian officers,

Mr. FOSS. Well, it did before. That was the law of last ear and for a number of years.

Mr. PERKINS. Then this provision is not a new provision? Mr. FOSS. No; only under this language they couple of provision ships and ammunition ships which were not included in the former law.

Mr. PERKINS. What does this cover, the expenses of men not in the Navy at all, in the State naval reserves?

Mr. FOSS. No; this provides for civilian crews to colliers and ammunition ships and provision ships. It is cheaper to run them with civilian crews than it is with officers and men of

Mr. PERKINS. I withdraw the point of order, Mr. Chair-

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire extinguishers; heating, lighting, and furniture; stationery, books, and periodicals; ice and washing; expressage; packing boxes and materials; postage, telegraphing, and telephoning; and all other contingent expenses, \$20,000.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word with a view of getting some information with relation to the naval training station on the Great Lakes. I am a friend of that improvement, but I have been impressed with the notion that a great deal of money is being expended there, possibly more than the training station really requires. I would like to know how much has been appropriated heretofore for the establishment of the station, if the gentleman, the chairman of the committee, has it in mind.

Mr. FOSS. Last year we appropriated \$750,000, and at the

time when the board was appointed we appropriated \$250,000.

Mr. CRUMPACKER. That makes a million heretofore, and this bill carries altogether how much?

Mr. FOSS. This bill carries \$700,000.

Mr. CRUMPACKER. So it will aggregate \$1,700,000, and

then plans have been adopted for the construction of buildings amounting to how much?

A provision was put in the appropriation bill last year, which was passed, to the effect that the buildings shall cost not to exceed \$2,000,000.

Mr. CRUMPACKER. Not to exceed \$2,000,000?

Mr. FOSS. Yes

Mr. CRUMPACKER. I notice an appropriation in this bill of \$150,000 for a hospital.

Mr. FOSS. No; not in this bill. Mr. CRUMPACKER. Not in this bill?

Mr. FOSS. No.

Mr. CRUMPACKER. I was mistaken. I thought there was an appropriation in this bill of \$150,000 for a hospital. Well, does the gentleman expect that the \$1,700,000 which has been appropriated, which this bill carries, with the additional \$300,-000, making \$2,000,000, will complete the work there?

Mr. FOSS. The provision was that the buildings should cost not to exceed \$2,000,000. Of course, in addition to that there are matters outside, such as walks, filling of ravines, and the

dredging of the basin.

Mr. CRUMPACKER. Has any money been expended for the construction of a harbor there?

Mr. FOSS. The contract has been entered into, and the work is now going on for the dredging of the basin, which will cost, I believe, \$24,000.

Mr. CRUMPACKER. Has the gentleman any idea about the aggregate cost of that station-what it will cost when it is completed?

Mr. FOSS. I will say to the gentleman that under the vision of Congress last year, fixing the buildings at \$2,000,000, that, of course, the bids have not been let, and the plans and specifications as to both of these have not yet been fully approved, and we do not know how much it is going to cost. should think the buildings could be built within the authoriza-

tion of Congress of last year, namely, \$2,000,000.

Mr. CRUMPACKER. Will a million dollars in addition do the balance of the work?

Mr. FOSS. I should think so and I should hope so.

Mr. CRUMPACKER. I ask these questions not for the purpose of criticising, but for information.

Mr. FOSS. I am very glad the gentleman does.
Mr. CRUMPACKER. It has been intimated to me that the plan upon which the naval station there has been started if carried out would cost six or eight or ten millions of dollars.

Mr. FOSS. Oh, 170.

Mr. CRUMPACKER. And I wanted to be informed in relation to it.

Mr. FOSS. I will say to the gentleman that that is entirely erroneous. I think our naval training station down at New-port, which is the best one we have, has probably cost in the neighborhood of two millions to two millions and a half, and I do not anticipate that this naval station will cost very much more than that. Of course, there is this thing to be taken into consideration. The cost of labor is high, and the cost of material at the present time is also high, and it may be that the naval training station will cost more than two millions and a half of dollars, but I would say that the man who has charge of it, Captain Ross, of the Navy, and who has had a great deal of experience in connection with public works of this kind in the Navy Department, is doing everything in his power to hold this down to a reasonable and economical basis.

Mr. CRUMPACKER. I want to repeat that I very much favor the improvement, but I wanted to know, so that I might be able to give information if any request should be made respecting the amount of money that is being expended there and what will probably be required to complete the station. Mr. Chairman, I withdraw the pro forma amendment.

Mr. COOPER of Wisconsin. Will the chairman of the Naval

Committee answer one question?

Mr. FOSS. I will be pleased to.

Mr. COOPER of Wisconsin. How much of harbor facilities can be secured there for \$24,000?

Mr. FOSS. I understand all that is necessary for small boats,

which are the only boats used in the training of men.

Mr. COOPER of Wisconsin. What does the gentleman mean
by small boats? How large are they?

Mr. FOSS. I do not know the exact size, but they are rowboats, lifeboats-

Mr. COOPER of Wisconsin. Rowboats?

Yes; and lifeboats.

Mr. COOPER of Wisconsin. Those are rowboats.

Mr. FOSS. Yes; but they are larger than the ordinary row-

Mr. COOPER of Wisconsin. That \$24,000 will not build any thing of a harbor there and will not build any docks or any piers. The reason I asked this question, I will say to the gentleman, is this: The original law providing for the establishment of this station required that there should be estimates submitted by the board which reported in favor of the site, and that the President should confirm the report, and that report, of course, was to include these estimates. No estimates were made at that time and there were not for a long time after Lake Bluff was selected.

Now, I will ask the gentleman if there ever has been any estimates submitted as to the probable cost of a harbor at Lake Bluff site; and if so, what that harbor is to cost or what the estimate is?

The only estimates which have been finished, so Mr. FOSS. far as I am aware, were those submitted by the board at the time it made its report to the President,

Mr. COOPER of Wisconsin. I will say there is nothing in those estimates at all that I have ever seen, and I sent for the copy. There was no estimate made that I ever saw at that At least I asked for one, and could not find it, as to the cost of the harbor.

Mr. FOSS. They were made at that time with regard to other harbors along the Great Lakes, and particularly, as I re-call it, in regard to Muskegon.

I stated a moment ago, as I recall it, that the contract for dredging the basin was \$24,000, but I find by looking it up in memorandum that the contract was a double contract. filling the ravines and dredging the basin, \$38,400, comprising two purposes instead of one.

The Clerk read as follows:

Naval Home, Philadelphia, Pa.: One superintendent of grounds, at 10; one steward, at \$720; one matron, at \$420; one beneficiaries'

attendant, at \$240; one chief cook, at \$480; one assistant cook, at \$360; one assistant cook, at \$240; one chief laundress, at \$192; five laundresses, at \$168 each; four scrubbers, at \$168 each; one head waitness, at \$192; eight waitresses, at \$168 each; one kitchen servant, at \$240; eight laborers, at \$240 each; one stable keeper and driver, at \$360; one master at arms, at \$480; two house corporals, at \$300 each; one barber, at \$360; one carpenter, at \$845; one painter, at \$845; one engineer for elevator and machinery, \$600; three laborers, at \$360 each; three laborers, at \$300 each; total for employees, \$14,110. Miscellaneous; Water rent and lighting, \$2,100; cemetery, burial expenses, and head-stones, \$800; improvement of grounds, \$780; repairs to buildings, boilers, furnaces, and furniture, \$6,748; music in chapel, \$600; transportation of indigent and destitute beneficiaries to the Naval Home, \$100; support of beneficiaries, \$47,905; total miscellaneous, \$59,033.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the item on page 10, line 21, "one steward, at \$720."

The CHAIRMAN. What is the point of order? Mr. FITZGERALD. It is not authorized by law.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. FOSS. I will say that it has been provided for hereto-

Mr. FITZGERALD. It has been provided for at less compensation.

Mr. FOSS. At less compensation.

Mr. FITZGERALD. This is an increase of compensation, obnoxious to the rules, and is new legislation. I will reserve the point of order, if the gentleman thinks he can give a satisfactory explanation of it.

Mr. BUTLER of Pennsylvania. Mr. Chairman, if my friend will give me his attention I will state to him that these estimates are sent in by the old sailors, and this money does not come from the United States Government, but comes from a fund that has been accumulated from the earnings of the sailors. It is their own fund; and I suggest to him that he will agree with us that what these old sailors feel that they ought to have provided for them we should give to them if it is to come out of their own fund.

Mr. FITZGERALD. The gentleman is mistaken. propriation is paid out of the Treasury of the United States.

Mr. WILLIAM W. KITCHIN. If the gentleman will look on page 12, at lines 21 and 22, where the whole business is summarized, he will find that it states "which sum shall be paid out of the income from the naval pension fund." As I understand this, it is a fund that belongs to the Navy. The Government has it in trust, and it is a fund over which I understand they have had the control.

Mr. FITZGERALD. Why is this put in?

Mr. BUTLER of Pennsylvania. Mr. Chairman, the gentleman asks why it is put in. I have already endeavored to explain the reason. It is at the request of the sailors themselves. This fund is provided by themselves out of their earnings. Government is the trustee, and they send in an estimate designating what they would like to have and the purposes for which they propose to use it, and we have always followed the suggestion and made the appropriation accordingly.

Mr. FITZGERALD. The gentleman does not pretend to state to the committee that this has been done on the recommendation of the inmates of the Home?

Mr. BUTLER of Pennsylvania. Made to the Bureau of Navigation.

Mr. FITZGERALD. Not by the inmates here.

Mr. BUTLER of Pennsylvania. Made by the old sailors.
Mr. FITZGERALD. Not at all. It is made by the man designated as the head of the Home.

Mr. BUTLER of Pennsylvania. But the suggestion came from the sailorman, and the Naval Affairs Committee inserted it. Mr. FITZGERALD. Knowing the utter incapacity of the inmates of this Home to determine this question, if it is based upon their recommendation I insist upon the point of order. Mr. MANN. What is the reason for making the increase?

Mr. BUTLER of Pennsylvania. I will be very glad to answer my friend.

Mr. MANN. The gentleman from New York will understand that it is necessary to have a good steward. Whether they could obtain one for \$480 I do not know. But a good steward will save a great deal more than the difference between the salary of a good steward and a bad steward, as the gentleman will readily know. The steward is the man who makes the purchases of supplies.

Mr. BUTLER of Pennsylvania. Yes, he is; and it is recommended by the Department that they should have this officer.

Mr. MANN. What is the necessity for the increase? I can readily see that where stewards are in demand it may not be possible to obtain or retain the services of a good steward at \$480 a year, which is only \$40 a month.

Mr. BUTLER of Pennsylvania. Well, it is in this report. Mr. Chairman, here is the statement that is furnished by the Navy Department, upon which the Item was inserted as the committee was advised on the hearings referred to.

committee was advised on the hearings referred to.

The regulations of the Naval Home provide that in consideration of the faithful performance of such duties in and about the Home as may be directed by the governor or commanding officer each beneficiary shall receive \$2 per month. This was afterwards increased to \$3, and was paid up to March 1, 1906. Upon the question of the establishment of the rate of writer at the Home, at a compensation of \$10 per month, the Comptroller of the Treasury rendered a decision, under date of March 22, 1806, to the effect that as the appropriation for the support of the Home provides specifically for forty-nine employees, other personal services than those authorized by the act are profibited by section 3679 of the Revised Statutes. This was considered to also cover the cases of beneficiaries who had been receiving a compensation of \$3 per month for extra services performed, and consequently payment of this sum was stopped. To relimburse these beneficiaries for extra services rendered at the Home from March 1, 1906, to June 30, 1906, and also to pay certain workmen for services rendered to the Home during the second half of March, 1906, the present estimate is submitted.

Mr. MANN. Well, I do not understand who is the beneficiary.

Mr. MANN. Well, I do not understand who is the beneficiary. I suggest to the gentleman from New York that it is quite probable that they can not obtain and retain the services of a good

steward at present for \$40 a month.

Mr. FITZGERALD. Mr. Chairman, the suggestions of the gentleman from Illinois usually carry great weight, but I have gone through the hearings of the Committee on Naval Affairs, and the only thing that is said in there is that on page 21 of the hearings the chairman says:

I see here a provision for laborers and cooks, and so forth. You have separated it. There are a number of increases here.

Admiral CONVERSE. There is an increase in the pay of the stewards, the cooks, and two assistant cooks.

There is not a single word of explanation for any one of the increases. This naval pension fund is created, first, from certain prize moneys which were turned in for the support of naval hospitals many years ago. Now every officer and enlisted man in the Navy and in the Marine Corps has 20 cents a month

deducted from his pay, which goes into this fund. If Congress is charged with the duty of supervising the expenditures from this fund, it should do so upon proper information and in an intelligent manner. I repeat that there is not a word in the hearings upon which the gentleman from Pennsylvania can base his statement that these increases are at the request of the inmates of the Home, who, as a matter of fact, are less entitled to make recommendations than anybody else, because they are enjoying the results of deductions made from all the men in the service; and merely because a recommendation is made is not, in my judgment, sufficient reason for the appropriation.

appropriation.

Mr. MANN. If the gentleman will permit me, I have not gone through the hearings upon this question, but I do not think the gentleman needs to go through the hearings to determine what I think is perfectly evident to the gentleman from New York, as it is perfectly evident to me, that it is to the interest of the Government at this point to have a good steward. It is perfectly apparent to the gentleman from New York, I believe, that to-day you can not obtain and retain the services of a good steward at \$480 a year.

Mr. FITZGERALD. If that were in the city in which the gentleman lives or the city in which I live that probably would be true, but I am not so sure about it in the city of Philadel-

Mr. MANN. My experience in the city of Philadelphia is that they know a good steward when they get one, and I think the good steward there knows how to perform properly, and I should question whether it would not require more pay to retain a good steward in Philadelphia than in any other city

Mr. FITZGERALD. The gentleman from Pennsylvania probably is familiar with this, and while it does not appear in the hearings I desire to inquire whether he has made any investigation of this matter and knows whether it is necessary to have this increase in order to retain a competent man?

Mr. BUTLER of Pennsylvania. I understand it will be impossible to continue the services of this steward unless salary is raised. I further understand-and I do not think my friend will ask me the source of my information, but it is good-the services of this steward have been perfectly satisfactory, and that the authorities are especially desirous that they may be continued. I hope, in view of that statement—Mr. FITZGERALD. How many men are in this Home?

Mr. BUTLER of Pennsylvania. I very much wish I could answer my friend, for I should like to know myself. If the gentleman will restrain his desire for information until tomorrow morning, I will learn the number and tell him. I do not know how many.

Mr. FITZGERALD. If the gentleman feels that the conduct of the Home will be interfered with, I will not press the point

Mr. BUTLER of Pennsylvania. It is for the good of the else when they can do it just as well?

service and for the good of the Home, and I ask my friend to withdraw his point of order.

Mr. FITZGERALD. At the suggestion of the gentleman, I withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

One secretary, \$1,600; one master mechanic, at \$3.28 per diem, \$1,026.64; one store laborer, \$480.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. I want to know what the reasons are.

The CHAIRMAN. The gentleman from Illinois reserves the point of order against lines 3 to 6, inclusive, on page 12. the gentleman from Illinois [Mr. Foss] desire to discuss the paragraph on its merits?

Mr. MANN. It is a new provision in the bill. Mr. FOSS. So far as the first part is concerned-

Mr. MANN. What is the necessity of a secretary at \$1,600? Mr. FOSS. These are new provisions in the bill, recommended by the head of the Naval Home, at Philadelphia, and also by the Secretary of the Navy.

In regard to the master mechanic and the storekeeper, Admiral Converse asked for the increase on account of the increased labors at the Home. I want to say that this Home is taken care of by the interest on the naval pension fund, which amounts to about \$14,000,000, and that we have usually taken the recommendations of the officers in charge there with regard to these increases. Heretofore there have been comparatively few increases in the wages of the people employed in this Home, but we felt that this year there was more necessity for it. In regard to the allowance of pay for the beneficiaries from March 1 to June 30, 1906, that was due to the decision of the Comptroller of the Treasury, who in a ruling decided that these amounts which heretofore had been paid for extra duties to these beneficiaries should not be allowed.

Upon this matter Admiral Converse stated in the hearings as

The regulations of the Naval Home provide that in consideration of the faithful performance of such duties in and about the Home as may be directed by the governor or commanding officer each beneficiary shall receive \$2 per month. This was afterwards increased to \$3, and was paid up to March 1, 1906. Upon the question of the establishment of the rate of writer at the Home at a compensation of \$10 per month the Comptroller of the Treasury rendered a decision, under date of March 22, 1906, to the effect that as the appropriation for the support of the Home provides specifically for 49 employees other personal services than those authorized by the act are prohibited by section 3679 of the Revised Statutes. This was considered to also cover the cases of beneficiaries who had been receiving a compensation of \$3 per month for extra services performed, and consequently payment of this sum was stopped. To reimburse these beneficiaries for extra services rendered at the Home from March 1, 1906, to June 30, 1906, and also to pay certain workmen for services rendered to the Home during the second half of March, 1906, the present estimate is submitted.

That is what Admiral Converse said upon this subject. was in view of this decision of the Comptroller, and his decision was to the effect that because we only provided for 49 employ ees, therefore we could not go outside and pay for the extra services performed by these beneficiaries. That held up the amount which they were entitled to under the regulations of the Home.

Mr. MANN. May I ask the gentleman if the decision of the Comptroller was rendered since the last appropriation act providing that they should be authorized to obtain additional service through the use of the beneficiaries? That was in the last Was not the decision of the Comptroller rendered after this provision was put into the law?

Mr. FOSS. The decision of the Comptroller was rendered

March 22, 1906, a little less than a year ago.

Mr. MANN. That was before the present law was in effect. Then the gentleman last year, in view of that decision, put in the provision for the performance of additional services in and about the Home, and that the Secretary of the Navy was authorized to employ the beneficiaries and pay them out of the fund? Mr. FOSS. Yes.

Mr. MANN. That being the case, the Secretary of the Navy being authorized to employ the beneficiaries in the Home and give them some employment, what is the reason for employing additional employees outside of the Home entirely; why not give these men a chance to earn a little extra money?

Mr. FOSS. These people are old, and there is only a cer tain amount of work they can do around the Home. take up their minds and attention and give them these little amounts, say two or three dollars a month, so that they will

feel that they are doing something.

Mr. MANN. I am in favor of that; but the point I am making is, Why do you want to cut them off and employ somebcdy

Mr. FOSS. We are not cutting them off, but we are providing for men to do the heavy work, and in that respect we are making provision for master mechanics.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To pay beneficiaries for extra duties performed by them at the Home from March 1 to June 30, 1906, in established ratings, \$1,205.66.

Mr. FITZGERALD. Mr. Chairman, I make a point of order as to that, that it is a deficiency and should be carried in the proper bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To pay the following-named men for services rendered to the Home during the second half of March, 1906: John T. Foley, mechanic, fourteen days, at \$4 per diem, \$56; Joseph S. Trainer, carpenter, fourteen days, at \$2.80 per day, \$39.20; Alonzo Hersh, plasterer, five days, at \$2.80 per diem, \$14; Frank W. Mohler, store laborer, one-half month, at \$40 per month, \$20.

Mr. FITZGERALD. Mr. Chairman, I make the same point of

order against that paragraph.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

In all, for Naval Home, \$78,124.50, which sum shall be paid out of the income from the naval pension fund: Provided, That for the performance of such additional services in and about the Naval Home as may be necessary, the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said Home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the Home.

The CHAIRMAN. If there be no objection, the Clerk will be authorized to make the change in the total made necessary by striking out cortain provisions on points of order.

striking out certain provisions on points of order.

There was no objection.

The Clerk read as follows:

Ammunition and other supplies for new ships, \$750,000.

Mr. FOSS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

The Clerk read as follows:

On page 13, line 22, after the word "dollars," insert the following:
"Provided, That immediately after the passage of this act all ammunition and other supplies already on hand under appropriation 'Increase of the Navy, armor and armament,' shall thereby be transferred to the appropriation 'Ordnance and ordnance stores,' the same as if purchased under that appropriation, and that this change of title shall be effected without a charge against the appropriation 'Ordnance and ordnance stores.'

"Provided further, That after the passage of this act all ammunition and other supplies now contracted for under the appropriation 'Increase of the Navy, armor and armament,' shall be transferred to the appropriation 'Ordnance and ordnance stores' immediately after such ammunition and other supplies have been delivered and paid for; that this change of title shall be effected without a charge against the appropriation 'Ordnance and ordnance stores.'"

Mr. FITZGERALD. Mr. Chairman, I reserve the point of

Mr. FITZGERALD. Mr. Chairman, I reserve the point of

order on the amendment.

Mr. FOSS. Mr. Chairman, the explanation is very simple. This appropriation has been carried heretofore—"Increase of the Navy"—over at the rear end of the bill, but now the Secretary of the Navy desires to put it here under the Bureau of Ordnance, and it is simply changing it from one part of the bill to another

Mr. BUTLER of Pennsylvania. It does not change any pro-

vision of law?

Mr. FOSS. It is a mere matter of bookkeeping, and I may say works to a more business-like management of the Bureau

of Ordnance.

Mr. FITZGERALD. Mr. Chairman, let me call the attention of the gentleman from Illinois [Mr. Foss] to this fact. Appropriations made under the part of the bill entitled "Increase of the Navy," if I am correctly informed, are available until expended. Appropriations made under this part of the bill are only available for two years. If the unexpended balances of the appropriations that have been heretofore made under the provision "Increase of the Navy" in former years are turned over in this way, it may be that they will thus be turned back into the Treasury. It would be a very wise thing for the gentleman from Illinois to know how much money now available for the purpose would thereby be taken from the Department. I desire to know whether that question has been looked into and whether the gentleman is able to state the amounts unexpended under the former appropriations and what amounts, if any, would be converted back into the Treasury as the result of the adoption of this provision.

Mr. FOSS. I will state to the gentleman that I can not tell him what amounts are unexpended of this appropriation which has been made heretofore under the "Increase of the Navy." I

have not the figures here.

Mr. FITZGERALD. I ask the gentleman whether that question was taken into consideration when the recommendation of the Secretary was agreed to or whether the Secretary of the

Navy took that particular fact into consideration in making this request.

Mr. FOSS. Well, I do not know what the Secretary of the Navy took into consideration, but the main purpose or the reason which actuated the committee fully as much in recommending this provision was a reason which was given by the Chief of the Bureau of Ordnance, Admiral Mason, in which he says:

Under existing conditions, with ammunition and ordnance supplies carried under the two titles "Armor and armament" and "Ordnance and ordnance stores," this Bureau, being by regulation forbidden to keep accounts, is absolutely unable to keep a businesslike control and cognizance of this material under the separate titles. When the ammunition and supplies under both titles are issued to the naval magazines, the Bureau practically loses knowledge of the title under which the material is carried.

And for the reason that it was more businesslike and economic we were of the opinion that the recommendation of the Secretary and also the recommendation of the Chief of the Bu-

reau ought to stand in the bill.

Mr. FITZGERALD. It may be much more businesslike, but I call the attention of the gentleman to the fact that heretofore ammunition and other supplies for new ships were purchased out of the provision "Increase of the Navy, equipment, armor, and armament."

Yes Mr. FOSS.

Mr. FITZGERALD. Last year there was appropriated over \$15,000,000 for that purpose. For a number of years—five or six-past the appropriations have been very large and they have been based to some extent upon the contracts that have been made or were in contemplation, and under the law the appropriations are available until expended. This particular appropriation will be available for two years only, and by that time, if it be not expended, it will revert to the Treasury. just possible that under this proposed amendment large balances that are now to the credit of this fund will, as a matter of fact, be taken from the available amounts that the Department has now to meet contract obligations, and as this is the short session of Congress it might very seriously embarrass the Department in the performance of its work. It seems to me, Mr. Chairman, that a provision of so much importance should not be offered to the House in this way at this time. I will insist upon the point of order.

Mr. FOSS. Mr. Chairman, I do not think the Secretary of the Navy would have recommended this if he thought it was in

any way going to embarrass him.

Mr. FITZGERALD. It is just possible he did not know any-

thing about it.

Mr. FOSS. Then I think if the gentleman from New York will only call the attention of the Secretary to this important matter that it will probably relieve him of any embarrassment which might be occasioned.

Mr. FITZGERALD. I prefer to avoid the embarrassment by exercising a right I have rather than to rely upon some right I

have not.

I appreciate the gentleman's zeal in pointing this out. Now, so far as the point of order is concerned, Mr. Chairman, I do not think it is subject to the point of order. been held it is in order to authorize a new ship upon the naval appropriation bill, and it is certainly in order to authorize any part or portion of a new ship. This is for the ammunition and other supplies of new ships, \$750,000. I understand the gentleman makes his point of order to that provision.

Mr. FITZGERALD. No; I do not. Mr. FOSS. Or to the amendment.

The CHAIRMAN. The Chair is ready to rule.

Mr. FOSS. I have nothing further to say.

The CHAIRMAN. It seems to the Chair, if the Secretary has not authority to make the transfer as recommended by him, if it is necessary that Congressional action be taken in order to authorize such transfer, why the provision is legislation and subject to the rules.

Mr. FOSS. Mr. Chairman, upon that point I think I can show to the Chair that the Secretary of the Navy has the au-

thority to put the busines The CHAIRMAN. The Chair suggests, then, what is the ne-

cessity of the legislation?

Mr. FOSS. There is no necessity, only simply that it should

be in proper form in the bill.

Mr. FITZGERALD. But, Mr. Chairman, this attempts to transfer appropriations heretofore made from one account to another, and the Secretary of the Navy has no power to make any such transfer.

Mr. FOSS. So far as this appropriation is concerned, whether the appropriation is made here on page 17 or whether it is made under "Increase of the Navy," the same bureau has jurisdiction

Mr. FITZGERALD. I have not made the point of order against the language in the bill.

Mr. FOSS. But if the Chair will reserve his decision until to-morrow, I think I can show the Secretary has jurisdiction of this matter

The CHAIRMAN. Upon the statement of the chairman of the committee that he believes he can produce authority to the Chair for this provision, the Chair will ask the unanimous consent of the committee to pass this matter over without prejudice until to-morrow. Is there objection? [After a pause.] None is heard, and that course will be followed.

The Clerk read as follows:

For completing the work of modifying 4-inch .40-caliber mounts, and providing new sights; and for modifying 5-inch .40-caliber mounts, and providing new sights for same, \$100,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the I desire to inquire why this particular item is last word. placed in the bill?

To what item does the gentleman refer?

The CHAIRMAN. Lines 15 to 18, inclusive, page 14.
Mr. FOSS. Well, I can refer him to the hearings, on page 49, before the committee

Mr. FITZGERALD. That is what I desired to ascertain about.

Mr. FOSS. And also to the report of the chief, on page 5.
Mr. FITZGERALD. Heretofore this work has been done out of other appropriations.

Mr. FOSS. Whatever has been done has been done under the general work of the appropriation for the Bureau of Ordnance and Ordnance Stores

Mr. FITZGERALD. Why is this item segregated, and has it resulted in any decrease of the appropriation available for any other purpose?

Mr. FOSS. Well, the estimates were made upon the basis of two items, and what would otherwise have been placed under the general appropriation for ordnance and ordnance stores has been taken out of that and put in a separate paragraph.

Mr. FITZGERALD. Does the gentleman know how much

has been already expended for that purpose?

Mr. FOSS. No; but very little if anything has been expended, but from time to time there have been modifications of these new sights and mounts upon our ships, but now they have worn out and need repair. I also state there have been new inventions in these matters during the last two or three years, and the Chief of the Bureau of Ordnance thinks the time has now arrived when these modifications should be made and that the

ships should be brought up to date.

Mr. FITZGERALD. There is no question as to the propriety, the advisability, of bringing ships up to date, but the hearings show that this work has heretofore been done out of general appropriations. The experience of the House has been that where appropriations are divided and the items segregated in this way it takes but a very short time very largely to increase the total appropriation for the same purpose. I took occasion to point out three or four years ago, where certain paragraphs in the naval appropriation bill had been divided into independent paragraphs, that the appropriations increased over 300 per cent paragraphs, that the appropriations increased over 300 per cent as a result of so dividing them. The recommendation for this work last year was \$320,000. The hearings show the estimates made this year would complete the work. I do not recall whether the \$100,000 is the complete estimate—

Mr. WILLIAM W. KITCHIN. No; it is not.

Mr. BUTLER of Pennsylvania. Two hundred and thirty-five

thousand dollars is asked for.

Which shows that last year the differ-Mr. FITZGERALD. ence between \$235,000 and \$320,000-namely, \$95,000-was expended for this very purpose out of the general appropriation for the Bureau. The Bureau will obtain practically \$100,000, an amount equal to that expended last year, in addition to the current appropriation for the Bureau. My opinion is that this will result, without the Members of the House appreciating it, in largely increasing the appropriation for this Bureau. It will come about because these two items will be carried in the bill, and hereafter it will be very difficult to trace the history of the For that reason I move to strike out that paraappropriation. graph of the bill.

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The gentleman from New York [Mr. Firz-gerald] moves to strike out lines 15 to 18, inclusive, on page 14. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For fire-control instruments for nineteen battle ships and twelve armored cruisers; for fire-control instruments for four monitors and twenty-five cruisers, \$300,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph. I wish to call the attention of the committee to

some remarkable statements made to the Committee on Naval Affairs. It has been our pride that the American seamen have been the most expert marksmen in the world. The records that have been made in target practice both for accuracy of fire and rapidity of firing have never been equaled in any other Navy in the world. And yet we find in the hearings before the Naval Committee that an officer of the Navy states that experience at target practice indicates that rapid hitting is possible and "information from abroad indicates that it is neces-I suppose that this is the first time, in the history of the modern navy, at least, and possibly in the history of the navy before the modern ships, that any naval officer thought it was necessary to report what had happened abroad in the line of marksmanship, either as to accuracy or rapidity, in order to set up a standard for the men of the American Navy. Indeed, the accuracy of the marksmen of the American Navy has been the admiration of the navies of the civilized world. I am astonished that, when other naval authorities are sending here to seek information, when they are expressing admiration and astonishment at the proficiency of our seamen, some officials should find it necessary to refer to what has happened abroad as an indication of what should be done in this country. I have no doubt whatever that the seamen and the marksmen on board of the ships of the American Navy excel in a very great degree those on board of the ships of any other naval power. And I trust that whatever may be appropriated for instruments of fire control, to perfect the accuracy of the shooting of the men on board our ships, will not be based upon information that has not been found from our own experiences, without regard to what has happened in other countries.

Mr. FOSS. Mr. Chairman, I call for a vote.
The CHAIRMAN. The gentleman from New York [Mr. Fitz-GERALD] moves to strike out lines 19, 20, 21, and 22, inclusive, The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Reserve ammunition: Toward the accumulation of a reserve supply of powder and shell, \$2,000,000: Provided, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standards prescribed by the Secretary of the Navy.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of getting information from some member of the committee. Last year there was an appropriation of \$2,000,000 for reserve of powder and shell and also \$750,000 for a reserve of guns. A similar provision is contained in the bill this year and has, I think, been carried in this bill for many years. I would like to be informed as to what this reserve is. We have now appropriated millions and millions to accumulate a reserve. Does the time ever come when the reserve is completed?

I want to say to the gentleman from New York [Mr. Perkins] that last year was the first time we made any

appropriation for reserve ammunition.

Mr. PERKINS. That was the first time?

Mr. FOSS. That was the first time; and the recommendation in the estimate last year was \$4,000,000. We cut that down to \$2,000,000, and this year the estimate was four millions and we cut it down to two millions.

Mr. PERKINS. How large is this reserve to be that is to

be created?

Mr. FOSS. Well, it is suggested that four millions will

Mr. PERKINS. Is it to stop at four millions or will there be a provision next year for two millions?

Mr. FOSS. No doubt there will be a provision right along, as we are very much behind in stores of ammunition. Since this bill has been reported the Department have recommended that we make the appropriation larger.

Mr. PERKINS. What is done with the powder and shell of

these reserves? It must be taken out, otherwise the reserve would keep on growing until finally it would amount to twenty millions.

It is stored and ready for cases of emergency. Mr. PERKINS. Where is the \$2,000,000 worth of powder and

shell that was purchased last year for the reserve?

Mr. FOSS. That is being manufactured at the present time. That appropriation did not go into effect until the 1st of July last.

Mr. BATES. Let me read to the gentleman the testimony of Admiral Mason on this subject when he was before the committee. He states that the probable expenditure of this appropriation will net four millions:

\$911, 200 2, 600, 000 368, 000 70, 000

Mr. PERKINS. What is done with this reserve?

Mr. MADDEN. As a matter of fact, they take the reserve for target practice.

Mr. BATES. The reserve is procured for actual use:

As stated in last year's estimates, it seems imperative that there should be acquired at the earliest date practicable a reserve supply of ammunition sufficient to refill the main battery magazines of the fleet twice and the secondary battery magazines once. This is because a modern battle ship at her maximum rate of gun fire will exhaust the magazines supplying her main battery in about half an hour, and her secondary battery ammunition will not last much longer.

Mr. PERKINS. The bill makes an appropriation for the

purchase of a still further amount this year

Mr. BATES. He states that this is required. Mr. PERKINS. I do not care what he states. Mr. BATES. It answer the question. Mr. PERKINS. I think not.

Mr. BATES (reading):

That the accumulation of this reserve should be undertaken at once is evidenced by the fact that the manufacture of shell of sufficient merit to meet the Bureau's requirements has, in many instances, taken from two to three years

Mr. PERKINS. What is done with the powder and shell?

Is it used in target practice?

Mr. FOSS. It is stored.

Mr. PERKINS. Besides the \$2,000,000 worth of powder that

was purchased last year?

We are going to store it up. We have a place for reserve supply of powder on every ship, and in addition to that

we have stores and magazines in other parts of the country.

Mr. PERKINS. Then if we are to have \$2,000,000 for the increase reserve of powder and shot piled up each year, it will get to ten or twelve millions.

Mr. FOSS. We have got to have a reserve.
Mr. PERKINS. How big has it got to be?
Mr. FOSS. The estimate last year was that \$9,126,000 would

be required in order to have a reserve of ammunition for all the ships in the Navy, and so this \$2,000,000 was appropriated last year, and we are endeavoring to make the reserve as large as it should be. There is no question as to the necessity of making the reserve

Mr. PERKINS. How is it that we never had a reserve before in a hundred years of naval history?

Mr. FOSS. I think that the gentleman will find that we have always had some reserve, and the gentleman will find there has always been some reserve of powder and shot.

Mr. PERKINS. I thought the gentleman stated that last year was the first appropriation for such purpose. I am asking

Mr. FOSS. That was the first specific appropriation carried in our bill for reserve.

Mr. PERKINS. Then it was the beginning of the reserve. Mr. FOSS. It was the beginning of the piling up, I may say, of reserve ammunition for the Navy.

Mr. PERKINS. Then there was no reserve ammunition for

the Navy during the century before?

Mr. FOSS. We appropriated \$50,000,000 one day before the time we entered upon the Spanish war, and a large portion of that went into reserve, which we had not provided for before. Now, we propose to go to piling up our reserve, so that in case of necessity or emergency we will be ready.

Mr. PERKINS. Is it ever used except in case of war?

Mr. FOSS. It might be, and it might not.

Mr. PADGETT. If the gentleman will permit me, I will answer that inquiry.

I should be glad to get an answer from Mr. PERKINS.

Mr. PADGETT. I want to say to the gentleman that I asked the same question of the Admiral a year ago in the committee, and he stated that after we had reached the time when the first stored would be used the old is replenished from the current appropriation. The older reserves would be used in target practice and for current uses; so that there would not be a continual piling up. The old ammunition would be used and that would be replenished from the new.

Mr. PERKINS. Let me ask these naval experts another question. This powder is stored, then, it may be, for a period of four or five years. Is there any deterioration of powder that

is stored for so long a time as this?

Mr. PADGETT. They stated that there was practically no

deterioration.

Mr. PERKINS. Practically none, though stored for four or five years?

Mr. PADGETT. I do not know the limit. They stated that there was practically no deterioration in the powder.

Mr. CRUMPACKER. I should like to get the matter clear in I understand that before the Congress adopted the policy of providing for a reserve the only reserve would be a surplus.

Mr. PADGETT. That had been retained from current appropriations:

Mr. CRUMPACKER, From the ammunition that was provided for current use.

Mr. PADGETT. Yes.

Mr. CRUMPACKER. And now the policy is to provide a reserve that is segregated for emergencies and that is to reach a certain aggregate, and when it does it is to be used?

Mr. PADGETT. Added to, and some used from the later res-

ervations.

Mr. CRUMPACKER. It is a little like the redemption fund in the Treasury. We used to have none—
Mr. PERKINS. They say that does not work very well in

the Treasury

Mr. CRUMPACKER. We used to have no specific segregated redemption fund, but a few years ago we provided one, and the Navy Department is now arranging to provide for a reserve store of ammunition.

Mr. DAWSON. Simply large enough to fill the ships' maga-

zines once.

Mr. PERKINS. How many million dollars would it take?
Mr. DAWSON. About \$9,000,000, for which we already appropriated last year \$2,000,000. If we keep appropriating \$2,000,000 a year, in 1910 we will have this reserve large enough to fill the magazines of the ships once.

Mr. PERKINS. I withdraw the pro forma amendment.
Mr. FOSS. Mr. Chairman, I wish to strike out in line 5
the words "powder and shell" and to insert in lieu thereof the
word "ammunition."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 5, page 15, strike out the words "powder and shell" and in-rt the word "ammunition."

The amendment was agreed to.

The Clerk read as follows:

Reserve torpedoes and appliances: For the purchase or manufacture of reserve torpedoes and appliances, \$250,000.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Line 19, page 15, after the word "dollars," insert the following: "Provided, That of this amount not more than \$155,000 shall be used for the construction and equipment of a torpedo factory at the torpedo station at Newport, R. I."

Mr. MANN. I reserve the point of order on the amendment. could not hear it read.

The CHAIRMAN. What is the request of the gentleman from Illinois?

Mr. MANN. I should like to hear the amendment reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. MANN. Does that read "not more than?" Mr. WILLIAM W. KITCHIN. Yes. Does the gentleman reserve a point of order?

Mr. MANN. I do not think it is subject to a point of order.

It is a limitation on the appropriation.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I desire to state that I think this amendment will render the purpose of the appropriation more certain, and will effect not only what I think a very proper provision, but also the intention of the Department and of this committee. I call the attention of the committee to the following language in the report on this bill on page 5:

An appropriation of \$250,000 is recommended for the purchase and manufacture of reserve torpedoes and appliances. The Chief of the Bureau is of the opinion that he can manufacture 21-inch torpedoes for \$3,500 each, which would be a saving of \$1,500 on each torpedo, and as we require a large number of them, the committee have thought it would be economy to allow him to make the trial.

These 21-inch torpedoes now cost us \$7,100 each. mate of the Bureau is that we can make them for \$3,500 each, but to that estimate is to be added the wear and tear of the plant and also a royalty of perhaps \$500 on each torpedo.

But it would appear that by making the torpedoes we can save from \$2,000 to \$2,500 on each torpedo. There is only one concern in the United States that now makes these torpedoes. Its capacity is 100 torpedoes a year. The Department says that we need 200 torpedoes a year. In other words, the private con-

cern can only make half of what the Government needs annually. Then, in view of the fact that we will have this great saving upon the torpedoes if we make them, and in view of the very strong recommendations of the Department in favor of the torpedo factory, it seems to me it is good business and wisdom to authorize in direct terms the erection of this factory.

Mr. CRUMPACKER. Will the gentleman allow me a ques-

tion?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. CRUMPACKER. How much would it take to establish

and equip a torpedo factory?
Mr. WILLIAM W. KITCHIN. That question was asked, and Admiral Mason answered that \$155,000 would make it and equip it. For that reason the language of the amendment says "for the erection and equipment of a torpedo factory.

Mr. DAWSON. If the gentleman-will allow me, if I understood his amendment, it is to fix the place or location of the

Mr. WILLIAM W. KITCHIN. At Newport.

Mr. DAWSON. Does the gentleman think it is wise for us to fix the place at which the factory is to be erected? Would it not be better to leave that to the discretion of the officers in the Navy Department?

Mr. WILLIAM W. KITCHIN. I followed the recommendation of the Navy Department because in their estimate they had the item, but they put it in another part of the bill. recommendation is to have it at Newport, where they now carry on the torpedo experiments.

Mr. FITZGERALD. Does the gentleman believe that \$250,000 is enough for the item, even without taking some of it for the

purpose of erecting a Government factory?

Mr. WILLIAM W. KITCHIN. I will say to the gentleman from New York, my idea is that it will take twelve months to erect the factory, and \$250,000 will be enough to erect a factory and to supply the money that will be required in that factory for the next fiscal year. But, if we are going to buy 100 additional torpedoes in the next fiscal year, then it will take more than double the appropriation.

Mr. FITZGERALD. It will not be possible to obtain the

100 torpedoes in any one year by purchase?

Mr. WILLIAM W. KITCHIN. That is correct, and before we can manufacture any at Newport ourselves we must first have a factory. I think it is safe to authorize the erection of this plant out of this appropriation. Then, after we have our plant perfected, hereafter it may be necessary to appropriate \$500,000 a year to the plant in order to make the necessary torpedoes.

Mr. BUTLER of Pennsylvania. How about the royalty? Mr. WILLIAM W. KITCHIN. As to the royalty, I As to the royalty, I have alluded to that. Admiral Mason thought \$500 on each torpedo a

sufficient royalty.

Mr. MADDEN. Is it proposed that the Government shall

make all of the torpedoes?

Mr. WILLIAM W. KITCHIN. No; personally, I should favor that, but the recommendation of the Department is that we be prepared to make them, and to make one-half of our supply in that respect, as I understand the testimony.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from North Carolina.

The question was taken; and the amendment was agreed to. Mr. FITZGERALD. Mr. Chairman, I move to strike out the words "two hundred and fifty" in line 19 and insert in place thereof the words "five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 19 strike out the words "two hundred and fifty" and insert the words "five hundred."

Mr. FITZGERALD. Mr. Chairman, under the amendment that has just been adopted \$155,000 will be utilized for the building of a torpedo factory. The Department asked for building of a torpedo factory. \$500,000 for the purpose of acquiring reserve torpedoes. Last year they asked Congress to give \$100,000 for that purpose, and no money was given. In the hearings it was shown that 606 torpedoes are needed to supply the ships now in commission. The Department has on hand 570, and the Chief of the Bureau states that so long as this condition continues the Department is not prepared for war so far as its ability to supply these ships with torpedoes is concerned.

recollect in the last session I called the attention of the House to the fact that the Department had notified the committee that it did not have sufficient torpedoes to supply one round

for all the vessels in commission.

If we are to maintain our Navy, there is no more important thing, in my judgment, than to have the ammunition on hand that would be required in case the vessels were called into serv-

ice. The committee gave \$250,000 for the purpose of obtaining these torpedoes. One hundred and fifty-five thousand dollars of that is to be utilized in building a factory. It seems to me that at least more than \$100,000 should be available for the purpose of obtaining torpedoes. The hearings show that they cost, if obtained by contract, \$7,000; that about twenty are lost in each year in experimenting and practicing with the ships, so that the \$100,000 that will be available to acquire new torpedoes will not be sufficient even to replace those that are likely to be lost during the coming year. Whatever desire there may be to economize, to keep down appropriations, it seems to me that the Department should have sufficient funds to acquire either by contract or purchase sufficient torpedoes to at least supply one round for the ships now in commission. In addition to that, it is pointed out in the hearings that in the course of a few years 996 will be the number of torpedoes that will be required for one round for all the ships in commission, and the Department asks in addition that it have a reserve sufficient to supply an additional round. It would take a great many years, even utilizing the one plant that exists and the plant that it is proposed We should either stop to erect, to furnish these torpedoes. placing torpedo tubes in the battle ships and building torpedo boats to utilize torpedoes or else we should at least have on hand a sufficient number to permit these vessels to be used if, unfortunately, they should be called into action.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Perkins having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 23551. An act making appropriation for the support of

the Army for the fiscal year ending June 30, 1908; and

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham.

The message also announced that the Senate had insisted upon its amendments to the bill (H, R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELKINS, Mr. PERKINS, and Mr. MALLORY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. Perkins, Mr. Warren, and Mr. DANIEL as the conferees on the part of the Senate.

The message also announced that the Senate had passed

without amendment bills of the following titles:

H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and

H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy;

H. R. 8365. An act for the relief of C. A. Berry

H. R. 15242. An act to confirm titles to certain lands in the State of Louisiana; and H. R. 20169. An act for the relief of Margaret Neutze, of Leon

Springs, Tex.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the

military reservation of Fort Douglas, Utah; and

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Torpedo station, Newport, R. I.: For labor, material, freight and ex-ess charges; general care of and repairs to grounds, buildings, and

wharves; boats, instruction, instruments, tools, furniture, experiments, and general torpedo outfits, and new smokestack and flues for bollers, \$70,000.

Mr. PARKER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to extend my remarks not to exceed fifteen minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to speak for fifteen minutes. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, my remarks to-day will be a comparison of the Army and the Navy with reference to pay, promotion, retirement, and command. It is a subject large enough for days of speech. I want to put before the House in a few words, without referring more than need be to figures, the conditions which attend two of the most honorable professions that exist-professions in which officer and man devote their lives-yes, themselves in life or death-to the service and command of their country.

PAY OF ENLISTED MEN AND NONCOMMISSIONED OFFICERS

Mr. Chairman, we learn much from the estimates. The estimates of the Navy (p. 493) are for 37,500 petty officers, seamen, and other enlisted men. The appropriation asked for them is \$13,500,000. It will be understood that I speak in round numbers. The appropriations asked for the Army on pages 169 and 170 of the estimates were for about 59,500 men, and the appropriations asked for them were \$12,556,000. Thus, for over 59,000 men less is asked than for 37,500. The average for the Army which was asked for all noncommissioned officers and men is \$212.50 a year, and the average for the Navy which is asked is \$360 a year. Again, in the number of the Army already given are included all noncommissioned officers, sergeants, corporals, electricians, and pharmacists. The Navy appropriation referred to does not include what are called "warrant officers," allowed by statute, though it does include petty officers. These petty officers are paid as fixed by the President's order, and instead of the pitiful sum of \$30 or \$34 a month that we pay our sergeants with the exception of a few electricians who get \$60 or \$70 a month, naval petty officers are

paid as high as \$85 a month on the President's order.

But besides those petty officers there are what are known as "warrant officers," in number 819, with a pay running from \$900 to \$1,950, comprising boatswains, carpenters, sailmakers, machinists, pharmacists, and mates, with an average pay of \$1,239.36, making altogether for warrant noncommissioned officers, petty officers, and enlisted men, 38,319 in number, \$14,500,-000 and odd, or an average pay of \$378.58, which is 80 per cent more than the average pay of the Army. Do not think that I complain of the inequality, Mr. Chairman. But in these days of varied pursuits skill is needed in artillerymen, electricians, photographers, and machinists. Skilled farriers, saddlers, etc., are needed in the cavalry. In the Engineering Corps, and all through the Army, we need skilled men with training, and the United States must pay them if we expect to have them I wish that we could have the same rule in the and keep them. Army that exists in the Navy, and that the settlement of the pay could belong to the Executive, so that instead of appropriating as we do for every sergeant and corporal we could appropriate for the pay of the Army and leave the President to order what rates should be paid as a practical matter of necessity that changes from day to day.

The following and all other extensions of my remarks are in small print, so as not to break the current of what I said.

NOTE ON NONCOMMISSIONED OFFICERS AND ENLISTED MEN.

The conditions of the service of enlisted men and warrant and petty officers are very different in the Army and Navy. The number of such in the Army are as follows:

Noncommissioned officers and men.	Number.	Pay.
Line Engineers. Ordnance Department Quartermaster's and Subsistence Department Electricians, Artillery Corps. Signal Corps Hospital Corps	52,578 1,282 700 400 125 1,212 3,155	223, 372, 00 96, 600, 00 69, 300, 00
Total	59,452	12, 556, 126, 25

This is an average pay for each enlisted man of \$212.83.

The warrant officers of the Navy (see pp. 614-615) are as follows: 4 chief boatswains (ensigns after twenty years), at \$1,960; 3 chief boatswains (fourth five years), at \$1,820; 20 chief boatswains (third five years), at \$1,680; 2 chief boatswains (third five years) (beyond seas), at \$1,748; 37 chief boatswains (second five years), at \$1,540; 2 chief boatswains (second five years), at \$1,694; 59 boatswains (second five years), at \$1,300; 46 boatswains (first three years), at \$1,200; 5 chief gunners (ensigns after twenty years), at \$1,960; 6 chief gunners (fourth five years), at \$1,820; 17 chief gun

ners (third five years), at \$1,680; 48 chief gunners (second five years), \$1,540; 1 chief gunner (second five years) (beyond seas), \$1,694; 35 gunners (second three years), at \$1,300; 56 gunners (first three years), at \$1,300; 10 chief carpenters (ensigns after twenty years), at \$1,960; 2 chief carpenters (fourth five years), at \$1,820; 21 chief carpenters (third five years), at \$1,960; 28 chief carpenters (second five years), at \$1,540; 1 chief carpenter (second five years), at \$1,540; 1 chief carpenter (second five years), at \$1,300; 30 carpenters (first three years), at \$1,200; 6 chief sailmakers (ensigns after twenty years), at \$1,960; 116 warrant machinists (third three years), at \$1,400; 52 warrant machinists (second three years), at \$1,300; 82 warrant machinists (first three years), at \$1,200; 17 pharmacists (fourth three years), at \$1,600; 4 pharmacists (third three years), at \$1,400; 4 pharmacists (second three years), at \$1,300, and 66 mates (appointed since August 1, 1894), at \$900.

The pay of petty officers and seamen is shown on page 575 of Pulsifer's Navy Year Book (S. Doc. 140, 59th Cong., 2d sess.), which is a perfect mine of information, as follows:

Chief petty officers, \$50 to \$85.

Petty officers, first class, \$36 to \$70; second class, \$35 to \$45; third class, \$30 to \$35.

Seamen, first class, \$24 to \$28; second class, \$19 to \$33; third class, \$16 to \$24.

Commissary branch, \$16 to \$80; mess men branch, \$16 to \$65; enlisted men of the Morine Corps. \$13 to \$44.

Seamen, first class, \$24 to \$28; second class, \$19 to \$33; third class, \$16 to \$24.

Commissary branch, \$16 to \$80; mess men branch, \$16 to \$65; enlisted men of the Marine Corps, \$13 to \$44.

The above rates of pay are affected by the following provisions:
Allowance of 75 cents per month for each good-conduct medal, pin, or bar; allowance of \$5 per month for duty on submarine vessels of the Navy; allowance of \$5 per month for crew mess men; allowance of 33 cents per day for seamen and ordinary seamen doing duty as signalmen; allowance of from \$1 to \$3 per month for men doing duty as signalmen; allowance of from \$2 to \$10 per month for men doing duty as signalmen; allowance of from \$2 to \$10 per month for men doing duty as gun pointers.

The above are the most important variations of pay allowed by law. A few are not given, because of the small number of men affected.

By a more recent Executive order the pay of each rating is increased \$5 a month during the second period of service, and \$3 per month during every subsequent period of service. The pay of noncommissioned officers of the Army is shown on pages 169, etc., of the estimates. Sergeant-majors get \$408; first sergeants, \$300; farriers, corporals, and sutiers, \$180; wagoners, \$168; musicians, trumpeters, and privates, \$156. Some of the chief musicians get up as high as \$720; first sergeants in the Signal Corps, \$540; master electricians (end of page 170) get \$900.

It is interesting to compare the first-class sergeants in the Hospital Corps, \$540 a year, besides longevity pay, amounting in all to nearly \$60 a month, or \$720 a year, while a first-class pharmacist in the Navy, which is the same position, gets \$1,600 a year.

Beyond all question, the varied pay which must in these days be given to men of varied skill should not wait the years which are necessary for Congressional legislation, but be fixed by Executive order, so as to get, keep, and properly reward the right men. And some equality should be established between the like employment in the Army

PAY OF .COMMISSIONED OFFICERS

Now, Mr. Chairman, I pass briefly—I have little time—I pass briefly to the officers. Their pay in the Army and Navy is nominally the same-that is to say, men of equivalent rank get the same pay. The naval ensign has rank and pay of a second lieutenant; a junior lieutenant in the Navy has the pay of a first lieutenant in the Army; a lieutenant in the Navy has the pay of a captain in the Army; a lieutenant-commander has the rank and pay of a major; a commander has the rank and pay of a lieutenant-colonel, and a captain in the Navy has the rank and pay of a colonel. A rear-admiral of less than five years' service gets the pay of a brigadier-general, and after only five years' service he receives the pay of a major-general. But that pay of the rank does not state the whole case. When a young man goes into business or into a profession he does not want to know merely what is the pay of the various grades, but how many there are in the higher grades and what chance he has for promotion. The difference is already indicated by the statement that a rear-admiral of the Navy, ranking with and paid the pay of a brigadier-general, is promoted for five years' serv-ice to the pay of a major-general. The estimates are for 1,079 commissioned officers in the Navy of all grades, and for somewhere between 3,400 to 3,500 in the Army. There ought to be, therefore, over three times as many officers of the rank of major-general in the Army as in the Navy; but instead of that there are only half as many—seven major-generals of the Army and fourteen rear-admirals, with major-generals' pay, in the Navy.

There are twenty-five brigadier-generals in the Army, and the Navy, with not one-third as many officers, should have eight, and has eleven. For the ninety-four colonels in the Army there should be thirty-one captains in the Navy, and there are eighty-four. For the one hundred and twelve lieutenant-colonels there should be thirty-seven commanders, and there are one hundred and twenty-two. For the two hundred and eighty-five majors there should be ninety-five lieutenant-com-manders, and there are two hundred and six.

Less than 3 per cent of Army officers are colonels and 11 per cent of the Navy officers are of the equivalent rank and pay of

Eight per cent of the Army officers are majors and 19 per cent of the Navy officers are lieutenant-commanders, with majors' pay.

Twenty-seven per cent of the Army officers are first lieutenants. The equivalent grade in rank and pay is that of junior lieutenant, and there are none in the Navy and will be none in 1908.

Captains and second lieutenants will not show the same difference.

The result of it all is that 438 of the 1,079 officers of the Navy, or over 40 per cent, get the pay of major or more, whereas in the Army only 524 out of 3,436, or less than 16 per cent, get that pay. In both lists we take only such staff bureaus as are officered from the line, leaving out doctors, chaplains, paymasters, and naval constructors.

Do we wonder that the Army generals, majors, and captains, and colonels sometimes wish for promotion? Perhaps it is not wrong that a man of ability and character, who has given his life to his country, should have a fair chance to get the pay that comes to men in business life of \$5,000 to \$7,000 a year.

To state the matter otherwise, the pay of 3,433 Army officers of all grades is estimated at \$7.815,300, or at an average of \$2,274.50 each, while the pay of 1,079 Navy officers is estimated at \$3,087,784, or an average of \$2,862 each. Officers in the Navy, on the average, get more than a quarter more pay than in the Army. The reason is that there is not the same proportion of higher officers in the Army. It is not a question of the pay of each rank, but that there are more promotions.

I insert here certain tables giving details as to these statements:

ARMY OFFICERS' PAY. [Estimates, pp. 169 to 171.]

Major-generals 6 1 7 .002 7,0 Brig adier-generals 16 1 1 1 1 1 1 2 5.007 5.5 5.007 5.5 5.007 5.5 5.007 5.5 5.007 5.5 5.007 5.5 5.007 5.5 5.00 4.0	_						ares,	PP						
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general. 1 10,00029 \$11,0 Major-generals. 6 1 7,002 7,002 Brigadier-generals. 16 1 1 1 1 1 25,007 \$3,500 to 4,5 Colonels. 58 5 3 10 6 3 2 1 94,027 \$3,500 to 4,5 Lieutenant-colonels. 58 7 4 16 9 9 4 3 2 112 032 3,000 to 4,0 Majors. 174 10 9 32 19 20 9 6 6 285 082 2,500 to 3,5 Captains. 870 43 25 60 27 181,043 302 1,800 to 2,2 Second lieutenants. 870 43 25 18 966 270 1,590 to 2,2 Second lieutenants. 870 43 913 265 1,400 to 2,1														
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Lieutenant-colonels 58 7 4 16 9 9 4 3 2 112 .032 3,000 to 4,0 Majors 174 10 9 32 19 20 9 6 6 285 .082 2,500 to 3,5 Captains 870 43 25 60 27 181,043 302 1,800 to 2,8 First lieu-tenants 870 43 25 18 956 .270 1,590 to 2,2 Second lieu-tenants 870 43 913 .265 1,400 to 2,1	generals	16	1	1	1	1	1	1	1	1	1	25	.007	5,500
colonels 58 7 4 16 9 9 4 3 2 112 082 3,000 to 4,5 Algors 174 10 9 32 19 20 9 6 6 285 082 2,500 to 3,5 Captains 870 43 25 60 27 181,043 302 1,800 to 2,8 First 1 ie u-tenants 870 43 25 18 956 .270 1,590 to 2,2 Second lieutenants 870 43 913 .265 1,400 to 2,1		-08	D	9	10	0	0	1 1		***	1	34	.021	93, 300 10.4, 300
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First lieutenants 870 43 25 18 956 .270 1,590 to 2,2 Second lieutenants 870 43 913 .265 1,400 to 2,1		174	10	9	32	19	20	9	6					2,500 to 3,500
tenants 870 43 25 18 956 .270 1,590 to 2,2 Second lieutenants 870 43 913 .265 1,400 to 2,1	Captains	870			43	25	60	27			18	1,043	.302	1,800 to 2,800
Second lieutenants 870 43		070	- 19		40	05			188	3	10	956	-270	1 500 to 2 240
tenants 870 43		870		****	40	20				***	10	300	.210	1,000 00 2,240
Total 2,923 24 -17 188 85 96 44 12 1 46 3,436		870			43							913	. 265	1,400 to 2,100
	Total	2,923	24	-17	188	85	96	44	12	1	46	3, 436		

NAVY OFFICERS' PAY. [Estimates, p. 614.]

	Number.	Per cent.	Estimated pay.
Admiral, equivalent of general	1 14	0.001 .013	\$13,500 105,000
alent of brigadier-general Captains, equivalent of colonel Commanders, equivalent of lieutenant-colonel	. 11 84 122	.010 .078 .114	60,500 378,000 489,700
Lieutenant-commanders, equivalent of major Lieutenants, equivalent of captain Junior lieutenants, equivalent of first lieutenant.	206 359 None.	.190	722, 050 884, 600
Ensigns, equivalent of second lieutenant Total	1,079	. 262	3, 087, 781

Average Navy pay, \$2,862.

ARMY OFFICERS' PAY. [From Estimates, pp. 168 to 171.]

	Total pay.	Number of officers.
Line Military Secretary Inspector-General Engineers Ordnance Quartermaster Subsistence Judge-Advocate-General Insular Signal Corps	66,500 477,800 228,500 282,500 160,000 47,000	2, 923 24 17 188 85 96 44 13 1
Total	7, 815, 300	3,436

Average Army pay, \$2,274.56.

Percentage of officers of or above the ranks following.

	Army.	Navy.
Major-general (Army) or rear-admiral (Navy) Brigadier-general (Army) or junior rear-admiral and chief of burcau (Navy) Colonel (Army) or captain (Navy) Lieutenant-colonel (Army) or commander (Navy) Major (Army) or lieutenant-commander (Navy) Captain (Army) or lieutenant (Navy) First lieutenant (Army) or junior lieutenant (Navy) Second lieutenant (Army) or ensign (Navy)	.150 .452 .722	0.014 .024 .102 .216 .406 .738 .738 1.000
		1

This average pay of \$2,274.56 in the Army and \$2,862 in the Navy, and certainly the pay of \$1,400 and \$1,500 in the lower grade for the first five years, are, in the judgment of many, inadequate. The rates of pay were settled many years ago. Expenses have largely increased for uniforms, food, wages, and rents. Commutation of quarters is ludicrously small and should certainly vary with the size of the town where the duty is performed, and possibly with the size of the officer's family. It would be invidious to express an opinion whether the Army or the Navy need most pay. The naval officer, besides supporting his family, must contribute to his officers' mess, must regard himself as representing the United States, and must be hospitable when he meets officers of other countries. The Army officer, when ordered to the Philippines, must take his family with him or send them home, and receives nothing for their traveling expenses. Without comparison of one service with the other, the pay of our officers is not enough. The style of living has changed since it was adopted. It is idle to suggest that teachers, clergymen, and lawyers in the country often receive less. They are not required, like the officer, to keep themselves and their family well dressed, well educated, ready to accept any courtesies shown them by any neighborhood where they may be, as well as to change their home whenever the Government may order.

The Navy officer has a variety of responsibilities and duties, involving artillery, engineering, equipment, repair, and supply, as well as seamanship and international law and its practical application, which do not fall upon the Army officer, and which give to the officer of the Navy a variety of training which is much to be envied.

Navy cadetship lasts for six years instead of four years. The age limit, however, is two years younger in the Army, so that the age of commission as ensign or second lieutenant is expected to be about the same.

In comparing the position of officers in the two branches of the

In comparing the position of officers in the two branches of the service, it is fair that the separate bureaus, which are called the staff, should be reckoned with the line when they are, in fact, filled wholly or mostly by promotions from the line. This is the case in the Army with the departments or bureaus of The Military Secretary, Inspector-General, Engineers, Ordnance, Quartermaster-General, Subsistence, Judge-Advocate-General, and insular possessions. The Medical Department and the places of chaplains are filled from civil life and not from the line, and the pay department in the Army and Navy, and the civil engineers in the Navy are chiefly so filled and therefore left out of account.

The Bureau of Construction, etc., is, like Army engineers, filled from academy cadets. It was not so understood when the table was prepared. But to include it would have raised the Navy average for the 75 officers for \$231,100, or \$3,081.33 each.

PROMOTION AS DELAYED BY EQUALITY OF AGE.

PROMOTION AS DELAYED BY EQUALITY OF AGE.

The chance of promotion does not depend solely on the number in each grade, but on the comparative age of the officers. If they are older in the higher ranks, and the young are appointed as the old men go out, there will be a fairly steady flow of promotion throughout the service.

But if any such service be suddenly enlarged or otherwise filled with new appointments or promotions of young men, then they are all young together, and promotion of those at the botthey are all young together, and promotion of those at the bottom must wait until the young men at the top die or retire. That is what is called a "hump." It happened at the close of the war in both Army and Navy. The Army was increased to 50,000 men. It was filled up with gallant officers of the war, all young, mostly about 25 years old, and promotion almost stopped. When I came to Congress I was able to find and report in 1896 and thirty years after the war it was true that part only all paior generals and all briggdier generals and all not only all major-generals and all brigadier-generals and all colonels and lieutenant-colonels, but nearly all the majors, half the captains, and some lieutenants (they were in the artillery) had served in the civil war and had been thirty years waiting for promotion, because only young men had been above their heads. That was what was technically called the "hump" in the Army and Navy, and the difficulty was, and is, how to prevent such a "hump."

Congress in 1899 and 1903 increased the personnel of the They increased it so much that there is not left a single Navy. They increased it so much that there is not left a single junior lieutenant who answers to first lieutenant in the Army, but every ensign after three years' service as such becomes a senior lieutenant with the pay of captain in the Army. If the Navy be filled up soon with young graduates from the Naval Academy, there will be a like "hump." What is to be done? What is the ordinary and proper way to prevent a dishearten-

ing stagnation in promotion? The misfortune of a hump—that is, of filling the whole list with men of the same age—is that it repeats itself, for they go out, by age or death, much at the same time, and their places are suddenly filled by younger men. Since 1900 almost all the civil war veterans have disappeared from the Army list, and the Army, being 'argely increased

since the Spanish war, has been filled with younger men, which will cause another stoppage of promotion as soon as the ranks are full.

The suddenness of the change might have been diminished if the promotion of civil-war veterans one grade on the retired list had been passed in 1896, when first proposed in a report on the case of David S. Gordon. This measure was not adopted until 1904, and meanwhile, after the year 1898, the suddenness of the change in officers was increased by the plan adopted by the President of promoting officers through the grade of brigadier-general, with immediate retirement, so as to give some reward in their old age to men who had served so many years with little promotion and on low pay.

The same conditions prevail in the Navy. The number of officers has been increased by the personnel bill of 1899, section 7 (see Navy Year Book, p. 528), and the appropriation bill of 1903, under "Naval Academy " (Year Book, p. 421), so as to consist of 18 rear-admirals, 70 captains, 112 commanders, 200 lieutenant-commanders, 350 lieutenants, and such total numbers of lieutenants (junior grade) and ensigns as might qualify for such grades under existing law, the increases in the grades of lieutenant-commander and lieutenant to be filled by promotion each year of one-fourth. These numbers are so far in excess of present graduations from the academy that the number of lieutenants answering to captain in the Army is not full, and there are no junior lieutenants whatever answering to lieutenant in the Army. On the other hand, there are some extras in the higher grades under a law allowing promotions in the Spanish war to be additional to those grades.

RETIREMENT AND LONGEVITY PAY.

Several reliefs have been attempted. One is a system of retirement for age. Another is the system of longevity pay, by which we pay a man more, though in the same rank, as years roll on and a family grows about him. Another is the system of compulsory retirement lately adopted in the Navy, which not only lets officers resign with an additional grade, but actually retires a certain number against their will with an additional grade if the promotions do not go fast enough to satisfy the personnel act. I have no time now to discuss which way is the best.

Another plan is the one existing in the Navy of having a large number of men in the upper ranks who, if at any time there are too many officers, used to be put on leave or on waiting orders at reduced pay, or could be put on furlough at about one-quarter pay. This is still the law for the Navy, and when our fleet was small it could keep on the list a large number of officers and give active work only to those who were selected. I can only indicate the difficulties of the subject and its complications to the House at this time. (See Appendix.)

COMMAND.

The real question in the Army and the Navy is not one of money, but of command. The real question in time of peace is how to give young men the training of responsibility. In the short time remaining to me I can indicate the difficulty, but can only touch on how it is to be met. The difficulty, both in the Army and in the Navy, is in the size of the unit of command. mand. We are building nothing but battle ships. We have over a hundred captains or admirals and only thirty-eight battle ships and armored vessels for them to command. The lieutenants get no independent command, nor the lieutenant-commanders. One cure for this would be to have more small ships and to train the Navy officer upon revenue cutters, light-house tenders, and Army transports. If gentlemen will look at the report of the Naval Committee they will find that in every other navy in the world there is a vastly larger proportion of smaller We want them now, not because they are not possible to provide in short order if threatened by war, but because they are not possible to provide in short order if threatened by war, but because they are needed in time of peace in order to give young officers responsibility with small boats before putting them without previous training in charge of a ship that costs \$8,000,000.

The United States has 18 battle ships, first class; 12 coast-defense vessels; 8 armored cruisers—38 in all. It also has 5 cruisers averaging from 8,000 to 9,000 tons, 17 averaging a little over 4,000 tons, 22 averaging under 2,000 tons, besides 16 torpedo-boat destroyers, and 32 torpedo boats, and 8 submarines, making 100 unarmored vessels in all.

Great Politic has 200

in all.

Great Britain has 82 armored vessels and 311 unarmored; France has 51 armored vessels and 350 unarmored; Germany has 34 armored and 122 unarmored; Japan has 23 armored and 161 unarmored. The particulars are in the last table annexed to the report on this bill. All these nations have large numbers of smaller vessels, which give practice to young officers, who learn habits of responsibility and command.

mand.

The value of torpedo boats as a coast defense, to keep foreign flects well away, has never been tested by a nation that breeds such men as Cushing, ready to take their lives in their hands for the sake of success. There might be hundreds of such small boats in our harbors or laid up on shore. If we have no naval officers to spare, there are hundreds of tug boat captains and pilots who would show what Americans can do and dare, if a hostile fleet was found within 100 miles. But as our Navy fills up from the enlarged Naval Academy we shall have young officers idle unless we have the smaller craft in which to try and prove the stuff of which each man is made.

In the Army I believe the same principle is to be followed. We are getting large garrisons in brigade posts. I doubt whether I believe in large garrisons, because the captains or the under officers in those garrisons are nothing but mere subordinates, pawns doing the orders of the post commander. I believe in small posts, though I believe in uniting the men of those small posts for study of the science of actual warfare for

six months during the summer in large commands of a division or a corps, but in camps and away from the houses and homes which expose our Army, like the armies of the rest of the world, to the danger of garrison dry rot.

CONCLUSION.

Now, Mr. Chairman, only one word. Let no man of the Army or Navy think that Congress either grudges or counts the cost of promotion or pay. Let us be liberal. count in the Navy is less than a quarter of the total appropriation contained in the bill. The pay account in the Army is hardly a quarter of the total appropriations, including those of other bills for fortifications and barracks and quarters. We do not grudge fair pay. The cheapest thing the country can buy is men—cheaper than guns, or forts, or ships, and greater. [Applause.]

APPENDIX.

LONGEVITY PAY.

Officers in the Army and Navy up to the rank of colonel receive 10 per cent additional for every five years' service, not to exceed 40 per cent in all, and with a provision that colonels shall not receive over \$4,500 and lieutenant-colonels not over \$4,000. A second lieutenant of long standing may thus receive more than a junior captain. It is questionable whether the principle of longevity pay might not be extended so as to make pay dependent wholly on seniority and independent of rank or other conditions, except as some allowances might be made for entertainment, foreign service, or detail to expensive cities. For example, if the pay of a lieutenant were \$2,000, increased each year by \$100 it would amount after forty years to \$6,000, and be very nearly the pay now received with ordinary average promotion, while it would avoid the inequalities between the Army and Navy and the different branches of the line and staff, would enable the officers of regiments to be kept together and prevent the feeling of injustice when the younger men are selected for difficult command. Under such a system there would be no need of so strict an age limit for entrance into the service.

there would be no letter to service.

This is so radical a suggestion that it has been surprising to find that quite a number of officers have welcomed it as a real solution of some, at least, of the inequality and injustice which would result from any system of promotion by selection and result now from inequality in various branches of the service.

at least, of the inequality and injustice which would result from any system of promotion by selection and result now from inequality in various branches of the service.

RETHEMENTS, FTC.**

The system of retirement has largely come in since the civil war. Before the war Army officers held their manissions during life, but active work was probably intrusted to room the civil war. The system of the civil war had an equivalent in the system still remaining, by which supernumerary officers can be put on leave or waiting orders, with reduced pay, or half that pay when on furlough, and the Secretary of the Navy could place any officer on furlough, (R. S., 1442, 1556, etc.).

As early as February 28, 1855, there had been a reserved list on leave of absence pay or furlough pay, according to the approval of the President. This system was a naval necessity, because there were often more officers than there were ships.

The system of the war. In August, 1861, not over 7 per cent were authorized to be retired on full pay if incapable of the active service required in the war. In August, 1861, not over 7 per cent were authorized to be retired on full pay if incapable of service. Our July 17, 1866, any officer over 62 years old, or forty-five years in service, might be retired at the discretion of the President; and since that time the officers at 64 years of age must be retired, or, after forty years of service may be retired by the President, or after thirty years, service may be roretired by the President, or after thirty years, service may be roretired by the President, or after thirty years, service may be roretired, and if this be found after mental examination for his properties of the president of their own and the properties of the service with the service and the properties of the service with the service the officer may be retired wholly without pay.

The system is complicated and works sometimes well and sometimes in the service the officer may be retired wholly without pay.

The system is complicated and wo

"SEC. 8. That officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of 'applicants for volunteer retirement,' and when, at the end of any fiscal year, the average vacancies for the fiscal years subsequent to the passage of this act above the grade of lieutenant-commander less than twenty, above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant less than forty, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list with the rank and three-fourths the sea pay of the next higher grade, as now existing, including the grade of commodore, to cause the aforesaid vacancies for the fiscal year then being considered."

By section 9, if volunteer retirements do not create these average vacancies, a retiring board selects and retires not more than five captains, four commanders, four lieutenant-commanders, and two lieutenants in order if possible to make up the number.

Thirteen a year would sweep out the 84 rear-admirals and captains in less than seven years; 20 a year would dispose of the 196 admirals, captains, and commanders in less than fourteen years; 29 a year would renew the whole list of 396 admirals, captains, commanders, and lieutenant-commanders in less than fourteen years; 29 a year would renew the whole list of 396 admirals, captains, commanders, and lieutenant-commanders in less than fourteen years at the minimum of 29 vacancies would make him a lieutenant-commander, and not quite fourteen years more would take him out of the service. This allows a severe selection to be maintained, while it gives those who are retired nothing to do and an advanced grade, with a retired pay about equal to the active pay t

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. Parker] may have leave to extend his remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Coal and transportation: Purchase of coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, \$3,750,000.

By Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Insert, in line 9, page 2, after the word "dollars," the following:
"Provided, That no part of this appropriation shall be expended for
coal in the Philippine Islands, except for coal purchased from the lowest bidder: And provided further, That no part of this appropriation
shall be expended for the transportation of coal to the Philippine
Islands, except to the lowest bidders for such transportation in satismy
vessels and to the lowest bidders for such transportation in sailing
vessels, whether such steam and sailing vessels shall be American or
foreign."

Mr. WILLIAM W. KITCHIN, Mr. Chairman, mon, that

Mr. WILLIAM W. KITCHIN. Mr. Chairman, upon that amendment I wish to say that it will save, in my judgment, to the Government in the course of each twelve months many thousands of dollars. Now we are required to transport our coal in American bottoms unless the President finds the rate unreasonable and excessive. The rates that were paid under the new law of 1904 during the year of 1905 were 47 per cent to American vessels in excess of the rate paid to foreign vessels, and in 1906 51 per cent in excess to American vessels over foreign vessels. Now, this practical excess of 50 per cent in favor of American vessels amounted to a subsidy in their favor of near \$3 per ton. Yet notwithstanding that preferential in favor of American vessels, the coal-carrying fleet of American vessels has not been increased. To-day the Government finds it impossible to secure enough American vessels to transport our coal to the Philippines, even when it is willing to give \$3 or

\$3.50 more per ton than to foreign vessels.

No gentleman ought to oppose this on the ground that it is contrary to any American industry, because under it in all probability we will still use American coal. We can buy American coal in the Philippine Islands for about \$1 a ton cheaper than we can buy European coal, provided we let the Navy buy it after being transported in foreign bottoms. You can buy American coal there to-day for the price at which the American steamers offer to transport the coal. We can save the original cost of the coal by giving the Secretary power to buy American

The 1904 law has cost this Government, through the Navy Department, thousands of dollars from year to year without

bringing any benefit to the American people. No one can oppose this amendment on the ground that coal is an article of which we have a great surplus for which this country ought to pay a bounty for its transportation abroad, because this very winter we are having a coal famine and there has been a lack of the necessary American coal throughout various sections of this land. There is a shortage of cars handling coal, we understand. You can not oppose this amendment under the plea that it will throw labor out of employment, because there is a shortage of labor in almost every section of this land.

You can only defeat this amendment by adhering to the spirit "stand-patism" that will contravene the best interests of the people; that will help no coal miner, nor shipowner, nor laborer, nor any other class of our citizens, in my judgment. The Department desires relief from the law of 1904. The Department desires rener from the law of 1304. The Department, we are told, will next year need 150,000 tons of coal in Cavite, in the Philippines. According to the last offers made to the Department we can, if permitted to do so, buy American coal there for \$7.25 or \$7.50 a ton, while we can not secure transportation of the coal in American steamers for less than \$7.50 after we buy it here at a cost of \$2.75 per ton. Under the present law every ton of coal bought here and transported in American steamers costs us at Cavite from 30 to 40 per cent more than our coal there will cost us under this amendment.

The time of the gentleman has expired. The CHAIRMAN. Mr. FOSS. Mr. Chairman, I wish to say just a word upon is question. On April 28, 1904, an act was passed providing this question. that naval supplies, including coal, should be shipped in Ameri can bottoms, unless the President shall find the rates of freight charged by such vessels are excessive and unreaschable.

Since that act was passed we have shipped some of our coal in American bottoms, but the major part of it has been shipped in foreign bottoms. The excess which has been paid to American ships in 1905 amounted to \$133,000, and in 1906 to \$63,000, making in all up to the present time, since the passage of the act, an excess of \$197,184. Now, this year the situation is that it is almost impossible to get American bottoms to carry this coal, and it is very difficult also to get coal anywhere, and the Department has made a very full statement of the condition in a pamphlet, which I have before me, and which I propose to put in the RECORD. They recommend that they be permitted to buy coal where it can be bought cheapest without being restricted to its transportation in American bottoms.

No. 68.—Transportation of Coal.—Department Letter.

Department of the Navy,
Bureau of Equipment,
Washington, D. C., February 5, 1907.

My Dear Mr. Foss: In compliance with your request over the telephone yesterday I inclose herewith additional data with reference to shipment of coal to Manila since the operation of the law requiring shipments to be made in American bottoms. This data is based on shipments to Manila for the reason that few shipments have been made in other directions in either American or foreign bottoms, since shipments to the other principal outlying stations are governed by the coastwise shipping law, so called, and foreign bottoms are therefore out of the question. It has therefore been necessary to purchase Cardiff coal, which can be had delivered, including duty, at rates about equal to the rates demanded for transportation only in American ships, to which must be added the cost of the coal. The coal, of course, is shipped in foreign bottoms, but is not shipped by the Government, but purchased at the station desired.

I shall be glad to furnish any additional information desired.

Very truly, yours,

WM. S. Cowtree

Hon. George E. Foss, M. C., House of Representatives, Washington, D. C.

Vessels chartered to carry coal to Cavite since the law requiring ship-ment in American bottoms went into effect.

	Number of tons.			Total cost of coal and transporta- tion.
Foreign	85, 837. 5	\$4.80	\$2.48	\$7.28
	58, 510. 0	7.09	2.48	9.57

If coal shipped in American bottoms had been shipped in foreign bottoms at the average rate \$133,890 would have been saved

1906.								
	Number of tons.	Average cost of transporta- tion.		Total cost of coal and transporta- tion.				
Foreign	18,578 30,989	\$4.00 6.04	\$2,55 2,55	\$6, 35 8, 59				

If coal shipped in American bottoms had been shipped in foreign bottoms at the average rate, \$63,294 would have been saved.

1907.

No coal has been shipped to Cavite during the fiscal year 1907. A contract has just been entered into for the transportation in foreign bottoms of 10,000 tons at \$4.70 and 40,00 tons at a rate equivalent to \$4.50. It is anticipated that 50,000 tons additional will be engaged during the year, and it is hoped and expected that a rate of \$4.25 to \$4.40 will be obtained.

Excess paid for American ships:

1905._______\$133, 890, 00

Total for two years_____ 197, 184, 00

DEPARTMENT OF THE NAVY, BUREAU OF EQUIPMENT, Washington, D. C., February 4, 1907.

Bureau of Factiment,

Washington, D. C., February 4, 1907.

My Dear Mr. Foss: In compliance with your request I forward herewith a memorandum prepared in my office bearing on the operation of the law requiring that vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, etc., for use of the Army and Navy. (Public—No. 198.)

A comparison of the rates the Government has been required to pay for transporting its coal in American bottoms with those paid for the same service in foreign bottoms will demonstrate how expensive this law has proven to the Government and how expensive it will continue to prove as long as it remains in force. This memorandum will also show that however desirable it may be to ship coal in American bottoms, the number of such ships available for the business do not begin to compare with the requirements.

It will be shown by this memorandum that though practically all American vessels available for the transportation of coal for the Government have been chartered to transport coal to Manila, the supply has been short of the demand in excess of 150,000 tons. In addition to this, it has been necessary to purchase many thousand tons of Welsh coal to supply other distant stations, such as Mare Island, Puget Sound, Honolulu, Sitka, Tutuia, etc.

You will also note that in addition to the rate of transportation demanded, additional concessions must be made American ships in the way of supplying ballast. Whether this adds to the cost of the coal to the Government does not matter; certainly it provides an additional income for the ship.

The law has been in effect two and one-half years. To the Bureau, it appears without question, it has been demonstrated that there are not sufficient American ships to carry out the intent of the law, and its operation is detrimental to the interests of the Government, and particularly so to the Navy Department.

I hope this memorandum may serve your purpose. It has been hurriedly drawn,

Hon. George E. Foss, M. C., House of Representatives, Washington, D. C.

TRANSPORTATION OF COAL FOR THE BUREAU OF EQUIPMENT, NAVY DE-PARTMENT.

1. The law entitled "An act to require the employment of vessels of the United States for public purposes" (Public—No. 1985, requiring vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, etc., for use of the Army or Navy, unless the President shall find that the rates of freight charged by such vessels are excessive and unreasonable, was approved April 28, 1904, and became effective June 28, 1904.

2. The last call for proposals for vessels to transport coal to Cavite. P. I., prior to the operation of the act referred to above, was sent out May 24, 1904, in the form of a circular letter to twenty-three different concerns in the United States, and resulted in chartering three British steamers, carrying a total of 12,210½ tons, at an average cost of \$4.6325 per ton freight.

3. The first call for proposals under the operation of the law.

per ton freight.

3. The first call for proposals under the operation of the law referred to was made by public advertisement October 25, 1904. Proposals were requested for transporting 25,000 tons of coal to the naval station, Cavite, in American vessels only. In addition to the public advertisement a special notice was sent to twenty-one shipowners, agents, or brokers, whose names were a matter of record in the Bureau of Equipment. Proposals were received as follows. It will be noted that though foreign tonnage was not requested considerable was offered.

Proposals for transporting 25,000 tons of coal from the east coast of the United States to the naval station, Cavite.

Offered by	Number of ships.	Number of tons.	Rate per ton.	Rate of transporta- tion for 25,000 tons.
AMERICAN STEAMERS.	H = H			
Atlantic Transport Co. Lewis Luckenbach	1 2	9,000 9,000	\$7.00 7.50	\$175,000 187,500
Philip Ruprecht	1 2 1	5,000 8,000 2,000	6.50 6.50 7.00	162, 500 162, 500 175, 000
FOREIGN STEAMERS.	F 173.1			
Lind & Co Funch, Edye & Co McCall & Co		25,000 25,000 25,000	4.16 4.20 4.23	104, 000 105, 000 105, 750

Proposals for transporting 25,000 tons of coal, etc.-Continued.

Offered by—	Number of ships.	Number of tons.	Rate per ton.	Rate of transporta- tion for 25,000 tons.
FOREIGN STEAMERS—continued.				
Hopkins & Co. Ocean Transport Co		25,000 25,000 5,000	\$4,70 4,87 6,00	\$117,500 121,750 150,000
AMERICAN COAL LAID DOWN.				
Davis Coal and Coke Co		25,000	6.98	173, 250
Barber & Co		25,000 25,000 25,000 25,000	7. 35 6. 35 7. 50 6. 50	183, 750 158, 750 187, 500 162, 500

Lowest offer for foreign steamers______Lowest offer for American steamers______

Excess of offer for American steamers over offer for foreign steamers, \$2.84 per ton, or 68.2 per cent, which on the entire quantity for which shipment was contemplated—i. e., 25,000 tons—is a difference of \$71,000 in favor of foreign steamers.

Lowest offer for foreign steamers \$4.16 Lowest offer for American sailing vessels 6.50

Excess of offer for American sailing vessels over offer for foreign steamers, \$2.34 per ton, or 564 per cent, which on the entire quantity for which shipment was contemplated—i. e., 25,000 tons—is a difference of \$58,500 in favor of foreign steamers.

4. The rates given above for American vessels being considered excessive, no award was made; a second call for proposals was made by advertisement, dated December 1, supplemented by special notice to sixty-five shipowners, agents, or brokers. The specifications requested proposals for transportation in vessels of either American or foreign register, either sail or steam.

5. Proposals were received as follows:

Proposals for transporting 29,000 tons of coal from the east coast of the United States to the naval station, Cavite.

Offered by—	Number of ships,		Rate per ton.	Rate of transporta- tion for 20,000 tons,
AMERICAN STEAMERS. Atlantic Transport Co	1	9,000	\$7.00	\$140,000
Lewis Luckenbach	1 2	9,000	7.50	150,000
Arthur Sewall & Co	2 1	8,000 2,000	6, 50 6, 50	130,000 130,000
FOREIGN STEAMERS. Lind & Co	{	20,000 to 50,000 20,000	} 4.12 4.23	82, 400 84, 600
Howard, Houlder, Rowat & Co		10,000 10,000 20,000 20,000 20,000	4.75 a 4.75 4.92 5.36 5.50	95, 000 95, 000 98, 400 107, 200 110, 000

a Sail or steam, their option.

Lowest offer for foreign steamers______Lowest offer for American steamers______

Excess of offer for American steamers over offer for foreign steamers, \$2.88 per ton, or 69.9 per cent, which on the entire quantity for which shipment was contemplated, i. e., 20,000 tons, is a difference of \$57,600 in favor of foreign steamers.

Lowest offer for foreign steamers______Lowest offer for American sailing vessels______

enty-five owners, agents, or brokers. Proposals were received as fol-

Proposals for transporting 30,000 tons of coal from the east coast of the United States to the naval station, Cavite.

Offered by-	Number of ships.	Number of tons.	Rate per ton.	Rate of transporta- tion for 30,000 tons,
AMERICAN STEAMERS,		10.00		1.30
Atlantic Transport Co	1	9,000 9,000	\$7.00 7.50	\$210,000 225,000
Lewis Luckenbach	1 or 2	6,000 to 9,000	7.50	225,000
Wm. F. Palmer Philip Ruprecht F. P. Nichols, for I. F. Chapman & Co. Arthur Sewall & Co.	1	9,000 to10,000 5,000 2,500 4,600	8.00 6.50 6.50 6.50	240,000 195,000 195,000 195,000
FOREIGN STEAMERS. Howard, Houlder, Rowat & Co Lind & Co Do McCall & Co		80,000 10,000 20,000 30,000	5. 50 4. 88 4. 92 4. 874	165,000 146,400 147,600 146,250

Lowest offer for foreign steamers____ Lowest offer for American steamers__

\$50,000.

11. The accumulation of a stock of coal at Cavite having been assured, it was decided the part of wisdom to take advantage of any or all American vessels that might possibly be available in the near future, and on February 15, 1905, another advertisement was inserted, requesting proposals to transport 40,000 tons to Cavite in American vessels only. This advertisement was supplemented by special notices sent to 130 shipowners, agents, brokers, etc. Sixteen offers were received as follows:

Offered by—	Number of ships.	Number of tons.	Rate per ton.	Rate of transporta tion for 40,000 tons.
AMERICAN SAILING VESSELS. Arthur Sewall & Co	2 1 2	9,000 5,000 4,400	\$6,50 6,50 6,50	\$260,000 260,000 260,000
Sanderson & Son. McCall & Co. Lewis Luckenbach Busk & Jevons Winchester & Co. Funch, Edye & Co. Hopkins & Co. J. W. Elwell & Co. Bowring & Co. Hogan & Son		40,000 6,500 6,000	4.40 4.35 4.65 4.65 4.25 4.50 4.25 4.75 4.50 4.424	180,000

			foreign steamers	\$4. 25
Lowest	offer	for	American steamers, none offered. foreign steamers. American sailing vessels	4. 25 6. 50

Excess of offer for American sailing vessels over offer for foreign steamers, \$2.25, or 53 per cent, which on the entire quantity for which shipment was contemplated, i. e., 40,000 tons, is a difference of \$90,000 in favor of foreign steamers.

12. It will be noted that although proposals for transportation in American bottoms only were distinctly requested, but 18,000 tons of American ships were offered, while foreign ships, approximating 240,000 tons, were offered. All offers of American ships were accepted.

13. The fifth general call for proposals was made July 8, 1905, not by advertisement, but by circular letter sent to 129 shipowners, agents, or brokers throughout the United States. The result of this call was as follows:

Proposals for transporting coal from the east coast of the United States

Offered by—	Number of ships.	Number of tons.	Rate per ton.	
AMERICAN STEAMERS.				
Lewis Luckenbach	2	11,000	\$7.50	
AMERICAN SAILING VESSELS,				
D. B. Dearborn	2 2	7,800 10,000	6, 50 6, 50	
F. P. Nichols	1	3,000 2,800	6.00 6.20	
FOREIGN STEAMERS.				
J. H. Winchester & Co. C. P. Sumner & Co.	1 2	7,500 11,400 6,000	4.00	
Tweedie Trading Co	1	to 7,000	6.00	
McCall & Co J. W. Elwell & Co	2	7,000	4.00 4.35	

Lowest offer for foreign steamers_____ Lowest offer for American steamers_____

Excess of offer for American steamers over offer for foreign steamers, \$3.50 per ton, or \$7.5 per cent, which, on the entire quantity for which shipment was contemplated, i. e., 25,000 tons, is a difference of \$87,500 in favor of foreign steamers.

Lowest offer for foreign steamers_____ Lowest offer for American sailing vessels____

Lowest offer for American sailing vessels over offer for foreign steamers, \$2 per ton, or 50 per cent, which, on the entire quantity for which shipment was contemplated, i. e., 25,000 tons, is a difference of \$50,000 in favor of foreign steamers.

All bona fide offers for American sailing vessels were accepted. The offers for American steamers were not accepted, but \$7 per ton was offered, which was declined.

14. No other advertisement for proposals was issued until December 6, 1906, but, based on individual offers from owners or agents, a British steamer was chartered at \$4.40 per ton, one at \$4.25 per ton, and three at \$4 per ton, while ten American sailing vessels were chartered at prices ranging from \$5.50 to \$6.50 per ton. During the present fiscal year, July 1 to date, no shipments have been made to Cavite.

15. Some of the American vessels shown as being offered under the various requests for proposals heretofore detailed were offered while their acceptance on a previous offer was already under consideration. The number of American ships that have been offered to the Bureau were therefore actually less in number than the foregoing statement shows.

were therefore actually less in number than the loregoing states shows.

16. Since the act under consideration went into effect it is not believed that any American sailing vessel that has been offered for Cavite at \$6.50 or less has been rejected, unless they have been required by the Bureau for other destinations or unless the Bureau's funds were in such a state as to make rejection necessary, nor has any American steamer that has been offered at \$7.50 or less been rejected, except in the one instance of two steamers, total 9,000 tons, offered at \$7.50. The Bureau offered \$7 per ton, which offer was declined by the owner.

17. Despite the fact that practically all American tonnage offered has been accepted and that 104,400 tons of coal have been shipped in foreign bottoms since the operation of the act referred to, the stock of coal at Cavite, which on January 1, 1906, was approximately 104,000 tons, has been reduced to 57,800 tons on January 1, 1907.

18. On December 6, 1906, an advertisement was issued calling for proposals to transport 50,000 tons of coal to Cavite under the following items:

18. On December 18. On Decembe

Offered by—	Num- ber of ships.	Num- ber of tons.	Rate per ton.	Remarks.
ITEM A.	674 E	H a		
Transportation in American steamers.	File			
No offers received.			P. SALL	
ITEM A-1.				
Transportation in American sailing vessels.				
Arthur Sewall & Co	1	5,000	\$6.50	Report Apr. 1, 1907
ITEM B.				
Transportation in foreign steamers.				
Frank Waterhouse & Co. Howard, Houlder, Rowat & Co. Samuel Holmes. Funch, Edye & Co. McCall-Dinning Co. Do. Do. Do. Lind & Co.		50,000 50,000 50,000 50,000 50,000	5. 35 4. 98 5. 60 4. 93 5. 08½ 4. 78-5. 08 4. 88-5. 18 5. 00 4. 70	Different condi- tions as to cally ery.

Offered by— be	r of ips,	Num- ber of tons.	Rate per ton.	Remarks.	
ITEM B-1.					
Transportation in foreign sailing vessels.					
None offered.					
ITEM C.					
American coal delivered Cavite.					
Charles DunlopLind & CoDo		50,000 50,000 50,000	\$8.88 7.50 7.25	Different condi tions of delivery	
ITEM D.					
Cardiff coal delivered Cavite.	45				
J. J. Moore & Co. Castner, Curran & Bullitt McCall-Dinning & Co. Do		50,000 50,000 20,000 20,000	8, 85 8, 75 8, 71 8, 81	Different condi tions of delivery	

It will be noted that in these proposals but one American vessel was offered, and that a sailing vessel of 5,000 tons capacity, at \$6.50, due for cargo about April 1, 1907. This ship will be considered later.

19. By authority of the Department a contract has been entered into for transporting 10,000 tons in foreign bottoms at \$4.70 per ton, coal to be supplied by the Bureau, and for 40,000 tons of American coal delivered at Cavite in foreign bottoms at \$7.25 per ton, including the cost of coal, transportation, insurance, etc.

20. The following statement shows the number of tons of coal shipped to the naval station, Cavite, from 1902 and including the fiscal year 1903, the nationality of bottoms used for its transportation, and average rate of transportation paid:

Year.	Nationality.	Number.	Class,	Number of tons. 86,145.5 41,985.5 57,338.5 85,837.5 39,114.0 19,396.0 18,578.0 30,989.0	Average rate.	
1902 1903 1904 1905	Foreign do do do do do do do do foreign American American do foreign American do .	10 12 17 5 5 3	Steamers do do do do Sailing vessels Steamers Sailing vessels		\$5, 86 4, 77 5, 05 4, 88 7, 30 6, 50 4, 00 6, 04	

21. In addition to considering the question of American bottoms for shipping coal to Manila, the Bureau is required to consider American vessels only in the transportation of American coal to Honolulu, to San Francisco, and to other outlying United States Government

for shipping coal to Manila, the Bureau is required to consider American vessels only in the transportation of American coal to Honolulu. to San Francisco, and to other outlying United States Government possessions.

22. Failing to secure American bottoms for such shipments, it became necessary to adopt the only other alternative, of importing coals of foreign origin, principally coal from Wales, in foreign ships. The Government is therefore practically at the combined mercy of the British coal trade and owners of foreign ships, and must pay whatever price may, be demanded of it, however high it may be considered. Efforts have been made for more than a week to secure one cargo of Welsh coal for delivery at the navy-yard, Mare Island. The lowest offer made, and which must be accepted, provided the Bureau is successful in its efforts to do so, is \$11 per ton for a second or third grade coal. The last price paid was \$6.80 per ton delivered for coal of the first quality.

23. During the fiscal year 1903 approximately 30,000 tons of Welsh coal was purchased for delivery to the navy-yard, Mare Island. For a part of this \$7.08 was paid and for the remainder \$7.13. In 1904 and 1905 no shipments of Cardiff coal were made, but small quantities of coal mined on the Pacific coast were purchased as required, principally for yard use. This is not good coal for use on naval vessels, and is expensive to use at the prices paid. In 1906 approximately 40,000 tons of Welsh coal were purchased, delivered at the navy-yard, Mare Island, for a part of which \$6.80 was paid, for the remainder \$7.14 was paid.

24. During the current fiscal year, owing to a preference of American vessels for San Francisco as a point of destination, four American seamer at \$7.50 per ton. Efforts to secure other American steamers at this rate have failed, owing to their inability to obtain return cargoes. These rates are for transportation only, to which must be added the cost of the coal, at \$2.75 per ton.

25. There-have been no shipments of American coal

stated before, is not suitable for use on war vessels, principally on account of its comparatively low steaming value and its smoke-pro-

account of its comparatively low steaming value and its smoke-producing qualities.

26. The American sailing vessels that have been chartered to carry coal to Manila number twelve, and the American steamers five. The sailing vessels, as a rule, are outbound for Honolulu and are what may be termed the sugar fleet. In most cases, in addition to the rate paid, the ship must be allowed to retain about one-fourth of the cargo carried to Manila to ballast the ship to Honolulu. This results in a practical saving of about 50 cents per ton on the cargo capacity of the ship, and must be added to the rate actually paid for transportation in calculating the value of the business to the ship. Furthermore, shipowners now require that not only ballast be supplied them to final destination, but require that ballast be supplied them from point of last discharge to the point the coal is to be loaded, should the latter point be distant from the former.

require that not only ballast be supplied them to final destination, but require that ballast be supplied them from point of last discharge to the point the coal is to be loaded, should the latter point be distant from the former.

27. Of the American steamers but five have been chartered since the law in question went into effect, and these five represent but two owners, two ships being owned by one concern. Lewis Luckenbach, and three by another, the Atlantic Transport Line. No charter of an American steamer may be expected at less than \$7.50 per ton, the rate paid for the Luckenbach ships. Two of the other three were secured at \$7. but the experience gained by their owners was such as to cause them to demand \$7.50 for the third, which was paid; and though recently they have been seeking the business, it must be on their own terms, practically. They want 20 more charters at \$7.50. In 1905 they offered one of their sl-ips at \$8 per ton, agreeing to refund to the Government 50 cents per ion provided they were "able to secure for the homeward voyage a cargo the freight upon which would pay all expenses from the time the ship finishes discharging at Manila until free of her homeward cargo at the United States port, plus 5 per cent on the value of the ship during this period." This company admits its willingness and desire to keep its four large freighters in the coal-carrying business, but by the foregoing indicate their inability to insure return freights, thus necessitating the Government to pay on the outward trip the operating expenses of the in and out voyage and a fair margin of profit.

28. Again in 1905, after demonstrating their inability to use the ships in the Manila coal-carrying trade at a rate fair to the Government which would net them a fair margin of profit on the business, they made a proposition to charter two of their fleet to the Government by the year at a stipulated rate per ton per month on the dead-weight capacity of the ships.

29. Of the salling vessels chartered, i. e., twelve, six wer

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSS. Yes Mr. MANN. Th This is a limitation upon the appropriation.

Mr. FOSS. For this year. Mr. MANN. The law pro Mr. MANN. The law provides that they must follow the provisions of the statute. This bill limits the appropriation so they can not follow the provisions of the statute. If this remains in the form in which it is proposed, it simply makes your entire appropriation ineffective.

Mr. WILLIAM W. KITCHIN. If the gentleman from Illinois will permit me, I will say that this would have been subject to a point of order, according to the rulings, as I recollect, of the Chair last year, with which, however, I did not agree.

Mr. MANN. This is a mere limitation now. Mr. WILLIAM W. KITCHIN. This will be a limitation upon it, and they can expend this appropriation in accordance with the limitation.

As I understood from the reading of the amend-Mr. MANN. ment, it said that no part of the appropriation should be used unless so and so is done, and that means that unless so and so s done contrary to the statutes of the United States.

Mr. WILLIAM W. KITCHIN. But I think this provision in

this appropriation will supersede the general law on the subject as to this appropriation. As I said, it would have been subject to a point of order under the former ruling, but I take it that no Secretary of the Navy could be charged with vio-lating the law when in expending a fund he followed the provisions attaching to the specific appropriation.

Mr. MANN. I did not think the gentleman's amendment was subject to the point of order, whatever the ruling on it may have been. It is a limitation in form expressly, and if it had been put in a positive form undoubtedly the point of order would have been made upon it by some one, or at least reserved upon it. It is expressly in the form of a limitation, and if it be a mere limitation the result is simply to make the total appropriation unavailable.

Mr. WILLIAM W. KITCHIN. I do not agree with the gentleman that the appropriation will be unavailable. But, in furtherance of the statement of the gentleman from Illinois [Mr. Foss], chairman of the committee, I desire to say in this connection that on December 6, 1906, the Department advertised for proposals to transport 50,000 tons of coal to Cavite under the following items:

Item A. Transportation in American steamers.

Then it gives several others, and the statement is made that, in addition to the advertisement, special notices were sent to 133 shipowners, agents, brokers, agents of coal supplies, and so forth, and not a single proposition was received from an American steamer to transport any part of that coal, and only one offer from a sailing vessel, and that for only 5,000 tons.

Mr. BUTLER of Pennsylvania. Before the gentleman sits

down I want to ask him a question.

Mr. WILLIAM W. KITCHIN. Certainly.
Mr. BUTLER of Pennsylvania. If that amendment prevails, this Government may buy coal from any country it sees fit?

Mr. WILLIAM W. KITCHIN. In the Philippines. It is lim-

ited to the Philippines.

Mr. BUTLER of Pennsylvania. But this Department may buy coal of any country it pleases and is not required to buy coal in this country. Is that the effect of the amendment?

Mr. WILLIAM W. KITCHIN. That is the effect of the

amendment

Mr. BUTLER of Pennsylvania. You could not convince me to

vote for that if you talked four days

Mr. WILLIAM W. KITCHIN. But in response to the advertisement that I called attention to there are bidders who offered to deliver American coal and to sell American coal there for \$1 a ton less than they can get any foreign coal there.

Mr. HULL. Then, what is the object of this?

Mr. WILLIAM W. KITCHIN. It permits them to buy where

they please.

The CHAIRMAN. The time of the gentleman has expired. Mr. WILLIAM W. KITCHIN. I should like to have about

three minutes more on that point.

By unanimous consent the time of Mr. WILLIAM W. KITCHIN

was extended three minutes

Mr. WILLIAM W. KITCHIN. The object of that provision is to give power to the Navy Department to buy its coal there as cheap as it can; but, as a matter of fact, according to this report we can buy American coal there for a dollar a ton less than we can buy any foreign coal. According to these offers for American coal delivered at Cavite, the offer of one bidder for 50,000 tons was \$8.80, and of one bidder 50,000 tons at \$7.50 under certain conditions and \$7.25 under other conditions. Cardiff coal delivered at Cavite—that is foreign coal, as I under-stand—the cheapest price of that was for 20,000 tons at \$8.71 and 20,000 tons at \$8.81, which is more than a dollar a ton higher than the lowest offer for 50,000 tons of American coal. I take that this Department has given us full information, after full advertisement, not only through the press, but by the various circulars and letters sent out to the coal dealers and agents,

Mr. LOUDENSLAGER. Mr. Chairman, in view of the statements of the chairman of the committee, I do not have any desire to strenuously oppose this amendment, and especially in view of the recommendation of the Chief of the Bureau. I mean if it conforms to the wishes of the committee, but I do desire to correct what I deem is some error in the statement of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] regarding the effect of this law which authorizes the Secretary of the Navy to transport this coal in American bottoms where the

prices are not exorbitant or extravagant,

If the gentleman from North Carolina had looked over the reports of the Chief of the Bureau for a period of years be-fore the passage of this law, when all of it was carried in foreign bottoms, he would have observed what it costs this Government to carry its coal from the Atlantic coast to the Pa-From the year 1899 down to the year 1906 cific possessions. the lowest price for the transportation of coal was in the year 1906, save the two years of 1903 and 1904, before the passage of the law which the gentleman from North Carolina now declaims against. So that the effect of this law, according to the statement of the Chief of that Bureau, must have been beneficial in stating to these owners of foreign bottoms that no combination as to price would be accepted, but that those who owned American vessels might bid lower, and hence their prices man also made a statement that the price charged by the were reduced from that which formerly obtained. The gentleowners of American vessels was practically \$7.50 a ton. The Chief of the Bureau says it was \$6.04 a ton. Mr. WILLIAM W. KITCHIN. I have these tables here, and

on page 460, which is a part of Document No. 68 of our commit-tee, it says that no charter of an American steamer may be expected at less than \$7.50 a ton, the rate paid for the Luckenback ships, and he says that they want no more at \$7.50. Upon that same pamphlet, page 459, it says that in 1903 we carried 41,000 tons of coal at \$4.77 a ton. That was in foreign bottoms, and in 1904

Mr. LOUDENSLAGER. Oh, I am familiar with all those figures. I am not answering the argument of the Chief of the Bureau or the argument of the gentleman from North Carolina save by the facts as reported by the Department, which certainly can not be contradicted.

Mr. WILLIAM W. KITCHIN. The statement that I read

from is dated February 5, 1907, just a week ago to-day.

Mr. FITZGERALD. The gentleman will remember that the Secretary of the Navy, in his annual report last year, stated that the only effect of that law was to create embarrassment, annoyance, and expense to the Department.

Mr. LOUDENSLAGER. I do not know that those were the

exact words, but I remember something in that line.

Mr. FITZGERALD. I think his words were even more em-

Mr. LOUDENSLAGER. I want to state for the information of the committee that when the Department carried its coal in foreign bottoms it paid \$6.46 a ton on an average, but last year

it was only \$6.04, or 42 cents difference.

Mr. WILLIAM W. KITCHIN. That was in sailing vessels.

Mr. HULL. Mr. Chairman, ordinarily I would hesitate to break into a discussion on an appropriation bill in the preparation of which I have had no responsibility, but it seems to me that this amendment is a very radical departure from the entire history of this country, and it is a proposition to break down one of the restrictions and safeguards for the American people trading with themselves or those people dependent upon them for their government. It seems to me it is a mistake in an amendment of this character to adopt it in the Committee of the Whole in this way without consideration. The Committee on Naval Affairs evidently did not favor this matter or it would have reported it. It was before the committee evidently or the hearings the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] has quoted could not be so full as he claims them

Mr. WILLIAM W. KITCHIN. Will the gentleman permit an interruption?

Mr. HULL. Certainly.
Mr. WILLIAM W. KITCHIN. This main document that we have on this subject was made after the chairman of the committee had reported this bill to the House, in which a review of the entire situation was had, showing the prices we have paid, showing the situation we are now in—that we are unable to get sufficient American steamers

Mr. HULL. Well, it was not considered by the committee. My understanding of the present law is that the coal has to be carried in American bottoms if it can be carried for the same

price as in foreign bottoms.

Mr. LOUDENSLAGER. If it is not exorbitant. Mr. HULL. Yes. We have in our coastwise trade a provi-Mr. HULL. Yes. We have in our coastwise trade. No sion of law that it has to be carried in American bottoms. No Philippines, in one sense, is our coastwise trade, and, in my judgment, should be made absolutely under the same provisions as the rest of this country. We pay all the expenses of their administration; we are responsible for good government there just as much as we are on the mainland of this continent, and, in my judgment, we should preserve to our own people all of the advantages of trading there that we possibly can preserve to them. There is now before this Congress the proposition to aid our marine by subsidies in the nature of additional compensation in carrying the mails, and yet with that proposition before us we come in here and propose to strike down one safeguard and open to the commerce of the world trade with the Philippine Islands. I am opposed to the proposition. I do not believe it is right, and I hope it will not be adopted, even if the Committee on Naval Affairs should be for it.

Mr. COOPER of Wisconsin. Will the gentleman permit an

inquiry?

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. I understand the gentleman to say that the putting of these navigation laws against the Philippines practically made them a part of our coast line.

Mr. HULL. I say they ought to be. Mr. COOPER of Wisconsin. It makes them that in effect, does it not, if it limits the carrying to our own ships?

Mr. HULL. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman think we ought to put the coastwise navigation laws against any island and make it a part of our coast line and at the same time keep a high tariff against its products?

Mr. HULL. No; I do not. There ought not to be any tariff

between any part of this country, whether you call it the United States proper or one of its dependencies. I am in favor of wherever the flag goes having free trade in all parts of the nited States. I hope this amendment will not be adopted. Mr. BUTLER of Pennsylvania. Does the gentleman under-United States.

stand that if this amendment is adopted this Government has permission to buy its coal from any nation?

I understand that, and I am opposed to the

whole proposition.

Mr. FOSS. Mr. Chairman, this provision applies only to the appropriation of this year, and we are in a peculiar situation. So far as the law is concerned with reference to American bottoms, that law was passed only two years ago. Up to that time we could buy our coal wherever we saw fit, whether it was shipped in foreign bottoms or any other kind of bottoms, but the law was passed two years ago, and it has had this effect, and we are in this situation to-day; and so far as I am concerned I shall support the gentleman from North Carolina. want to say to the gentleman, my colleague on the committee, that I think I am as intensely an American as he is. I would like to see everything which is consumed by the sailors on board our ships American. I would like to see the coal American; I would like to see everything American; but I want to say to him that notwithstanding that this law has been in effect it does not preclude our country from buying foreign coal wherever it sees fit to-day, even for our home stations, because here during the last year, 1906, approximately 40,000 tons of Welsh coal were purchased and delivered at the navy-yard at Mare Island. We are buying foreign coal everywhere, wherever

Mr. BUTLER of Pennsylvania. I suggest to my colleague on the committee it is under stress they buy that coal, because they

can not get our own.

Mr. FOSS. Of course they buy American coal when they can. Mr. CRUMPACKER. Allow me to make the suggestion that we enacted a law several years ago extending the coastwise laws to the Philippine Archipelago, and we could not get American boats enough to accommodate the trade and we were compelled to postpone the operation of that law until two years from next April, because there were not American boats enough to take care of the trade. Now, if we enforce the present law and require all coal to be carried in American bottoms what will be the outcome? We could not get American boats enough to provide for the commerce of the islands.

Mr. HULL. Do you understand coal is now carried in Amer-

ican bottoms?

Mr. CRUMPACKER. Not under this provision.

Mr. HULL. Independent of this provision?

Mr. CRUMPACKER. The law provides that coal must be carried in American boats unless the rates are "extortionate." That word "extortionate"—

Mr. HULL. Unreasonable.

Mr. CRUMPACKER. That is an elastic word, and it is difficult to apply and fix a standard.

Mr. HUMPHREY of Washington. May I ask the gentleman a question?

Mr. CRUMPACKER. You may.
Mr. HUMPHREY of Washington. You were speaking about the law extending the coastwise laws to the Philippines for two years on account of the shortage of American ships. When you had that bill did you give any hearings to anybody? Was not that bill brought in here and put through the House in about forty-eight hours, without opportunity for any of the shipping interests of this country to be heard?

Mr. CRUMPACKER. I do not know about that. I know the Committee on the Merchant Marine of the House had before it a bill containing identically the same provisions, and the War Department and the Philippine Commission insisted—repeatedly insisted—upon it, and stated that if the law went into force the result would be disastrous if not destructive to commerce between the mainland of this country and the Philippine

Mr. HUMPHREY of Washington. The gentleman dodges the question. I asked if it is not the fact that the law was introduced here, brought in from the committee, and passed through

without a hearing inside of forty-eight hours.

Mr. CRUMPACKER. There was no formal hearing before the committee, because the matter had been thoroughly investi-gated and recommendations came to us from the War Department and the Philippine Commission and-

Mr. HUMPHREY of Washington. I take issue with the gentleman when he says that there are no American ships

The CHAIRMAN. The time of the gentleman has expired. Mr. WALDO. Mr. Chairman, it seems to me this is a very remarkable proposition for the chairman of this committee to

agree to. It is the first time that I have known, certainly since I have been here, of the proposal of a measure allowing the world to compete with American ships in carrying coal for our own Navy. In the first place, as already indicated by the gentleman from Washington, it is an injustice to the American shipping which we are trying to aid at this very moment. A bill for that purpose is just now brought here before the House bill which I understand meets the approval of a majority of this side of the House, and certainly ought, although it does not go far enough; yet at this moment we propose to allow the shipping of the world to come in here and compete against American bottoms

Mr. HULL. On Government work.

Mr. WALDO. Yes; on Government work. Such a proposition seems to me to be remarkable. Aside from that question, it is a very foolish thing to put our Navy in the hands of foreign shipowners, to leave thus to foreign nations the power to say whether we shall have coal enough to run our own battle ships, Foreign nations will have the power then to say whether we shall have coal enough, what kind of coal we shall have, or whether we shall coal our Navy at all. It seems to me a most remarkable thing for us to think for one moment of allowing the shipping of the world to compete for the furnishing of supplies of coal necessary before our Navy can operate at all. It would be very much better for this Government to build colliers to carry coal to our Navy in the Philippines rather than to depend upon foreign ships, no matter how cheaply they can be hired. If the gentleman is opposed to allowing such merchant ships as we have do the Government business, then certainly he ought to favor an appropriation to build colliers so that the Government can itself carry the coal necessary for the

I suppose if we were to have a war with England those favoring this amendment would permit English ships to bid for the carrying of coal to our war ships and to follow our ships from place to place with necessary coal, because it would be so much That will be the next step, and it will certainly be a natural step if we allow the world to bid for the carrying of coal to our Navy in the Philippines. If the policy of the proposed amendment is to be followed, in a little while we will not have any merchant ships at all to carry coal there or anywhere, and the result will be that we shall have to depend on France, or England, or Germany to furnish colliers to follow our war ships and coal them, in time of war as well as in time of peace, else we can not get any coal at all. For the protection of the last remnant of American shipping and the saving of our Navy itself from future disaster, I hope if there is any patriotic American here he will vote against any such amendment. [Applause.]

Mr. FITZGERALD. Mr. Chairman, in the last session of Con-ress I attempted to have an amendment adopted that would limit the price paid to the owners of American ships for carrying coal. Some of the owners of the ships that go from ports on the Atlantic coast live in the district represented by my colleague [Mr. Waldo] and some in the district represented by myself. My action was based, however, upon the recommendation made by the Secretary of the Navy in his report for 1905, in which he said that the result of the law requiring supplies to be carried in American vessels "was only to cause trouble and expense to the Government, with no offsetting advantage." also stated that the law did not promote the building of any American ship or the training of any American sailor. The only good it did was to benefit the owners of the ships, and it had largely increased the cost of transporting coal.

I am opposed to the continuance of any law that will permit an American citizen to hold the Government by the throat and extort money from it in the transporting of supplies required by the Government in distant places. The excuse that has been given for these exorbitant prices has been that the American shipowners could not obtain cargoes back at remunerative

At the request of the gentleman from Michigan [Mr. Loud], a member of the Committee on Naval Affairs, several weeks ago I wired one of the largest freight brokers in the city of New York, and he sent me a message saying the rates for the last steamer that arrived in New York from Manila were, for hemp, 45s. a ton, and for sugar, 27s. 6d. a ton of 2,240 pounds. The prices on returned cargoes are largely in excess of the prices paid on outgoing cargoes. Under the existing law the President has the right, if the bids of the owners of American ships are excessive or unreasonable, to permit the carrying of coal in foreign bottoms; but, as I pointed out at the last session, the President is charged with a multitude of duties, and it is impossible for him to give his attention to these matters. We should permit the Department, when it finds itself confronted by a few men controlling the few American ships putting up unreasonably and unfairly the price of transporting coal, to ship the coal in other ships at a reasonable price.

Mr. MADDEN. Will the gentleman yield for a question? Mr. FITZGERALD. Yes.

Mr. MADDEN. I understand the gentleman to say that the President under existing law has the power to regulate the method of shipment of coal either in American or foreign bottoms, but that his duties were so numerous he might not have his attention called to the character of his work. If that be true, is it not possible for the Secretary of the Navy, or somebody acting for the Secretary of the Navy, to call the attention of the President to the discrimination which was being prac-

ticed against the Government for American shipping?

Mr. FITZGERALD. The Secretary of the Navy did call the President's attention to it. His request that the law be repealed was contained in his annual report to the President for the year 1905, and he urged that the law be repealed because it resulted only in expense and trouble to the Government. the President is too busy to take up a trifling matter like that, particularly as it arises upon each shipment, but which involves in a year an additional expense of three hundred to four hundred thousand dollars to the Government, it is very easy for this House in its deliberations to give a little attention to the matter and to save that money to the Government. The Secretary of the Navy pointed out—and I will say this for the benefit of the gentleman from Ohio [Mr. Grosvenor]—that, regardless of his opinion as to the advisability of making appropriations for subsidies for ships, this law should be repealed, because it did not help to build ships or to train American sailors.

Mr. OLMSTED. Mr. Chairman, I move to amend the amend-

ment by striking out the last word.

Mr. Chairman, I am opposed to this proposition upon the general principles so well stated by the gentleman from Iowa [Mr. Hull] and the gentleman from New York [Mr. Waldo]. I am opposed to it also because it seems from the figures submitted by the gentleman from New Jersey [Mr. Loudenslager] that the present law instead of increasing the price of coal or the price of transportation has actually reduced the price of transportation, so that coal is now secured in the Philippines for

Government use at lower prices than before.

I am opposed to it for the further reason that this important proposition has not been submitted to or considered by the Naval Committee, and therefore we have not the benefit of a report, either unanimous or of the majority of that committee. The committee itself seem to be divided upon it here. I am opposed to it, too, for the further reason that there does not seem to have arisen any emergency requiring this deviation from our present principle of American bottoms for American transportation of American coal for the use of the American Navy. It is very singular that if there is such an emergency it did not arise until after this naval bill was reported to this

I am opposed to it for the further reason that the amendment in the present form would nullify the appropriation so far as the supply of coal to the Philippines is concerned. now a law providing how coal shall be purchased, by whom it shall be purchased, and how it shall be shipped to the Philippines. This proposed amendment, instead of repealing that law and enacting a new one, says that the Secretary of the Navy shall not proceed to use any portion of this appropriation provided in the bill unless he violates that law. impossible for the Secretary of the Navy to expend money for the purchase of coal so far as the Philippine Islands are concerned. An important measure like this ought not to be sprung upon us, without a committee report, at a time when, under the five-minute rule, we have no opportunity for general debate.

In the event of war the United States Navy would be in a bad way if it had to depend for coal upon foreign contracts

for foreign coal to be transported in foreign bottoms,

Mr. HUMPHREY of Washington. Mr. Chairman, want one moment to reply further to the statement that was made by the gentleman from Indiana [Mr. CRUMPACKER] in regard to the bill extending the time of the taking effect of the coastwise laws and to say a few words as to why American ships are unable to carry freight to the Philippines. The law of which the gentleman spoke, extending the time of the coast-wise law, according to my recollection, was introduced into this House, was referred to his committee, and called up here within forty-eight hours. I know that when I went to inquire of the gentleman about the bill it was ready to be heard, upon that very morning.

Now, the difficulty about shipping over to Manila has been brought about by that very measure of extension of the time of the coastwise laws, because American ships can not get freight coming in this direction, and the reason of it is that there is a combination over in Manila between the British merchants and foreign ships, and the moment an American vessel goes into the harbor of Manila they reduce the rate sufficient to make it un-

profitable for an American vessel to go there.

What has been the result? The result of it has been that American vessels have stopped going to Manila. The two large Hill vessels, carrying 20,000 tons each, no longer go to Manila for that very reason; and within the last thirty days three of the Boston Steamship Company's vessels have stopped going to Manila, and now we have only two American vessels running regularly to the Philippines. And now you propose to take away even the two that are left and depend upon foreign vessels to carry not only coal but our soldiers and ammunition. If the time for the going into effect of the coastwise law had not been extended for two years, American vessels would be carrying this freight, and there would be to-day eight instead of two American vessels going to the Philippines. It seems to me that it is a very unusual proposition that this Government should not only carry our coal to our Navy in foreign vessels, but buy that coal for our Navy from the foreigner when we can get it cheaper than we can get it at home. For one I am not willing to subscribe to that proposition. And I am opposed to this legislation, because you are only going one step further toward destroying the only American ships we have left.

Mr. WILLIAM W. KITCHIN. Is the gentleman from Wash-

ington of the impression that these ships which are in the regu-

lar lines carry coal?

Mr. HUMPHREY of Washington. No, sir; no coal goes from

the Pacific coast to the Philippines

Mr. WILLIAM W. KITCHIN. They start on the Chesapeake and go there. And that is what you adopt if you adopt this amendment.

Mr. HUMPHREY of Washington. I am not talking about the Pacific coast, because no coal goes from there. I am speaking from the interest I take in the subject generally. I am interested in shipping and in the merchant marine, and I am interested in the American people having their own supplies carried in American ships. I have no interest in the subject

in so far as my own district is concerned.

Mr. GROSVENOR. Mr. Chairman, I would like to have about five minutes to speak on this subject. I did not intend to discuss the main questions that are involved in the proposition of this amendment at this time. The gentleman complained that the Government of the United States in the matter of its transportation has violated and practically nullified the move-ment which would undoubtedly have resulted in the complete competition between our own coastwise ships and those of our competitors in foreign bottoms. It is a poor time now to do this. Suppose that this threatened us suppose a case now. trouble with the oriental countries should come. What are we to do with our Navy and without naval supplies? We have not men enough to man two-thirds of our Navy to-day; and we propose to turn over the furnishing of the coal to our Navy to contractors carrying foreign flags. England carries a flag which is in treaty alliance with Japan. English ships would undoubtedly be the successful competitors for the carrying of this coal.

We are expending a vast sum of money to develop our own coal production in the Philippine Islands; but pending that we are seeking to destroy the possibility of the growth of American competition. How can you expect American competition if you keep gigging backward and forward your statutes in regard to the coastwise trade? There was being developed rapidly successful competition, and undoubtedly it would have been in the field to-day if it had not been for the change in the statute of our own country which was enacted by the last Congress. Now, the difference, as shown by the gentleman from New Jersey [Mr. Loudenslager], between the cost last year and the cost under the former condition of things is a matter of so small importance that it seems to me that while the President has full power to prevent extortion against the Treasury of the United States by high prices, while he has a complete remedy in his own hands, while these developments are going on, it is unwise for us to drive out of this business by an enactment of Congress any American ships that might see fit to carry this trade in competition with foreign bottoms. I shall have a good deal more to say about some features of this matter. We have now no ships running to Manila. We have not a single over-sea ship under a system of regular salling that carries her to the Philippin Laborate at the state of the Son week depend and the same and ippine Islands at stated times. So we must depend upon our coastwise ships being diverted from their own trade and going

into that trade, and with the power in the hands of the President to prevent extortion I can see no reason why this blow should here be struck.

Mr. LACEY. Mr. Chairman, I desire to ask in this connection a question of the chairman of the committee. A year or two ago we passed a bill appropriating \$50,000 (I think that was the amount) to buy out a coal company that had some rights in the Philippine Islands; and we were assured that that would furnish us very soon a supply of coal and solve this coal question. It seems to me this would be a very proper time for the chairman of the committee to tell us what has come of that venture, how much it has cost, what progress has

been made, and what success, if any, has been attained.

Mr. WILLIAM W. KITCHIN. And in reply to the gentleman from Iowa I can read what Admiral Cowles said about that:

Mr. Kitchin. There has been a good deal said about the development of some coal fields on a near-by island?

Admiral Cowles. Yes, sir; they have not any coal out there yet. They talk about it a good deal, and they wanted us to use it. We tried some of it and found it had too much sulphur in it, and that the carbon was low, and it was not coal that we could use without injuring the boilers. There is coal in Borneo, in the Philippines, and in China. There is also coal in Japan, but it is not good, except the Yakaido coal. The Japanese use the latter themselves, and will not let you have it. It is said that there is good coal in Alaka, and I wish they would mine it, but they have not yet got communication down to Resurrection Bay to get it to market. Coal is much needed on the Pacific coast just now, and dealers would gladly buy all the Government has stored out there at rates much in excess of what we paid for it. They recently offered us \$10 a ton, and it cost us about \$7 to get there.

paid for it. The state of the s

Mr. LACEY. I understand that, but what I should like to know is what has become of this coal speculation that we went into?

Mr. WILLIAM W. KITCHIN. That is not under the jurisdic-

tion of the Naval Committee.

Mr. CRUMPACKER. I think I can give the gentleman some information on that subject. We appropriated \$50,000 to buy out a couple of coal leases on the island of Batan. We made no appropriation authorizing the Government to develop the coal deposits at all. The Committee on Insular Affairs reported a bill to the House, giving the Secretary of War authority to lease the mines under certain conditions, but the House refused to pass the bill. We own the coal mines, but there is no appropriation authorizing their development, and no authority conferred upon the Secretary of War to do anything in connection with the

Mr. LACEY. Then, if I understand it, the result of it has been to relieve those men over there from a bad speculation in the coal business, paying them for the investment they had made,

and that was the end of it.

Mr. CRUMPACKER. The gentleman's understanding is a little bit fanciful. It does not necessarily follow because we bought the coal mines that the investment is a poor one. It was developed in the course of that investigation that the coal in the Batan deposits was not suitable to use in war vessels, but it was proper to be used in transports and for mechanical purposes in the islands, and having the coal mines, if we had the money to develop them, it is believed that we would save several hundred thousand dollars a year out of the investment.

But that is speculation. There has not been a dollar appropriated to develop the mines, and authority was refused the Secretary of War to make any lease of them.

Mr. WILLIAM W. KITCHIN. Mr. Chairman in further re-

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in further reply, I will say that my understanding is that of the valuable coal, English and American coal constitute the best coal we can get, and American coal, as I understand, has no superior. The great trouble with the Navy Department is that when they advertised for 50,000 tons they could get no single American steamer and only one American vessel, and that proposed to

carry 5,000 tons, or about one-tenth of what was required.
Mr. FOSS. Mr. Chairman, I want to say one word. men have taken this as a rather serious matter, I think more serious than the matter deserves, because this law was passed two years ago. Prior to that time we bought our coal and had a perfectly free hand in buying it in the Philippines. Last year the Secretary of the Navy came before the committee and stated the Secretary of the Navy came before the committee and stated that the law worked detrimentally to the Government and he wanted it repealed. We did not bring in any provision last year, but now comes the Chief of the Bureau, who sends up a statement of the condition after the bill was reported to the House, and the gentleman from North Carolina has recommended the amendment which limits simply the appropriation of this year and gives the Secretary of the Navy a free hand in buying coal in the Philippines.

Now, the Chief of the Bureau in the Department states that the law has been in effect two years and a half, and it appears without question that it has been demonstrated that there are not sufficient American ships to carry out the intent of the law, and the operation of the law is detrimental to the interests of

the Government and particularly to the Navy Department.

Foreign ships have been carrying the most of the coal since the law has been enacted because we could not get American ships, and therefore it seems to me that we ought this year, in view of the fact that it is a condition and not a theory that confronts us, to adopt this provision.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. William W. Kitchin) there were—ayes 34, noes 51.

So the amendment was rejected.

Mr. FOSS. Mr. Chairman, I move that the committee do now

The motion was agreed to; accordingly the committee rose and the Speaker having resumed the chair, Mr. Sherman, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24925, the naval appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the

Government in certain cases;

H. R. 15242. An act to confirm titles to certain lands in the State of Louisiana;

H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy

H. R. 20169. An act for the relief of Margaret Neutze, of Leon

H. R. 8365. An act for the relief of C. A. Berry;

H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia;

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

H. R. 18007. An act to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy

H. R. 20168. An act for the relief of F. Kraut, of Leon

Springs, Tex.;

H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, in North Dakota;

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River, at or near Bennetts Ferry, in said county and State; and

H. R. 20060. An act granting an increase of pension to Anna E. Hughes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

8.8362. An act to authorize the city council of Sait Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah-to the Committee on Military Affairs.

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn .- to the Committee on Interstate and Foreign Com-

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 23551) making appro-priations for the support of the Army for the fiscal year ending June 30, 1908, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Army appropria-tion bill, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. Hull, Mr. Parker, and Mr. Hay.

CIRCUIT AND DISTRICT COURTS IN WASHINGTON.

The SPEAKER laid before the House the bill (H. R. 21383) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham, with Senate amendments.

The Senate amendments were read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

Mr. Speaker, I move that the House do now Mr. FOSS. adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows

Mr. RUSSELL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7684) to provide and maintain for the port of Galveston, Tex., a customs boarding boat, reported the same with amendment, accompanied by a report (No. 7593); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 25578) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes, reported the same without amendment, accompanied by a report (No. 7596); which said bill and report were re-ferred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the Senate (S. 6261) to establish a fund for public works in the Territory of Hawaii, and for other purposes, reported the same without amendment, accompanied by a report (No. 7594); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21944) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904; to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act, reported the same with amendment, accompanied by a report (No. 7595); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 24134) providing for the granting and patenting to the State of Colorado, free of price, desert lands formerly in the Ute Indian Reservation in Colorado, reported the same with amendment, accompanied by a report (No. 7597); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6691) granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes, reported the same without amendment, accompanied by a report (No. 7601); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24605) granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va., reported the same without amendment, accompanied by a report (No. 7602); which said bill and report were referred to the Committee of the Whole House on the state

of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R.

25234) permitting the building of a dam across Rock River at Lyndon, Ill., reported the same without amendment, accompanied a report (No. 7598); which said bill and report were referred to the House Calendar.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25366) to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi, reported the same without amendment, accompanied by a report (No. 7599); which said bill and report were referred to the House Calendar,

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3863) to correct the military record of Stephen Thompson, reported the same without amendment, accompanied by a report (No. 7592); which said bill and report were referred to the Private Calen-

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7550) for the relief of Harry A. Young, reported the same without amendment, accompanied by a report (No. 7600); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, adverse report was delivered to

the Clerk, and laid on the table, as follows:

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2127) for the relief of James Nipper, reported the same adversely, accompanied by a report (No. 7591); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. BARTHOLDT: A bill (H. R. 25605) to establish the foundation for the promotion of industrial peace-to the Committee on Labor.

By Mr. WILLIAMS: A bill (H. R. 25606) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: A bill (H. R. 25607) to provide for additional allotments of land to certain Indians of the Cheyenne River Indian Agency, the Rosebud Indian Agency, the Pine Ridge Indian Agency, the Standing Rock Indian Agency, and the Crow Creek Indian Agency—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 25608) to authorize the sale and disposition of surplus or unallotted lands in Tripp County, in the Rosebud Indian Reserva-tion, in the State of South Dakota, and making appropriation and provision to carry the same into effect-to the Committee on Indian Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 25609) to amend the act approved June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction there-

of "—to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 25610) providing that white persons intermarried with Cherokee Indian citizens prior to July 1, 1902, shall receive pay for their improvements placed on Indian land in the Cherokee Nation, and for other purposes—to the Committee on Indian Affairs.

By Mr. HUGHES: A bill (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: A bill (H. R. 25612) to provide for the erection of a public building at Monongahela, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LORIMER: A bill (H. R. 25613) to construe section 1 of the act to regulate commerce—to the Committee on Interstate and Foreign Commerce

By Mr. McCARTHY: A bill (H. R. 25614) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims—to the Committee on Indian Affairs.

By Mr. MORRELL: A bill (H. R. 25615) changing Sixteenth street to Washington avenue—to the Committee on the District

of Columbia

By Mr. POU: A bill (H. R. 25616) fixing passenger charges of street railways operating in the District of Columbia—to the

Committee on the District of Columbia.

By Mr. LAMAR: A bill (H. R. 25617) to prohibit lobbying at the national capital—to the Committee on the Judiciary.

By Mr. BURLESON: A joint resolution (H. J. Res. 237) amending an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907—to the

Committee on Invalid Pensions. By Mr. RANDELL of Texas: A resolution (H. Res. 829) requesting certain information from the President concerning tariff relations with Germany-to the Committee on Ways and

Means.

By Mr. RYAN: A resolution (H. Res. 830) to provide for the voucher check system in payment of pensions—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A resolution (H. Res. 831) directing the Secretary of Commerce and Labor to send to the House certain information concerning railroad companies-to the Committee on Interstate and Foreign Commerce.

Also, a resolution (H. Res. 832) inquiring concerning the settlement of estates by consuls in Turkey and China-to the Com-

mittee on Foreign Affairs.

By Mr. FITZGERALD: A resolution (H. Res. 833) directing the Secretary of the Navy to furnish certain information re-garding the U. S. S. *Louisiana* to the House of Representatives to the Committee on Naval Affairs.

Also, a resolution (H. Res. 834) directing the Secretary of Commerce and Labor to furnish certain information to the House of Representatives-to the Committee on the Judiciary.

By Mr. MONDELL: A resolution (H. Res. 835) requesting the Secretary of the Interior to inform the House concerning certain public lands in several States of the Union-to the Committee on the Public Lands.

By Mr. COUSINS: A resolution (H. Res. 836) providing for an assistant clerk to the Committee on Foreign Affairs—to the

Committee on Accounts.

By Mr. BURKE of South Dakota: Memorial of the legislature of South Dakota, requesting their delegation in Congress to support Senate bill 5133, concerning the hours of labor of railroad employees-to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY: Memorial of the legislature of Nebraska, concerning the law regulating the inspection of cattle and sheep,

etc.—to the Committee on Agriculture.

Also, memorial of the legislature of Nebraska, in relation to the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. CANNON; A bill (H. R. 25618) to correct the military record of William G. Cowan—to the Committee on Military Affairs

By Mr. FASSETT: A bill (H. R. 25619) granting an increase of pension to Timothy Dempsey—to the Committee on Invalid

By Mr. FRENCH: A bill (H. R. 25620) granting an increase of pension to Jacob B. Long-to the Committee on Invalid Pen-

By Mr. FULLER: A bill (H. R. 25621) granting an increase of pension to Nelson R. Harrington-to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 25622) granting an increase of pension to Christian A. Baldwin-to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 25023) granting an increase of pension to Albert Hoffman-to the Committee on Invalid Pen-

By Mr. LAFEAN: A bill (H. R. 25624) granting an increase of pension to Samuel Guistwite-to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 25625) granting an increase of pension to Hobart Hamilton-to the Committee on Invalid

By Mr. MOUSER: A bill (H. R. 25626) granting an increase

of pension to James Dulpher-to the Committee on Invalid Pen-

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers

were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Chamber of Commerce and Board of Trade of San Juan, P. R., for dredging the harbor of San Juan-to the Committee on Rivers and Harbors.

Also, petition of various associations of citizens in Massachusetts, Connecticut, Pennsylvania, and West Virginia, against the Littlefield bill (H. R. 13655)—to the Committee on the Ju-

diciary.

By Mr. ACHESON: Petition of Division No. 565, Brotherhood of Locomotive Engineers (400 engineers), for the sixteen-hour bill (S. 5133)—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pennsylvania, for increase of galaries of post-office clerks-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Cairo Commercial Club, Board of Trade, and officials of the city of Cairo, for an appropriation of \$50,000,000 annually for waterways—to the Committee on

Rivers and Harbors.

Also, petition of the National Wool Growers' Association, against forest reservations on land not already timbered-to

the Committee on Agriculture.

Also, petition of the Pennsylvania State Grange, for an amendment to the free-alcohol law-to the Committee on Ways and

Mr. ADAMSON: Petition of the International Association of Machinists, for a new foundry in the Naval Gun Factory-

the Committee on Naval Affairs.

By Mr. BARCHFELD: Petitions of citizens of Lancaster, Pa.; Belmont, Ohio; Pierce, N. Dak.; Lexington, S. C.; Waynesboro, Pa.; Corydon, Ind.; Dearborn, Ind.; Marquette, Mich.; Warsaw, N. Y.; Boston, Mass.; Wayne, Ill.; Chemung, N. Y.; Covington, La.; Morganfield, Ky.; Defiance, Ohio; Denver, Colo., and Jerseyville, Ill., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BARTLETT: Petition of A. D. Jones et al., of Macon, Ga., favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Com-

By Mr. BATES: Petition of J. L. Evans, commander of Grand Army of the Republic Post No. 3, of Pittsburg, Pa., against abolition of pension agencies—to the Committee on Appropriations

Also, petition of E. G. Barie, of McKean, Pa., for bill H. R.

22134—to the Committee on Claims.

Also, petition of the Conneautville (Pa.) Methodist Episcopal Church, for the Littlefield bill-to the Committee on the Judiciary.

Also, petition of Typographical Union No. 77, of Erie, Pa., for the copyright bill (H. R. 19853)—to the Committee on Patents.
Also, petition of W. F. Hill, Pennsylvania State Grange, for an amendment to the free-alcohol bill—to the Committee on

Agriculture. By Mr. BIRDSALL: Petition of citizens of Iowa, for an amendment to the Constitution to suppress polygamy-to the Committee on the Judiciary.

Also, petition of Dubuque (Iowa) Typographical Union, No. 22, for the copyright bills (S. 6330 and H. R. 19853)-to the Committee on Patents.

By Mr. BRUNDIDGE: Petition of F. W. Mullins et al., for reciprocal demurrage by railway companies—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Pennsylvania: Petition of the International Association of Machinists, for a new foundry in the Naval Gun Factory in Washington, D. C .- to the Committee on Naval Affairs.

Also, petition of the Ohio Valley Improvement Association, for improvement of the Ohio River from Pittsburg to Cairo-

to the Committee on Rivers and Harbors.

Also, petition of the Chicago Real Estate Board, for improvement of the Chicago River—to the Committee on Rivers and Harbors.

By Mr. DALE: Peitition of the National Convention for the Extension of Foreign Commerce, for a dual tariff-to the Committee on Ways and Means.

Also, petition of the Public Educational Association of Philadelphia, for the child-labor bill-to the Committee on Labor.

Also, petition of Chicago Real Estate Board, for improvement

of all branches of the Chicago River-to the Committee on Rivers and Harbors.

Also, petition of the International Association of Machinists, for new foundry in the Naval Gun Factory-to the Committee on Naval Affairs.

Also, petition of the Illinois Manufacturers' Association, for a deep waterway from Chicago to St. Louis-to the Committee on Rivers and Harbors.

Also, petition of W. F. Hill, for Pennsylvania farmers, favoring an amendment to the free-alcohol law-to the Committee on Ways and Means.

Also, petition of the American Musical Copyright League, for

bill H. R. 25133-to the Committee on Patents.

Also, petition of Division No. 276, Brotherhood of Locomotive Engineers (200 members), for the sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of James Peterson et al., citizens of Iowa, for increase of salaries of letter carriers-to the Committee on the Post-Office and Post-Roads.

By Mr. DUNWELL: Petition of the War Veterans' and Sons' Association, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the National Wool Growers' Association. against forest reserves on land not already timbered-to the Committee on Agriculture.

Also, petition of New York Typographical Union, No. 6, for bills S. 6330 and H. R. 19853 (the copyright bills)—to the Committee on Patents.

Also, petition of the Chamber of Commerce of New York, for post-office building in New York City-to the Committee on Public Buildings and Grounds.

Also, petition of the International Association of Machinists, for a new foundry in the Naval Gun Factory at Washington, D. C.—to the Committee on Naval Affairs.

Also, petition of the Chicago Real Estate Board, for general improvement of Chicago River-to the Committee on Rivers and

By Mr. ELLIS: Petition of residents of Kansas City, in support of bill H. R. 23558 (reciprocal railway demurrage)—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of E. B. Wolcott Post, No. 1, Department of Wisconsin, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. FLOYD: Paper to accompany bill for relief of Oliver

Shaw-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of McDonald Mead-

to the Committee on Military Affairs.

By Mr. FULLER: Petition of George L. Cain, for the liability bill and Saturday half-holiday bill for Government employees to the Committee on the Judiciary.

Also, petition of the Chicago Real Estate Board, for improvement of the Chicago River-to the Committee on Rivers and

By Mr. GILHAMS: Petition of the Alliance of German Societies of Fort Wayne, Ind., against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Petition of the Baptist Church of Grafton, Vt., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of the Japanese and Korean Exclusion League, for Japanese exclusion legislation-to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of the National Board of Trade, in favor of bills S. 26 and H. R. 113-to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: Petition of the Lumber Dealers' Association, for the Appalachian and White Mountain reservation bill—

to the Committee on Agriculture.

By Mr. HINSHAW: Petition of citizens of Nebraska, for re peal of the duty on lumber-to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of the National Association of Letter Carriers, favoring the Crane bill relative to letter carriers-to the Committee on the Post-Office and Post-

Also, resolution of the Lumber Dealers' Association of Connecticut, for forest reservations-to the Committee on Agricul-

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of William F. Johnson—to the Committee on Invalid Pensions.

Also, petition of the New Jersey State Federation of Women's Clubs, for forest reservations—to the Committee on Agriculture. By Mr. HULL: Petition of the Corn Belt Meat Producers' Association, of Iowa, for an amendment to the free-alcohol law-to the Committee on Ways and Means,

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of John Trimmer—to the Committee on Invalid Pen-

LAFEAN: Paper to accompany bill for relief of Samuel Guistwite-to the Committee on Invalid Pensions,

Also, petition of York (Pa.) Typographical Union, No. 242, for the copyright bill (H. R. 19853)—to the Committee on Pat-

Also, petition of the Smith Lyraphone Company, of Hanover, Pa., for an amendment of paragraph G, section L, copyright law-to the Committee on Patents.

By Mr. LEE: Paper to accompany bill for relief of Mrs. Lena Wing-to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the War Veterans and Sons' Association of Brooklyn, N. Y., against abolition of pension agencies-to the Committee on Appropriations.

By Mr. MADDEN: Petition of the National Convention for the Extension of Foreign Commerce of the United States, for adoption of maximum and minimum rates of tariff-to the Committee on Ways and Means.

By Mr. MANN: Petition of the Chicago Real Estate Board, for improvement of the Chicago River-to the Committee on Rivers and Harbors.

Also, petition of the Moline Business Men's Association, for improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of the Chicago Grocers and Butchers' Association, favoring a postal savings bank system-to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Paper to accompany bill for re-

lief of John C. Wiley—to the Committee on War Claims. By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Board of Trade, for the Merchant Marine Commission bill (S. 6291)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Joseph P. Candy et al., favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Robert M. Nicholson-to the Committee on War Claims.

By Mr. REEDER: Petition of the National Irrigation Con-

gress, favoring the work of the Reclamation Service—to the Committee on Irrigation of Arid Lands.

By Mr. REYBURN: Petition of the Philadelphia Board of Trade, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of the Chamber of Commerce of New York, for a post-office building in New York City-to the Committee on the Post-Office and Post-Roads.

Also, petition of the county board of the Ancient Order of Hibernians of Erie County, N. Y., against the immigration bill—

to the Committee on Immigration and Naturalization.

By Mr. SMITH of California: Petition of citizens of California, for enactment of a child-labor law—to the Committee on Labor.

By Mr. ZENOR: Paper to accompany bill for relief of Adam Meyer-to the Committee on Invalid Pensions.

SENATE.

Wednesday, February 13, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Hale, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

AFFAIRS IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a cablegram from the governor-general of the Philippine Islands submitting a telegram from the governor of the province of Occidental Negros requesting suspension of the Dingley tariff and also for the establishment of an agricultural bank in the Philippines; which was ordered to lie on the table and be printed.

AGRICULTURAL BANK IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a cablegram from the president of the Economic Association of the Philippines expressing appreciation over the approval of the passage of the bill for the establishment of an agricultural bank in the Philippines; which was ordered to lie on the table and be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Trustees of the Macedonia Methodist Epis-

copal Church, of Stafford County, Va., v The United States;
In the cause of Albert T. Southwick, administrator of the estate of John Southwick, deceased, v. The United States;

In the cause of the Trustees of the Baptist Church of Hardeeville, S. C., v. The United States;

In the cause of the Trustees of the Massaponax Baptist Church, of Massaponax, Va., v. The United States;

In the cause of the Trustees of St. Mary's Catholic Church, of Fredericksburg, Va., v. The United States; and

In the cause of the Trustees of the Zion Protestant Episcopal Church, of Charleston, W. Va., v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. CULBERSON presented the credentials of Joseph Wel-DON BAILEY, chosen by the legislature of the State of Texas a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, with amendments; in which it requested the concurrence of the Senate:

S. 2787. An act to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of

land in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin;" and S. 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904.

The message also announced that the House had agreed to the amendments of the Senate to the following bill and joint

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham; and

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23551) making appropriation for the support of the Army for the making appropriation for the support of the Army for the fiscal year ending June 30, 1908; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hull, Mr. Parker, and Mr. Hay managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the amendments of the House to the bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service, for duty in the district of Puget Sound; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANN, Mr. CUSHMAN, and Mr. RYAN managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the

H. R. 12857. An act to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds:

H. R. 12858. An act permitting the county of Taos, in the Ferritory of New Mexico, to refund its indebtedness at a lower rate of interest;

H. R. 13367. An act to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California;"

H. R. 23324. An act authorizing the sale of certain lands to

the city of Buffalo, Wyo.;

H. R. 24043. An act to authorize the sale of timber on certain of the land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin;

H. R. 24655. An act to authorize the legislature of Oklahoma to dispose of a certain section of school land;

H. R. 24887. An act providing for a United States judge for the northern district of Alabama; and

H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

H. R. 8365. An act for the relief of C. A. Berry;

H. R. 15242. An act to confirm titles to certain lands in the State of Louisiana;

H. R. 18007. An act to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;

H. R. 20060. An act granting an increase of pension to Anna E. Hughes

H. R. 20168. An act for the relief of F. Kraut, of Leon

Springs, Tex.; H. R. 20169. An act for the relief of Margaret Neutze, of Leon

Springs, Tex.; H. R. 22291. An act to authorize the reappointment of Harry

McL. P. Huse as an officer of the line in the Navy H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at

or near Bennetts Ferry, in said county and State; H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within

the Fort Berthold Indian Reservation, in North Dakota H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia; and

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the Woman's Christian Temperance unions of Hanfield, Thornton, White Oak, and Jefferson, and of the congregations of the Methodist Episcopal churches of Scottsburg and Austin, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

Mr. FRYE presented a petition of sundry citizens of Vassalboro, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. PLATT presented a petition of sundry citizens of New York City and Troy, in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a memorial of Peter A. Porter Post, No. 126, Department of New York, Grand Army of the Republic, of Wilson, N. Y., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Schenectady, Nelson, and Minoa, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportaion of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Religious Liberty Bureau, of Watertown, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation to reorganize the consular service; which was referred to the Committee on Foreign Relations.

Mr. OVERMAN presented a memorial of the Independent Tobacco Manufacturers' Association of the United States, remonstrating against the passage of the so-called "free leaf tobacco bill;" which was referred to the Committee on Fi-

Mr. McENERY presented a paper to accompany the bill (S. 2903) for the relief of the estate of George Neck, deceased; which was referred to the Committee on Claims.

Mr. HOPKINS presented a memorial of the German-American

League of Peoria, Ill., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the Commercial Club of El Paso, Ill., remonstrating against the passage of the so-called "parcels post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry business firms of Chicago, Ill., remonstrating against the enactment of legislation to fix food standards in the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry.

Mr. BURKETT. I present a memorial of the legislature of Nebraska, which I ask to be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

The memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the Record, as follows:

The following resolutions were passed by the house of representatives of Nebraska:
"Whereas the administration of the United States law for inspection

"Whereas the administration of the United States law for inspection of cattle and sheep at the shipping station or receiving station has in many cases resulted in long delays to the shipper, inability to reach the best market, and actual financial loss of thousands of dollars; and "Whereas complaints and appeals from the Nebraska shippers for a more equitable plan of inspection have been received by this house: Therefore, be it "Resolved, That the Senators and Representatives in Congress from Nebraska are hereby memorialized to secure such amendments in the law or its administration as will secure inspection in the farmers' or shippers' yards, and permission to ship, after such inspection, for a period of at least thirty days.

"Resolved, That the clerk of the house be instructed to transmit copies of this resolution to our present Senators and Representatives and to those who will become Senators and Representatives after March 4 next."

Mr. BURKETT. I present a memorial of the legislature of Nebraska, which I ask to lie on the table, and be printed in the RECORD.

The memorial was ordered to lie on the table, and to be printed in the Recorn, as follows:

Whereas there is now pending in Congress a measure in the interest of the great ship companies, known as the "ship subsidy bill;" and Whereas such a measure is a direct grant of privilege and not in the interest of the people, and undoubtedly opposed by more than ninetenths of the people of Nebraska; Therefore, be it Resolved by the house of representatives of Nebraska, That our Senators be instructed and Representatives in Congress be requested to work and vote for the defeat of such a measure, or any like bill; and Resolved, That the chief clerk of the house of representatives be instructed to forward a copy of these resolutions to each Senator and Representative in Congress and to those who have been elected but who have not yet taken their seats.

Mr. PURKETET presented as position of sunday, eitigens of

Mr. BURKETT presented a petition of sundry citizens of Raymond, Nebr., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Omaha, Nebr., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented sundry papers to accompany the bill (S. 8175) granting an increase of pension to Nancy C. Baxter; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Hardy, Falls City, and Alliance, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented petitions of sundry citizens of Smithfield, New Albany, Huntington, and Alba, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. KEAN presented a petition of the Irving Club, of Irvington, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table

He also presented a petition of the Irving Club, of Irvington, N. J., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Windsor, Dunellen, Longbranch, Pleasantville, and Leeds Point, all in the State of New Jersey, praying for the enactment of legisla-tion to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented a petition of the Board of Consolidated Water Users' Association, of Yuma, Ariz., praying for the enactment of legislation providing for the irrigation of the Richmond; of Larns & Brother Company, tobacco manufactur-

lands of that Territory; which was referred to the Committee on Irrigation.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the erection of waiting sheds at the transfer junction between the Capital Traction and the East Washington Heights street railway lines at Pennsylvania Avenue Bridge southeast; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing universal transfers over street railway lines in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation for the construction of a cross-town street railway line in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BEVERIDGE presented petitions of sundry citizens of Batesville and Markle, in the State of Indiana, and of sundry citizens of Akron, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Indianapolis, Ind., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the congregation of the Grace Methodist Episcopal Church, of Hartford City, Ind., remonstrating against the enactment of legislation providing for the rural free delivery of mails on Sunday; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Religious Society of Friends, of Richmond, Ind., remonstrating against any further appropriation being made to increase the efficiency of the Navy, and praying that the Navy be limited to the requirements of a national police force; which was referred to the Committee on Naval Affairs.

He also presented a memorial of Moltke Lodge, Independent Order of Knights of Pythias, of Terra Haute, Ind., remonstrating against the enactment of legislation to further restrict immigration; which was ordered to lie on the table.

He also presented a memorial of the W. L. Tucker Tobacco Company, of Evansville, Ind., remonstrating against the passage of the so-called "free leaf-tobacco bill;" which was referred to the Committee on Finance.

Mr. CARMACK presented a memorial of the National Board of Trade of Washington, D. C., remonstrating against the enactment of legislation to further restrict immigration; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade of Washington, D. C., praying that increased appropriations be made for the maintenance of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry

Mr. McCREARY presented petitions of sundry citizens of Vanceburg and Columbus, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LODGE presented sundry memorials of citizens of Boston, Mass., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of A. B. and E. L. Shaw, of Boston, Mass., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Springfield, Mass., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and, second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Stoughton and Wareham, of the Woman's Christian Temperance Union and the congregation of the Central Methodist Episcopal Church, of Brockton, all in the State of Massachusetts, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

ers, of Richmond; of J. N. Cullingworth (Incorporated), tobacco manufacturers, of Richmond; of the Wemple Gravely Tobacco Company, of Danville; of the Board of Trade of Richmond; of the United States Tobacco Company, of Richmond, and of Joseph G. Dill (Incorporated), tobacco manufacturers, of Richmond, all in the State of Virginia, remonstrating against the passage of the so-called "free leaf tobacco bill;" which were referred to the Committee on Finance.

He also presented a petition of the Illinois Manufacturers' Association, of Chicago, Ill., praying that an appropriation be made for the construction of a deep waterway between Chicago and St. Louis, and for making a survey of the Mississippi River from St. Louis to Cairo with a view of deepening the channel so as to provide a depth of 14 feet or more between Chicago and the Gulf; which was referred to the Committe on Com-

merce.

He also presented the petition of W. P. Cutter, secretary of Forbes Library, of Northampton, Mass., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

He also presented a petition of the Massachusetts Bankers' Association, of Boston, Mass., praying for the enactment of legislation providing for a currency reform; which was referred to the Committee on Finance.

He also presented a petition of the Cleveland Clearing House Association, of Cleveland, Ohio, praying for the adoption of certain amendments to the present national banking law; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7895) granting an increase of pension to William Wallace:

A bill (S. 8340) granting an increase of pension to Maria L. Philbrick:

A bill (S. 5125) granting an increase of pension to Nancy A. E. Hoffman ; A bill (S. 6970) granting an increase of pension to Alonzo W.

A bill (S. 6996) granting an increase of pension to John Snyder; and

A bill (S. 7983) granting an increase of pension to Samuel Dubois.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7632) granting an increase of pension to Elias

Garrett;

A bill (S. 8404) granting an increase of pension to Nelson W. Jameson;

A bill (S. 7604) granting an increase of pension to John B.

A bill (S. 8214) granting a pension to James Bowman; and A bill (S. 8317) granting an increase of pension to Anna Cox Stephens.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 8342) granting an increase of pension to George W. Walter

A bill (S. 5383) granting an increase of pension to Greenberry B. Patterson;

A bill (S. 7907) granting an increase of pension to Wilkison B. Ross

A bill (S. 3527) granting an increase of pension to Samuel S. Watson:

A bill (S. 7561) granting an increase of pension to Charles A. Woodward; and

A bill (S. 5981) granting an increase of pension to John H. La Vaque

Mr. PATTERSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 24989) to provide for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma, reported it without amendment, and submitted a report thereon.

INTERNATIONAL PRISON CONGRESS.

Mr. PLATT, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound in cloth 2,000 copies of the report of the Seventh International Prison Congress, Senate Docu-

ment No. 216, Fifty-ninth Congress, second session, 500 copies for the use of the Senate and 1,500 copies for the use of the International Prison Commission.

COURTS IN IOWA.

Mr. KITTREDGE. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 20990) to create a new division of the southern judicial district of Iowa, and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes, to report it favorably without amendment, and I submit a report thereon. I call the attention of the senior Senator from Iowa [Mr. Allison] to the bill.

Mr. ALLISON. That is a local bill, relating to our courts. I ask unanimous consent that it may be now considered.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND FOR RESERVOIRS AT DURANGO, COLO.

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 8435) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, to report it favorably without amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GLASGOW LAND DISTRICT, MONTANA.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district, to report it favorably without amendment, and I request unanimous consent for its consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its

consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 8457) authorizing the appointment of William Wilmot White, now a commander on the retired list of the Navy, a lieutenant-commander on the active list of the United States Navy, to take rank next above Lieut. Commander Emil Theiss, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Com-

mittee on Pensions

A bill (S. 8458) granting an increase of pension to Adelaine Hitchcock;

A bill (S. 8459) granting an increase of pension to W. L. Ireland; and

A bill (S. 8460) granting an increase of pension to Renel Dye.

Mr. McCREARY introduced a bill (S. 8461) granting an increase of pension to Rebecca D. Henry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 8462) for the relief of Melissa . Lowe, administratrix of William Thomas Lowe, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8463) to correct the military record of Morton Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McENERY introduced a bill (S. 8464) for the relief of the heirs of Thomas J. Hickman, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 8465) for the relief of Corinne Perret Fuselier; which was read twice by its title, and, with

the accompanying paper, referred to the Committee on Claims.

Mr. SMOOT introduced a bill (S. 8466) granting an increase of pension to William Weeden; which was read twice by its

title, and, with the accompanying papers, referred to the Com-

Mr. DANIEL introduced a bill (S. 8467) for the relief of the trustees of the Second Presbyterian Church of Alexandria, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8468) granting an increase of pension to Mary S. Hollis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 8469) granting an increase of pension to Thomas L. Hewitt; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH submitted an amendment proposing to appropriate \$540 for the purchase of land as an addition to the Prudence Island light station, Rhode Island, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted three amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. McCREARY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. PENROSE. I submit an amendment relative to the improvement of the Delaware River, intended to be proposed to the river and harbor appropriation bill. I move that it be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTUS (for Mr. Morgan) submitted an amendment intended to be proposed to the river and harbor appropriation bill; which was referred to the Committee on Commerce.

DOCTOR BEHREND'S PAPER ON THE POTATO.

Mr. HANSBROUGH. I ask that there may be printed as a public document an article by Dr. W. Behrend on The Cultivation of the Potato and its Significance from the Standpoint of Political Economy.

This is a most interesting article relative to the American potato, and, in view of the fact that we are about to enter upon the manufacture of denatured alcohol throughout the country, and the potato will be a very strong element in that industrial product, I think the article is of sufficient value to have it printed as a document.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none; and the paper will be printed as a document.

Mr. HANSBROUGH. I will state that this is the only copy, I assume, there is in the United States; at least, it is the only one that can be found, and it will be necessary for the Printer to be very careful about it. I make the request that the original print be returned to me, so that I may return it to its owner.

The VICE-PRESIDENT. Without objection, it is so ordered.

FORT BERTHOLD INDIAN RESERVATION LANDS, NORTH DAKOTA.

The VICE-PRESIDENT laid before the Senate the bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, in North Dakota, returned from the House of Representatives in compliance with the request of the Senate.

Mr. HANSBROUGH. I understand that a House bill, a substitute for the Senate bill, has already passed. That being the case, I move to reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed, with a view to its indefinite postponement.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

MINERAL FUEL LANDS-PUBLIC-LAND SYSTEM.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Public Lands, and ordered to be printed.

To the Senate and House of Representatives:

I call your attention to the urgent need of legislation affecting the different phases of the public-land situation in the United In the first place I wish to speak of the conservation of the mineral fuels belonging to the United States. In my annual message of December 4, 1906, and special message of December 17, your attention was called to the importance of conserving the supplies of mineral fuels still belonging to the Government. I recommended to Congress the enactment of such legislation as would provide for title to and development of the surface land as separate and distinct from the right to the underlying mineral fuels in regions where these may occur, and the disposal of these mineral fuels under a leasing system on conditions which would inure to the benefit of the public as a whole. I again call the attention of Congress to the importance of enacting such legislation. I care little for the details; the prime need is that the system should be established, that from henceforth the nation should retain its title to its fuel resources and its right to supervise their development in the interest of the public as a whole. Such a leasing system as that proposed represents by no means an untried policy. In the Australian countries during the last fifteen years coal has been mined under a system of government leases, and on conditions so favorable for development that their coal and coke are to-day being sold on the Pacific coast of both the American continents. In all the great coal-producing European countries, except Great Britain, coal is being mined under government leases. In Great Britain leases are granted almost entirely by the private landowners, but there, as in other countries, the surface culture and the mining operations are conducted independently of each other. In Nova Scotia, British Columbia, India, and other British colonies a government leasing system has been adopted and is working satisfactorily. In the United States, although conveyance of the mineral rights with the surface has been the common practice, the separate development of the two interests is increasing; and in the Eastern and Middle States a large part of the coal is being mined under a system of private leases. It is gratifying to note that in these States, as in foreign countries, these two great industries—agriculture and mining—are conducted within the same boundaries, and the country thus attains its highest dual development without conflict of interests. Indeed, the mining industry, and the factories using these fuels, create larger local markets for the products of the farm.

Mineral fuels, like the forests and services are conducted within the same boundaries.

Mineral fuels, like the forests and navigable streams, should be treated as public utilities. This is generally recognized abroad. In some foreign countries practical control of a large portion of the fuel resources was allowed years ago to pass into private hands, but the existing governments are endeavoring to regain this control in order that the diminishing fuel supply may be safeguarded for the common good, instead of being disposed of for the benefit of the few—though the mistake of the preceding generation in disposing of these fuels for a nominal return can not always be corrected by the present generation, as the cost may be so enormous as to be prohibitory.

In our own Western States and Territories the scarcity of both water and forests has rendered necessary their preservation as public utilities; and the preservation of the forests for the purpose of conserving both the waters and the timber supply has come to be recognized as the wise and proper policy of the Federal Government.

The quantity of high-grade mineral fuels in the West is relatively much smaller than that of the forests, and the proper conservation of these fuels is a matter of far-reaching importance. This Government should not now repeat the mistakes of the past. Let us not do what the next generation can not undo. We have a right to the proper use of both the forests and the fuel during our lifetime, but we should not dispose of the birthright of our children. If this Government sells its remaining fuel lands they pass out of its future control. If it now leases them we retain control, and a future Congress will be at liberty to decide whether it will continue or change this policy. Meanwhile, the Government can inaugurate a system which will encourage the separate and independent development of the surface lands for agricultural purposes and the extraction of the mineral fuels in such manner as will best meet the needs of the people and best facilitate the development of manufacturing industries.

I am aware that objections to this system are being urged. It is claimed that so large a part of the coal in some of the Western States has already passed into the hands of certain large corporations that parties endeavoring to operate under a lease system other coal deposits would be unable to compete with these corporations, and therefore that the fuel deposits still belonging to the Government should also be allowed to pass into private ownership, presumably into the hands of the same or

other large corporations. It is also claimed that reservation of the fuel supplies still belonging to the Government would raise the price of coal in the West, and, as an argument in favor of this contention, it is claimed that the reservation of the natural forests is raising the price of lumber in the West. It should be remembered that the best and most accessible bodies of timber in the West passed into private holdings before the forest reserves were established; that while the price of timber has advanced in the West, it has advanced still more in the East, where there are no forest reserves; that supplies of timber are to-day being shipped from the West to the markets of the Mississippi Valley, and even to forcign countries; and that the probability of obtaining future supplies of both timber and mineral fuel in the West at reasonable prices will be much greater with a large portion of both the forests and the fuels under the control of the Government than if this control should pass to private parties. To secure cheapness of timber and fuel for the moment at the cost of ruin to our own children would surely be a suicidal policy.

It may be fairly claimed among the advantages of the leasing system that: (1) It will facilitate the working, under favorable conditions, of coal deposits for local markets by miners without large capital, as no land-purchase money would be required and the small royalty charges would be paid out of the earnings; (2) it will facilitate larger operations, as the leases could be made sufficiently liberal in the matter of time, area, and other conditions to induce healthy competition and meet all real demands; and yet in all cases the general supervision of the Government could be such as to (3) prevent waste in the extraction and handling of these fuels; (4) the system can be operated in such manner as to prevent the evils of monopolistic control; (5) it will permit the Government to reserve from general use fuels especially suitable for metallurgical and other special industries; and (6) it will enable the Government to protect the public against unreasonable and discriminating charges for fuel supplies.

Already probably one-half of the total area of the high-grade coals in the West has passed under private control. Including both the lignite and the coal areas, these private holdings probably aggregate not less than 30,000,000 acres of coal fields. With the remainder of the lands containing mineral fuels reserved and leased by the Government, there will be ample opportunity to determine, in the near future, which of the two systems—private ownership or the leasing system with General Government supervision—will best protect the interests of the people and thus promote the permanent development of the West.

In planning such a leasing system by the Government, the question of revenue, beyond that necessary to cover the expenses of administration and exploration, need not be seriously considered. The spirit of generosity which the country as a whole has shown in connection with the disposal of its public lands and the use of the proceeds from the sale of these lands for the further development of the West through the Reclamation Service and in other ways, is of itself a sufficient guaranty that in the administration of both the coal reserves and the national forests this generous policy will be continued. It is safe to believe also that Federal supervision of both the coal lands and the forests will be reduced to a minimum, and that in the future even more than in the past this supervision will be limited to that necessary to carry out the policy of conserving these nat-ural resources in such manner as will best promote the permanent interests of the people, and above all of the western peo-ple, of the people in the neighborhood of the mines and the forests which we seek to preserve for the public use.

The necessity for care in the future management of these fuel supplies is further illustrated by the rapid rate at which the use of such fuels is increasing in the United States. The amount of coal used in this country during the last ten years is practically equal to that used during the preceding fifty years of its history, and during each decade of this period the coal used was practically equal to the sum of that used during all the preceding decades.

This remarkable development and the certain continuity of this prodigious growth compels us to recast all estimates as to the life of our "inexhaustible resources." We can foresee the time when the eastern industries will be much more largely taxed for supplying foreign markets. Then the West will also be largely engaged in varied manufacturing enterprises; and this will require the intelligent use of every ton of available fuel in that region. The grave importance of conserving the fuel supplies in the West still remaining under the control of the Government, with a view to the accomplishment of these important purposes, impels me again to bring this matter to the attention of Congress.

Let me repeat that what I seek at this time is that the system be begun. I know the difficulty of providing in minute detail

by legislation for all the needs in advance. I have the heartiest sympathy with the desire of the people of the new States of the Rocky Mountain region for the rapid development of the lusty young commonwealths of which they are so proud. So far from hindering, I want to further that development. But surely it is to the peculiar interest of these States that the development shall take place in such way as to leave the children better off, and not worse off, than the fathers. Let us use, but not waste, the national resources. Let us show our confidence in the future being willing to provide for the future. If we dispose of all the coal lands now we can be well assured that twenty-five years hence the generation then coming to manhood will regret our shortsightedness and lack of provision for the future. It would surely be greatly to the advantage of this country if some at least of the coal fields of the East, and especially of the anthracite fields, had been left under the control of the Govern-Let us provide in the West against the recurrence of the conditions which we deplore in the East. At the outset the law would be administered in a spirit of the broadest liberality, with the least possible interference with the development of the coal fields. What is especially necessary is to establish the principle so that as conditions change there will be opportunity to meet the changing need in adequate fashion. Moreover, I can not too emphatically say that all laws which merely seek to prevent monopoly or the mishandling of the public by forbidding combination are certain to fail of their purpose. Our experience with the interstate commerce and antitrust laws shows that what is needed is not prohibition of all combinations, but such supervision and control over combinations, and over corporations entering into them, as will prevent the evils while giving to the public the advantages of combination.

Let me also again urge that legislation be passed to provide for Government control of the public pasture lands of the West on the same general principles which now apply in the Government control of the forest reserves. The local control of the range should be in the hands of western men familiar with stock raising, and there should be full local participation in the management of the range, for cooperation between the stockmen and the Government officers is absolutely essential. There grazing fee should be small and at first almost nominal. is no need at present that the Government should get a net revenue from grazing on the public range, but only enough to pay for administration and improvement, and it may be wise to provide that any surplus shall go to the States and Territories in which the fees are collected. If a law for the control of the range the fees are collected. If a law for the control of the range should, as I request, be enacted, such control would not be taken hurriedly, but gradually, as grazing districts can be organized. The one prime essential in the policy of range control must be to protect the homesteader in his right to create a home for his family. The right of the homesteader, of the home maker, of the actual settler on the land, must always be paramount, and he must have whatever range privileges are necessary to his purpose. At present it is unlawful to fence the public domain. All fences unlawfully maintained will have to be taken down. Unless Congress takes action to legalize reasonable and necessary fencing through Government control of the range, there will be serious loss to stockmen throughout the West, and this loss will often fall hardest on the small man; for in many cases the stock business can not be conducted with-Yet it would be grossly improper to provide for out fences. the continuance of all the present illegal fencing; for while much of this fencing is needed, much of it also represents a fraud upon the public. What is needed is not to provide for the continuance of all fencing, whether beneficial or harmful, but a proper discrimination between the two classes—a discrimination to be exercised always with especial care for the interests of the homesteader and the small stockman. The interests of the man who has actually made his home or is actually seeking to make his home on the land, whether he owns cattle or owns sheep, are really identical with those of the homesteader. opposition to the measure comes primarily from those who do not make their homes on the land, but who own wandering bands of sheep that are driven hither and thither to eat out the land and render it worthless for the real home maker; and also from the men who have already obtained control of great areas of the public land largely through the ownership or leasing of water at what might be called the "strategic points of the range," and who object to the proposed law for the very reason that it is in the interest of the actual homesteader and the small stockman, and because it will break the control that these few big men now have over the lands which they do not actually The proposed law is emphatically a law in the interest of popular rights. The present system in an immense number of cases renders it impossible for the small man to exist; and it works chiefly for the benefit of the very rich man whose interest it is to keep out home makers and preserve immense stretches of the public domain for his own use, to the detriment of the development of the Commonwealth. Surely it is in accordance with the spirit of our Government to pass a law in the interest of the actual settler, instead of to leave undisturbed the present system in the interest of those who monopolize an improper proportion of the public domain, or of the others who are indifferent as to whether in the long run they destroy the worth of the public domain.

As in the case of the proposed law for controlling the disposition of the mineral fuels, our object should be to get the principle of the law established, leaving a necessary discretion to those who at the outset are to administer it, and then to per-

fect the law later, as actual experience may show the need.

Let me urge that Congress provide \$500,000, in addition to the present estimates, to be immediately applied to the clearing of the arrears of business in the General Land Office, as regards the detection and prevention of fraud in disposing of applications

for patents to the public lands.

I wish to express my utter and complete dissent from the statements that have been made as to there being but a minimum of fraud in the actual working of our present land laws. I am exceedingly anxious to protect the interests of bona fide settlers and to prevent hardship being inflicted upon them. But surely we are working in their interests when we try to prevent the land which should be reserved for them and for those like them from being taken possession of for speculative purposes or obtained in any fraudulent fashion. The funds ap-propriated by Congress to protect public lands from illegal entry or unlawful appropriation have been utterly insufficient to keep pace with the vast amount of public-land business. For this reason the natural sympathy of the Administration with bona fide claimants and the proper desire to further their interests has led to the use of almost all of this appropriation, not for the detection and prevention of fraud, but for the purpose of hastening the routine hearing and office inspection of final proof. If sufficient money is not now granted to enable the Administration both to protect the interests of bona fide claimants and at the same time to hunt out the fraudulent ones, then the responsibility for the delays which will necessarily occur or for the fraud which will obtain can not rest upon the Administra-tion. The great number of fraudulent cases which our lack of means forces us to leave undetected brings deep discredit on the public-land system of the country, and it does not seem to me that there can be any apology for the Government's failure to provide ample means for their detection and to insist upon the means being so used as to guarantee their detection, and this can only be done if an ample force of inspectors is furnished, so that each entry may be inspected upon the ground or adequate information obtained about it that will satisfy us that the land is being taken in accordance with law. It is not true that any very long time will be needed for such inspection. With the amount provided for which I have asked, the arrears of the work will be brought up within a year, and thereafter the

work can be kept up by a continually diminishing appropriation.

The present force of special agents is utterly insufficient to conduct the proper field examinations. But there have been here and there a limited number of such field examinations in which direct investigation by Government officials was added to the evidence furnished by claimants. Four specific examples of these field examinations are as follows (I omit the names of

the places):

the places):

(a) Examination of desert-land entries during August, September, and October, 1906:
Agents assigned
Total days' examination on the ground
Entries examined
Claims examined per day per agent
Unfavorably reported
Relinquished
Favorably reported
Oblighter
Agents assigned
Total days' examination on the ground
Entries examined
Claims per day per agent
Unfavorably reported
Agents assigned
Total days' examination on the ground
Entries examined
Claims per day per agent
Unfavorably reported
Oblighter
Unfavorably reported
Relinquished
Favorably reported
Oblighter
Entries examined
Unfavorably reported
Favorably reported
Favorably reported
Oblighter
Favorably reported
Favorably reported
Favorably reported
Favorably reported
Favorably reported
Claims have been relinquished.

Entries examined
Unfavorably reported
Canceled for other causes
Favorably reported
Canceled on relinquishment
Canceled for other causes
Oblighter
Favorably reported
Canceled for other causes
Oblighter
Favorably reported
Oblighter
Oblighter
Favorably reported
Oblighter
O 484 1, 159 $\frac{2.4}{41}$ 54

Summarizing the results, it appears that in these four districts nearly 2,300 cases were examined and that in over half the law had not been complied with, the failure being in each case on some essential feature and in very many cases showing deliberate fraud. In six months ending December 31 last our present insufficient force of special agents secured indictments in 197 actions for fraud, 26 of which have been tried, resulting in 14 convictions and 12 acquittals. In the forest reserves, where we have been able to examine a great number of claims, in about one-third the law was not complied with.

In the Susanville and Sacramento, Cal., placer mining claims it was discovered that one man with fourteen associates had attempted to get possession of 250,000 acres, including much of the finest timber land in the region, by locating placer claims upon it. Three agents on this ground examined 25,000 acres of claims and reported unfavorably upon over 24,000 of them, with a result that up to date, because of this investigation, 36,000 acres were relinquished and restored to governmental ownership while the investigation was still in progress, an amount considerably in excess of the amount actually investi-

While the above cases, of course, show worse results than would be shown by examinations made at random, they are nevertheless by no means unusual, save, perhaps, in the case of the placer-claims investigation. Surely such a showing renders it impossible to say that there is no fraud, and therefore no need of striving to detect and prevent fraud. On the contrary, there is urgent need for such effort in the interest not only of the honest observance of the law, but in the interest of honest and bona fide settlers. Without sufficient money it is impossible to execute the land laws in reasonably prompt and efficient fashion. The business of the Land Office, because of lack of appropriations, is far behind. To protect the public property no less than to relieve the land claimants enough money should be given for the purposes I have outlined above, and the appropriation should be made immediately available. Unless such money is given then either honest claimants must suffer hardship or wrongdoers must be permitted to be the beneficiaries of their fraudulent and illegal acts. From the standpoint of the public interest failure to prevent fraud of this kind is peculiarly serious, because in so many cases the success of the fraudulent claimants means the prevention of the establishment of a home by some honest home seeker. The earnest wish of the Administration is to discontinue the advertisement of fraud in connection with the public-land system; but the only way to accomplish this is by putting a stop to the fraud itself.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 13, 1907.

HOUR OF MEETING.

Mr. ALLISON. Mr. President, in the interest of the public business I ask for the adoption of the order which I send to the

The order was read and agreed to, as follows:

Ordered, That on and after Monday, February 18, the Senate shall meet at/11 o'clock a. m. until otherwise ordered.

RESTRICTION OF IMMIGRATION. Mr. DILLINGHAM. Mr. President, I present the report of the committee of conference on the disagreeing votes of the two Houses on what is known as the "immigration bill," and ask that it be read.

The VICE-PRESIDENT. The report will be read. The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses to the bill (8, 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States," approved March 3, 1903," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

cluding the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel, or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year immediately preceding such entrance in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissable residents of any possessions of the United States, nor upon aliens who have been lawfully admitted to the United States, and who later shall go in transit from one part of the United States, and who later shall go in transit from one part of the United States to another through foreign contiguous territory: Provided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: Provided further, That if in any fiscal year the amount of money collected nuder the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigration fund:" Provided further, That the provisions of this section shall apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arri

Mr. SPOONER. Mr. President, I wish that the last four or

five lines of the report might be read again by the Secretary.

The VICE-PRESIDENT. The Secretary will reread as requested by the Senator from Wisconsin.

The Secretary read as follows:

Provided further, That whenever the President shall be satisfied that issports issued by any foreign government to its citizens to go to any

The Secretary read as follows:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States:

All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called "contract laborers," who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, w

read again.

The VICE-PRESIDENT, The Secretary will reread, as re-

quested by the Senator from Georgia.

Mr. NELSON. Mr. President, without intending any discourtesy to the Senator from Vermont [Mr. Dillingham], I desire to say that this is a very important matter, and I should be glad to have the conference report printed and go over a day before it is considered. If that be done, there will be no need of having the report read any further.

Mr. LODGE. Mr. President—
Mr. NELSON. I suggest that, if the Senator from Vermont has no objection.

Mr. LODGE. The report must be read, and the part to which the Senator from Georgia [Mr. Bacon] has just referred is simply the existing law, as is almost the whole bill reported by the committee.

The VICE-PRESIDENT. The Secretary will continue the reading of the report.

The Secretary resumed the reading of the report, as follows:

The Secretary resumed the reading of the report, as follows:

Those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor, or under such regulations as he may from time to time prescribe: Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude—

Mr. CULBERSON. I should be glad to have the Secretary

Mr. CULBERSON. I should be glad to have the Secretary

again read the last paragraph.

The VICE-PRESIDENT. The Secretary will reread the paragraph, as requested by the Senator from Texas.

Mr. SPOONER. Mr. President, we could all hear the report better if there were not so many speaking at the same time the Secretary is reading. It is very important that Senators should be able to hear the report.

The VICE-PRESIDENT. The Senate will be in order.

Mr. TILLMAN. I rise to a parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator from South Carolina will state his parliamentary inquiry.

Mr. TILLMAN. The report must be read, as I understand,

in order to get it before the Senate, and then be considered by the Senate at some time for adoption. The report can not be pressed for consideration to-day, can it?

Mr. ALDRICH. It can be, of course. Mr. TILLMAN. Without having the report printed, so that we can examine and understand it?

Mr. ALDRICH. It can be.

Mr. TILLMAN. I know; but it would hardly be, would it?

Mr. ALDRICH. I am not in charge of the matter.

I would suggest to the Senator in charge of Mr. TILLMAN. the conference report to give us an opportunity to examine and understand it. I will ask if it is his purpose to try to force action on the report to-day, or whether he will consent to have it printed and go over, so that we may understand what we are doing?

Mr. DILLINGHAM. I think, after the report shall have been read, there will be no difficulty in calling attention to four or five provisions where there have been additions to or alterations of the law, so that the Senate can comprehend it without difficulty

Mr. TILLMAN. Is the Senator in charge of the report especially anxious that it should be adopted to-day, or will be consent to have it printed after it is read, so that we can have the printed copies and understand the report?

Mr. DILLINGHAM. I would prefer to have action taken

upon it, as it has to go to the House of Representative

Mr. BACON. I think the Senator will realize the fact that in the case of a measure of this importance we must have an opportunity to examine it, and we can not act on it to-day with justice to the interests involved.

Mr. LODGE. Mr. President, I suppose it is entirely out of order to interrupt the reading of the report, but as it has been interrupted, I merely want to say, in addition to what the Senator from Vermont [Mr. Dillingham] has said, that I think after the report is read the statement of the Senator from Vermont will enable the Senate to understand in a very few moments the only changes in existing law proposed to be made. They are very few, but owing to the form of the House amendment, which was a substitution of an entirely new bill for the Senate bill, it has been necessary to report it as an act. Almost every word that is being read is existing law.

Mr. TILLMAN. At the same time, Mr. President, if I may be permitted, I do not see the dire necessity of dragooning the Senate into the adoption of such a report without an opportunity

Mr. LODGE. There is no intention of dragooning anyone into anything.

Mr. TILLMAN. I say I do not think there is; but I want to give notice that I am going to ask that the matter go over, and that it be printed, so that we can see what we are doing.

Mr. LODGE. Of course the moment the report has been read it goes into print in the Record. I only ask that judgment may be suspended as to not taking action to-day until the Senate has heard the report and listened to the explanation of the chairman of the conference committee on the part of the Senate.

Mr. SPOONER. Mr. President, I have listened very intently to the reading of the report, and all I asked—and I had a right

to ask that, even though it interrupted the Secretary-was for an opportunity to hear it read. I ask the Chair to have the reading of the report suspended from time to time until there shall be order in the Chamber to a degree which will render it possible for those of us who want to hear it read to do so.

The VICE-PRESIDENT. The Senator from Wisconsin is

entirely in order.

Mr. FULTON. While the report is being read it ought not to be interrupted, and I would not say anything at all had it not been interrupted. But I do wish to say to the Senator in charge of the report that I think it proposes some very material changes in the existing law, and for one I want to have the report printed. If no other Senator makes that motion, I shall ask that it be laid on the table and printed when the reading is concluded.

The VICE-PRESIDENT. The debate is proceeding by unani-

mous consent.

Mr. McCREARY. I am on the Committee on Immigration, and I want to ask the question if there is anything in order now except the reading of the conference report?

The VICE-PRESIDENT. That is all that is in order at the

Mr. McCREARY. I ask that the report be read.

The VICE-PRESIDENT. The Secretary will continue the

reading of the report.

Mr. CULBERSON. I renew my request that the Secretary reread the last paragraph, so that I can hear it. It is the paragraph that was being read when the reading was discontinued.

The VICE-PRESIDENT. The Secretary will read as re-

quested.

The Secretary resumed the reading of the report and read to

the end of section 13.

Mr. DILLINGHAM. Mr. President, in deference to the wish that has been expressed by several Senators that the report be printed, I move that its further reading be dispensed with and that it be printed in the RECORD and as a document. make a brief statement at this time relating to changes in the

existing law.

It will be remembered, Mr. President, that the Senate bill, as it was reported last winter, received one important amendment before it passed this body, which was known as the "educational test," and with that it went to the House. The House committee had already prepared a bill along the same lines, making various amendments to the existing law, including the educational test, and recommended that it be adopted as an amendment to the Senate bill after having struck from the latter everything after the enacting clause. This was done after the adoption of several amendments. The bill as it passed the House did not contain the educational test, but did contain what was known as the "Littauer amendment" to section 1, which provides in substance that an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds for an offense of a political character, or prosecution involving danger of impris-onment or danger to life or limb on account of religious belief, shall not be deported because of want of means or the probability of his being unable to earn a livelihood.

The more important questions that have divided the conferees have been those of the educational test, the Littauer amendment, and the amount to be imposed as a head tax. The Senate adopted \$5 as the amount of the head tax in place of \$2, the existing tax. The House did away with the proposed amendment of \$5 and placed the tax where it now is, at \$2. The conferees have compromised, and recommended a head tax of \$4. But in connection with that they have agreed to an amendment providing that when the immigration fund amounts to more than \$2,500,000, and it is pretty nearly, if not quite, up to that point now, any sum received from the head tax over and above

that amount shall be covered into the Treasury.

The conferees also recommend that the Littauer amendment be rejected. It appeared to the Senate conferees that under such a provision the class of immigrants that we are most trying to exclude would be brought in. It would open the doors to fraud. It would not apply simply to individual honest cases of the classes mentioned, but it would be used by the undeserving, and our public institutions would soon be burdened with that class who are sure to become public charges if they are admitted to the United States. For this reason the conferees recommend that it should be rejected. They also recommend that the Senate recede from its action adopting the educational test.

Most of the amendments to the various sections of existing law are amendments which were fully discussed in the Senate when the bill was before it last winter. In the draft recom-mended by the conferees substantially all the Senate amendments to the existing law are retained, and added to these are | tion to pass upon it.

a number of House amendments along the same line, all of them intended to strengthen the existing law where in operation it has been found to be weak. I could refer to them in detail if it were necessary

Another amendment proposed by the House is recommended, which provides for the appointment of a commission to take up and investigate the whole question of immigration and report to some subsequent Congress. It provides that the commission shall consist of three members of the Senate, to be appointed by the President of the Senate; three Members of the House of Representatives, to be appointed by the Speaker, and three persons to be appointed by the President of the United States, and gives them power to make a thorough examination and report. In that section is another provision which, in effect, gives the President authority, whenever he deems it necessary, to enter into negotiations with any individual country for the regulation of immigration from that country, and provides that any action taken by him shall be by and with the advice and consent of the

Mr. GALLINGER. That provision is in the conference report? Mr. DILLINGHAM. It is in the conference report and can be I will not stop to explain it, because those who wish to examine its provisions can best do so with the print before them.

Both the House and the Senate bill provided for a bureau of information in the Bureau of Immigration, which shall gather facts and statistics and information regarding the various States of the Union, their resources, and the opportunity they offer to immigrants, and to print such matter and cause it to be placed in the hands of all admitted aliens.

There was also a provision for maintaining a display station at some one or more of the immigrant stations, where the typical products of the country might be displayed. The provisions of the two respective Houses had the same object in view, but were quite different in phraseology, and the conferees have agreed upon a redraft of the two sections which they think will answer the purpose and prove more satisfactory than either one of the others

Since the bill has been in conference two amendments have been proposed and are recommended. The first one is to be inserted at the close of section 1 and is the provision the Senator from Wisconsin asked to have read the second time. It reads as follows:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

The other provision is to section 42 of the bill, which is in answer to a very widespread complaint that has been made throughout the country that the steerage passengers coming to this country have not had a sufficient amount of air space in the steamships bringing them. Section 42 provides for an increase in the amount of such air space for steerage passengers, and is believed to be just and reasonable.

Mr. LODGE. Will the Senator allow me?

Mr. DILLINGHAM. Certainly.

Two years are allowed to the steamship com-Mr. LODGE. panies to make the necessary changes and adapt themselves to the new requirements as to air space.

Mr. DILLINGHAM. It will go into effect the 1st of January, 1909.

Mr. ALLISON. When do the general provisions of the bill go into effect Mr. DILLINGHAM. The general provisions of the bill go

into effect the 1st of July next. I think with this explanation Senators will be able to take the print and judge for themselves as to the work the conferees

Mr. BACON. Mr. President, of course we all know the rules which limit a conference report to the consideration of matters which are in difference between the two Houses and recommendations as to the adjustment of those differences. do not mean to suggest that this report in any manner goes be-yond that rule, but it is extremely difficult to determine, even from the reading of such a report as this, whether or not there has been any variation from that rule. This difficulty grows out the fact that the report practically presents to statute, most of which, as has been stated by Senators in charge, is the reenactment of existing law, and the purpose of my rising is to suggest to Senators, first, that it is absolutely necessary that we should see it in print before we are in condi-

In the second place I want to suggest that in such parts of this report as there is a variation from existing law, it should all be printed in italics, because there is such a mass of it that it will be impossible for one, except at very great cost of time and labor, to compare it with existing law word for word to

see whether there has been any change made. I may be entirely mistaken, but it seemed to me, in listening to the report as it was read at the desk, that there were some very material changes made in existing law in the matter of the regulations regarding contract labor. While the words were comparatively few they were very material in their signification and in the changes made. I may be entirely in error as to that, but it is absolutely necessary, in order that we shall be able to turn to the prompt consideration of this measure, that we should have all the assistance which can be given by the suggestion I have made, to enable us to compare the original act with the act as proposed, so as to be able definitely to determine the changes which are made in this bill as it is reported as an

Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Certainly.

Mr. LODGE. The Senator, it seems to me, if he will allow me, has misapprehended the test. The test is not whether there is variation from existing law. The test is whether it involves anything but what was before the committee. Both bills varied from existing law.

Mr. BACON. I am not at all—
Mr. LODGE. Both bills are ostensibly and obviously amend-But the whole matter was before the ments of existing law. committee, because the House substituted an entire new immigration bill for the bill of the Senate, which was an amendatory act. You can not test a conference report on the question of what existing law is. You test it only on what was submitted by the two Houses.

Mr. BACON. The Senator did not hear me. He was not listening all the time or he would not have made the mistake of misconstruing what I said.

Mr. LODGE. I was trying to listen to the Senator.

Mr. BACON. The Senator was under difficulties with which he could not successfully cope. He could not listen to me and to somebody else at the same time.

I was not making the criticism which the Senator thinks I was. I was not criticising the report upon the ground that it exceeded the functions of the committee. On the contrary, I had expressly disclaimed any such criticism and had said that it might be true, and probably is true, that they have not, and the purpose I had was not with a view of making any criticism of that kind upon the committee, but to bring to the attention of the Senate the necessity of having the bill as reported printed with such changes as have been made in italics, not with a view of testing whether or not the conferees have exceeded their function, but for the purpose of enabling us to see whether or not we would agree with the conclusions reached by the committee as to this being the bill which should be passed.

I had mentioned by way of illustration that so far as I could catch the reading from the desk there have been very material changes made in the matter of the regulations as to contract I may be mistaken about that, but it sounded to me so from hearing the report read at the desk. For that reason I desire that the bill, in so far as it assumes to be substantially a reprint of existing law, shall be printed so as to indicate by italics wherever it varies from existing law. Otherwise it will be necessary for a Senator to take the bill as reported and hold it in his hand while he has some one else read the existing law and note word for word where there are any changes proposed to be made. That simply is the suggestion I make, and I am not doing what the Senator from Massachusetts erroneously supposed I was.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.
Mr. NELSON. I think the suggestion of the Senator from Georgia is proper. It simply means that the bill recommended by the conference committee shall be printed in such form that the changes in it from existing law shall be shown in a different type.

Mr. BACON. Exactly.
Mr. NELSON. So that upon inspection we can see what is the old law and what is the law proposed by the committee.

Mr. BACON. Yes. Mr. NELSON. I think that is a reasonable request, and it will make it easier for us to get at the substance of the changes.

Mr. BACON. Absolutely. And not simply to see what are the substantive independent amendments proposed by the conference committee, but wherever in the repetition of existing law there has been a word added to a sentence here or one taken from a sentence there. It may be of the most material character, and yet, unless we do have the bill printed in this way, such changes can only be detected in the manner I have indicated—by a Senator laboriously comparing the report with the text of the existing law. Therefore I make the suggestion, the text of the existing law. and I hope it will be carried out.

The VICE-PRESIDENT. The Senator from Vermont moves that the further reading of the report be dispensed with, that the report be printed in the Record, and also be printed as a document. Without objection, the motion is agreed to.

The Senator from Georgia asks that the changes in the law be properly indicated in the print of the report as a Senate Without objection, it is so ordered. Does the Senator from Georgia desire the print in the RECORD to follow his suggestion with respect to the printing of the document?

Mr. BACON. I do not know that that is usual. I do not think it is.

The VICE-PRESIDENT. The request applies simply to the

document? Mr. BACON. It would spoil the appearance of the RECORD

to have that done, and if the report is printed as a document in that way, it will be all right.

Mr. ALLISON. In view of the fact that the House of Representatives struck out all after the enacting clause of the Senate bill and made a new bill, the two being the basis of the conference report, either to go with the report or as a document, those two bills should be printed.

Mr. LODGE. Both the House and the Senate bill and the existing law all together?

Mr. ALLISON. No; not the existing law. Mr. LODGE. The Senator from Georgia asked to have the existing law printed.

Mr. ALLISON. I am speaking now of the two bills. We have two bills

Mr. SPOONER. I did not understand that the Senator from Georgia asked that the existing law be reprinted, but he asked that there be indicated in printing the bill, by italics or in some other way, the changes which it makes in existing law.
Mr. LODGE. Oh, I see.

The VICE-PRESIDENT. That is the request.

Mr. LODGE. The Senator from Iowa wants both the Senate and the House bill printed.

Mr. SPOONER. Yes

Mr. ALLISON. I think it would be very convenient for us to have the original text of the two bills before us while we are considering this report.

Mr. DILLINGHAM. I think there will be no difficulty in doing that.

The VICE-PRESIDENT. The Senate and House bills will be printed as a part of the document.

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March third, nineteen hundred and three," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

An act entitled "An act to regulate the immigration of aliens into the United States.'

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor

laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: Provided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: Provided further, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" Provided further, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American continent, the provisions of this section shall apply: Provided further, That whenever the President shall be satisfied that passports issued by any* foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such country or from such insular possessions or from the Canal Zone.

Sec. 2. That the following classes of aliens shall be excluded from admission into the United States:

All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars, persons afflicted with tuberculosis, or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and

Labor or under such regulations as he may from time to time prescribe: Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving meral turpitude: Provided further, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: And provided further, That skilled labor may be imported if labor of like kind unemployed can not be found in this country; And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

as personal or domestic servants.

Sec. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import into the United States any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United States and shall be deemed to be

provided by sections twenty and twenty-one of this act.

Sec. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this act.

SEC. 5. That for every violation of any of the provisions of section four of this act the persons, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

Sec. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation

Sec. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: Provided, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this act.

SEC. 8. That any person, including the master, agent, owner,

or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, for each and every alien so landed or brought in or attempted to be landed or brought in.

Sec. 9. That it shall be unlawful for any person, including transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epilepties, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: Provided, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

Sec. 10. That the decision of the board of special inquiry

SEC. 10. That the decision of the board of special inquiry hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of allens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

Sec. 11. That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking allen passengers out of the United States, from any port

thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as pro-vided in section fifteen of this act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: Provided, That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of cutgoing aliens at a later date: Provided further, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel. Sec. 13. That all aliens arriving by water at the ports of the

United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist, or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

Sec. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: Provided, That in the case of failure without good cause to deliver the list of passengers required by section twelve of this act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be

a fine-of ten dollars for each alien not included in said list: but in no case shall the aggregate fine exceed one hundred dollars.

Sec. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming aliens provided for in sections twelve, thirteen, and fourteen of this act, it shall be the duty of said officers to go or to send competent assistants to the vessel to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: Provided, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

That the physical and mental examination of all SEC. 17. arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor

Sec. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this act.

Sec. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: Provided, That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act: Provided,

That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: Provided, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

Sec. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: Provided, That pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than five hundred dollars, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

Sec. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to depertation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act: Provided, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be de-

frayed in like manner.

Sec. 22. That the Commissioner-General of Immigration, addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss. and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: Provided, That the Commissioner-General of Immigration may, with the approval of the Secretary of Com-merce and Labor, whenever in his judgment such action may be

necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

Sec. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor.

Sec. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January sixteenth, eighteen hundred and eighty-three: Provided, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: Provided further, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investi-Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Sec. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: Provided, That at ports where there are fewer than three immigrant inspectors the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete, permanent record of their proceedings and of all such testimony as may be produced before them, and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry: Provided, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this act.

Sec. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis, or a loathsome or dangerous contagious disease, may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

Sec. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

Sec. 28. That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

SEC. 20. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

Sec. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: Provided, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this act.

SEC. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Sec. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

Sec. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: Provided, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at their respective posts

of immigration at their respective posts.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United

States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

Sec. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully, and shall be deported as provided by sections twenty and twentyone of this act: Provided, That nothing contained in this section shall affect the power conferred by section thirty-two of this act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the

borders of Canada and Mexico. Sec. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable, or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdic-This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, pro-cure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

SEC. 39. That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by subcommittee or otherwise into the subject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel, either in the United States or any foreign country, and, through the chairman of the commission or any member thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investi-gation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not Members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regu-

lating any matters pertaining to such immigration.

Sec. 40. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of informa-tion in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or tory to aliens to settle therein. While on duty at any immigrant station, such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent

guilty of such violation any of the privileges herein granted.

Sec. 41. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites,

families, or guests,

Sec. 42. That it shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: Provided, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passen-ger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of

a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

This section shall take effect on January first, nineteen hun-

dred and nine.

Sec. 43. That the act of March third, nineteen hundred and three, being an act to regulate the immigration of aliens into the United States, except section thirty-four thereof, and the act of March twenty-second, nineteen hundred and four, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the act approved August second, eighteen hundred and eighty-two, entitled "An act to regulate the carriage of passengers by sea."

Sec. 44. That this act shall take effect and be enforced from and after July first, nineteen hundred and seven: Provided, however, That section thirty-nine of this act and the last proviso of section one shall take effect upon the passage of this act and section forty-two on January first, nineteen hundred

and nine.

WILLIAM P. DILLINGHAM, H. C. LODGE, A. J. McLAURIN, Managers on the part of the Senate. BENJ. F. HOWELL, WILLIAM S. BENNET, Managers on the part of the House.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 23324. An act authorizing the sale of certain lands to

the city of Buffalo, Wyo.; and

H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The following bills were severally read twice by their titles,

and referred to the Committee on Territories:

H. R. 12857. An act to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds;

H. R. 12858. An act permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate

of interest; and

H. R. 24655. An act to authorize the legislature of Oklahoma

to dispose of a certain section of school land.

H. R. 24043. An act to authorize the sale of timber on certain of the land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 13367. An act to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," was read twice by its title, and referred to the Committee on

H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama was read twice by its title, and referred to the Committee on the Judiciary.

VESSELS FOR THE REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the amendments of the House to the bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRYE. I move that the Senate insist upon its amendment and agree to the conference asked by the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed as the conferees on the part of the Senate Mr. Elkins, Mr. Perkins, and Mr. MALLORY.

UNIVERSITY OF OKLAHOMA.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 25013) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla., to report it favorably with an amendment. I call the attention of the Senator from Kansas to the report.

Mr. LONG. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Montana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 3, after the word "That," to insert "subject to confirmation by the legislature of Oklahoma."

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MISSOURI RIVER BRIDGE AT KANSAS CITY, MO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19,

The amendments of the House were, on page 1, line 12, after "years," to insert "and be completed within three years."

On page 2, line 1, to strike out all after "seven" down and including "thereafter" in line 2.

On page 2, line 4, after "void," to insert:

Provided, That such beginning of construction within said period of one year shall relate to the superstructure of said bridge above the pier heretofore constructed over the Missouri River in pursuance of the act of which this act is amendatory: And provided further, That in all matters and particulars not expressly provided for in the act of which this act is amendatory the construction, control, and use of such bridge shall be governed by the act of Congress approved March 23, 1906, entitled "An act to regulate the construction of bridges over navigable waters."

Mr. WARNER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request for a conference be agreed to, and that the Chair appoint the conferees on the part of the

Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. WARREN, Mr. FORAKER, and Mr. BLACKBURN.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. NELSON. I move that the Senate proceed to the consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions, which was under consideration yesterday.

The VICE-PRESIDENT. The question is on agreeing to

the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. NELSON. I desire to state— Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. I simply wish to suggest to the Senator from Minnesota that yesterday I reported the District of Columbia appropriation bill, which is a rather troublesome appropriation. priation bill and will take some time in conference. I would ask the Senator if we can not agree that if the bill in which he is interested shall be under discussion at 4 o'clock will he then allow me to proceed with the appropriation bill?

Mr. NELSON. I will, unless there should be an immediate

prospect of a vote.

Mr. GALLINGER. That is satisfactory. I desire further to suggest that if the bill the Senator from Minnesota has in charge shall be concluded before 4 o'clock, I will then ask the Senate to proceed to the consideration of the District of Columbia appropriation bill.

Mr. HOPKINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Illinois?

Mr. NELSON. Yes; if the bill he wishes to call up does not cause any debate.

Mr. HOPKINS. It will not

The VICE-PRESIDENT. The Senator from Illinois.

SALARIES OF DISTRICT ATTORNEY AND ASSISTANTS.

Mr. HOPKINS. I desire to call up the bill (S. 8161) in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

Mr. HOPKINS. On page 1, line 6, before the word "dollars," move to strike out the words "ten thousand" and insert "seven thousand five hundred."

I will state for the benefit of the Senate that that conforms to the House bill, which is now on the Calendar of the House, reported favorably by the Judiciary Committee of the House, the same as this bill has been reported by the Judiciary Committee of the Senate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES IN ALABAMA.

Mr. NELSON. I yield to the Senator from Alabama [Mr.

Mr. PETTUS. I ask for the consideration of the bill (S. 6704) to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905, be, and the same is hereby, amended so as to read as follows:

"That where any homestead entry heretofore allowed by the officers of the Land Department for lands within the limits of the grant made by act of Congress approved June 3, 1856 (11 Stat., 18), to the State of Alabama in aid of the construction of the railroad known as the Mobile and Girard Railroad has been canceled because of a superior claim to the land through purchase from the railroad company, which claim has been held to have been confirmed and a confirmatory patent issued for the land under the provisions of section 4 of the act of March 3, 1887 (24 Stat., 556), or where any homestead entry has been made on lands granted by the Congress of the United States to the State of Alabama, to aid in the construction of the Mobile and Girard Railroad or the Tennessee and Coosa Railroad, which said lands ile opposite to and coterminus with those portions of either of said roads which were constructed prior to the passage of the forfeiture act of September 29, 1890 (25 Stat., 496), the title to which is asserted and claimed by the vendee or successor in Interest of either of said railroad companies, such homesteader is hereby accorded the privilege of transfering held aim thus initiated under the homestead laws to any other railled to the passage of the forfeiture act of september 29, 1890 (25 Stat., 496), the title to which is asserted and contributed or relic land subject to homestead entry, with for the passage of the said railroad companies, such homesteader elect, however, to retain the tract embraced in his homestead entry prior to the administration for transfer is presented within one year from the date of the passage of this act: Provided, That he

Mr. SMOOT. On page 6, line 4, before the word "years," move to strike out "two" and insert "three;" so as to read:

Subject to homestead entry within three years after the passage of

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM UTAH.

Mr. KNOX. I desire to give notice that, with the permission of the Senate, to-morrow morning, after the close of the rou-tine business, I will submit some remarks on resolution No. 142, reported from the Committee on Privileges and Elections.

APPEALS IN CRIMINAL PROSECUTIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15434) to regulate appeals in criminal prosecutions.

Mr. NELSON. Mr. President, recognizing that all controverted legislation is a matter of compromise, and being exceedingly anxious to get some relief in the line of this proposed legislation, I have concluded to accept certain amendments, unless my colleagues on the Judiciary Committee should object, and I do not think any of them will object.

I ask the Senator from Maryland [Mr. RAYNER] and the Senator from Arkansas [Mr. Clarke] to bear with me for a minute, while I have the bill perfected in the first instance.

With the permission of the Senator from Washington [Mr.

PILES], who offered the amendment, I move to reconsider the amendment which he offered as a substitute for the amendment

offered by the Senator from Nevada [Mr. Newlands].

The VICE-PRESIDENT. The Senator from Minnesota moves to reconsider the vote by which the following amendment to the amendment was agreed to. The Secretary will state the amend-

The Secretary. In line 20, after the amendment offered by the Senator from Montana [Mr. Carter] and agreed to, the Senator from Washington [Mr. Piles] proposed the following amendment, which was agreed to:

Pending the appeal or writ of error the defendant may be in all oper cases admitted to bail or released on his own recognizance, in e discretion of the presiding judge.

Mr. NELSON. I move to reconsider the vote by which the amendment to the amendment was agreed to.

The motion to reconsider was agreed to.

Mr. NELSON. I ask that the amendment be rejected. The VICE-PRESIDENT. The question is on agreeing to the

amendment to the amendment which has just been read. The amendment to the amendment was rejected.

Mr. NELSON. I now ask that the amendment offered by the Senator from Nevada, which, in substance, provides that pending an appeal the defendant should be admitted to bail on his own recognizance, be adopted.

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. The amendment presented by the Senator from Nevada is not at the Secretary's desk.

Mr. NELSON. He moved an amendment. I can state the amendment. It is to insert:

Pending an appeal or writ of error the defendant shall be admitted to bail on his own recognizance.

I ask that that amendment to the amendment be adopted.

I understand the Senator consents to that. Mr. NELSON. Certainly

Mr. HALE. My recollection is that some Senator offered an amendment in that form.

Mr. NELSON. It was offered by the Senator from Nevada, and then the Senator from Washington offered a substitute which was adopted and which, on my motion, has been reconsidered and rejected, to the end that the amendment proposed by the Senator from Nevada may be adopted.

Mr. HALE. And now we come back to the original amendment, which provides that the accused shall be released on his

own recognizance.

Mr. NELSON. Pending the appeal.

Mr. HALE. That is to be inserted in the bill?

Mr. NELSON. Yes, sir; I ask to have that amendment

Mr. HALE. I think that is very important.

Mr. CARTER. Mr. President—
Mr. NELSON. I trust the Senator from Montana will not object to the amendment.

Mr. CARTER. I desire merely to call the attention of the Senate to the suggestion made by the Senator from Washington, which seemed to be possessed of some merit. In the case of an individual charged with murder in the first degree it seems hardly proper to admit the defendant to bail on his own recognized. Such a case might arise, and it does seem to me that some discretion might be left to the court in that matter. I do not wish to antagonize the amendment, but I suggest that a

situation might arise under it which might become very embarrassing.

Mr. NELSON. I ask that the amendment be adopted.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nevada will be read.

The SECRETARY. At the end of line 20, and after the amendment already agreed to at that place, insert:

Pending an appeal or writ of error the defendant shall be admitted to ill on his own recognizance.

Mr. HEYBURN. I should like to call the attention of the Senator from Minnesota to the fact that that language does not seem very well guarded. It should be limited to an appeal taken by the United States.

Mr. NELSON. That is what I mean.
Mr. HEYBURN. It does not say that.
Mr. NELSON. Let those words be inserted so as to read
"pending an appeal or writ of error by the United States."

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be so modified.

The amendment to the amendment as modified was agreed to. Mr. NELSON. Now, the state of the bill, Mr. President, is this: At the end of the bill the first amendment adopted was the amendment of the Senator from Montana [Mr. Carter], providing that the appeal in these cases should be taken within thirty days and be given the right of way and expedited. The amendment which we have just adopted leaves it so that pending an appeal the defendant is admitted to bail on his own recognizance.

The Senator from Maryland [Mr. RAYNER] will now offer an amendment to which I agree. I think it is covered by the bill as it stands now; it means exactly what he intends; but to the end that there may be no doubt about it I have concluded to accept that amendment, if the Senator from Maryland will be kind enough to offer it.

Mr. RAYNER. I propose an amendment to the amendment, which I send to the desk

The VICE-PRESIDENT. The amendment to the amendment will be read.

The Secretary. After the amendment just agreed to insert:

Provided, That if upon appeal or writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict or judgment in favor of the defendant shall not be set aside.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. Table Calendar 26, Senate resolution 214, by Mr. CARTER

Mr. CARTER. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily Without objection, it is so ordered. laid aside.

Mr. RAYNER. I will eliminate the words "or judgment."

Just let it stand "in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Mr. NELSON. The words "or judgment" are stricken out. Mr. RAYNER. Those two words are stricken out.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment as modified.

The amendment to the amendment as modified was agreed to. Mr. CLARKE of Arkansas. I offer an amendment to the bill to take the place of the matter on the second page, line 11 to line 16, both inclusive.

VICE-PRESIDENT. The amendment to the amendment, proposed by the Senator from Arkansas, will be read.

The Secretary. On page 2 strike out all of lines 11, 12,

and 13, down to and including line 16, and insert:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to any indictment, or any count thereof, where the ground for such motion or demurrer is the invalidity or construction of the statute upon which the indictment is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment where the ground of insufficiency thereof is the invalidity or construction of the statute upon which the same is founded.

Mr. NELSON. Mr. President, if my colleagues of the committee have no objection, I will accept that amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. I now reoffer-

Mr. HALE. Before we pass from this consideration let that part of the text of the bill in connection with the last amendment offered by the Senator from Arkansas be read, so that we may see just where it applies.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Maine.

Mr. NELSON. It relates, I will say to the Senator from Maine, to the three first grounds of appeal.

Mr. HALE. I so understand, but I should like to have the

text read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary. As now amended the amendment reads:

In all criminal cases, in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to any indictment, or any count thereof, where the ground for such motion or demurrer is the invalidity or construction of the statute upon which the indictment is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment where the ground of insufficiency thereof is the invalidity or construction of the statute upon which the same is founded.

Man NEL SON. That limits it

Mr. NELSON. That limits it. Mr. HALE. The excepted clauses have been read. Now, I want the Secretary in reading to go back a little further and read the text of the amendment of the committee, so that we may see what is the actual force of the enacting part of the bill for which this is an exception.

Mr. CLARKE of Arkansas. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. Certainly.

Mr. CLARKE of Arkansas. I think I should not offer the amendment without some word of explanation concerning its effect. I wish to state my view of it to the Senate.

The VICE-PRESIDENT. The Senator from Maine desires

first to have the text read.

Mr. CLARKE of Arkansas. Very well. The Secretary. The text reads as follows, striking out all after the enacting clause and inserting:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the act amendatory thereof, in all criminal cases, in the following instances, to wit—

Mr. HALE. The Secretary need not read further, as the Senator from Arkansas desires to explain his amendment to the amendment.

Mr. CLARKE of Arkansas. Mr. President, the object of the amendment is to limit the right of appeal upon the part of the General Government to the validity or constitutionality of the statute in which the prosecution is proceeding. It has been enlarged by the addition of another clause, which gives the right of appeal where the construction by the trial court is such as to decide that there is no offense committed, notwithstanding the validity of the statute, and in other respects the proceeding may remain intact. I think that is a broad enough right to concede to the General Government in the prosecution of persons in the court.

The Constitution of the United States guarantees to every defendant arraigned in the courts the right to speedy and pub-lic trial. The amendment reported by the Judiciary Committee of this body very greatly limited that by keeping the defendant dancing attendance upon the court until a new trial of the case had been disposed of by the appellate court. I thought that was an unfair invasion of the constitutional right to speedy and fair and public trial. I believe that wherever the validity of a statute passed by Congress is drawn in ques-tion in a court and the decision is adverse to its constitutionality, the Government ought to have the right to submit it to the final arbiter of such questions. I do not believe it to be proper to increase the opportunity of the Government to convict the defendants in courts. The fact of the business is their rights there are now limited to too great an extent. self I would require the judges who tried cases on the circuit to reduce their instructions to writing before the argument begins, I would deny them the right to comment upon the weight of the testimony and its effect in their directions to the jury as to what they should do in matters of fact. I believe that it would be a wholesome change in the law.

In view of the defects that recent years have disclosed, I do not believe it to be sound policy to go beyond the necessities as they have developed defects in our procedure. A case recently occurring has drawn attention to the fact that if a circuit judge or a district judge holding the circuit should determine that a statute of Congress was invalid, the United States is without means of having that matter submitted to a states is without means of having that matter submitted to a tribunal that under the Constitution has power to settle that question. I do not believe the remedy ought to be any wider than the mischief that has been disclosed. I do not believe that any additional advantages ought to be given to the General Government in the prosecution of persons arraigned in court, but I do believe the paragraph ought to be perfected in that

behalf, so as to provide that there shall be an appeal to the court having authority to give uniformity to the practice which shall prevail in all the courts of the United States, and that they shall be ready to say, and say promptly, what the statute means and whether or not it is a valid statute.

means and whether or not it is a valid statute.

There are three provisions of law that it is proposed the amendment shall supplant: To provide for an appeal from a decision or a judgment quashing or setting aside an indictment; and then a general permission to the appellate court to entertain jurisdiction and to review every practical misunderstanding or every practical difference of opinion that can arise between the district attorney and the district judge, whether it grows out of the form of the indictment or the validity of the organization of the grand jury, or whether some illegal testimony has been taken before the grand jury at the time and occasion of the indictment being found. I think that has proved to be a bad provision, at least in the State of Arkansas, where it prevails. Notices for review from the court are hung up. The vails. Notices for review from the court are hung up. The courts can be engaged in a great deal better business than deciding trifling and immaterial differences of opinion between prosecuting attorneys and circuit judges as to whether an indictment is or is not in proper form. The matters which provoke these differences of opinion between district attorneys and the court relate to the manner of the allegation, defective statements in the judgment of the court, which can be readily cured by a reference to the grand jury and be disposed of and the defendant be given a right to a speedy trial. Where the district attorney, under this law, should prove to be stubborn, as they many times do, then the defendant must dance attendance there for a year or so until the appellate court has disposed of the matter, which never was of the substance and never should have been made to operate to the detriment of the defendant.

The next clause that I intend to supplant is the decision or judgment sustaining a demurrer from the indictment or any count thereof, and the unlimited right to appeal wherever there has been a judgment rendered by the court on the disagreement of the district attorney and the court which involves sustaining the demurrer to an indictment. These matters come up every day now. They are of everyday occurrence in the courts of the country and can be disposed of by a mere reference to the grand jury to cure the defects developed in their argument. There never was any good reason why the matter should be carried to the appellate court and the defendant put to the necessity of dancing attendance there until it was disposed of by the court.

An objection also is found, in my judgment, in that it still further congests the already overcrowded dockets of the appellate courts of this country. That is most notable in the docket of the Supreme Court of the United States, where a man is fortunate if he gets a decision of the case within three years

after the transcript has been lodged there.

So I think this amendment gives expression to the proposition that the remedy we provide here now should be no wider than the defect that has been disclosed in the preceding criminal procedure; and that is that whenever the validity of a statute has been adversely decided by a trial court, wherever its unconstitutionality has been pronounced by a trial court, the Government ought to have the right to promptly submit that to the tribunal having authority to dispose of such questions in order that there may be a uniform enforcement of the law throughout the entire limits of the United States.

This is the purpose I have, Mr. President, and having discussed it with the distinguished Senator from Wisconsin [Mr. Spooner] and the distinguished Senator from Minnesota [Mr. Nelson], we agreed that that would probably meet the defect.

Mr. HEYBURN obtained the floor.

Mr. NELSON. Will the Senator from Idaho yield until the amendment of the Senator from Arkansas has been acted upon?
Mr. HEYBURN. Certainly.

Mr. HEYBURN. Certainly.
The VICE-PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Arkansas [Mr. Clarke] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HEYBURN. I now call up for consideration the amendment which I offered on yesterday, which was, on page 2, line 21, after the word "objections," proposing to insert the words "by the United States;" and in line 22, after the word "form," to strike out "only" and insert the words "or law."

The VICE-PRESIDENT. The amendment to the amendment

will be stated.

The Secretary. On page 2, line 21, after the word "objections," it is proposed to amend the amendment by inserting the words "by the United States;" and in line 22, after the word "form," by striking out the word "only" and inserting the words "or law."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho to the amendment of the committee.

Mr. HEYBURN. I merely desire to state, in a word, the purpose, so that it may appear in connection with the proposed amendment. It is to confine the operation of the paragraph to the United States, so that the defendant may be not included within the limitation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HALE. I do not regret, Mr. President, calling the attention of the Senate, when the bill was first reported, to what I believed was the dangerous feature and tendency embodied in the bill

There never has been much real grievance nor much real wrong from adhering very strictly to the old propositions with regard to criminal trials. The advantage in all such proceedings is with the Government. It has unlimited power and unlimited disposition of moneys in order to maintain its proposition, and it arrays the whole force of a great Government against the single, struggling accused. It is much better, Mr. President, that instead of yielding to the tendency, which is quite uppermost to-day, of conferring more and more power and more and more privileges upon the Government as against the citizen—it is much better to stand upon the ancient ways.

The present bill has been greatly improved. Without criticising the Committee on the Judiciary, to which we look as the conservative organ of this body, to be wary and slow in innovations where the right of the citizen is concerned, I hope hereafter the Committee on the Judiciary will take notice that it should maintain what, in view of the whole Senate, I believe it has heretofore—its attitude as a conservative body that stands

against all encroachments.

As I have said, the bill has been greatly improved. It is surprising that as originally reported to this body it gave, after the old fashion of the legislature and legal procedure of England in the time of the Stuarts, the opportunity for oppressing and wearing out the accused by the instrumentalities which the Government invoked in its management and control of legal procedure. All that, through the opposition to the original bill, has been swept away.

I think the right of the accused to release upon his own recognizance, the provision for expediting the trial, and for relieving him from the worry and strain in which he must always be worn out by the Government is a very great improvement in the bill. For one, I accept it as having been greatly bettered by the discussion and the amendments which have been adopted; but I am not able, Mr. President, even as it is now, to vote for the bill, though I shall make no further demurrer or protestation.

Mr. BACON. Mr. President, I merely want to say a word in response to the suggestion of the Senator from Maine [Mr. Hale]. Of course, we all appreciate the spirit which induces the view which he takes of this bill. What I wish to say is that the Senator, I think, is mistaken in supposing that the original bill had the scope which he indicates in the remarks which he has just made to the Senate.

According to the original bill, from our standpoint and as we construed it, there was no possibility of any defendant being harassed by repeated trials; there was no possibility of his being twice put in jeopardy; there was no difference between the committee and the Senators who have criticised the bill as to the desire and the intent that there should be no opportunity for such harassment and no opportunity for a defendant being

twice put in jeopardy.

The only difference has been as to whether or not the language in the bill could be construed to authorize that which we all recognized would be not desirable and which would be an injustice. Therefore, while the members of the Judiciary Committee are always ready to receive with due deference the criticisms of the Senate and deem that it is entirely proper that we should have them expressed by Senators, I simply rose to say that the suggestion of the Senator that the original bill was of the scope and effect as he construed it is, in our opinion, not in accordance with the correct interpretation of the language in the bill, and certainly not in accord with our interpretation of the same. We do not think that the bill has been in any material manner changed by amendments, except by the amendment of the Senator from Arkansas [Mr. Clarke], which limits to some extent the character of questions which can be taken up by writ of error to the appellate court. With that exception the bill is practically what it was before. The amendments have only expressed what the committee has from the

beginning understood the bill to mean when its language is

Mr. NEWLANDS. I would like to ask the Senator-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. BACON. Certainly.

Mr. NEWLANDS. I should like to ask the Senator from Georgia a question, and that is whether it is not possible to so shape the bill as to give the defendant the same status that he now has before the law—that is to say, when a verdict in his favor is given or an order of dismissal is made, he shall go free and at the same time provide for the appeal so as to insure uniformity of decision as to the constitutional questions involved and uniformity of construction as to United States statutes?

I did not understand the Senator's question. Mr. BACON.

It is somewhat involved.

Mr. NEWLANDS. I asked the Senator whether it would not be possible to so shape this bill that the defendant can go free upon verdict in a court below or upon a judgment or order dismissing the indictment and discharging the defendant, and at the same time provide for an appeal which will enable us to secure uniformity of decision by the lower courts as to constitutional questions and uniformity of construction as to national statutes:

Mr. BACON. Mr. President, if I correctly understand the bill-

Mr. NEWLANDS. Let me say further regarding that that the Senator from Wisconsin [Mr. Spooner] suggests—and I make the question with reference to this point—the Senator from Wisconsin suggests that such a case as that would be simply a moot case, and he doubts whether the Supreme Court would assume jurisdiction of it. I am not willing in this matter to affect at all the right of the defendant under existing law or to increase his hardship.

Mr. NELSON. Mr. President, will the Senator allow me to

interrupt him?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. During the Senator's absence we reconsidered the amendment of the Senator from Washington [Mr. Piles] and adopted the amendment which the Senator from Nevada offered the other day.

Mr. NEWLANDS. Yes, Mr. President; but that does not meet the difficulty. The amendment which I offered the other day simply allows the defendant to be discharged upon his own

recognizance.

Mr. SPOONER. Well— Mr. NEWLANDS. But, if the case is reversed by the court above, and the defendant, by a trial, is not put twice in jeopardy, the trial may proceed and a conviction may be secured. What I want is this: That the decision of the court below as to the defendant's liberty or life shall be final; but, at the same time, I want to see some method of procedure adopted that will carry the question of the constitutionality of the statutes passed by Congress or their construction to the United States Supreme Court, so that it can lay down a uniform rule of decision which thereafter will apply to all inferior courts. I do not want to affect the right of the citizen by this procedure at all, but I do wish to secure uniformity of decision upon these questions.

Of course, I regard the adoption of the amendment that I offered as a step in the line of improving the bill, but, since that amendment was offered and upon reflection, it seems to me

that it does not go as far as I desire.

I do not wish to affect the right of the defendant at all. I want to see him go free; I want to see but one proceeding against him in the lower court, and if that decision of the court is favorable to him in any way, I wish him to have final advantage of it, and not be kept in suspense for two or three years while the matter is in appeal to an appellate court.

I appeal to the Senator from Georgia, as I have appealed to the Senator from Wisconsin, as to whether or not some procedure can be adopted that will enable us to get a decision of the court without affecting the liberty of the defendant.

Mr. BACON. The Senator will pardon me for saying that if he simply means to inquire whether or not the bill can be so framed that the defendant can thereafter have no other connection with the case, then I do not think it can be done, because it would be absolutely a moot case. The purpose of the bill and of the amendments has been to relieve him of anything like restraint in the time while the court is deciding the question of law involved. But to say that it shall be a finality as to him, and that he can not have his name any further con-nected with the case, would make it impossible for the case to be carried to the Supreme Court. The court is without juris-

diction to try and determine an alleged controversy or case to which there are no parties, and particularly so in an alleged criminal case where there is no defendant.

Mr. CLARKE of Arkansas. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada

yield to the Senator from Arkansas?

Mr. NEWLANDS. Certainly.

Mr. CLARKE of Arkansas. I merely want to say to the Senator from Nevada that after he left the Chamber the bill was amended so as to limit its scope to questions that involve the constitutionality and construction of statutes. Therefore there is no great danger now that anybody will be very seriously oppressed by the bill in its present condition. Under the bill the inquiry is limited to questions of law-not questions of law generally, but only such as involve the constitutionality of and the construction of statutes. The scope of the bill has been very much narrowed.

Mr. NEWLANDS. Well, Mr. President, that does improve the bill, but still it leaves the defendant in a state of suspense. His liberty or his life may depend upon that appeal. I do not wish to inflict upon the defendant any greater hardship than is now imposed upon him by the law. At the same time I conceive that it is of the highest importance that we should not have varying decisions by lower courts as to the constitutionality of United States statutes, and that we should not have varying decisions of lower courts as to the construction of the United States statutes. Therefore, I should like to see some proceedings inaugurated that will enable us to get that uniformity of decision, without imperiling the life or liberty of the defendant, who, as a rule, is discharged and is entitled to discharge under existing law.

Mr. CARMACK. Mr. President—
Mr. NEWLANDS. Just one word further. I ask whether this suggestion may not in part improve this bill? The Senator from Wisconsin and the Senator from Georgia say that, if we simply take an appeal of that kind, from which the prisoner's interests are entirely eliminated, we will have a moot case presented to the Supreme Court, and the Senator from Wisconsin went so far as to say that, if he were on the bench, he would

refuse to take jurisdiction of such an appeal.

If that be true, can we not in the line of the humane shaping of this bill provide that, if the Supreme Court reverses the decision of the court below, and as the result of that decision the defendant is subjected to another trial, and is convicted, the punishment itself shall be simply a nominal one of imprisonment not exceeding six months, or a fine? Then we would have a genuine case presented to the Supreme Court of the United States and not a moot question, and then we would not have materially affected the status of the defendant under the existing law. Under statute law to-day and under the common law the prisoner is entitled to a discharge upon the order and judgment of the inferior court.

Mr. SPOONER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. I do.

Mr. SPOONER. I only rose to say that I thought the Senator from Nevada himself suggested in the amendment which he proposed the only possible means by which there could be accomplished what he desires to accomplish. If it is declared that when a motion in arrest of judgment is granted the defendant shall never be tried again, jeopardy or no jeopardy, then, of course, there is no party; it is not a suit; it is not a case; it is purely and simply moot. It is an anomalous proceeding, or an attempt to put to the Supreme Court of the United States a question.

The Constitution gives the Supreme Court jurisdiction of cases, and the court has decided what is essential to constitute "suits" or "cases." Congress has before now attempted to impose upon the Federal courts functions which the courts held were not judicial, and the Supreme Court has repeatedly decided that it will not pass upon purely moot cases. They deal only with cases in which they can make a mandate and enforce it. That is the rule, and no stronger opinion has ever been delivered on that, as I said yesterday, than the last opinion which was ever written by Mr. Chief Justice Taney. He died before the announcement of the decision; but so profoundly impressed was the court by his opinion upon the subject, that they ordered the opinion, after his death, to be incorporated in the report as an appendix, and to all intents and purposes adopted it. The court afterwards followed it formally in another case, that of Sanborn v. The United States.

The Senator suggested an amendment which provided, I thought, an escape from this difficulty and at the same time

minimizing to the uttermost extent the handicap or disadvantage to the defendant, by suggesting that he be released on his own recognizance. He would be still on the record a party to the case. It is no moot case if he has been in jeopardy, and if the Supreme Court reverses the order of the court granting the motion in ar-rest, he could not be again tried. His plea, if he were reindicted, would be good, but you have preserved in form the suit; you have the plaintiff, the Government, and the defendant. The defendant, of course, is out wholly on his own recognizance, and all the Senator has suggested or can suggest as of any disadvantage in this particular to the defendant is that he will be under the mental suspense of being out on his own recognizance and of facing the possibility that he may be again called to the bar of the court and obliged to make his plea or defense; but what the Senator would do and must do-

Mr. NEWLANDS rose.

Mr. SPOONER. If the Senator will permit me—is to do that thing which best conserves the public interest and least affects the defendant. That was done as well as it can possibly be done by the idea which the Senator from Nevada [Mr. New-LANDS] embodied in his amendment. The man may go where he chooses; he may go across the sea; he is in no barrassed; and if the case is one of such enormity, if it be a case of piracy, of mutiny on the high seas, a case of treason, or some case in which the Government would be loath to forbear another prosecution, they could keep track of him and obtain his presence if it were ever needed. That would cost something, but I would not consider, nor would the Senator consider, for a moment that cost as against the keeping in prison of a man indefi-nitely who could not give bail, or leaving it—as the amendment for which I voted, but for which I would not vote again, which was proposed as a substitute for that of the Senator from Nevada-entirely discretionary as to whether he should be discharged on his own recognizance or admitted to bail at all upon such terms as the judge should prescribe.

I say again, although of course it is a mere repetition and unnecessary, that to provide for the taking to the court of last resort criminal cases involving the constitutionality of a law in no way would accomplish that which was suggested by the Senator from Nevada except by the discharge of the man in such a case on his own recognizance. This would leave the lawsuit and leave the man as defendant with the slightest possible re-

strictive disadvantage.

Mr. NEWLANDS. Mr. President, I have not given this mat-ter very much reflection. I have only given it such consideration as that afforded by a casual hearing of the debates here

I quite agree with the Senator from Wisconsin [Mr. Spooner] that our action should be that which would best conserve the public interest and least affect the rights of the defendant. Now, what is the right of the defendant under existing law? His right is to go free and be forever discharged. But I ask the members of the Judiciary Committee whether they could take some proceeding

Mr. CLARKE of Arkansas. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Arkansas?

Mr. NEWLANDS. I do.

Mr. CLARKE of Arkansas. I suggest to the Senator that the bill as it now stands would not necessarily lead to such a result as he has just announced. The difficulty would be of this character: Judges differing as to whether or not a statute is con-In the Senator's State a judge may decide that a statute is unconstitutional and say that the prisoner may go free, while in my State the judge may take the view that it is constitutional under the statute in that State, and imprison a man for violation of its provisions. There is now a provision of law, but there ought not to be, which permits that condition to continue by which a citizen of the Senator's State under an erroneous opinion of a judge in some preliminary matter might I will go as far as the Senator to protect a defendant from undue oppression by the General Government. that the rules and regulations have gone beyond what justice requires. I believe, as the bill now stands, the objection which the Senator urges is farfetched, if I may use such a term as I believe that in its operation there will be oppression as

to but very few people.

Mr. NEWLANDS. Mr. President, I quite agree that the interests of the public should be conserved by securing uniformity of decision. I am opposed, however, to any action that will seriously affect the right of the defendant, and the right of the

defendant under existing law is to go free.

Mr. BACON. If the Senator will pardon me, under existing

law that is not true in all cases

Mr. NEWLANDS. Not in all cases, but in some cases; and

I would not affect his right at all. If under existing law the case could be submitted to another grand jury, I would not affect that; but if under existing law the effect of the judgment of the court or the verdict of the jury would be to let a de-

fendant go forever free, I would not affect that.

But the Senator from Wisconsin tells us that we can not present a moot case to the Supreme Court. Very well; I yield to that; but I suggest that the action should be such as will least affect the rights of the defendant. What can we do in this proposed statute? We can minimize the punishment under such conditions; we can provide that the man who would, under existing law, go free may, under the decision reversing that case and remanding him to the lower court, be, if existing law warrants it, tried again, but that the punishment shall be simply nominal-imprisonment for six months or fine not exceeding \$1,000. In that way we would conserve the interests of the defendant in the case, and the appeal would be an actual case pending in court of which the Supreme Court would take jurisdiction on appeal.

Mr. SPOONER. What would become of the defendant in the

meantime?

Mr. NEWLANDS. Let him go on his own recognizance. The Senator from Wisconsin says that he is willing to join in such action as will least affect the right of the defendant. ask the Senator from Wisconsin, then, to frame an amendment that will least affect his right. His right under existing law is to go free. In this case you propose to affect that right by this appeal, and you propose legislation that in the end may put this man, who is now free, behind the bars, or put him upon the scaffold, and you do it after keeping him in suspense for one. two, or three years, thus violating the essential humanity of the law, which demands speediness of trial, as well as that the defendant shall not be twice put in jeopardy.

I take the Senator from Wisconsin at his word then, and I ask that an amendment be shaped here that will least affect the right of a defendant. I do not suggest imprisonment for only one day; let the punishment be a substantial one, but certainly not a severe punishment affecting his life or his liberty for a long time, from which he would be entirely exempt upon the

decision of the lower court under existing law.

Mr. CLARKE of Arkansas. Mr. President-

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Arkansas?

Mr. NEWLANDS. Certainly. Mr. CLARKE of Arkansas. I desire to ask the Senator from Nevada if he thinks that an erroneous decision of a district judge should operate as the pardoning power? That is what he is contending for.

Mr. NEWLANDS. What I do say is that, under existing law of the United States and at common law, the decision of the court below was final, so far as the rights of the defendant were

concerned.

Mr. CLARKE of Arkansas. There was no such thing as the constitutionality of a statute at the common law. We have a brand-new question and a brand-new situation with which we Simply because the appellate court corrects an erroneous decision of a minor court is no reason why a defendant should have less or more than any other defendant who happens to do the same act.

Mr. President, I can not see the argument Mr. CARMACK. presented by the Senator from Nevada [Mr. NEWLANDS]. not see where any man can claim that he has suffered a hardship if he has been required to answer to a charge made under a constitutional statute. I can not see that he has any right to complain of hardship if he is tried and punished for a crime he has committed against a constitutional statute. I can see how the Senator from Nevada would bring about a very unequal administration of the criminal laws if in one case he provides that a man shall be permitted to go absolutely free on the erro-neous decision of one judge as to the constitutionality of a law, while a man tried for exactly the same offense before another judge under the same law would be put in the penitentiary. It looks to me like the latter individual might have some right to complain, at least of the inequality of the administration of the law. But a man who is properly charged with the offense of violating a constitutional law has no right to complain of any hardship because he is tried, and he has no right to complain of any hardship if he is convicted and punished for his crime.

Mr. NEWLANDS. The purpose of this bill is to subserve the public interest by securing uniformity of decisions as to the constitutionality of the United States statutes or as to their constitutionally of the other states statutes of as to their construction. I am with that purpose and any proper expression of it. If the purpose of this legislation is to add to the hardship of the defendant, I am against it, and I am against any feature which adds to his hardship.

Now, with this view, I move that the bill be recommitted to the Judiciary Committee with instructions so to shape it that it will least affect the right of the defendant under existing law. Mr. MALLORY. I ask that the bill be reported to the Senate

as it has been amended.

The VICE-PRESIDENT. The Secretary will read the bill as it stands.

The Secretary. It is proposed to strike out all after the enacting clause and insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof in all criminal cases, in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to any indictment or any count thereof, where the ground for such motion or demurrer is the invalidity or construction of the statute upon which the indictment is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment, where the ground for the insufficiency thereof is the invalidity or construction of the statute upon which the same is founded.

the invalidity or construction of the statute upon which the same is founded.

From the decision or judgment sustaining a special plea in bar, where the defendant has not been put in jeopardy.

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Appeals or writs of error in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed cases. Pending an appeal or writ of error by the United States the defendant shall be admitted to bail on his own recognizance: Provided, That if upon appeal or writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside. That hereafter all objections by the United States to the sufficiency of the indictment in matters of form or law shall be made and determined prior to the impaneling of the jury.

Mr. CLAY. I wish to ask the Senator in charge of this bill.

Mr. CLAY. I wish to ask the Senator in charge of this bill a question. I caught the amendment as best I could when it was read. I was necessarily detained from the Senate Chamwas read. ber when the amendment was adopted. As I understand the bill now, the Government can only appeal in a case where a demurrer has been sustained or where an indictment has been quashed or where there has been a conviction and an arrest of judgment when the constitutionality or the validity of the act is involved.

That is substantially it. Mr. NELSON.

Mr. CLAY. Before the amendment was adopted the bill provided that in all criminal cases where a demurrer has been sustained or an indictment quashed, regardless of the validity of the act, there should be an appeal, but now these amendments allow the Government to appeal simply in cases where the constitutionality of the act is questioned.

Mr. NELSON. Where the validity of the statute under which the indictment is framed is involved.

Mr. SPOONER. Or its construction.

Mr. CLAY. I will say to the Senator that I think this bill is very much improved by this amendment.

Mr. MALLORY. I should like to ask the Senator from Minnesota as to lines 19 and 20 of the bill:

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Is there any reason why that should remain in the bill now? Mr. NELSON. The object of having a bill of exceptions is to have a complete record made of the case. In case anything extraneous appears outside of the pleadings in the case it can be made a matter of record. It does not affect the appeal except to the extent of having a complete record sent up.

Mr. MALLORY. Every one of the points included in the amendment is covered by the record. A bill of exceptions, it

Mr. NELSON. The Senator may be right, but there can be no harm in having that in in case there should be anything of the kind.

Mr. MALLORY. I do not like that provision being in there. I move to strike out lines 19 and 20.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida, which will be stated. The Secretary. On page 2 strike out lines 19 and 20, in the

following words: In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

The amendment was agreed to.

Mr. NEWLANDS. I move that the bill be recommitted to the Committee on the Judiciary with instructions so to amend it as to accomplish its purpose regarding uniformity of decision and least affect the right of the defendant under existing law.

The VICE-PRESIDENT. The Senator from Nevada moves

to recommit the bill to the Committee on the Judiciary with the instructions, which will be read by the Secretary.

The Secretary read as follows:

That the bill be so amended as to accomplish its purpose regarding uniformity of decisions and least affect the right of the defendant under existing law.

Mr. NELSON. I hope that will not be adopted. Mr. NEWLANDS. In framing the motion I have followed the language of the Senator from Wisconsin, that this legislation shall be so shaped as to secure the public interest and at the same time least affect the right of the defendant under ex-

Mr. SPOONER. While I am very well satisfied with my lan-

guage, I shall vote against the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada to recommit with instructions.

The motion was not agreed to.

Mr. PATTERSON. Let us have the bill as amended again read. The VICE-PRESIDENT. At the request of the Senator from Colorado, the Secretary will again read the bill as it has been amended.

The Secretary. Strike out all after the enacting clause and insert the following:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the inrisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to any indictment or any count thereof where the ground for such motion or demurrer is the invalidity or construction of the statute upon which the indictment is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment, where the ground for the insufficiency thereof is the invalidity or construction of the statute upon which the same is founded.

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

Appeals or writs of error in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed cases. Pending an appeal or writ of error by the United States the defendant shall be admitted to bail on his own recognizance: Provided, That if upon appeal or writ of error it shall be found that there was error in the ruling of the court during the trial, a verdict in favor of the defendant shall not be set aside. That hereafter all objections by the United States to the sufficiency of the indictment in matters of form or law shall be made and determined prior to the impaneling of the jury.

Mr. SPOONER. Let the last sentence be reed again.

Mr. SPOONER. Let the last sentence be read again.

The Secretary read as follows:

That hereafter all objections by the United States to the insufficiency of the indictment in matters of form or law shall be made and determined prior to the impaneling of the jury.

Mr. RAYNER. That should be by the defendant. It is a mistake as it is. It ought to read "objections by the defend-

Mr. SPOONER. That clause is ridiculous.

Mr. NELSON. It is an amendment proposed by the Senator from Idaho [Mr. Heyburn].

Mr. RAYNER. The United States will hardly object to its own indictment, I apprehend.

Mr. SPOONER. Strike out "by the United States," so that it will read "all objections." The Government does not generally demur to its own indictments.

The VICE-PRESIDENT. The amendment will be regarded as open to amendment, and the Secretary will state the amendment proposed by the Senator from Wisconsin.

The Secretary. The Senator from Idaho [Mr. Heyburn] proposed, after the word "objections," to insert "by the United States.'

Mr. NELSON. The amendment of the Senator from Wisconsin is to strike out the words "by the United States."

The VICE-PRESIDENT. Without objection, the amendment

of the Senator from Wisconsin is agreed to.

Mr. CULBERSON. Mr. President, be kind enough to have that paragraph read as it will stand if this amendment is agreed to.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. After "objections" strike out the words "by the United States;" so that if amended it will read:

That bereafter all objections to the sufficiency of the indictment in matters of form or law shall be made and determined prior to the impaneling of the jury.

Mr. CULBERSON. I was going to suggest that it is very doubtful whether under the Constitution you can require absolutely a defendant to plead to the constitutionality of an act prior to the impaneling of the jury, so as to bind him.

Mr. HALE. It is clearly an abridgment of the right of the

accused to oblige him to make his objection at that stage. That

is one of the worst features of the bill.

Mr. CULBERSON. I desire to add merely that that matter was considered by the Committee on the Judiciary, and I do not believe I infringe any rule in stating that the committee was of the opinion that we could bind the defendant in this respect only as to the form of the indictment.

Mr. NELSON. If the Senator from Texas will allow me, the words "or law" were injected into it upon motion of the Senator from Idaho [Mr. Heyburn]. They should be stricken

Mr. SPOONER. Of course.
Mr. NELSON. Then the amendment will be all right.

Mr. CULBERSON. I think so. I move to amend by striking out the words "or law."

Mr. HALE. Let us hear how it would read.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

The Secretary. If amended, the amendment proposed by

the committee will read as follows:

That hereafter all objections to the sufficiency of the indictment in atters of form only shall be made and determined prior to the impaneling of the jury.

Mr. CULBERSON. That is the way it will read, if my sug-

gestion is adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas.

Mr. HALE. That is very much better. It is now less of a restriction on the right of the accused, and it merely requires that an objection as to matter of form shall be made before the impaneling of the jury.

Mr. SPOONER. That is all. That is the way it came from

the committee

Mr. NELSON. I desire to say to the Senator from Maine that the words "or law" were injected by the amendment of the Senator from Idaho [Mr. Heyburn], and they ought to go out.

Mr. HALE. However they came in, they ought never to have

been there

Mr. NELSON. I move to strike out the words.
Mr. HALE. They have already been stricken out.
Mr. CULBERSON. I suggest that the word "only" be re-

The VICE-PRESIDENT. The Senator from Texas asks that the word "only," which was stricken out, be reinserted. Without objection, it is agreed to.

Mr. HEYBURN. I should like, before that is agreed to, to

understand just how that leaves the provision.

The VICE-PRESIDENT. It leaves the text as it was when

the bill was reported from the committee.

Mr. HEYBURN. While I was necessarily absent from the Senate Chamber I understand that some change has been made in the amendment I offered and which was adopted. I should like to have the Secretary read the provision as it now stands before the Senate.

The VICE-PRESIDENT. The Secretary will read as re-

quested.

The Secretary read as follows:

That hereafter all objections to the sufficiency of the indictment in matters of form only shall be made and determined prior to the impaneling of the jury.

Mr. HEYBURN. I suppose it is not too late, without reoffering the amendment, to insist on a consideration of the proposed amendment to strike out the amendment I offered and which had been adopted. Yesterday I presented the reasons why the words "by the United States" should be in the bill as a limitation upon that provision, and why, in my judgment, without a limitation this measure would leave the defendant without the right to urge objections to the sufficiency of the indictment or to the law under which the indictment was founded. It certainly was not the intention of the Judiciary Committee or of the Senate that the defendant should be foreclosed from interposing an objection to the indictment unless he had presented that objection before the impaneling of the jury. Under existing law that question may be raised by the defendant at any time up to the execution of the judgment, and to say now by this sweeping change in the law that that right which the defendant has always enjoyed shall be taken from him seems to me so radical that I am astonished that it can appeal to any

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. Either I misapprehend the Senator or there is some other grievous mistake here. It has been reported

objections of the defendant to the indictment, either as to matters of form or as to matters of law, should be presented prior to the impaneling of the jury. Now, on my suggestion a mo-ment ago the words "or law" were stricken out to accomplish the very purpose which the Senator from Idaho now suggests ought to be accomplished, namely, to allow the defendant at any time to present a matter of law as an objection to an indictment.

Mr. HEYBURN. I think the Senator misapprehends the purpose of the amendment which I introduced and which was adopted, by which the language in line 21 was amended so as to confine the limitation to the United States. As the law now is, the defendant may take advantage of a defective indictment or of the fact that the law under which the indictment is found is in violation of the Constitution of the United States. He may now take that exception to it at any time up to the time of execution.

If this measure is enacted into law as reported by the Judiciary Committee, the defendant could no longer exercise the right which he now has, because the provision contained in line 21 does not limit the right of exception to the Government of the United States, but it says that hereafter "all objections"—that would be objections on the part of the United States or on the part of the defendant—"all objections to the sufficiency of the indictment shall be made and determined prior to the impan-eling of the jury." That certainly was not the intention of the

committee which reported the bill.

Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield. to the Senator from Wisconsin?

Mr. HEYBURN. Certainly. Mr. SPOONER. Did the Senator ever know a district attorney to move to quash an indictment or to demur to it as being bad in law?

Mr. HEYBURN: The district attorney, of course, would not

move to quash his own indictment.

Mr. SPOONER. And he represents— Mr. HEYBURN. And what I have said has nothing to do with quashing an indictment.

Mr. SPOONER. The Senator inserted "objections by the United States." Who would represent the United States but

the district attorney?

Mr. HEYBURN. That criticism would be correct if the provision was confined simply to a motion to quash the indictment. But the provision read altogether is that "hereafter all objections

Mr. SPOONER. By the United States. Mr. HEYBURN. Whether or not the indictment is authorized under the law, whether or not the law is unconstitutional, are included within that term—"all objections." The very purpose of this legislation purports to be that the United States may take an exception against an indictment; and not only may—that is certainly the purport of it—but the language of it seems to me much broader than was apprehended by the committee which reported it. The language is more general. Of course the indictment emanating from the Government would not be objected to by the Government. We all know that. The Government would have no purpose in objecting to the indictment. But suppose that a ruling upon the indictment held that it should be quashed or that a demurrer to it should be sustained, then this is intended to allow the Government of the United States to appeal from that decision, and when the provision contained in lines 21, 22, and 23 is enacted into law, the Government could retain the right to test that question by virtue of the provisions of that paragraph.

Mr. RAYNER. I should like to ask the Senator a question. Mr. HEYBURN. Certainly. Mr. RAYNER. Has the Senator ever heard of a case in which the Government of the United States has demurred to an indictment or objected to it or made a motion to quash it upon the ground of the unconstitutionality of the law on which the indictment is found?

Mr. HEYBURN. No; I have not heard of such a case, nor has anybody else, because the indictment emanates from the Government itself. It is the Government's charge against the defendant.

Mr. RAYNER. What does the Senator mean by the United

States objecting to an indictment?

Mr. HEYBURN. The amendment goes further than the mere The amendment goes to the test of the whole question both by the Government and by the defendant.

Mr. CULBERSON. Either I misapprehend the Senator or there is some other grievous mistake here. It has been reported from the desk that on motion of the Senator from Idaho an amendment had been adopted which in effect provided that all

Mr. SPOONER. If the Senator will allow me a moment-The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.
Mr. SPOONER. I will explain what the purpose of the com-

mittee was in the use of that language.

The committee realized very well that there were matters of objection which the defendant could not be deprived of the right to make at any time during the progress of the trial, even after verdict, and even if he had been conscious of their existence before trial. But the committee dealt only with objections made involving mere matters of form.

It was the notion of the committee that where counsel for defendant knows, as he generally does, of a mere defect of form in an indictment he should state it seasonably, and if it is sustained by the court a new indictment can be framed, it can be corrected, and corrected properly, and not withhold it until the Government and the people had been put to the expense of a long trial on the facts, and then, when the jury has passed upon the merits of the case and found a verdict of guilty, bring forth this point, purely technical and not substantial, which has been kept concealed all the days to avail of it on a motion in arrest of judgment.

That is all the committee had in view, and that is why it limited this language to matters of form only. The Senator moved to insert, and the Senate agreed to it, after the word "only," the words "or of law," and to insert also, after the word "objections," the words "by the United States;" so that

Hereafter all objections by the United States to the sufficiency of the indictment in matters of form only or of law shall be made and determined prior to the impaneling of the jury.

That must have been inadvertently done, because the Senator is a very able lawyer, and has had large experience, and I am quite sure that he misconceived the purpose of the committee and would not himself stand for the reinsertion of the words "by the United States" or of the word "law." The Senator will not claim that the Congress can deprive-I will not say it could not be done, because so far as the power to regulate practice is concerned it is very large in the Congress, just as it is in the States-but the Congress would not see fit to deprive a defendant of the right to make any objection at any time during or after the trial, except as to matters that are purely technical and unsubstantial.

Mr. HEYBURN. Mr. President, I thought in this measure. on the part of the committee reporting it-and I say it with all due regard and respect for the ability and the conscientious judgment of that committee-I discovered either an inadvertence or, what has been sometimes termed in unparliamentary language, a "joker" in this bill. The bill purports to be one for the purpose of enlarging the powers of the United States, and it is not fair to suppose that the committee intended while upon the face of the measure which purported to be for the enlargement of the powers of the United States a provision should be made limiting the rights of a defendant. It was to develop that that I interposed the objection.

Now, it must be admitted by Senators that the provision in lines 21, 22, and 23 constitutes a limitation on the present powers of a defendent charged with an offense under the law by the United States. The Senator from Wisconsin practically admits that that is the effect of it by inserting the words that I have proposed as an amendment. Whether it gives any force or effect to that provision of the statute or not, it certainly expresses the intention on the part of the Senate that this bill should not limit the powers and the rights of a defendant. If I am not right in that, then that provision should go out of the bill entirely.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly. Mr. NELSON. Will the Senator from Idaho allow me a minute? Let us look at the situation as it clearly is and as the bill is now amended. As it is now amended the scope of the bill is limited to the question of how the validity of a statute is involved: in other words, the constitutionality. Those are the involved; in other words, the constitutionality. Those are the only cases in which an appeal is taken; and in view of the amendment, this whole provision may well be stricken out.

Mr. SPOONER. Let it go out.

Mr. HEYBURN. I agree with the Senator from Minnesota

that this provision should be stricken out entirely, and leave the bill to perform the function for which it was originally drafted; but if it is to remain in, it must be guarded.

Mr. NELSON. If no objection is made by my colleagues on the committee, in view of the amendments that have been

adopted this morning, I move that that paragraph be stricken from the bill.

Mr. HALE. The last paragraph?

Mr. NELSON. The paragraph that is under discussion now. The VICE-PRESIDENT. The Secretary will report the para-

The Secretary. On page 2, strike out all of the last paragraph, in lines 21, 22, and 23, in the following words:

That hereafter all objections to the sufficiency of the indictment in matters of form only shall be made and determined before the impaneling of the jury.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Now, Mr. President, with the provisions in lines 21, 22, and 23 stricken out, the bill is not to be held to deal with the rights of the defendant at all. If I am correct in that, then I should content myself with the elimination of this provision from the bill. But even though it might be inconsistent with the law and with the facts that the Government could not demur or attack its own indictment, if it was to remain in the bill it should be so expressed, even though it might amount to an absurdity on its face, as to make it clear that no right which the defendant now has under the law is to be taken from him.

Mr. HALE. Except that the Government undoubtedly gets

additional rights.

Mr. HEYBURN. The Government does get additional rights to prolong the litigation against the defendant. Whether that shall result in harassing the defendant or not is a serious question and one that appeals strongly to my mind. clined to believe that the Government has a right now to test the constitutionality of a statute under existing law. that right in many States, as in our State. That can not go beyond the mere questioning of the constitutionality of a law or of the right to indict under a law. Those questions ought to be tested, but it ought not to be done at the expense either of time or any other class of embarrassment against the defendant.

If the bill stands with those lines stricken out, which of course carry out all amendments that have been made to those lines,

then I am content.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. HEYBURN. I ask that the amendment as amended be read.

The VICE-PRESIDENT. The bill as amended will be read, at the request of the Senator from Idaho.

The Secretary. Strike out all after the enacting clause and insert:

insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to any indictment, or any count thereof, where the ground for such motion or demurrer is the invalidity or construction of the statute upon which the indictment is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment, where the ground of insufficiency thereof is the invalidity or construction of the statute upon which the same is founded. From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

Appeals or writs of error in all such cases shall be taken within thirty days, shall be diligently prosecuted, and shall have precedence over all other appealed cases.

Pending an appeal or writ of error by the United States the defendant shall not papeal or writ of error it shall be found that there was error in the rulings of the court during the trial, a verdict in favor of the defendant shall not be set aside.

Mr. WHYTE. Was not the clause in lines 19 and 20 stricken

Mr. WHYTE. Was not the clause in lines 19 and 20 stricken

The VICE-PRESIDENT. Those lines were stricken out on the motion of the Senator from Florida.

The amendment as amended was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask that the District of Columbia appropriation bill be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. GALLINGER. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 2, line 13, to increase the appropriation for salary of inspector of buildings from \$2,750 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 2, line 14, to increase the appropriation for salary of the principal assistant inspector of buildings from \$1,600 to \$1,800.

The amendment was agreed to.

The next amendment was, on page 3, line 1, to increase the ap-. propriation for the salary of steam engineer from \$900 to \$1,000.

The amendment was agreed to.

The next amendment was, on page 3, line 8, to increase the appropriation for salary of property clerk from \$2,000 to \$2,500.

The amendment was agreed to.

The next amendment was, on page 3, line 21, after the word "each," to insert "temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, \$1,200;" so as to read:

Seven assistant inspectors of plumbing, one at \$1,200, and six at \$1,000 each; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, \$1,200.

The amendment was agreed to.

The next amendment was, on page 4, line 3, to increase the total appropriation for the maintenance of the executive office from \$102,719 to \$104,969.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "dollars," to insert "clerk, \$1,000;" and in line 20, before the word "thousand," to strike out "nineteen" and insert "twenty;" so as to make the clause read:

For collector's office: For collector, \$4,000; deputy collector, \$1,800; cashier, \$1,800; assistant cashier, \$1,400; bookkeeper, \$1,600; two clerks, at \$1,200 each; two clerks, at \$1,200 each; two coupon clerks, at \$900 each; clerk and bank messenger, \$1,200; clerk, \$1,000; messenger, \$600; in all, \$20,400.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 6, line 7, after the word "each," to insert "clerk, \$720;" in line 9, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" and in line 13, before the word "dollars," to strike out "thirty thousand six hundred and thirty" and insert "thirty-one thousand eight hundred and fifty;" as to make the clause read :

For auditor's office: For auditor, \$3,600; chief clerk, \$2,250; book-keeper, \$1,800; two clerks, at \$1,600 each; three clerks, at \$1,400 each; four clerks, at \$1,200 each; three clerks, at \$1,000 each; three clerks, at \$000 each; clerks, \$720; messenger, \$600; disbursing officer, \$3,000; deputy disbursing officer, \$1,500; messenger, \$480; in all, \$31,850.

The amendment was agreed to.

The next amendment was, on page 7, line 7, after the word "dollars," to insert "laborer, \$365;" and in line 9, before the word "dollars," to insert "three hundred and sixty-five;" so as to make the clause read:

For coroner's office: For coroner, \$1,800; morgue master, \$720; assistant morgue master and janitor, \$480; laborer, \$365; in all, \$3,365.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the engineer's office, on page 10, line 5, to increase the appropriation for salary of the assistant permit clerk from \$900 to \$1,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the engineer's office, on page 10, line 6, to increase the appropriation for salary of index clerk and typewriter from \$720 to \$900.

The amendment was agreed to.

The next amendment was, on page 12, line 12, to increase the total appropriation for the maintenance of the engineer's office from \$182,782 to \$183,062.

The amendment was agreed to.

The next amendment was, on page 13, line 1, after the word "dollars," to strike out "two clerks, at \$1,200 each," and insert "one clerk, \$1,500; one clerk, \$1,200;" and in line 10, after the word "thousand," to insert "three hundred;" so as to make the clause read:

Street-sweeping office: For superintendent, \$2,500; assistant superintendent and clerk, \$1,600; clerk, \$1,000; ten inspectors, at \$1,200 each; ten inspectors, at \$1,100 each; three assistant inspectors, at \$900 each; foreman of public dumps, \$900; messenger and driver, \$600; stable foreman, \$1,000; foreman of repairs, \$1,000; one clerk, 1,500;

one clerk, \$1,200; stenographer and clerk, \$720; blacksmith, \$900; mechanic, \$780; mechanic's helper, \$600; hostler, \$550; hostler, \$480; eight dump men, at \$480 each; one laborer, \$450; in all, \$45,320.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 13, line 17, before the word "dollars," to insert "five hundred;" in line 21, after the word "dollars," to insert "appraisers, \$600;" and in line 22, before the word "hundred," to strike out "eight thousand eight" and insert "nine thousand nine;" so as to make the clause read;

Department of insurance: For superintendent of insurance, \$3,500; examiner, \$1,500; statistician, \$1,500; clerk, \$1,000; stenographer, \$600; temporary clerk hire, \$1,200; appraisers, \$600; in all, \$9,900.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 14, line 21, before the word
"hundred," to strike out "two" and insert "five;" in line 22,
after the word "dollars," to insert "librarian's secretary,
\$1,000;" on page 15, line 7, after the word "dollars," to strike
out "one assistant, \$480," and insert "two assistants, at \$480
each;" and in line 21, before the word "dollars," to strike out
"thirty-three thousand two hundred and sixty" and insert
"thirty-five thousand and forty;" so as to make the clause
read: read .

Free public library: For librarian, \$3,000; assistant librarian, \$1,500; children's librarian, \$1,000; librarian's-secretary, \$1,000; reference librarian, \$1,000; assistant, \$900; four assistants, at \$720 each; four assistants, at \$600 each; three assistants, at \$540 each; copylst, \$480; cataloguer, \$900; cataloguer, \$700; cataloguer, \$600; three temporary cataloguers, \$480 each; five attendants, at \$480 each; five attendants, at \$360 each; collator, \$360; two messengers, at \$360 each; two janitors, at \$480 each, one of whom shall act as a night watchman; engineer, \$900; fireman, \$720; workman, \$480; two cloakroom attendants, at \$360 each; its charwomen, at \$180 each; in all, \$35,040.

The amendment was agreed to.

The next amendment was, under the head "Contingent and miscellaneous expenses," on page 19, line 11, to increase the appropriation for livery of horse or horse hire for coroner's office, jurors' fees, witness fees, etc., from \$2,750 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to insert: For addition to the Eastern Market House, Seventh street and North Carolina avenue SE., \$30,000.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

For testing materials for fireproof buildings, including necessary labor and implements, under "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, \$1,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 5, to insert:

For the purchase of enamel metal identification number tags for motor vehicles in the District of Columbia, \$300, or so much thereof as may be necessary; and the Commissioners of the District of Columbia are hereby authorized to amend the regulations controlling motor vehicles so as to provide that for such identification tag and registration thereof the owner of each motor vehicle shall pay the sum of \$1, and the secretary of the automobile board shall, after the payment of said fee to the collector of taxes, District of Columbia, issue to said owner the identification number tag.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to insert:

For completing card index for office of register of wills of the District of Columbia, and to correct and transcribe the indexes of copies, correct the dockets, and index all wills filed from 1801 to the present time, and for necessary clerical assistance, \$3,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head "Improvements and repairs," on page 23, line 15, before the word "hundred," to strike out "two" and insert "three;" and in line 19, after the word "namely," to insert the following proviso:

Provided, That the streets and avenues named in said Appendix Aa and herein appropriated for shall be improved to the width now provided by law.

So as to make the clause read:

Work on streets and avenues: For work on streets and avenues named in Appendix Aa, Book of Estimates, 1908, \$72,350, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely: Provided, That the streets and avenues named in said Appendix Aa and herein appropriated for shall be improved to the width now provided by law.

The amendment was agreed to.

The next amendment was, on page 23, line 23, to increase the appropriation for the Georgetown schedule from \$8,300 to \$8,400.

The amendment was agreed to.

The next amendment was, on page 24, line 23, after the date to insert "and these limitations shall also apply to the unexpended balances of appropriations made in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1907, approved June 27, 1906, in lieu of the limitations made in said act;" so as

to read:

Under appropriations contained in this act no contract shall be made for making or relaying asphalt pavement at a higher price than \$1.80 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with same depth of base, nor more than \$1.80 per square yard for laying standard asphalt block pavement equal to the best laid in the District of Columbia prior to July 1, 1904, and these limitations shall also apply to the unexpended balances of appropriations made in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1907, approved June 27, 1906, in lieu of the limitations made in said act: Provided, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to \$2 per square yard.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 25, line 12, after the word "dollars," to insert "and the time within which this bridge shall be completed is hereby extended to July 1, 1908;" so as to make the clause read:

For paving approaches to Connecticut Avenue Bridge, \$31,000; and the time within which this bridge shall be completed is hereby extended to July 1, 1908.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert: For replacing granite block with a sphalt on Second street NW., from B to C streets, \$7,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

The next amendment was, on page 26, after line 2, to insert: Condemnation of land for reservations: To carry into effect the provisions of section 22 of an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 30, 1906, a sufficient sum is hereby appropriated to pay for the costs and expenses of the condemnation proceedings taken pursuant to said section and to pay awards for damages for the land taken thereunder: Provided, That in all cases of payments under this appropriation the accounting officers shall take into account the assessment for benefits and the award for damages and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to insert: Northwest: Albemarle street east of Connecticut avenue, grade,

The amendment was agreed to.

The next amendment was, on page 28, after line 4, to insert: Southeast: Pennsylvania avenue extended, macademized, \$5,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to insert: Northeast: Seventh street, Glrard street to Central avenue, grade and improve, \$1,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 8, to insert: Northeast: Brookland avenue, grade, \$2,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to insert: Northwest: Rittenhouse street and Western avenue, grade \$2,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 12, to insert: Northwest: Newark street, Cleveland Park, grade and improve \$4,000. The amendment was agreed to.

The next amendment was, on page 28, after line 14, to insert: Northwest: Kenyon street, Sherman avenue to Thirteenth street, grade and improve, \$4,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 16, to insert: Northwest: Thirteenth street, Euclid to Fairmont streets, pave (30 feet wide), \$3,400.

Mr. GALLINGER. Let the words "30 feet wide" in line 18

be stricken out.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 18, to insert: Northwest: Streets in American University Park and Wesley Park, grade and improve, \$4,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 20, to insert: North: North Capitol street, T to V streets, pave, \$9,600.

The amendment was agreed to.

The next amendment was, on page 28, after line 22, to insert: Northwest: Ontario place, Ontario road to Adams Mill road, grade and improve, \$2,500.

The amendment was agreed to.

The next amendment was, at the top of page 29, to insert:

Northeast: Girard street, between Twelfth street and Brentwood ad, grade and improve, \$6,000.

The amendment was agreed to.

The next amendment was, on page 31, line 2, to increase the total appropriation for the construction of county roads and suburban streets from \$121,400 to \$174,900.

The amendment was agreed to.

The next amendment was, on page 31, line 14, after the word collected," to insert "and such changes may be made in the lines of curb of Pennsylvania avenue and its intersecting streets, in connection with their resurfacing, as the Commissioners of the District of Columbia may consider necessary and advisable;" so as to make the clause read:

Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, \$300,000; and this appropriation shall be available for repairing the pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected; and such changes may be made in the lines of curb of Pennsylvania avenue and its intersecting streets, in connection with their resurfacing, as the Commissioners of the District of Columbia may consider necessary and advisable:

The amendment was agreed to.

Mr. HALE. If the President does not object, as I am engaged in work upon another appropriation bill, I should like at this stage to offer an amendment.

Mr. GALLINGER. First let a period be inserted after the word "advisable," the last word in the amendment.

The Secretary. Strike out the colon and insert a period in-

stead in line 18.

The VICE-PRESIDENT. That modification will be made.

Mr. GALLINGER. I yield to the Senator from Maine.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The Secretary. On page 31, at the end of line 18, after the word "advisable," insert:

Said resurfacing work shall be completed before December 1, 1907, and all-repairs upon the main thoroughfares in Washington made under appropriations provided for in this act shall be completed previous to December 1, 1907.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 31, line 23, after the word "hundred," to insert "and twenty;" so as to make the clause read:

Repairs county roads: For current work of repairs of county roads d suburban streets, \$120,000.

The amendment was agreed to.

The next amendment was, at the top of page 32 to insert:

Aqueduct Bridge: For reconstruction of pier No. 1 of the Aqueduct Bridge across the Potomac River at Georgetown, D. C., to be expended under the direction of the Secretary of War, \$80,000; and the unexpended balance, amounting to about \$14,000, of the appropriations for the reconstruction of piers Nos. 4 and 5 of said bridge is hereby reappropriated and made available for the periodical examination of the remaining piers of the bridge and making of such repairs as may be found necessary. found necessary.

The amendment was agreed to.

The next amendment was, on page 32, line 22, after the word "bridge," to insert "\$2,800; and the time within which this bridge shall be completed is hereby extended to July 1, 1908;" so as to make the clause read:

Operation of the Anacostia River bridge: For salaries of employees, lighting, miscellaneous supplies, and expenses of every kind necessary to the operation and maintenance of the bridge, \$2,800; and the time within which this bridge shall be completed is hereby extended to July 1, 1908.

The amendment was agreed to.

The next amendment was, on page 34, line 2, after the word "Company," to strike out the following proviso:

Provided further, That no street railway company shall use the bridge herein authorized for its tracks until such company shall have paid to the Treasurer of the United States a sum equal to one-sixth of the total cost of said bridge, one half thereof to be credited to the United States and the other half to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert:

For preparation of plans and estimates for the treatment of the valley of Rock Creek from Massachusetts avenue to the mouth of the creek, both by the open-valley method and by conduit, including necessary surveys, borings, test pits, plan, and estimates of cost, \$5,000.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 35, line 2, after the word "necessary," to insert the following proviso:

Provided, That hereafter appropriations for sewer construction shall available for the purchase or condemnation of such rights of way as ay be required.

The amendment was agreed to.

The next amendment was, on page 35, after line 8, to insert:

For sewer in the valley of Broad Branch, between Rock Creek and Soapstone Branch, and in valley of Soapstone Branch, between Broad Branch and Wisconsin avenue, \$28,800.

The amendment was agreed to.

The next amendment was, on page 35, after line 12, to insert: For dikes in connection with the sewage-disposal project, \$75,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 14, to insert:

For the drainage of ten houses on Magnolia avenue, Takoma Park, D. C., into the sewer system of Takoma Park, Md., at an annual charge of \$10 each per annum, to be paid to the town of Takoma Park, Md., \$100.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 36, line 12, before the word "cents," to strike out "nine-teen" and insert "twenty;" and in line 18, before the word "cents," to strike out "twenty" and insert "twenty-one;" so as to make the proviso read:

Provided, That whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at 20 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 21 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications; \$240,000, and the Commissioners shall so apportion this appropriation as to prevent a deficiency therein.

The amendment was agreed to

The amendment was agreed to. The next amendment was agreed to.

The next amendment was, on page 37, line 14, after the word "of," to insert "trees;" and in line 16, before the word "dollars," to strike out "thirty thousand" and insert "thirty-two thousand five hundred;" so as to make the clause read:

For the parking commission: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of trees, tree spaces, parks, and miscellaneous items, \$32,500.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 37, line 22, before the word "thousand," to strike out "five" and insert "eight;" and in line 25, before the word "thousand," to strike out "eight" and insert "eleven;" so as to make the clause read:

Bathing beach: For superintendent, \$600; watchman, \$450; and for temporary services, maintenance, and repairs, \$1,950; construction of bath houses and for improvement of wharves and floating baths, \$8,000, and the appropriation of \$5,000 for this purpose for the fiscal year 1907 is hereby made available, in addition to the \$5,000 herein provided; in all, \$11,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

For the purchase of playgrounds sites, to be immediately available, \$75,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 7, to insert:

For the improvement and equipment of such sites for playground purposes, to be immediately available, \$10,000.

The amendment was agreed to-

The next amendment was, on page 38, after line 13, to insert: Harbor and river front: For reconstructing wharf and sea wall adjacent to the morgue as a foundation to stable, \$500.

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 39, line 4, to increase the number of electrical inspectors from two to three.

The amendment was agreed to.

The next amendment was, on page 40, line 2, to increase the total appropriation for the salaries of the electrical engineer and his assistants from \$41,735 to \$42,935.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the electrical department of the District of Columbia, on page 40, line 11, to increase the appropriation for the purchase of general supplies, repairs, new batteries, and battery supplies, etc., from \$14,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the electrical department, on page 40, line 17, to increase the appropriation for placing wires of fire alarm, telegraph, police patrol, and telephone service underground in existing conduits, etc., from \$18,600 to \$23,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 23, to insert:

For moving the fire-alarm apparatus from its present location to the new municipal building, including cost of new metal cabinetwork, remodeling switchboards, new batteries, battery racks, wire cable, conduits, manholes, miscellaneous supplies, extra labor and services, and other items necessary to effect its complete transfer, \$17,260.

The amendment was agreed to.

The next amendment was, on page 42, line 16, to increase the appropriation for electric arc lighting and for extensions of such service from \$95,000 to not exceed \$100,500.

The amendment was agreed to.

The next amendment was, on page 42, line 18, before the word "dollars," to strike out "eighty" and insert "eighty-five;" so as to make the proviso read:

Provided, That not more than \$85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candle-power, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington.

The amendment was agreed to.

The next amendment was, under the head of "Washington Aqueduct," on page 43, after line 8, to insert:

For preliminary investigations and surveys for increasing the water supply, \$10,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 10, to insert: For construction of a combined storehouse and stable at Great Falls, d., \$3,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 44, line 17, after the word "each," to strike out "one stenographer, \$650" and insert "two stenographers, at \$900 each;" and in line 20, before the word "dollars," to strike out "fifty-two thousand six hundred and seventy" and insert "fifty-three thousand eight hundred and twenty;" so as to make the clause read:

For officers: For superintendent of public schools, \$5,000; two assistant superintendents, at \$3,000 each; director of intermediate instruction, \$2,700; thirteen supervising principals, at \$2,300 each; supervisor of manual training, \$2,300; secretary, \$2,000; clerk, \$1,400; two clerks, at \$1,000 each; two stenographers, at \$900 each; one messenger, \$720; in all, \$53,820.

The amendment was agreed to.

The next amendment was, on page 52, line 14, after the word "Provided," to strike out the following proviso:

"Provided," to strike out the following proviso:

'That the amounts herein specifically appropriated for the pay of teachers and officers in the public schools of the District of Columbia which are unused in whole or in part by reason of the death, resignation, transfer, promotion, reduction, or the separation from the school service from any cause whatever of a teacher or officer, may be used for the purpose of changing the amounts specifically appropriated for the salaries of the positions made vacant as aforesaid and those of the lower group or classes affected thereby, by addition thereto, reductions therefrom, or the division thereof, so as to provide the proper salary of the class for newly appointed teachers or officers and the necessary additions or reductions in the salaries of the teachers or officers promoted, reduced, or changed by reason of said death, resignation, transfer, promotion, reduction, or separation from the school service as aforesaid.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 53, after line 4, to strike

Provided, however, That the changes herein authorized shall not increase or reduce the number of teachers or officers provided in the act making appropriations therefor, or exceed in the aggregate the sum specifically appropriated for the salaries of said teachers and officers; Provided further, That the changes in the amounts specifically appropriated for the salaries herein authorized shall only be made to pay the salaries of teachers and officers appointed, promoted, reduced, transferred, or changed, in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906."

The amendment was on page 54, line 2 after the word "over

The amendment was, on page 54, line 2, after the word "ex-

For industrial and commercial instruction in night schools, including salaries of teachers and equipment and other necessary expenses, for white schools, \$4,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert: For industrial and commercial instruction in night schools, including salaries of teachers and equipment and other necessary expenses, for colored schools, \$4,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 56, line 13, after the word
"Weightman," to strike out the name "Wheatly" and insert
"Wheatley;" and in line 14, before the word "buildings," to
strike out the name "Wormly" and insert "Wormley," so as to read:

Slater, Smallwood, Takoma, Taylor, Toner, Towers, Twining, Tyler, Webb, Weightman, Wheatley, Wilson, and Wormley buildings, one eight-room building in eighth division, and one eight-room building in fourth division, 72 in all, at \$600 each.

The amendment was agreed to.
The next amendment was, on page 56, line 25, after the words
"Fort Slocum," to insert "Grant Road;" and on page 57, line
1, after the word "building," to strike out "seven" and insert
"eight;" so as to make the clause read:

Of the Bunker Hill, Conduit Road, Chain Bridge Road, Fort Slocum, Grant Road, Military Road, Ivy City, and Burrville buildings, eight in all, at \$120 each.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 57, line 7, to increase the total appropriation for janitors and care of buildings and grounds from \$99,000 to \$99,120.

The amendment was agreed to.

The next amendment was, on page 57, line 20, after the word "buildings," to insert "storage and stock rooms;" and in line 22, before the word "hundred," to strike out "fifteen thousand six" and insert "seventeen thousand one," so as to make the

Miscellaneous: For rent of school buildings, storage and stock rooms, and repair shop, \$17,184.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of public schools, on page 58, line 6, to increase the appropriation for repairs and improvements to school buildings and grounds, etc., from \$65,000 to \$70,000.

The amendment was agreed to.

The next amendment was, on page 58, line 8, to increase the appropriation for necessary repairs to and changes in plumbing in existing school buildings from \$45,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 58, line 24, before the word "dollars," to strike out "one thousand seven hundred and fifty" and insert "two thousand;" in line 25, before the word "dollars," to strike out "one thousand seven hundred and "dollars," to strike out "one thousand seven hundred and fifty" and insert "two thousand;" on page 59, line 2, before, the word "dollars," to strike out "eight hundred and seventy-five" and insert "one thousand;" in line 3, before the word "dollars," to strike out "eight hundred and seventy-five" and insert "one thousand;" in line 6, before the word "dollars," to strike out "one hundred and fifty" and insert "two hundred;" and in line 8, before the word "hundred," to strike out "six thousand nine" and insert "seven thousand seven;" so as to make the clause read. make the clause read:

For furniture and window shades for new school buildings, kindergartens, manual training, cooking, and sewing schools, as follows: One eight-room building in the eighth division, \$2,000; one eight-room building in the fourth division, \$2,000; one four-room building at Brightwood Park, \$1,000; one four-room building at Deanwood, \$1,000; eight new kindergartens, \$1,200; one manual training shop, \$200; one cooking school, \$200, and one sewing school, \$150; in all, \$7,750.

The amendment was agreed to.

The next amendment was, on page 59, after line 17, to strike out:

Hereafter every male pupil in attendance at the high schools shall be admitted to and shall serve in the high school cadets unless excused from such service by the principal, on certificate of one of the medical inspectors of schools that he is physically disqualified for such service, or on the written request of his parent or guardian.

The amendment was agreed to.

The next amendment was, on page 59, after line 23, to insert:

For free evening lectures to be given in the public school buildings or such halls as may be designated under rules and regulations of the board of education, \$1,500.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, calpage 60, line 12, before the word "custodian," to insert "bookkeeper and;" in line 13, before the word "dollars," to insert "two hundred," and in line 15, before the word "dollars," to insert "two hundred;" so as to make the clause read:

For text-books and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distributed and preservation of said text-books and supplies, including one bookkeeper and custodian of text-books and supplies, including one bookkeeper and custodian of text-books and supplies, at \$1,200, and one assistant, at \$600, \$54,200: Provided, That the board of education, in its discretion, is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

The amendment was agreed to.

The next amendment was, on page 60, after line 22, to insert: For utensils, material, labor, for establishment and maintenance of school gardens, \$1,000.

Mr. GALLINGER. In line 23 of the amendment just stated, after the word "material," I move to strike out the comma and insert the word "and."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment was agreed to.

The next amendment was, on page 61, after line 22, to insert: For equipment of the extension of the McKinley Manual Training School, \$57,040.

The amendment was agreed to.

The next amendment was, on page 62, line 7, at the end of the clause, to strike out the semicolon and insert a period.

The amendment was agreed to.

The next amendment was, on page 62, line 11, at the end of the clause, to strike out the semicolon and insert a period.

The amendment was agreed to.

The next amendment was, on page 62, line 12, before the word "division," to strike out "sixth" and insert "eighth;" and in line 13, after the word "dollars," to strike out the semicolon and insert a period; so as to make the clause read:

For a twelve-room building and site, eighth division, \$104,000.

The amendment was agreed to.

The next amendment was, on page 62, line 14, after the word "For," to insert "purchase of site for and erection of;" in line 16, before the word "thousand," to strike out "forty" and insert "twenty-five;" and in the same line, at the end of the clause, to strike out the semicolon and insert a period; so as to make the clause read:

For purchase of site for and erection of a six-room addition to the Langdon School, at Langdon, D. C., \$25,000.

The amendment was agreed to.

The next amendment was, on page 62, line 18, at the end of the clause, to strike out the semicolon and insert a period.

The amendment was agreed to.

The next amendment was, on page 62, line 20, at the end of the clause, to strike out the semicolon and insert a period.

The amendment was agreed to.

The next amendment was, on page 62, line 21, after the word "For," to insert "purchase of site for and erection of;" in line 23, before the word "thousand," to strike out "twenty-eight" and insert "thirty-three;" and in the same line, at the end of the clause, to strike out the semicolon and insert a period; so as to read:

For purchase of site for and erection of a four-room addition to the Emery School building, in accordance with the original plans, \$33,000.

The amendment was agreed to.

The next amendment was, under the head of "For Metropolitan police," on page 64, line 21, to increase the number of privates of class 3, at \$1,200 each, from 412 to 422.

The amendment was agreed to.

The next amendment was, on page 64, line 23, to increase the number of privates of class 2, at \$1,800 each, from 104 to 116. The amendment was agreed to.

The next amendment was, on page 64, line 24, to increase the number of privates of class 1, at \$900 each, from 143 to 147. The amendment was agreed to. The next amendment was, on page 65, line 7, to increase the number of laborers, at \$600 each, from 13 to 14.

The amendment was agreed to. The next amendment was, on page 65, line 11, to increase the number of captains, lieutenants, sergeants, and privates, mounted, at \$240 each, from 55 to 60.

The amendment was agreed to.

The next amendment was, on page 65, line 15, to increase the appropriation for the salaries of twenty-six drivers from \$600 to \$720 each.

The amendment was agreed to.

The next amendment was, on page 65, line 17, to increase the total appropriation for the salaries of the Metropolitan police from \$904,745.63 to \$938,225.63.

The amendment was agreed to.

The next amendment was, on page 66, line 11, before the word "dollars," to strike out "thirty-two thousand five hundred" and insert "thirty-three thousand;" and in the same line, after the word "dollars," to insert "of which amount a sum not exceeding \$500 may be expended by the major and superintendent of police for the prevention and detection of crime, upon his certificates approved by the Commissioners of the District of Columbia, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended;" so as to make the clause read:

have been expended;" so as to make the clause read:

For miscellaneous and contingent expenses, including the purchase of new wagons, rewards for fugitives, modern revolvers, installation of card system and maintenance of the same in the police department, stationery, city directories, and periodicals, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, horse and vehicle for superintendent, bicycles, police equipments and repairs to the same, harness, forage, repairs to vehicles, van, and patrol wagons, and expenses incurred in the prevention and detection of crime, repairs to rented buildings, and other necessary expenses, \$33,000, of which amount a sum not exceeding \$500 may be expended by the major and superintendent of police for the prevention and detection of crime, upon his certificates approved by the Commissioners of the District of Columbia, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 66, after line 23, to insert:

For reconstruction of cell corridors and the making, erecting, and placing therein, in the first, second, fourth, and sixth precinct stations, eight modern steel cages for prisoners, with modern locking appliances, \$20,000.

The amendment was agreed to.

The next amendment was, on page 67, line 3, to increase the total appropriation for miscellaneous expenses of the Metropolitan police from \$47,255 to \$67,755.

The amendment was agreed to.

Mr. CULLOM. Mr. President, I should like to inquire of the Senator in charge of the bill whether the provision on page 67, in line 15, for "four drivers, at \$540 each," has reference to the drivers of patrol wagons?

Mr. GALLINGER. No. The patrol drivers are provided for on page 65, line 14, and their salaries have been increased from

Mr. CULLOM. That is what I was trying to find out.

Mr. GALLINGER. That is the case.

The next amendment was, under the head of "For the fire department," on page 68, line 22, after the word "each," to insert "two marine firemen, at \$720 each;" so as to read:

For chief engineer, \$3,500; deputy chief engineer, \$2,500; three battallon chief engineers, at \$2,000 each; fire marshal, \$2,000; deputy fire marshal, \$1,400; two inspectors, at \$1,080 each; clerk, \$1,400; clerk, \$1,200; thirty-two captains, at \$1,400 each; thirty-three lieutenants, at \$1,200 each; superintendent of machinery, \$1,400; assistant superintendent of machinery, \$1,200; twenty engineers, at \$1,150 each; twenty engineers, at \$1,150 each; two marine engineers, at \$1,150 each; two marine engineers, at \$1,150 each; two marine firemen, at \$720 each.

The amendment was agreed to.

The next amendment was, on page 69, line 3, to increase the total appropriation for salaries of members of the fire department from \$465,170 to \$466,610.

The amendment was agreed to.

The next amendment was, on page 69, line 7, to increase the appropriation for repairs and improvements to engine houses and grounds from \$8,000 to \$10,000.

The amendment was agreed to.

The next amendment was, on page 69, line 10, to increase the appropriation for the purchase of hose from \$13,000 to \$15,000.

The amendment was agreed to. The next amendment was, on page 69, line 19, to increase the total appropriation for miscellaneous expenses of the fire department from \$103,360 to \$107,360.

The amendment was agreed to.

The next amendment was, on page 69, after line 24, to insert:

For house, site, and furniture for a truck company to be located in the southwest section of the city, including the cost of connecting said house with fire-alarm headquarters, \$30,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 3, to insert:

For additional amount for one aerial hook-and-ladder truck, provided for by the District of Columbia appropriation act for 1907, \$500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 18, to increase the total appropriation for the increase of the fire department from \$39,750 to \$70,250.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 71, line 5, after the word "dollars," to insert "one inspector, \$1,000; one inspector, \$900;" so as to read:

For health officer, \$3,500; chief inspector, and deputy health officer, \$1,800; fourteen sanitary and food inspector, at \$1,200 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, \$1,800; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, \$1,200; inspector of marine products, \$1,200; one inspector, \$1,000; one inspector, \$900.

The amendment was agreed to.

The next amendment was, on page 71, line 12, after the word "dollars," to insert "assistant pound master, who, in the absence of the pound master, shall perform his duties, \$900."

The amendment was agreed to.

The next amendment was, on page 71, line 21, to increase the total appropriation for salaries of the officers of the health department from \$49,560 to \$52,360.

The amendment was agreed to.

The next amendment was, on page 74, line 13, before the word "Providence," to strike out "for;" so as to make the clause read:

Garfield and Providence hospitals: For isolating wards for minor contagious diseases at Garfield and Providence hospitals, maintenance, each, \$4,000; in all, \$8,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 75, line 2, to increase the appropriation for the construction of roadways in reservation

13 to the smallpox hospital and the quarantine station, and between said institutions, from \$500 to \$800.

The amendment was agreed to.

The next amendment was, on page 75, after line 2, to insert: For maintenance of the public crematory, \$3,000.

The amendment was agreed to.

The next amendment was, under the head of "Courts," on page 75, line 18, before the word "hundred," to strike out "nine" and insert "one thousand two;" and in line 19, before the word "hundred," to strike out "seven thousand nine" and insert "eight thousand two;" so as to make the clause read:

Juvenile court: For judge, \$3,000; clerk, \$2,000; chief probation officer, \$1,500; probation officer, \$1,200; janitor, \$540; in all, \$8,240.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 76, line 9, before the word "dollars," to insert "five hundred;" in line 18, after the word "each," to strike out "bailiff, \$600" and insert "four bailiffs, at \$600 each; matron, \$600;" and in line 21, before the word "hundred," to strike out "twenty-three thousand four" and insert "twenty-six thousand eight;" so as to make the clause read:

Police court: For two judges, at \$3,500 each; clerk, \$2,000; two deputy clerks, at \$1,500 each; deputy clerks, at \$1,200 each; deputy clerk, to be known as financial clerk, \$1,500; three bailiffs, at \$900 each; deputy marshal, \$1,000; janitor, \$540; engineer, \$900; assistant engineer, \$720; fireman, \$360; two assistant janitors, at \$300 each; four bailiffs, at \$600 each; matron, \$600; three charmen, at \$360 each; in all, \$26,800.

The amendment was agreed to.

The next amendment was, on page 76, line 25, to increase the appropriation for fuel, gas, laundry work, stationery, etc., for the police court, from \$1,500 to \$2,500.

The amendment was agreed to.

The next amendment was, on page 77, line 9, to increase the total appropriation for miscellaneous expenses of the police court from \$14,100 to \$15,100.

The amendment was agreed to.

The next amendment was, on page 77, line 18, before the word dollars," to insert "five hundred;" and in line 21, before the word "thousand," to strike out "fourteen" and insert "seven-teen;" so as to make the clause read:

Justices of the peace: For six justices of the peace, at \$2,500 each, and the further sum of \$400 each for rent, clerical services, stationery, and other expenses; in all, \$17,400.

The amendment was agreed to.

The next amendment was, under the head of "For courts and prisons," at the top of page 79, to insert:

For the purchase and installation of fireproof metal file cases in the clerk's office of the supreme court of the District of Columbia, \$25,000.

The amendment was agreed to. .

The next amendment was, on page 79, after line 3, to insert:

To rebind, repair, and preserve the records of the old circuit court of the District of Columbia, covering the period from 1801 to 1863, \$2,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 80, line 15, before the word "hundred," to strike out "nine" and insert "one thousand two;" in line 16, after the word "dollars," to insert "three inspectors, at \$900 each;" in line 17, before the word "inspectors," to strike out "six" and insert "three;" in line 20, before the word "hundred," to strike out "two" and insert "four;" and in line 22, before the word "dollars," to strike out "fourteen thousand four hundred and twenty" and insert "fifteen thousand four hundred and sixty." so as to make the clause read: and sixty;" so as to make the clause read:

Board of charities: Fer secretary, \$3,000; clerk, \$1,200; stenographer, \$1,200; messenger, \$600; one inspector, \$1,200, three inspectors, at \$900 each; three inspectors, at \$720 each; one driver, at \$660; three drivers, at \$600 each; hostler, \$540; traveling expenses, \$400; in all, \$15,460.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "Reformatories and correctional institutions," on page 81, line 3, to increase the appropriation for the salary of the property clerk at the Washington Asylum from \$840 to \$1,000.

The amendment was agreed to.

The next amendment was, on page 81, line 4, to increase the appropriation for the salary of the principal overseer at the Washington Asylum from \$1,200 to \$1,400.

The amendment was agreed to.

The next amendment was, on page 81, line 5, to increase the appropriation for the salaries of fifteen overseers at the Washington Asylum from \$600 each to \$660 each.

The amendment was agreed to.

The next amendment was, on page 81, line 22, to increase the appropriation for the salary of a trained nurse, who shall act as superintendent of nursing at the Washington Asylum, from

The amendment was agreed to.

The next amendment was, on page 81, line 23, to increase the appropriation for the salaries of two graduate nurses at the Washington Asylum from \$365 to \$480 each.

The amendment was agreed to.

The next amendment was, on page 82, line 1, to increase the appropriation for the salary of a graduate nurse for receiving ward at the Washington Asylum from \$365 to \$480.

The amendment was agreed to.

The next amendment was, on page 82, line 15, to increase the total appropriation for the salaries of superintendent and assistants at the Washington Asylum from \$35,991 to \$37,716.

The amendment was agreed to.

The next amendment was, on page 82, line 20, to increase the appropriation for the purchase of provisions, fuel, forage, harness and vehicles and repairs to same, etc., at the Washington Asylum from \$48,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 14, to insert:

For additional amount for acquiring, by purchase or condemnation, additional ground, being part of lot 7 in the subdivision of Bellevue or Blue Plains, containing 19 acres, more or less, bounded on three sides by the ground purchased by the District of Columbia for a site for a municipal almshouse and a burial place for the indigent dead, \$3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was agreed to:

The next amendment was, on page 84, line 2, before the word

"dollars," to strike out "two hundred and forty" and insert

"three hundred;" in line 8, after the word "each," to insert

"blacksmith and woodworker, \$540;" in line 14, before the word

"dollars," to strike out "four hundred and tracts," and insert "dollars," to strike out "four hundred and twenty" and insert "five hundred and forty;" in the same line, after the word "dollars," to insert "two servants, at \$144 each;" and in line 18, before the word "dollars," to strike out "ten thousand six hundred and twenty" and insert "eleven thousand six hundred and eighty-eight;" so as to make the clause read:

Home for the Aged and Infirm: Superintendent, \$1,200; matron, \$600; clerk, \$900; baker, \$420; two female attendants, at \$300 each; chief cook, \$600; two male attendants, at \$360 each; chief engineer, \$720; assistant engineer, \$480; one fireman, \$300; physician and pharmacist, \$480; one nurse, \$360; two assistant cooks, at \$180 each; blacksmith and woodworker, \$540; farmer, \$540; two farm hands, at \$360 each; tailor, \$240; seamstress, \$240; laundryman, \$540; hostler and driver, \$240; two servants, at \$144 each; temporary labor, \$600; in all, \$11,688.

The amendment was agreed to.

The next amendment was, on page 85, line 1, before the word "tools," to insert "stock;" and in line 2, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" so as to make the clause read:

For grading, road making, purchase of farm implements, stock, tools, seed, etc., \$2,000.

The amendment was agreed to.

The next amendment was, on page 85, after line 5, to insert: For fire escapes and fire protection, including mains, plugs, and so forth, to be immediately available, \$3,000.

The amendment was agreed to.

The next amendment was, on page 85, after line 8, to insert: For installing local telephone system, to be immediately available, \$600. The amendment was agreed to.

The next amendment was, on page 85, in line 16, to increase the total appropriation for the maintenance of the Home for the Aged and Infirm from \$38,900 to \$44,188.

The amendment was agreed to.

The next amendment was, under the subhead "Medical chari-ties," on page 87, line 16, to increase the appropriation for emergency care and treatment of and free dispensary service to indigent patients, under a contract with the Central Dispensary and Emergency Hospital, etc., from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 17, to insert: For repairs to Central Dispensary and Emergency Hospital, \$4,000. The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 88, line 2, before the word "thousand," to strike out "three" and insert "four;" and in the same line, after the word "dollars," to insert the following proviso: "Provided, That grounded electrical circuits may be used for lighting and power purposes at said Home;" so as to make the clarge road.

For Washington Home for incurables, maintenance, including elevator, \$4,000: Provided, That grounded electrical circuits may be used for lighting and power purposes at said Home.

The amendment was agreed to.

make the clause read:

Then next amendment was, on page 88, after line 10, to insert: To enable the board of charities to provide for emergency care and treatment of, and free dispensary service to, indigent patients, under contracts or agreements with hospitals and dispensaries, \$5,000: Provided, That no part of this sum shall be used to establish or maintain any hospital or dispensary not now existing in the District of Co-

The amendment was agreed to.

The next amendment was, on page 89, line 3, to increase the appropriation for the salary of chief cook at the Tuberculosis Hospital, from \$480 to \$600.

The amendment was agreed to.

The next amendment was, on page 89, line 7, after the word "dollars," to insert "gardener, \$540;" and in line 8, before the word "hundred," to strike out "three" and insert "five;" so as to read:

Elevator conductor, \$300; gardener, \$540; laundryman, \$500.

The amendment was agreed to.

The next amendment was, on page 89, line 12, to increase the total appropriation for the salaries of the superintendent and assistants of the Tuberculosis Hospital from \$11,420 to \$12,280.

The amendment was agreed to.

The next amendment was, on page 89, line 14, after the word necessary," to strike out the period and insert a semicolon.

The amendment was agreed to.

The next amendment was, on page 89, line 20, before the word thousand," to strike out "five" and insert "ten;" so as to make the clause read:

For furniture, beds, bedding, cooking utensils, and other necessary hospital furnishings, \$10,000.

The amendment was agreed to.

The next amendment was, on page 89, line 21, to increase the total appropriation for the maintenance of the Tuberculosis Hospital from \$31,420 to \$37,280.

The amendment was agreed to.

The next amendment was, under the head of "Child-caring The next amendment was, under the head of "Child-caring institutions," on page 90, line 6, before the word "dollars," to strike out "and eighty" and insert "two hundred;" in line 9, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" in line 10, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred and twenty;" in line 11, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 13, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty;" and in line 14, before the word "dollars," to strike out "seven thousand three hundred and twenty" and insert "eight seven thousand three hundred and twenty" and insert "eight thousand and forty;" so as to make the clause read:

For agent, \$1,800; executive clerk, \$1,200; placing officer, \$900; placing officer, \$720; investigating clerk, \$900; record clerk, \$720; visiting inspector, \$600; one clerk, \$600; messenger, \$480; in all, \$8,040.

The amendment was agreed to.

The next amendment was, on page 90, line 15, before the word "feeble-minded," to insert "white;" and in line 16, before the word "thousand," to strike out "sixteen" and insert "twelve;" so as to make the clause read:

For maintenance of white feeble-minded children, \$12,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 16, to insert: For maintenance of colored feeble-minded children, \$6,000.

The amendment was agreed to.

The next amendment was, on page 91, line 2, to increase the total appropriation for the maintenance of the board of children's guardians from \$80,420 to \$83,140.

The amendment was agreed to.

The next amendment was, on page 91, line 8, before the word dollars," to strike out "three hundred and sixty" and insert dollars," "four hundred and eighty;" in line 9, before the word lars," to insert "and sixty;" in line 10, before the word lars," to insert "and sixty;" in line 10, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 13, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 14, before the word "cook," to insert "farm hand, \$300; watchman, \$240;" and in line 17, before the word "dollars," to strike out "five thousand seven hundred and sixty" and insert "seven thousand and twenty;" so as to make the clause read:

Industrial Home School for Colored Children: For superintendent, \$1,200; matron of school, \$480; two matrons, at \$480 each; two assistant matrons, at \$360 each; two teachers, at \$600 each; sewing teacher, \$360; manual training teacher, \$480; farmer, \$600; farm hand, \$300; watchman, \$240; cook, \$240; laundress, \$240; in all, \$7,020.

The amendment was agreed to.

The next amendment was, on page 91, after line 21, to insert: For erection and equipment of stable, \$1,500.

The amendment was agreed to.

The next amendment was, on page 91, line 24, to increase the

total appropriation for the maintenance of the Industrial Home School for Colored Children from \$14,760 to \$17,520.

The amendment was agreed to.

The next amendment was, on page 92, line 8, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" and in line 14, before the word "dollars," to strike out "four hundred and sixty-eight" and insert "five hundred and eighty-eight;" so as to make the clause read:

For the Industrial Home School: For superintendent, \$1,200; matron, \$480; two matrons, at \$360 each; two assistant matrons, at \$300 each; housekeeper, \$360; sewing teacher, \$360; nurse, \$300; manual training teacher, \$600; florist, \$720; engineer, \$600; farmer, \$480; cook, \$240; laundress, \$240; two housemalds, at \$144 each; temporary labor, not to exceed \$400; in all, \$7,588.

The amendment was agreed to.

The next amendment was, on page 92, line 18, to increase the total appropriation for the maintenance of the Industrial Home School from \$16,880 to \$17,000.

The amendment was agreed to.

The next amendment was, on page 93, line 5, to increase the appropriation for the care and maintenance of children under a contract to be made with the Washington Hospital for Foundlings by the board of charities from \$5,400 to \$6,000.

The amendment was agreed to.

The next amendment was under the subhead "Temporary Homes," on page 93, line 22, to increase the appropriation for the salary of the superintendent of the Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, from \$1,000 to \$1,200.

The amendment was agreed to.

The next amendment was, on page 94, line 1, to increase the total appropriation for the maintenance of the Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, from \$5,300 to \$5,500.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 95, line 19, to increase the appropriation for rent, fuel (including fuel for cruises), light, heat, care, etc., from \$24,000 to \$24,500.

The amendment was agreed to.

The next amendment was, on page 95, line 21, to increase the appropriation for the purchase of lockers, furniture, and gymnastic apparatus for armories, from \$500 to \$750.

The amendment was agreed to.

The next amendment was, on page 95, line 24, to increase the appropriation for cleaning and repairing uniforms, arms, and equipments, and contingent expenses, from \$1,000 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 96, line 2, to increase the appropriation for the salary for clerk, office of the adjutant-general, from \$720 to \$840.

The amendment was agreed to.

The next amendment was, on page 96, line 7, after the word "dollars," to strike out "to be immediately available;" so as to make the clause read:

For expenses of rifle practice and matches, \$4,700.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 99, line 16, to increase the appropriation for contingent expenses, including books, blanks, stationery, printing, etc., from \$2,500 to \$3,500.

The amendment was agreed to.

The next amendment was, on page 104, after line 13, to insert as a new section the following:

as a new section the following:

Sec. 7. That until and including June 30, 1908, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: Provided, That all advances made under this act and under the acts of February 11, 1901, June 1, 1902, March 3, 1903, April 27, 1904, and March 3, 1905, and June 27, 1906, not reimbursed to the Treasury of the United States on or before June 30, 1908, shall be reimbursed to said Treasury out of the revenues of the District of Columbia from time to time, within five years, beginning July 1, 1908, together with interest thereon at the rate of 2 per cent per annum until so reimbursed: Provided further, That the Auditor for the State and other Departments and the auditor of the District of Columbia shall each annually report the amount of such advances, stating the account for each fiscal year separately, and also the reimbursements made under this section, together with the balances remaining, if any, due to the United States: And provided further, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of acquisition of land for street extensions, and all advances hereforce of hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 106, to change the number of the section from 7 to 8.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. I have a few committee amendments.
On page 5, line 12, I move to strike out "one thousand eight hundred" and insert "two thousand."

The amendment was agreed to.

Mr. GALLINGER. In line 17, on the same page, I move to strike out "two" where it occurs the second time and insert three;" so as to read "three coupon clerks."

The amendment was agreed to.

Mr. GALLINGER. In line 20 change the total so as to read \$21,500."

The amendment was agreed to.

Mr. GALLINGER. On page 9, line 6, I move to strike out one thousand three hundred" and insert "one thousand five hundred."

The amendment was agreed to.

Mr. GALLINGER. In line 12, page 12, after the words "eighty-three thousand" I move to insert "two hundred;" so as to read "\$83,262."

The amendment was agreed to.

Mr. GALLINGER. On page 25, after line 19, I move to insert what I send to the desk.

The Secretary. After line 19, on page 25, it is proposed to insert:

For paving Twenty-third street NW. from Q street to Sheridan circle, \$2,750.

For paving South Carolina avenue SE, from Thirteenth street to

For paving South Carolina avenue SE. from Thirteenth street to Fifteenth street, \$9,000.

For completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, \$2,500.

The amendment was agreed to.
Mr. GALLINGER. On page 29, after line 2, I move to insert what I send to the desk.

The Secretary. After line 2, on page 29, it is proposed to

Northwest: Chesapeake street, Brookville road to Grant road, grade and improve, \$4,000.

Northeast: For the improvement of M street from Bladensburg road extended easterly to Twenty-eighth NE., \$9,000.

The amendment was agreed to.

Mr. GALLINGER. At the top of page 31 let the clerks correct the total.

The VICE-PRESIDENT. That will be done.

Mr. GALLINGER. On page 42, at the end of line 25, I move to insert the following proviso.

The SECRETARY. After the word "Washington," at the end of line 25, page 42, insert:

Provided further, That any unexpended balances of the appropriation of \$250,000 for lighting and of the appropriation of \$95,000 for electrical are lighting provided in the District appropriation act for the fiscal year 1907 shall continue and be available for the services of the fiscal year ending June 30, 1908, for the lighting purposes designated under said appropriation in said act.

The amendment was agreed to.

Mr. GALLINGER. On page 71, line 15, I move to strike out "one thousand nine hundred and twenty" and insert "two thousand four hundred."

The amendment was agreed to.
Mr. GALLINGER. In line 21, on the same page, I move to strike out "fifty-two thousand three" and insert "fifty-two thousand eight hundred and forty."

The amendment was agreed to.

Mr. GALLINGER. Those are all of the committee amend-

Mr. SPOONER. On page 24, after the word "regulated," in line 14, and as a paragraph, I offer the amendment I send to the

The VICE-PRESIDENT. The Senator from Wisconsin pro-The VICTARIAN THE PROPERTY OF THE PROPERTY OF

insert:

That the street in the District of Columbia now known and designated as Brightwood avenue shall hereafter be known and designated as Georgia avenue, and the street now known and designated as Georgia avenue shall hereafter be known and designated as Naval Yard avenue.

Mr. GALLINGER. Let the words "Provided further" be inserted at the beginning of the amendment.

The amendment to the amendment was agreed to.

Mr. KEAN. Let the amendment be again stated.

The Secretary again read the amendment.

The secretary again reactive amendment.

The amendment as amended was agreed to.

Mr. NEWLANDS. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Nevada offers an amendment, which will be stated.

The Secretary. On page 31, after line 21, it is proposed to insert:

Insert:

That the Commissioners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia lying north of Tilden street, south of Albemarle street, east of Reno road, and west of Connecticut avenue, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898, that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of the District of Columbia.

Mr. CALLINGER. Lawill say to the Science, from Newada.

GALLINGER. I will say to the Senator from Nevada that this matter has not been carefully looked into by the committee, but there is no objection to the amendment going into the bill, and it will be examined in conference.

The amendment was agreed to.

Mr. LODGE. I offer the amendment I send to the desk.

The Secretary. On page 29, after line 16, it is proposed to insert:

From and after the passage of this act the street extending from street NW. to the District line, in the District of Columbia, now lown as Sixteenth street, shall be known and designated as Washing-

Mr. GALLINGER. Let the words "Provided, That" be inserted at the beginning of the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LA FOLLETTE. I offer the amendment I send to the

desk, to follow the paragraph ending in line 14 on page 42.

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment, which will be stated.

The Secretary. On page 42, line 14, after the word "burning," change the period to a colon and insert:

Provided, That the Washington Gaslight Company, through its president, shall make a full report to Congress annually, on the 1st day of January, stating in detail the gross receipts and expenditures, the cost of materials used in making gas, the amount used and consumed, the dividends declared, the extensions and improvements made in the plant, the surplus and cash on hand, and how the surplus funds of the company are invested.

Mr. LA FOLLETTE. I do not apprehend that there will be any objection interposed to the amendment. It is precisely in the form of the amendment which was offered on the 18th of May, 1896, and accepted by the committee.

Mr. GALLINGER. I will say to the Senator that while the amendment is subject to a point of order, the point of order will not be made, because I agree with the Senator that it is a proper amendment.

Mr. LA FOLLETTE. I fancied so, and I merely wanted to call attention to the fact that it had once before been offered

and had been accepted by the committee.

Mr. GALLINGER. It went out in conference, I will say to the Senator.

Mr. LA FOLLETTE. It was lost in conference, I apprehend. The amendment was agreed to.

Mr. NEWLANDS. I offer the amendment I send to the desk. The VICE-PRESIDENT. The Senator from Nevada offers an amendment, which will be stated.

The Secretary. On page 14, after line 3, it is proposed to insert:

Insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized, in their discretion and when the interests of the consumers of water in the District of Columbia will not suffer thereby, to permit the towns of Takoma, Md., and Chevy Chase, Md., to connect their water system with the water distribution system of the District of Columbia at points where said water system of said towns meet the water distribution system of said vowns meet the water distribution system of said District of Columbia at the District line, and to furnish such towns with water for use in extinguishing fires and in such other cases of emergency or necessity as the said Commissioners may deem proper: Provided, That the said towns shall make an annual payment for such privilege, the amount of same to be fixed by said Commissioners from time to time in their discretion: And provided further, That the expense of making such connection shall be borne by the towns of Takoma, Md. and Chevy Chase, Md., respectively, and said towns shall pay such charges for the use of such water as may be determined from time to time in advance by said Commissioners, such payments to be made at such times and under such regulations as the Commissioners of the District of Columbia may deem proper.

On hearing the pending bill read I notice that Mr. KEAN. On hearing the pending bill read I notice that additional facilities are wanted to supply Washington itself with water. So I think it would be rather out of the way to give the water that the people of Washington want to places in Maryland. I make the point of order against the amendment.

Mr. NEWLANDS. May I ask the Senator from New Jersey to withdraw the point of order until I explain?

Mr. KEAN. Certainly; I withhold it.
Mr. NEWLANDS. Mr. President, I wish to say that these towns are in Maryland and adjoin the District of Columbia at the District line. They are towns that are built up quite closely and have their own water systems. The District of Columbia is also being built up adjoining these towns. houses are constantly being constructed. It has been the custom

hitherto, whenever a fire occurred outside of the District of Columbia line for the District fire department to go to the rescue; and on the other hand, I believe, it has been the custom of these towns, whenever the opportunity offered, to help in the rescue of buildings in the District of Columbia. These towns both have their water systems, but there may be such a conflagration as may exhaust the water in either of those systems. It might, of course, be greatly to the injury of the houses in the District of Columbia adjoining these towns if a conflagration should take place, and besides neighborliness demands that if there is water aid shall be given.

Under this amendment, which has been approved by the Commissioners of the District of Columbia, it is provided simply that connection may be had at the District line, the water to be used only in case of fire or other emergency or necessity, and the power is given to the District Commissioners to impose upon these towns any charge they choose, in their discretion, for the service, and an annual payment is to be exacted simply

for the right of connection.

Washington now gets its water supply from the Potomac, which is the great source of supply of this entire region. It would be a great economic waste to compel those towns to lay great mains through Maryland to the Potomac River in order to provide for these extraordinary emergencies, and as the pipes of Washington are very large and the supply is almost inexhaustible, and the supply to be used is only in a case of fire or other emergency or necessity, the Senator will readily see that the District supply will not be drawn upon to any injurious extent.

This is a matter of mutual protection—protection to the District as well as to these neighboring towns-and I will state that right in this bill we find a provision, which has already been enacted into law, providing for the drainage of ten houses on Magnolia avenue, Takoma Park, D. C., into the sewer system of Takoma Park, Md.

Mr. KEAN. That is sewerage. Mr. NEWLANDS. That is sewerage. But it shows the spirit The sewer system of Takoma Park, Md., is to of neighborliness. take care of the sewage of these ten houses in Takoma Park which are in the District of Columbia. It is a matter of economy to the District of Columbia to utilize the sewerage system of the Maryland town. That has already been enacted into law

I ask the Senator from New Jersey not to interpose this objection and to let this provision go into the bill, to be considered hereafter in conference by the conferees, and I am sure it will be properly disposed of by them.

Mr. GALLINGER. I rise simply to correct the Senator from Nevada, if he will permit me, in reference to that sewerage ar-The Senator from Nevada says it has been enacted rangement. It is in this bill, and we have passed favorably upon it, as we did once before, but it was lost in conference.

Mr. NEWLANDS. What I mean to say is that it has been

put into this bill.

Mr. GALLINGER. Certainly.
Mr. NEWLANDS. By way of amendment.

Mr. GALLINGER. That is right.

Mr. NEWLANDS. And represents the judgment of the Senate upon the question of the neighborliness between the District of Columbia and the adjoining town of Takoma, in the one case the District of Columbia making use of the sewer system of the town of Takoma, Md., in the other one, now pending, the town of Takoma making use of the water system of the District of Columbia in case of great emergency, according to rules and regulations prescribed by the Commissioners of the District of Columbia and upon the payments provided for, which are to be fully compensatory, to be also decided by the District of Columbia.

I ask the Senator from New Jersey to withdraw the point of order and let the amendment be passed upon.

The VICE-PRESIDENT. Does the Senator from New Jersey

Insist upon the point of order?

Mr. KEAN. I think I ought to insist upon the point of order; but if we can pass the bill now, I will withdraw it.

The VICE-PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. BURKETT. I desire to offer an amendment to be added after the word "librarian," in line 21, on page 53.

The VICE-PRESIDENT. The Senator from Nebraska offers

an amendment, which will be stated.

The Secretary. On page 53, line 21, after the word "librarian," change the period to a colon and insert:

Provided, That the school day shall begin at 9 o'clock a. m. and close at 4 o'clock p. m.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

APPEALS IN CRIMINAL PROSECUTIONS.

Mr. SPOONER. I ask that the bill regulating appeals in criminal cases be printed as amended by the Senate.

The VICE-PRESIDENT. It is so ordered.

AGRICULTURAL APPROPRIATION BILL

Mr. LODGE obtained the floor.

Mr. PROCTOR. Mr. President—
The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. I yield to the Senator from Vermont to make a

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, to report it favorably with amendments.

I give notice that immediately after the routine morning business to-morrow morning I shall ask the Senate to proceed to its consideration.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. McCUMBER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I yield to the Senator from North Dakota.

Mr. McCUMBER. I ask unanimous consent that when the Senate concludes its legislative and executive business this afternoon it take a recess until 8 o'clock this evening for the consideration of unobjected pension bills and bills to correct military records on the Calendar.

Mr. HALE. No other business to be transacted.
Mr. McCUMBER. No other business to be transacted.
Mr. McCREARY. I did not hear the request of the Senator from North Dakota.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that at the conclusion of the executive session the Senate take a recess until 8 o'clock this evening, then to consider unobjected pension bills, bills correcting military

Mr. GALLINGER. And naval records.

Mr. McCUMBER.. And naval records.

The VICE-PRESIDENT. And naval records, and no other business to be transacted. Without objection, it is so ordered.

AGRICULTURAL BANK IN THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Philippines with amend-

Mr. LODGE. I ask that the first reading of the bill be disensed with, that the bill be read for amendments, and that

pensed with, that the bill be read for amendments, and that the committee amendments be first considered.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the formal reading of the bill be dispensed with, that the bill be read for amendments, and that the committee amendments be first considered. In the absence of objection that course will be pursued. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment was, in section 1, page 1, line 8, after the word "invested," to insert "by individuals or corporations;" so as to make the paragraph read:

That for the purpose of aiding in the establishment and operation of such an agricultural bank in the Philippine Islands as the general government thereof may hereafter specifically authorize the Philippine government is empowered to guarantee an income of not exceeding 4 per cent per annum upon cash capital actually invested by individuals or corporations in such agricultural bank; such guaranty shall be granted by an act of the Philippine Commission which shall contain, among others, the following provisions.

among others, the following provisions.

The amendment was agreed to.

The next amendment was, on page 2, line 1, after the word "with," to strike out "headquarters" and insert "its principal office;" in line 2, after the word "and," to insert "with;" and in line 3, before the word "parts," to strike out "various" and insert "such;" and in the same line, after the word "islands," to insert "as may be designated by the Philippine Commission;" so as to make the paragraph read:

First. The guaranty shall be made to a company organized under the laws of the Philippine Islands, with its principal office in Manila and

with branches in such parts of the islands as may be designated by the Philippine Commission.

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "except," to strike out "for" and insert "to those engaged in agriculture and with;" and in line 6, after the word "the," to insert "sole;" so as to make the paragraph read:

Second. The bank shall not grant loans except to those engaged in agriculture and with the sole purpose of assisting agriculture in the Philippine Islands.

The amendment was agreed to.

The next amendment was, on page 2, line 9, after the word "made," to strike out "except upon the written authorization of the secretary of finance and justice of the Philippine Islands;" so as to make the paragraph read:

Third. No loan exceeding in amount \$5,000 shall be made.

Mr. LODGE. I ask that this amendment may be disagreed to. The amendment was rejected.

The next amendment was, on page 2, line 14, before the word 'hundred" to strike out "five" and insert "four;" so as to make the paragraph read:

Fourth. Interest charged on loans shall not exceed 10 per cent per annum: Provided, That in no event shall the total annual contingent liability under the guaranties authorized by this act at any time exceed \$400,000, and no such guaranty shall continue for a longer period than twenty-five years.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "shall," to strike out "establish" and insert "provide;" and in line 24, after the word "the," to strike out "finances" and insert "business;" so as to make the paragraph read:

For the further security of the Philippine government said government shall provide by the aforesaid act proper rules, including those for determining the cash capital actually invested in such bank and the net income actually received on said capital so invested, and shall provide for supervision by said Philippine government, through the auditing and other appropriate bureaus thereof, of the conduct of the business of the bank.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to strike out the following paragraph:

The aforesaid act of the Philippine government shall provide for the reimbursement to the Philippine government of all payments made under the guaranty authorized by this act.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert the following as an additional section:

following as an additional section:

Sec. 2. That money paid by the Philippine government pursuant to the aforementioned guaranty shall be a liability of the bank to the Philippine government, and, as such, shall constitute a lien upon the annual net profits of the bank, subject only to the right of the stock-holder to receive therefrom 4 per cent dividends per annum upon the bank's cash paid-up capital stock. No dividends above 4 per cent shall be paid, and no profits credited to the surplus fund, either during the period of the government's guaranty or subsequent thereto, until the Philippine government shall have been repaid in full all sums advanced to the bank under said guaranty.

Obligations of the bank to the Philippine government arising from advances made pursuant to the aforementioned guaranty and existing at the time when the bank shall go into liquidation shall constitute a lien on the bank's assets, subject only to the payment of the bank's legitimate debts and the repayment to the stockholders of the par value of the bank's duly authorized cash paid-up capital stock. Provided, That nothing in this section shall be interpreted as a guaranty on the part of the Philippine government to the stockholders of the bank of the par value of the bank's cash paid-up capital stock when the bank of the par value of the bank's cash paid-up capital stock when the bank shall go into liquidation.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert the following as an additional section:

SEC. 3. That the bank shall not be permitted to hold real estate beyond that required for business premises: Provided, That the temporary acquisition of land as the result of foreclosure, or otherwise, on account of a debt, shall be permitted on condition that land so acquired shall be sold within a reasonable time from the date of acquisition.

The amendment was agreed to.

Mr. McCREARY. Mr. President, the object of the bill under consideration is "to provide for the establishment of an agricultural bank in the Philippine Islands," and thus benefit the Phil-

ippine Islands, and especially those engaged in agriculture.

Justice and fair play demand other legislation more important than this for the Philippine Islands, and I can not understand why the dominant party in the United States Senate should hesitate to do that which has been recommended by the President of the United States and by the Secretary of War, and which has been almost unanimously supported by the Members of the House of Representatives, and which the people of the Philippine Islands not only desire, but to which they are entitled.

I therefore offer, Mr. President, an amendment to the bill

now under consideration, which I send to the desk to be read.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment, which will be read by the Secretary.

The Secretary. Add at the end of the bill two new sections, as fellows:

The Secretary. Add at the end of the bill two new sections, as follows:

Sec. 4. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon all like articles imported from foreign countries: Provided, That all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except sugar, tobacco, and rice, manufactured and unmanufactured upon which there shall be levied, collected, and paid only 25 per cent of the rates of duty quited hereby to be levied, collected, and paid upon products of the Philippine Islands coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Islands as provided by law, under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles wholly the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act and sumply direct States free of duty under the provisions of this act and sumply in herein shall be hereafter exempt from any export duties imposed in the Philippine Islands. Provided, however, That in consideration of the rates of duty aforesaid, sugar and robacco, both manufactured and unmanufactured, wholly the growth and product of the United States, shall be admitted to the Philippine Islands from the United States free of duty; and provided further, That on and after the 14th day of April, 1909, all articles and merchandise going from the United States into the Philippine Islands shall be admitted free of duty; And provided further, That in addition to said duty when levied and in case said articles are admitted into the United States from the Philippine Islands shall be admitted free of duty; And provided furthe

Mr. LODGE. Mr. President-

Mr. McCREARY. I have the floor. I have not yielded the floor. The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Massachusetts? Mr. McCREARY. I will yield to the Senator from Massachu-

setts for a question, not for a motion.

Mr. LODGE. I am not going to make a motion. I am simply going to say that no one can be more earnestly in favor of the Philippine tariff bill, as it is known, than myself, but

Mr. McCREARY. I will not yield to the Senator from Massa-

chusetts to raise a point of order.

Mr. LODGE. I am not going to make a speech, but, Mr. President, offering this amendment kills the bill, because it will never reach a vote, and I desire to withdraw the bill. The Senator can make his speech, of course. The VICE-PRESIDENT. The Senator from Kentucky will

proceed.

Mr. LODGE. I desire to withdraw the bill. The Senator can make his speech.

Mr. McCREARY. I did not yield to the Senator and he can not withdraw the bill, and it can not be withdrawn when I yield the floor, except by consent of a majority.

Mr. PATTERSON. If the Senator will yield to me a moment, I will not interpose a point of order, but—
Mr. McCREARY. I do not yield to the Senator from Colo-

Mr. PATTERSON. I simply give notice that I will make the point of order.

The VICE-PRESIDENT. The Senator from Kentucky has the floor. Does he yield?

Mr. McCREARY. No, sir; I do not yield to anyone.

The VICE-PRESIDENT. The Senator from Kentucky will proceed.

Mr. McCREARY. This amendment proposed by me is a copy of the bill which passed the House of Representatives by a vote of 259 to 71, being a majority of 188, with only 14 Demo-crats voting against it, and not one from the State of Kentucky. This proposed legislation for the benefit of the Philippine Islands was reported to the Senate during the last session of the Congress, after the bill passed the House of Representatives, on the 16th day of January, 1906, and referred to the Committee on the Philippines, and it has never been reported by that committee to the Senate, either favorably or unfavorably, but it is still sleeping in that committee, where it is likely to remain as unnoticed and unhonored as if it were in the tomb of the Capu-

The amendment I offer, which, as I said before, is the same as the bill passed by the House of Representatives, provides for the admission of all the products of the Philippine Islands into the United States free of duty, except sugar, tobacco, and rice, and upon these a duty is imposed equal to 25 per cent of the rates of what is known as the Dingley Act, and on and after the 11th day of April, 1909, all articles and merchandise going from the United States into the Philippine Islands and all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands shall be admitted free of duty.

According to existing law Philippine sugar, tobacco, and rice pay duties equal to 75 per cent of the Dingley rates, and the proposed amendment, if adopted, will reduce the rates of duty to 25 per cent for two years, or until the 11th day of April, 1909, on all sugar, tobacco, and rice, and establish free trade immediately on all other products exported to the United States from the Philippine Islands or imported into the Philippine

Islands from the United States.

Prior to the decision of the Supreme Court of the United States in 1902 in the case of Fourteen Diamond Rings, Emil J. Pepke claim against the United States, U. S. Reports, 183, the full duties provided by the Dingley Act were enforced and collected on the products of the Philippine Islands. In that case the Supreme Court held that the archipelago known as the Philippine Islands is not a foreign country and the Dingley tariff rates did not apply, and then an act was passed by Congress March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," which imposed the 75 per cent rate.

As the Philippine Islands are possessions of the United States, and our Government paid \$20,000,000 for them, there should be free trade with them both ways. We should have free trade

free trade with them both ways. We should have free trade between the United States and all her possessions. The Constitution of the United States guarantees absolute free trade between the different States of the American Union, and we have free-trade relations between the United States and our Territorial possessions of Alaska, Hawaii, and Porto Rico, as well as our home Territories of Arizona, New Mexico, Oklahoma, and Indian Territory (Oklahoma and Indian Territory soon to be admitted as a State). Even Cuba has been given a 20 per cent preferential rate over other countries in her commercial dealings with our Republic. The time has come when there should no longer be a tariff burden placed on trade between the United States and our trans-Pacific possessions.

Common justice, business fairness, and public policy demand that the Philippine Islands should not be treated as American territory for certain purposes and as foreign territory other purposes. Our alien contract labor laws, our immigration laws, and our navigation laws have been extended to and enforced in the Philippine Islands, and we should not hesitate or delay doing justice to the people of the Philippine Islands. In this connection I read the very appropriate expression of the distinguished Secretary of War, Hon. William H. Taft. He said:

distinguished Secretary of War, Hoh. William H. Tatt. He said:

If we are sincere; if we are conscientious in our proposition to the
Filipinos, then we have no right to deny them the benefit which
commercial association and freedom of trade, as a part of our civilization, will give them, and the Filipinos will question the good faith
of our declaration that we are there for their good when we decline
to open our ports to their products and refuse to give them the
benefits of the markets of this great country for the things which they
have to sell. have to sell.

The Philippine Commission, composed of four intelligent and thoroughly informed Americans and three citizens of the Philippine Islands, with Governor Luke E. Wright, as president of the Commission, filed their annual report for the year ending November 1, 1905. In that report they say:

In every report made by the Commission it has urged the repeal of, or at least a large reduction in, the duties imposed by the tariff laws

of the United States upon exports of sugar and tobacco from the Philippine Islands to the United States. We now renew our recommendations in this behalf. The reasons which we have so often presented still remain in full force. * * * There is only a limited area of lands adapted to the profitable cultivation of tobacco, and the quality produced is generally poor. Even if the markets of the United States were open to Philippine tobacco, the crude methods obtaining in farming and the conservatism of the people make it certain that no very large increase in output can be expected for many years to come. Even if all the tobacco produced or to be produced in the Philippine Islands now or in the future were exported to the United States and consumed there, it would be so insignificant a proportion of the total amount of tobacco used by the people of the United States that it could not by a possibility disturb the home market, but, as a matter of fact, the greater portion of the output here (in the Philippine Islands) must be consumed here. The only effect of the abolition of existing duties in the United States on Philippine tobacco, either now or for years to come, would be simply to enable the producer to obtain a living price. * * The area of the lands upon which sugar can be profitably grown in these islands is comparatively small, the supply of native labor is limited, and there is no probability of a change in the policy of the Government of the United States forbidding the importation of Chinese or other foreign labor. * * While the removal by Congress of the duties upon Philippine sugars imported into the United States would at once relieve the desperate situation of the planters and inspire hope where now only despair is found, the idea that sugar can ever become a serious menace to home-grown sugar is little short of absurdity. absurdity.

Mr. President, while I am in favor of free trade between the United States and the Philippine Islands, I believe that can not be immediately obtained. Also the treaty of Paris, under which the United States acquired the Philippine Islands, provides that Spain shall have the same advantages in tariff duties on exports to the Philippine Islands that the United States receives for a period of ten years. In other words, we have a treaty engagement with Spain that she is to have the same treatment as the United States in commercial and industrial relations up to April 11. 1909, which is the time fixed in the amendment offered by me for free trade between the United States and the Philippine Islands. The Philippine Islands are our possessions. Their people have come under our care. We are bound by every national and honorable obligation to study and promote their The acquisition brings problems which are difficult and perplexing, but we should fall short of the qualities of a great people and a great nation if we shrank from them.

It is all right for the Committee on the Philippines to report the bill to establish an agricultural bank in the Philippines, and I may say that I am in favor of the bill, but I believe the time has come when there should be other legislation, and as there has been no opportunity whatever for me to bring up the bill that passed the House of Representatives nearly unanimously, I have sought this occasion to bring before the Senate the Philippine tariff bill. My amendment is the same as the bill which passed the House of Representatives.

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Colorado?

Mr. McCREARY. For what purpose?
Mr. PATTERSON. For a question.
Mr. McCREARY. I will yield for a question.
Mr. PATTERSON. That is all. The Senator from Kentucky states that he is in favor of the agricultural banking bill reported from the committee upon the ground that it is a good and a needful measure. If the Senator from Kentucky were convinced that the pressing of this amendment would necessarily defeat the banking bill, that it would induce the chairman of the Committee on the Philippines to withdraw the bill alto-

gether, would he nevertheless press his amendment?

Mr. McCREARY. I heard the Senator from Massachusetts say it was his intention to withdraw the bill, but I believe when the Senator from Massachusetts has time to think about it he will not withdraw the bill. There is no reason why the bill to establish an agricultural bank should not be passed, and there is no good reason, in my opinion, why we should not comply with the recommendation of the President in his message and with the recommendation of the Secretary of War, William H. Taft, and with the overwhelming vote in the United States House of Representatives. In addition to this the agricultural bill having been reported to the Senate, and now under consideration, the Senator from Massachusetts can not under the rules of the Senate withdraw it.

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. LODGE. The Senator referred to me. My objection to the amendment is twofold. One is that if pressed it would lead to endless discussion-

Mr. McCREARY. Mr. President, I decline to yield. Mr. LODGE. And it is also unconstitutional, I will say.

Mr. McCREARY. The Senator from Massachusetts can interject remarks when out of order, if it is agreeable to him. I did not yield to him.

Mr. LODGE. I asked permission of the Senator from Ken-

tucky and he yielded the floor, and then took it away.

Mr. McCREARY. I did not yield it. I yielded to the Senator from Colorado. If the Senator from Massachusetts asked me to yield, I did not hear him. I will be ready to discuss any point of order at the proper time, whether it is that my amendment is not germane or that it is unconstitutional, but I do not believe that either will be seriously made.

The VICE-PRESIDENT. The Senator from Kentucky has

the floor.

Mr. McCREARY. Mr. President, I regret that there should be so much feeling manifested against legislation that is recommended by the President and that has passed the House of Representatives almost unanimously. I do not understand it. am in favor of this legislation, and I have a right in my way to present it; and if I desire to make a speech upon it, I have a right to speak upon it. I am always ready to yield to the will of the majority. If a majority vote down my amendment, then I will yield to the will of the majority. But I shall insist upon this amendment being voted upon, and I shall insist upon being

heard upon it and giving my reasons for it.

was not in favor of the acquisition of the Philippine Islands, and I will be glad to see them independent. I was opposed to the new policy of our Government in purchasing the Philippine Archipelago, composed of many islands 7,000 miles away from our country, with a population of 7,000,000 people, but we have acquired these islands and our flag floats over them, and only a few months ago the Senate confirmed the appointment of a citizen of Vermont, Hon. Henry C. Ide, who was nominated by President Roosevelt as governor of the Philippine Islands, and Hon. William H. Taft, of Ohio, and Hon. Luke E. Wright, of Tennessee, have each acted as governor of the Philippine Islands under appointment by the President of the United States.

The dominant political party declares we will retain these islands at least until the people are prepared for self-government, and this can not be done in less than a generation, and many say it will require several generations. In the meantime they are a part of our common country and are entitled to fair play and free trade. We can not continue to govern these islands and claim ownership of them while commercially and industrially we make them a foreign country. The United States should do one of two things—get out of the Philippine Islands or treat them as a part of our country. We should give them free trade or we should grant them complete independence.

It was published in the newspapers that when the Taft party of Senators and Representatives and other persons were visit-ing the Philippine Islands in 1905 a Filipino spoke in Tagalog language at one of the entertainments and made the following appropriate and unanswerable speech:

GENTLEMEN: I want to ask two questions. If the Philippine Islands are a part of the United States territory, why are they not entitled, as a matter of right, to the admission of their goods to the mother country free of duty? If they are not a part of the United States territory, why are they not entitled to their independence?

As far as I have been informed no response was made to this speech. It is alleged that the revenue to be derived from the duties now imposed on sugar, tobacco, and rice is necessary for the maintenance of the Philippine government. Revenue was needed as much or more when free trade was allowed to Porto Rico and Hawaii as it is needed by the Philippine Islands; besides the necessity for revenue does not excuse injustice and wrong, and our country should not appear to sanction wrong for a money consideration. In the memorable words of President McKinley-

The Philippines are ours not to exploit, but to develope, to civilize, to educate, to train in the science of self-government. This is the path of duty which we must follow or be recreant to a mighty trust committed to us.

Therefore, Mr. President, we should not compel them to sub-mit to laws and regulations of our devising, in which they have no voice, and pay burdensome taxes we levy upon them and then confront them with the Dingley tariff law when they wish to trade with us.

Progress, improvement, and advancement are written all over our Republic, and the tender and glorious sentiment "on earth peace, good will toward men" rings through our land. We have given the Filipinos government, courts, schools, railroads, telegraphs, and helped to improve rivers and harbors, and done much to contribute to their happiness and general welfare, and by the decision of our highest court and by our govern-mental policy and by our legislation declared the Philippine Islands to be wholly domestic and part and parcel of our country. We should now see to it that justice to them should not be retarded, but speedily they should be made to realize that whatever their future may be the principal factor in solving their greatest problem is the Government of the United States, and whatever the result may be in these islands, where progress and civilization have achieved so little in centuries, the United States are the instruments for their uplifting, for their aggrandizement,

for their prosperity, and for their independence.

Mr. President, I pass by an important lesson in history that "free nations can not govern subject provinces." I pass by the fact that the acquisition of the Philippines meant subjugation and forcible annexation, and that it did not mean legitimate expansion, such as Jefferson taught, that it meant a larger standing Army and greater Navy, the beginning of conquest and acquisition which may grow and increase as the years roll by, and no man can foretell the extent or the disaster which may I pass by also the open door of opportunity in the Orient, which I hope will benefit the commercial and industrial interests of our Republic. I pass by also the expenditure by our Government of hundreds of millions of dollars of money in the Philippines which I hope will come back "like bread cast upon the waters" to bless the Philippines, if not us; and I pass by the multitude of American soldiers who have given their lives while doing duty in the Philippine Islands. These are great and interesting problems, but I have not time to discuss them now. I hope and believe revolving years will solve them. I will say, however, that no possessions of the United States, no area of country of the same size, has ever attracted so much attention, demanded the presence of so many soldiers, required so much legislation and visitation, and so great expenditure of money, or been the source of such varied and contradictory opinions as the Philippine Islands.

Mr. President, a reduction of the duties upon sugar, tobacco, and rice of the Philippines from 75 per cent to 25 per cent of the Dingley duties is a measure of tariff reform. I prefer the reduction proposed to no reduction. It is in accordance with Democratic doctrine to reduce the rates of the Dingley tariff law whenever it is possible, and it is better to impose on the people of the Philippine Islands only 25 per cent of injustice than to force upon them 75 per cent of injustice. If we can not get free trade in the Philippines immediately, it is better to have it two years hence than not at all.

In this connection I wish to say that the annual report of the Philippine Commissioners shows that the American administration of the islands is increasing the welfare of the inhabitants, and the conditions in the archipelago are better than before the Americans took charge. The islands are generally peaceful, and the people have been brought to a condition of established order and immunity from constant insurrection. They have been given opportunities for education infinitely superior to those heretofore offered them. They have been permitted to share in the administration of public affairs, with promise of extension as their improvement and fitness justify. They are raising a larger share than ever of their own necessities, and their exports have increased by more than two millions over the previous year, while their imports have decreased by more than \$2,300,000.

By the aid of the United States they will soon have hundreds of miles of railroads. They have been encouraged to adopt improved methods of agriculture, and the passage of the bill under consideration "to provide for the establishment of an agricultural bank in the Philippine Islands" will, according to the testimony of capable and experienced men who have watched the success of the agricultural bank in Egypt, be very beneficial.

Opposition to the legislation proposed comes from the producers of sugar, tobacco, and rice, and, so far as tobacco is concerned, the opposition comes mainly from those engaged in the manufacture of cigars. They desire the tariff rates to remain unchanged. The opposition has greatly magnified the productive capacity of the Philippine Islands and the industrial capacity of the Filipinos and they have greatly magnified the importance of the Philippine Islands in all commercial and industrial matters which concern sugar, tobacco, and rice. Therefore it is necessary to describe the Philippine Islands, distant from our country about 7,000 miles.

According to the figures of the Philippine agricultural bureau, the total area of the Philippine Archipelago is 73,000,000 acres, of which 50,000,000 acres are forest and mountainous lands, practically worthless for agricultural purposes; and of the remaining 23,000,000, 3,200,000 acres are cultivated in crops as follows: Sugar, 180,000 acres; rice, 1,600,000 acres; tobacco, 80,000 acres; sweet potatoes, 60,000 acres; plantains, 85,000 acres; hemp, 550,000 acres; cocoanuts, 375 acres; corn, 267 acres.

In our country we are in the habit of talking about square miles instead of acres. According to the report of G. R. Putnam, in charge of the United States Coast and Geodetic Survey in the Philippine Islands, the area of the Philippine Islands is

115,026 square miles, and therefore the archipelago called the Philippine Islands is not as large as Texas, which is 265,780 square miles, or California, which is 158,360 square miles, or Montana which is 146,080 square miles

Montana, which is 146,080 square miles.

According to the census of the Philippine Islands taken under the direction of the Philippine Commission in 1903 there are two islands with areas exceeding 10,000 square miles each, namely, Luzon, with 40,269 square miles, and Mindanao with 36,292 square miles. There are nine islands each of which has an area of more than 1,000 square miles; twenty islands containing 100 to 1,000 square miles; seventy-three between 10 and 100 square miles; 263 between 1 and 10 square miles, and 2,775, or seveneighths of all, have areas less than 1 square mile each, and there are twelve volcanoes that have been in eruption within historic times.

A large amount of testimony has been taken by the Senate Committee on the Philippines, of which I am a member, which I have carefully examined, and I have also looked over much of the testimony taken by the Committee on Ways and Means of the House of Representatives, and I am satisfied that neither our sugar, tobacco, nor rice industries will be appreciably affected by Philippine competition.

The average consumption of raw sugar in the world is about 10,000,000 tons annually. Sometimes it is a little below these figures and sometimes it rises a little above them. In the year 1905 there were 11,973,000 tons of raw sugar produced in the world, 7,065,000 tons of beet sugar and 4,908,000 tons of cane sugar. We consumed in the United States in 1904, the last year for which I can obtain complete figures, 2,767,162 tons of sugar, our per capita consumption being about 72 pounds per annum. In the various States of the United States we produced only 585,000 tons of sugar, being 265,000 tons of beet sugar and 320,000 tons of cane sugar. We received from Hawaii, Porto Rico, and the Philippines in 1904 409,270 tons, and from foreign countries in 1904 we imported 1,798,381 tons. In 1904 82,000 tons of sugar were exported from the Philippine Islands, of which 25,000 tons came to the United States. It is, therefore, perfectly plain that if the whole amount of exported sugar from the Philippine Islands had come to the United States it would have been hardly a drop in the bucket compared with our production and our immense importation of sugar.

The same opposition and the same cry of injury to the sugar industry was raised when Porto Rico and Cuban sugars were under consideration, yet both the cane and beet sugar industries have continued to flourish. In the face of free imports from the productive plantations of Hawaii beet-sugar farming in California has expanded and the mills have prospered, and it seems clear to my mind that if we have to import from foreign countries nearly 2,000,000 tons of sugar every year to meet the domestic demand, the small supply from the Philippines can not affect prices adversely. It should be remembered also that there are 550,000 acres of land in hemp in the Philippines, which is double the number of acres of land now in sugar and tobacco in those islands, and an acre of hemp pays three or four times as much in cash as an acre of tobacco or an acre of sugar, and as they have a monopoly of manila hemp and the supply is not near equal to the demand, therefore every acre of land that can be planted in hemp will be devoted to hemp. After more than a hundred years of sugar production in the Philippine Islands the available sugar lands are not extensive, eighttenths of the sugar being produced in the island of Negros. In advocating the proposed legislation I can not see how the sugar industry of the United States can be injured. I want this industry to continue to flourish, and most of those who have carefully studied the question, unless they are directly or in-directly interested in raw sugar or in refining, have declared that the sugar industry in the United States will not be injured by the proposed reduction of the tariff on the Philippine product.

In this connection I quote the testimony of De la Rama, who is corroborated by the highest authority upon the beet-sugar industry in the United States. Mr. De la Rama says:

industry in the United States. Mr. De la Rama says:

Even if we were to introduce modern methods of manufacture, by bringing in modern machinery, it would, in my opinion, take at least five years before we could get the plants properly established in these islands. I believe, furthermore, that it would take fifteen years longer to be able to get all conditions so favorable as to make a crop in the Philippine Islands which would aggregate 300,000 tons; so that, counting in the five years taken to construct modern machinery and the fifteen years that the industry would need to develop to the point of producing 300,000 tons, and we have twenty years as the period which would be required to reach that figure. It is estimated that the cost of machinery capable of producing 300,000 tons of sugar would be \$20,000,000 gold. This, of course, must be considered as a mere estimate; but I consider that sum to be the cost of machinery necessary to produce 300,000 tons. If we take that as a basis in the length of time required before we could reach that production which I have above cited, the markets of the United States in the meantime would have a shortage of double what it now is, or 4,000,000 tons, and against that the 300,000 tons produced in the Philippine Islands would be of no consequence whatever.

I also call attention to the testimony of Mr. Oxnard, the president of the American Beet Sugar Association. He says:

Perhaps it may be well to draw attention to one or two features of

the industry:
1. Its product is a staple of universal consumption and of the readlest sale.
2. The product is a finished article, the sugar being turned out refined and granulated, the manufacturer not being dependent upon the refiners' trust for his market.
3. Competition by home production is so remote as to be scarcely worth consideration. The United States is now compelled to import three-quarters of its consumption, and it would take at least 300 factories of a daily capacity of 500 tons of beets to produce present importation.

pertation.

Regarding the future development and permanency of the beet-sugar industry in the United States, there can be absolutely no doubt for the following reasons:

Of the tropical countries which it is proposed to annex to the United States, Porto Rico is too small to cut any figure, and the Philippine Islands have not the necessary elements for the expansion of the sugar business sufficiently rapid to give any concern to those interested in the production of sugar from beets in this country for the next twenty-five years to come.

There is but little capital in the Philippine Islands to develop or increase sugar production. Even if capital could be secured, it would avail nothing without labor, and it is conceded by all that labor is very scarce in the Philippine Islands and is hardly sufficient for present needs, and that Philippine laborers are generally indolent and only work when they are compelled to earn money to purchase the necessaries of life.

Governor Wright, who was the governor of the Philippine Islands for several years, is thoroughly informed and has closely studied the sugar question. Testifying before the Senate committee, he said:

The sugar industry, in my opinion, can not be very largely developed in the Philippine Islands. Of course it can be increased considerably, but it can not be made a rival to other countries which produce sugar on a large scale so long as the present policy of the United States is continued as to the exclusion of the Chinese labor from that country. In other words, the native Filipino laborer is largely engaged in raising rice and food products, aside from sugar, and in gathering hemp and copra, and there is not a very great amount of labor there available for sugar raising on a large and profitable scale.

The average annual production of tobacco in the Philippine

The average annual production of tobacco in the Philippine Islands is 20,000,000 pounds. In 1905 the State of Kentucky produced in round numbers 228,000,000 pounds of tobacco, and in the United States 623,000,000 pounds of tobacco were pro-There are a number of Congressional districts duced in 1905. in the various tobacco States each of which produce more tobacco than is produced in the whole of the Philippine Islands. The export leaf last year was 10,000,000 pounds, and not a single pound of it came to the United States. It would seem, therefore, that with absolute free trade between the United States and the Philippine Islands American tobacco is more likely to go to the Philippine Islands than Philippine Island tobacco come to the United States.

The United States produced in 1905, in round numbers, seven billions and a half of cigars, and the Philippine export product to all ports of the world was 81,000,000 cigars, of which only 167,693 cigars came to the United States, and the bulk of these were sold from the Philippine concession at the St. Louis Exposition, and largely as a matter of trial and experiment. The average annual increase for the past ten years in the production and consumption of cigars in the United States has been 327,753,188, or more than four times the entire export product of the Philippine Islands to all parts of the world last year, and 1,955 times as much as the entire importation into the United States from the Philippine Islands last year.

The Commissioner of Internal Revenue, in his report, made a very appropriate and pertinent statement when he said "The bulk of the cigars produced in the Philippine Islands could not be sold in the American market at any price, even if Philippine cigars were admitted customs duty free into the United States." According to the last annual report of the Philippine Com-

mission, the provinces of Isabela and Cagayan produced the only tobacco fit for use in the manufacture of the better quality of cigars and cigarettes.

It is clear, therefore, that if the entire export product of Philippine tobacco should come to the United States, the effect would be imperceptible, based upon the production of 16,000,000 pounds total exports from the Philippine Islands and about 700,000,000 pounds produced in this country. Two dangers however, are repeatedly magnified by those who are opposed to the proposed legislation. One is the fear of increased product and the other the cheap labor of the Orient. As I have said before, little or no tobacco is exported from the Philippine Islands, except from the provinces of Isabela and Cagayan, and that goes mostly to Spain and Japan; and all disinterested persons seem to agree that there is not the slightest ground to fear any greatly increased area or production in the remaining islands of the archipelago. It has been demonstrated beyond doubt that good tobacco can not be grown within 20 miles of

the seacoast, unless it be in some valley so protected by mountains as not to feel the effect of the salt air.

The report of the Philippine Commission shows that the small acreage of the Philippine Islands available for agriculture, being only about 9½ per cent of the total acreage, and the insignificance of the industry compared with other export products of the islands render it impossible that the production could be materially increased in many years, if, indeed, it is ever much increased. I know of no better authority on the tobacco question in the Philippines than Hon. E. J. Hill, Representative in Congress from the Fourth district of Connecticut, who has twice visited the Philippine Islands and made a careful study of the tobacco industry. He says:

There is absolutely no danger whatever to the United States from the competition of the Philippine Islands in any line of the tobacco industry. So far as leaf tobacco is concerned, I call the attention of the Members to the fact that of 16,276,266 pounds exported from the Philippine Islands last year 13,455,065 pounds went to Spain and not a pound to the United States; indeed, practically all of this tobacco went to Spain and to the monopoly countries of Europe, and it is a striking comment upon the fears of any grower in this country that Philippine tobacco will supplant his product that Mr. Shiffer, of the United Cigar Manufacturers Company, when asked before the committee whether in his enormous product of 400,000,000 cigars a year his company had ever imported and manufactured any Philippine tobacco, he replied that they had not. He admitted that they were looking for Habana and Sumatra, but that he had never even experimented with Philippine tobacco. Philippine tobacco.

In order to show the acreage and production of tobacco in the United States in 1905, I submit a table from Supplement of United States Crop Reporter, which, among other things, shows that in Kentucky there were 275,874 acres put in tobacco that year, and the production amounted to 228,975,420 pounds, which is more than a third of all the tobacco produced in the United States, and I may say also that not a single Kentucky tobacco producer or a single Kentucky cigar manufacturer has been before the committee or in Washington to oppose the passage of the bill, which passed the House of Representatives and is now in the Senate Committee on the Philippines, and which bill is the same as the amendment now proposed by me.

The table I have referred to is as follows:

[From Supplement of United States Crop Reporter.]

State or Territory (1905).	Tobacco.				
	Acreage.	Yield per acre.	Produc- tion.	Price per pound.	Total farm value.
	Acres.	Pounds.	Pounds.	Cents.	Dollars.
Maine	************	1 700	010 500	*******	***********
New Hampshire	125 191	1,700	212,500	17.0 17.0	36, 127
Vermont		1,650	315, 150 8, 302, 800	16.9	58,570
Rhode Island		1,850	0, 002, 000	10.9	1,403,173
Connecticut	13,340	1,725	23,011,500	17.0	3,911,95
New York		1,148	7,061,348	10.5	741, 44:
New Jersey		1,140	1,001,015	10.0	731,33,
Pennsylvania	15, 324	1 370	20,998,880	10.8	2, 267, 339
Delaware	20,021	1,010	20, 200, 000	10.0	2, 201, 001
Maryland	30,143	650	19, 592, 950	6.0	1,175,57
Virginia	118, 447	675	79, 951, 725	7.6	6,076,33
North Carolina	186, 770	608	83, 156, 160	8.8	7 817 74
South Carolina	186,770 12,574	736	9, 254, 464	8.7	7, 317, 74 805, 13
Georgia	2,036	525	1,068,900	17.0	181,71
Florida	5, 321	600	3, 192, 600	18.0	574, 66
Alabama	521	450	234, 450	16.0	37,51
Mississippi	155	430	66,650	15.0	9, 92
Louisiana	63	500	31, 500	25.0	
Texas	469	500	234, 500	19.0	7,87 44,55
Arkansas	1,049	700	734, 300	14.0	
					102, 80
Tennessee	41,502 4,005	768	31, 873, 536	7.5	2, 390, 51
West Virginia		790	3, 163, 950	8.5	268, 93
Kentucky	275,874	830	228, 975, 420	7.0	16,028,27
Ohio	59, 229	850	50, 344, 650	8.4	4, 228, 95
Michigan		*******	5 410 000	******	**********
Indiana	6,244	819	5, 113, 836	6.0	306, 83
Illinois	1,132	900	1,018,800	6.0	61, 12
Wisconsin	39, 294	1,370	53, 832, 780	10.0	538, 32
Minnesota			*********		
Iowa					**********
Missouri	1,600	778	1, 295, 370	8.0	103,630
Kansas	**********	******	********	*******	*********
Nebraska					
North Dakota			**********	******	
South Dakota					
Montana				******	
Wyoming					
Colorado					
New Mexico			*********		
Arizona					
Utah				******	
Nevada					
Idaho			**********	*******	
Washington					
Oregon					
California					
Olelahawaa			***********		
Oklahoma					
Indian Territory			**********		
		-	633, 033, 719	7.7	48, 674, 118

The only remaining product mentioned in the pending bill is rice. History shows that the rice crop was the only cultivated crop, as far as can be ascertained, produced by the natives when the Philippine Islands were first discovered by the Spanish explorer Magellan in 1521. For more than three centuries subsequent to the establishment of Spanish sovereignty rice was the principal product. Surplus crops were produced and rice was exported in large quantities, but in later years the cultiva-tion of hemp, sugar, and tobacco have caused the cultivation of rice to be diminished, and last year \$7,000,000 worth of rice was imported to the Philippine Islands and only 1,500,000 acres were under rice cultivation.

There is so little danger that the rice producers of the United States will be interfered with by the Filipinos, who now purchase from foreign countries annually millions of dollars' worth of rice for home consumption and who would have to ship rice over 6,000 miles and pay the freight to compete with the American rice producer, that it is not necessary to discuss this sub-

ject at length.

Mr. President, I have consumed much more time than I expected and made a more comprehensive argument than I intended. The Committee on the Philippines not having reported the bill which passed the House of Representatives, there has been no opportunity in the Senate to discuss the subjects to which I have referred, and my excuse for occupying so much time is that I believe Senators will be favorable to the proposed legislation as Representatives were favorable to it when they have opportunities for investigation and consideration.

The bill to provide for the establishment of an agricultural bank in the Philippine Islands will, when it becomes a law, be beneficial to the Filipinos, and especially to those engaged in agricultural pursuits, and justice and fair play demand the legislation provided in the amendment offered by me, which was so clearly and so strongly advocated by President Roosevelt in his message to the Congress of the United States, when he said:

I carnestly recommend that the tariff now imposed by the Dingley bill upon the products of the Philippine Islands be entirely removed except the tariff on sugar and tobacco, and that that tariff be reduced to 25 per cent of the present rates under the Dingley Act. That after July 1, 1909, the tariff upon tobacco and sugar produced in the Philippine Islands be entirely removed, and that free trade between the islands and the United States in the products of each country then be provided for by law.

If we are to follow up what has been done so well by a large majority of the Members of the House of Representatives: if

majority of the Members of the House of Representatives; if we are to benefit the people of the Philippine Islands by establishing a bank to aid those engaged in agriculture, then I say we ought also to pass the bill relieving the Filipinos of the

unjust burden of tariff taxation.

Mr. LODGE. Mr. President, I desire merely to say now, as I tried to say before, that this amendment, if pressed and debated, would lead at this stage of the session to the defeat of the entire legislation. We can pass for the benefit of the Philippine Islands the agricultural bank bill. Everyone is in favor of it. But to attach this amendment to that bill would simply be to kill both propositions. I should like very much, for the sake of the islands, to save one of them. This amendment is hostile to the bank bill. It can not come up here properly be-

Mr. McCREARY. Mr. President—
Mr. LODGE. No, Mr. President; I have the floor now.
The PRESIDING OFFICER (Mr. TALIAFERRO in the chair).

The Senator from Massachusetts declines to yield.

Mr. LODGE. Mr. President, it can not come here properly, for it is clearly unconstitutional in this form. This body has no power to originate tariff legislation. We can only deal with tariff legislation on a House bill. A House bill is not before us. I wish it were. I am absolutely in favor of it; but being unable to get it at this time of the session, I prefer to do something for the islands, rather than defeat all legislation. Therefore, Mr. President, I move to lay the amendment offered by the Senator from Kentucky upon the table; and pending that motion, I move that the Senate proceed to consider executive business.

Mr. McCREARY. Mr. President, I ask the Senator from

Massachusetts to withhold that motion for a moment, because I

desire to say

The PRESIDING OFFICER. Does the Senator from Massa-

chusetts yield to the Senator from Kentucky?

Mr. McCREARY. I desire to say that my amendment is not

hostile at all to the bill to establish an agricultural bank.

Mr. LODGE. It is not only hostile, but it is fatal. on the motion to proceed to the consideration of executive busi-

Mr. McCREARY. I desire also to say that when the Senator makes the point of order, I will discuss with him whether the amendment is constitutional or not, and whether it is in order.

Mr. LODGE. Debate is out of order, and I make that point of order

The PRESIDING OFFICER. Debate is out of order. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive busi-

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

The VICE-PRESIDENT. The Secretary will report the first bill on the Calendar under the order adopted by the Senate to-day for this evening's session.

ALFRED BURGESS.

The bill (S. 7163) to correct the naval record of Alfred Burgess was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Navy to correct the record of Alfred Burgess, late a seaman on board the U. S. S. Sonoma and Juniata, and to remove any charge of desertion now standing against his record and to issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

PETER H. BRODIE, ALIAS PATRICK TORBETT.

The bill (S. 2400) to correct the naval record of Peter H. Brodle, alias Patrick Torbett, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 8, before the word "discharge," to strike out the words "an honorable" and insert "a;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the naval record of Peter H. Brodie, alias Patrick Torbett, late a sailor in the United States Navy, serving on the U. S. battle ship Ohio, the U. S. S. Maria Denning, and the Undine, and to issue to said Brodie a discharge from the service of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN ALL.

The bill (S. 7188) to remove the charge of desertion from the military record of Martin All was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Regiment," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Martin All. late a private in Company A, Eleventh Indiana Regiment: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH A. MURREY.

The bill (H. R. 16886) granting an increase of pension to Elizabeth A. Murrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Whole. It proposes to place on the peason for the hame of Elizabeth A. Murrey, widow of Isaac Murrey, late of Company H, Fifth Regiment Kentucky Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of James W. Murrey, helpless and dependent child of said Isaac Murrey, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Elizabeth A. Murrey the name of said James W. Murrey shall be placed on the pension roll at \$12 per month from and after the date of death of said Elizabeth A. Murrey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE S. CHURCH.

The bill (H. R. 16506) granting an increase of pension to Kate S. Church was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate S. Church, widow of Joseph Church, late first lieutenant Company I, Fifty-ninth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MARTHA LAVENDER.

The bill (H. R. 16487) granting an increase of pension to Martha Lavender was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Lavender, widow of Jehu Lavender, late of Company F, First Regiment Tennessee Volunteer Infantry, and to pay her a pen-sion of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

WILLIAM M. HARRIS.

The bill (H. R. 16340) granting an increase of pension to William M. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Harris, late of Company D, One hundred and fifty-third Regi-ment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ARCHIBALD H. R. CALVIN.

The bill (H. R. 16283) granting an increase of pension to Archibald H. R. Calvin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Archibald H. R. Calvin, late of Company K, Tenth Regiment Kansas Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN RAFFERTY.

The bill (H. R. 16181) granting an increase of pension to Ann Rafferty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann Rafferty, widow of John Rafferty, late of Company I, Eighth Regiment United States Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN GANGWER.

The bill (H. R. 15965) granting an increase of pension to Stephen Gangwer was considered as in Committee of the Whole. Stephen Gangwer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Gangwer, late of Company K, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. COCHRAN.

The bill (H. R. 17634) granting an increase of pension to John S. Cochran was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Cochran, late of Company B, Fourth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL PENDERGAST, ALIAS MICHAEL BLAKE,

The bill (H. R. 17620) granting an increase of pension to Michael Pendergast, alias Michael Blake, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Pendergast, alias Michael Blake, late of Company B, Forty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AQUILLA WILLIAMS.

The bill (H. R. 17581) granting an increase of pension to Aquilla Williams was considered as in Committee of the Whole. proposes to place on the pension roll the name of Aquilla Williams, late of Company H, First Regiment United States Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LOYD.

The bill (H. R. 17483) granting an increase of pension to William H. Loyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Loyd, late of Company H, Thirty-third Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR B. MONAGHAN.

The bill (H. R. 17369) granting an increase of pension to Minor B. Monaghan was considered as in Committee of the It proposes to place on the pension roll the name of Minor B. Monaghan, late of Company K, Sixth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension

of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS F. BELDEN.

The bill (H. R. 17335) granting an increase of pension to Lewis F. Belden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis F. Belden, late of U. S. S. Constellation, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOUGLAS V. DONNELLY.

The bill (H. R. 17331) granting an increase of pension to Douglas V. Donnelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Douglas V. Donnelly, late of Company C, Fifth Regiment New York State Militia Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM TUDERS.

The bill (H. R. 17330) granting an increase of pension to William Tuders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Tuders, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. ROBEY.

The bill (H. R. 17204) granting a pension to Sarah E. Robey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Robey, widow of Richard Robey, late of Company D, Seventh Battalion District of Columbia Volunteer Infantry, and to pay to her a pension of \$8 per month.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES H. O'BRIEN.

The bill (H. R. 17058) granting an increase of pension to James H. O'Brien was considered as in Committee of the It proposes to place on the pension roll the name of James H. O'Brien, late captain Company I, Forty-fifth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES BRUMM.

The bill (H. R. 16813) granting an increase of pension to Charles Brumm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Brumm, late of Company G, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY H. DAVIS.

The bill (H. R. 16698) granting an increase of pension to Henry H. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. Davis, late of Company C, Fourteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL W. GILLAM.

The bill (H. R. 16458) granting an increase of pension to Daniel W. Gillam was considered as in Committee of the It proposes to place on the pension roll the name of Daniel W. Gillam, late of Company D, Eleventh Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. GRAY.

The bill (H. R. 18681) granting an increase of pension to William E. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Gray, late of Company C, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK SHINAMAN.

The bill (H. R. 18383) granting an increase of pension to Frederick Shinaman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Shinaman, late of Company H, Twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD B. RANKIN.

The bill (H. R. 18323) granting an increase of pension to Richard B. Rankin was considered as in Committee of the It proposes to place on the pension roll the name of Richard B. Rankin, late of Company H, Fifth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEZEKIAH JAMES.

The bill (H. R. 18322) granting an increase of pension to Hezekiah James was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hezekiah James, late of Company C, Sixty-ninth Regiment, and Company E. Sixty-third Regiment, United States Colored Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

JAMES H. SINCLAIR.

The bill (H. R. 18042) granting an increase of pension to James H. Sinclair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Sinclair, late of Company A, Ninth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ELBRIDGE P. BOYDEN.

The bill (H. R. 18014) granting an increase of pension to Elbridge P. Boyden was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Elbridge P. Boyden, late of Company D, Forty-third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GRIMM.

The bill (H. R. 17817) granting an increase of pension to John Grimm was considered as in Committee of the Whole. poses to place on the pension roll the name of John Grimm, late of Seventh Battery, Ohio Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

FRANK J. BIEDERMAN.

The bill (H. R. 17712) granting an increase of pension to Frank J. Biederman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank J. Biederman, late of Company K, First Regiment New York Volunteer Marine Artillery, and Battery D, First Regiment New

Jersey Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ROLAND M. JOHNSON.

The bill (H. R. 17642) granting an increase of pension to Roland M. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Roland M. Johnson, late of Company G, Second Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY LUFET.

The bill (H. R. 20973) granting an increase of pension to Henry Lufft was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Lufft, late of Company K, Sixth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST WEBER.

The bill (H. R. 20862) granting an increase of pension to August Weber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Weber, late of Company D, One hundred and nineteenth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER BUCHMANN.

The bill (H. R. 20731) granting an increase of pension to Peter Buchmann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Buchmann, late of Company G, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JOHN CARPENTER.

The bill-(H. R. 20730) granting an increase of pension to John Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Carpenter, late of Company B, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN LYONS.

The bill (H. R. 20729) granting an increase of pension to Benjamin Lyons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Lyons, late of Company F, Sixty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA D. HILL.

The bill (H. R. 20728) granting an increase of pension to Ira D. Hill was considered as in Committee of the Whole. poses to place on the pension roll the name of Ira D. Hill, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that

he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL W. HINES.

The bill (H. R. 20967) granting an increase of pension to Samuel W. Hines was considered as in Committee of the It proposes to place on the pension roll the name of Samuel W. Hines, late of Company G, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS JONES.

The bill (H. R. 20966) granting an increase of pension to Thomas Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Jones, late of Smith's Independent Company Acting Engineers,

Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH M. BICKFORD.

The bill (H. R. 20960), granting an increase of pension to Sarah M. Bickford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah M. Bickford, widow of Samuel T. Bickford, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. SHEAR.

The bill (H. R. 20931) granting an increase of pension to John N. Shear was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Shear, late of Company L, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JOSEPH ROUGE.

The bill (H. R. 20930) granting an increase of pension to Joseph Rouge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Rouge, late of Company D, Twelfth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS D. KING.

The bill (H. R. 20929) granting an increase of pension to Thomas D. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas D. King, late of Company C, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA WALTERS.

The bill (H. R. 20887) granting an increase of pension to Emma Walters was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Walters, widow of Jacob Walters, late of Company B, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUTHER W. HARRIS.

The bill (H. R. 20882) granting an increase of pension to Luther W. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luther W. Harris, late of Company B, Seventh Regiment Missouri Volun-teer Cavalry, and Company H, Seventy-second Regiment Illinois Volunter Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES T. CHAPMAN.

The bill (H. R. 20860) granting an increase of pension to Charles T. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles T. Chapman, late of U. S. S. North Carolina, Potomac, and Savannah, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. HUGHES.

The bill (H. R. 20859) granting an increase of pension to Henry C. Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Hughes, late of Company H, One hundred and fiftieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is not receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE A. GREENE.

The bill (H. R. 20856) granting an increase of pension to Catharine A. Greene was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Catharine A. Greene, widow of Robert Greene, late of Company K, Thirty-seventh Regiment New York Volunteer Infantry, and captain company E, Fifth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE HIERL, ALIAS GEORGE HILL.

The bill (H. R. 20855) granting an increase of pension to George Hierl, alias George Hill, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Hierl, alias George Hill, late of Company B, Eightyfirst Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WELCH.

The bill (H. R. 20854) granting an increase of pension to Thomas Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Welch, late of U. S. S. Ohio and Sassacus, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY JOYCE.

The bill (H. R. 20842) granting an increase of pension to Henry Joyce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Joyce, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN COMSTOCK.

The bill (H. R. 20834) granting an increase of pension to Franklin Comstock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Comstock, late of U. S. S. North Carolina, Potomac, and Richmond, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. DUNLAP.

The bill (H. R. 20831) granting an increase of pension to James Dunlap was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Dunlap, late of Company B, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

MILTON L. HOWARD.

The bill (H. R. 20822) granting an increase of pension to Milton L. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton L. Howard, late of Company K, Ninth Regiment Vermont Vol-unteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES L. NEWMAN.

The bill (H. R. 20821) granting an increase of pension to John L. Newman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John I. Newman, late of Company B, Sixteenth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. WHITNEY.

The bill (H. R. 20737) granting an increase of pension to William G. Whitney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Whitney, late first lieutenant Company B, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. WEAVERLING.

The bill (H. R. 20881) granting an increase of pension to Martha J. Weaverling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Weaverling, widow of Perry B. Weaverling, late of Company A, Ninety-third Regiment Illinois Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE WEIGERT.

The bill (H. R. 20861) granting an increase of pension to Catharine Weigert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Weigert, widow of Charles Weigert, late of Company B, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of

that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. PRICE.

The bill (H. R. 20719) granting an increase of pension to James C. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Price, late of Company A, Third Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS DOUGHTY.

The bill (H. R. 20689) granting an increase of pension to Francis Doughty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Doughty, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA S. JAYNE.

The bill (H. R. 20686) granting an increase of pension to Joshua S. Jayne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua S. Jayne, late of Company H, One hundred and twentieth Regiment Indiana Voluntees Infants, and to now him a president of \$200. Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. BENHAM.

The bill (H. R. 20685) granting an increase of pension to Joseph R. Benham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph R. Benham, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

WILLIAM A. NICHOLS.

The bill (H. R. 20654) granting an increase of pension to William A. Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Nichols, late of Company F, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pesion of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOMINICK GARVEY.

The bill (H. R. 20647) granting an increase of pension to Dominick Garvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dominick Garvey, late of Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

GEORGE W. BRINTON.

The bill (H. R. 20618) granting an increase of pension to eorge W. Brinton was considered as in Committee of the George W. Whole. It proposes to place on the pension roll the name of George W. Brinton, late of Company A, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHESTER R. PITT.

The bill (H. R. 20568) granting an increase of pension to Chester R. Pitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chester R. Pitt, late of Company A. Hatch's battalion Minnesota Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK W. TERRILL.

The bill (H. R. 20558) granting an increase of pension to Mark W. Terrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mark W. Terrill, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEBSTER MILLER.

The bill (H. R. 20557) granting an increase of pension to Webster Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Webster Miller, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY T. MATHIS.

The bill (H. R. 20356) granting an increase of pension to Mary T. Mathis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary T. Mathis, widow of Benjamin H. Mathis, late of Company L. Palmetto Regiment, South Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA F. BUCHANAN.

The bill (H. R. 20291) granting an increase of pension to Emma F. Buchanan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma F. Buchanan, widow of Francis A. Buchanan, late of Captain Childs's company, South Carolina Mounted Volunteers, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS KELLNER.

The bill (H. R. 20734) granting an increase of pension to Amos Kellner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Kellner, late of Company E, Seventy-fourth Regiment Illinois Vol-unteer Infantry, and Company A, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR ANDREWS.

The bill (H. R. 20733) granting an increase of pension to Oscar Andrews was considered as in Committee of the Whole. proposes to place on the pension roll the name of Oscar Andrews, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR WEAVER.

The bill (H. R. 20970) granting an increase of pension to Edgar Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar Weaver, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now received. that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

MARY E. P. BARR.

The bill (H. R. 20605) granting a pension to Mary E. P. Barr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. P. Barr, widow of William F. Barr, late of Company G, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALFRED HAYWARD.

The bill (H. R. 20244) granting an increase of pension to Alfred Hayward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Hayward, late of Company H, Twenty-second Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. RICHARDS.

The bill (H. R. 20236) granting an increase of pension to William E. Richards was considered as in Committee of the Whole, It proposes to place on the pension roll the name of William E. Richards, late of Company G, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

PHILIP HAMMAN.

The bill (H. R. 20224) granting an increase of pension to Philip Hamman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Hamman, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

GEORGE W. GREEN.

The bill (H. R. 20212) granting an increase of pension to George W. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Green, late of Company B, First Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. AIREY.

The bill (H. R. 20201) granting an increase of pension to Charles W. Airey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Airey, late of Company H, Twelfth Regiment New York Volnnteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS W. DANIELS.

The bill (H. R. 20189) granting an increase of pension to Thomas W. Daniels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas W. Daniels, late of Company H, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JOHN H. M'CAIN, ALIAS JOHN CROFT.

The bill (H. R. 20188) granting an increase of pension to John H. McCain, alias John Croft, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. McCain, alias John Croft, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

JOHN A. SMITH.

The bill (H. R. 20091) granting an increase of pension to John A. Smith was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of John A. Smith, late of Company F, Second Regiment New York Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD F. BARRET.

The bill (H. R. 20079) granting an increase of pension to Richard F. Barret was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Whole. It proposes to place on the pension ron the name of Richard F. Barret, late quartermaster-sergeant, Fourth Regiment Illinois Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER T. WESTMORELAND.

The bill (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland was considered as in Committee of the It proposes to place on the pension roll the name of Oliver T. Westmoreland, late of Company C, First Regiment United States Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS R. ELLIOTT.

The bill (H. R. 20000) granting an increase of pension to Thomas R. Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas R. Elliott, late of Company G, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RITTY M. LANE.

The bill (H. R. 19994) granting a pension to Ritty M. Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ritty M. Lane, widow of James Lane, late of Company I, Third Regiment Illinois Volunteers, war with Mexico, and to pay her a pension of \$8 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON ISBILL.

The bill (H. R. 19976) granting a pension to Nelson Isbill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Isbill, late of Company H, Twentieth Regiment Kentucky Volunteer Infantry, and Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY K. BURGER.

The bill (H. R. 19969) granting an increase of pension to Henry K. Burger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry K. Burger, late of Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

EDWARD LA COSTE.

The bill (H. R. 19943) granting an increase of pension to Edward La Coste was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward La Coste, late of Company K, Second Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. BOWLES.

The bill (H. R. 19869) granting an increase of pension to John E. Bowles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Bowles, late of Company C, Third United States Dragoons, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER B. SWAIN.

The bill (H. R. 19863) granting an increase of pension to Walter B. Swain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter B. Swain, late of Company E, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. SMITH.

The bill (H. R. 19832) granting an increase of pension to George W. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Smith, late of Company A, Seventeenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES G. VAN DEWALKER.

The bill (H. R. 19770) granting an increase of pension to James G. Van Dewalker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James G. Van Dewalker, late of Company B, Twelfth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ALMON WOOD.

The bill (H. R. 19706) granting an increase of pension to Almon Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almon Wood, late of Company F, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MOONEY.

The bill (H. R. 19628) granting an increase of pension to Elizabeth Mooney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Mooney, widow of William Mooney, late of Company H, First Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JUDSON H. HOLCOMB.

The bill (H. R. 19526) granting an increase of pension to Judson H. Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Judson H. Holcomb, late second and first lieutenant Company C, Seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAMPBELL COWAN.

The bill (H. R. 19401) granting an increase of pension to Campbell Cowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Campbell Cowan, late of Company E, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

WASHINGTON M. BROWN.

The bill (H. R. 19400) granting an increase of pension to Washington M. Brown was considered as in Committee of the It proposes to place on the pension roll the name of Washington M. Brown, late of Company M, Eighth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN E. HERNANDEZ.

The bill (H. R. 19384) granting an increase of pension to Susan E. Hernandez was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Susan E. Hernandez, widow of James J. Hernandez, late of Company F, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay here a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

FRANCIS M. HATTEN.

The bill (H. R. 19294) granting an increase of pension to Francis M. Hatten was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Hatten, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JOHN INGRAM.

The bill (H. R. 19263) granting an increase of pension to John Ingram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Ingram, late of Company G, Third Regiment Indiana Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERGUS P. M'MILLAN.

The bill (H. R. 19133) granting an increase of pension to Fergus P. McMillan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fergus P. McMillan, late of Company H, Thirty-fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN HAGEMILLER.

The bill (H. R. 18969) granting an increase of pension to Herman Hagemiller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herman Hagemiller, late of Company C, Fifth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER B. MOTT.

The bill (H. R. 18881) granting an increase of pension to Alexander B. Mott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander B. Mott, late of Company C, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. HANIGAN.

The bill (H. R. 18723) granting an increase of pension to William E. Hanigan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Hanigan, late of Company D, Twenty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCELLUS CASH.

The bill (S. 5456) granting an increase of pension to Marcellus C. Cash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Cash," to strike out the letter "C;" and in line 8, before the word "dollars," to strike out the word "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcq!-lus Cash, late of Company G, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Marcellus Cash."

ELIAS LAUGHNER.

The bill (S. 7862) granting an increase of pension to Elias

The bill (8. 4862) granting an increase of pension to Elias Loughner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Loughner" and insert "Laughner;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Laughner, late of Company C, Fourth Regiment Pennsylvania Volunteer Cavairy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elias Laughner."

CATHARINE HAYES.

The bill (S. 7871) granting a pension to Catharine C. Hayes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendment, in line 6, before the name "Hayes," to strike out the letter "C.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Hayes, widow of Thomas Hayes, late of Company B, First Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Catharine Hayes."

ROBERT J. HENRY.

The bill (S. 2729) granting an increase of pension to Robert J. Henry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty-five;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Henry, late acting assistant surgeon, United States Army, and pay him a pension at the rate of \$45 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SYLVESTER BYRNE.

The bill (S. 7222) granting an increase of pension to Sylvester Byrne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvester Byrne, late of Company A, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN H. BARNES.

The bill (S. 4028) granting an increase of pension to Ann H. Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant Captain Stone's;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann H. Barnes, widow of Thomas H. Barnes, late second lieutenant Captain Stone's company, First Regiment Kentucky Volunteer Cavalry, war with

Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RILEY J. BERKLEY.

The bill (H. R. 20215) granting an increase of pension to Riley J. Berkley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Riley J. Berkley, late of Company A, Seventh Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pen-

sion of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. HART.

The bill (H. R. 21612) granting an increase of pension to James S. Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Hart, late of Company E, Iowa Battalion Mormon Volunteers, war with Mexico, and to pay him a pension of \$20 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FELIX G. MORRISON.

The bill (H. R. 21606) granting an increase of pension to Felix G. Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Felix G. Morrison, late of Company E, Third Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

CALVIN S. MULLINS.

The bill (H. R. 21603) granting an increase of pension to Calvin S. Mullins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin S. Mullins, late of Company A, Eleventh Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL FRENCH.

The bill (H. R. 21564) granting an increase of pension to Daniel French was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel French, late of Company D, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED E. LUCAS.

The bill (H. R. 21551) granting an increase of pension to Alfred E. Lucas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred E. Lucas, late of Company F, Second Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERASTUS A. THOMAS.

The bill (H. R. 21542) granting an increase of pension to Erastus A. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Erastus A. Thomas, late of Company B, One hundred and sixth Regiment New York Volunteer Infantry, and Signal Corps, United States Army, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. FEELEY.

The bill (H. R. 21535) granting an increase of pension to William E. Feeley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Feeley, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and to pay him a pension of \$36 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY REED.

The bill (H. R. 21534) granting an increase of pension to Henry Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Reed, late of Sixth Battery, Maine Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DOBSON.

The bill (H. R. 21532) granting an increase of pension to William Dobson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Dobson, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

MARY E. HOBBS.

The bill (H. R. 21497) granting an increase of pension to Mary E. Hobbs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Hobbs, widow of William Hobbs, late of Company I, First Regiment Mississippi Rifles, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

GEORGE S. WOODS.

The bill (H. R. 21483) granting an increase of pension to George S. Woods was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Woods, late of Company A, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY COLE.

The bill (H. R. 21481) granting an increase of pension to Lucy Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Cole, widow of James B. Cole, late of Company D, Mormon Battalion Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WILEY H. JACKSON.

The bill (H. R. 21472) granting an increase of pension to Wiley H. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wiley H. Jackson, late of Capt. William N. Porter's company, Tennessee Volunteer Cavalry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADALINE H. MALONE.

The bill (H. R. 21471) granting an increase of pension to Adaline H. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adaline H. Malone, widow of William Patrick Malone, late of Captain Cowan's company, Alabama Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE JACKMAN.

The bill (H. R. 21448) granting an increase of pension to Jesse Jackman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Jackman, late of Company E, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. CRUM.

The bill (H. R. 21446) granting an increase of pension to William A. Crum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Crum, late of Company H, First Regiment Ohio Volunteer Light Artillery, and Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN BRAGG.

The bill (H. R. 21432) granting an increase of pension to Benjamin Bragg was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Benjamin Bragg, late of Company F, Thirteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIUS H. LAWRENCE.

The bill (H. R. 21428) granting an increase of pension to Cornelius H. Lawrence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelius H. Lawrence, late of Company F, One hundred and forty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiv-

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

THOMAS L. MOODY.

The bill (H. R. 21427) granting an increase of pension to Thomas L. Moody was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas L. Moody, late of Company C, Fourteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. STICHTER.

The bill (H. R. 21376) granting an increase of pension to John W. Stichter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Stichter, late of Company K, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. CORNWELL,

The bill (H. R. 21375) granting an increase of pension to John S. Cornwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Cornwell, late of Company D, Twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COOPER.

The bill (H. R. 21355) granting an increase of pension to John Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Cooper, late of Company I, Ninth Regiment Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

CHARLOTTE GAME.

The bill (H. R. 21529) granting a pension to Charlotte Game was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Game, widow of Edwin Game, late of Company B, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charlotte Game."

JEANNETTE M. GUINEY.

The bill (H. R. 21347) granting an increase of pension to Jeannette M. Guiney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeannette M. Guiney, widow of Patrick R. Guiney, late colonel

Ninth Regiment Massachusetts Volunteer Infantry and brevet brigadier-general, United States Volunteers, and to pay her a pension of \$50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDISON THOMPSON.

The bill (H. R. 21543) granting an increase of pension to Addison Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Addison Thompson, late of Company H, Thirty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISON GATEWOOD.

The bill (H. R. 21524) granting an increase of pension to Elison Gatewood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elison Gatewood, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. WEIAND.

The bill (H. R. 21499) granting an increase of pension to Henry A. Weiand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry A. Weland, late of Company E, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL B. DAVIS.

The bill (H. R. 21496) granting an increase of pension to Samuel B. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. Davis, late of Company B, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY REBECCA CARROLL.

The bill (H. R. 21470) granting an increase of pension to Mary Rebecca Carroll was considered as in Committee of the It proposes to place on the pension roll the name of Mary Rebecca Carroll, widow of Zachariah H. Carroll, late of Company A, Twelfth Regiment United States Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SHUTLER.

The bill (H. R. 21354) granting a pension to Mary Shutler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Shutler, widow of William H. Shutler, late of Company H. First Regiment Maryland Volunteer Infantry, and to pay her a pension of \$8 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. MURRAY.

The bill (H. R. 21343) granting an increase of pension to James C. Murray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Murray, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

HARVEY S. NETTLETON.

The bill (H. R. 21335) granting an increase of pension to Harvey S. Nettleton was considered as in Committee of the It proposes to place on the pension roll the name of Harvey S. Nettleton, late of band, Tenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. SMITH.

The bill (H. R. 21332) granting an increase of pension to John R. Smith was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of John R. Smith, late of Company A, Fifteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT O. BRADLEY.

The bill (H. R. 21331) granting an increase of pension to Robert O. Bradley was considered as in Committee of the It proposes to place on the pension roll the name of Robert O. Bradley, late captain Company H, Fifteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension

of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE O. TIBBITTS.

The bill (H. R. 21325) granting an increase of pension to George O. Tibbitts was considered as in Committee of the It proposes to place on the pension roll the name of George O. Tibbitts, late of Company B, One hundred and forty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WILSON.

The bill (H. R. 21322) granting an increase of pension to Elizabeth Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Wilson, widow of Washington C. Wilson, late of Company F, First Regiment Alabama Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MALINDA H. HITCHCOCK.

The bill (H. R. 21320) granting an increase of pension to Malinda H. Hitchcock was considered as in Committee of the It proposes to place on the pension roll the name of Ma-Whole. linda H. Hitchcock, widow of Herbert W. Hitchcock, late of Company H, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN SMALL.

The bill (H. R. 21122) granting an increase of pension to Nathan Small was considered as in Committee of the Whole. proposes to place on the pension roll the name of Nathan Small, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA M. CHAMBERLIN.

The bill (H. R. 21113) granting an increase of pension to Emma M. Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enma M. Chamberlin, widow of William N. Chamberlin, late of Company K, Forty-sixth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

PATRICK KINNEY.

The bill (H. R. 21079) granting an increase of pension to Patrick Kinney was considered as in Committee of the Whole. proposes to place on the pension roll the name of Patrick Kinney, late of Company A, First Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

HENRY C. DAVIS.

The bill (H. R. 21078) granting an increase of pension to Henry C. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Davis, late of Company K, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ANDREW M. DUNN.

The bill (H. R. 21077) granting an increase of pension to Andrew M. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew M. Dunn, late of Company G, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES COLLINS.

The bill (H. R. 21061) granting an increase of pension to James Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Collins, late of Company C, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COTTLIER KIRCHNER.

The bill (H. R. 21060) granting an increase of pension to Gottlieb Kirchner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gottlieb Kirchner, late of Eleventh Battery, Indiana Volunteer Light Artillery, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE J. MELTON.

The bill (H. R. 21047) granting an increase of pension to Jesse J. Melton was considered as in Committee of the Whole. proposes to place on the pension roll the name of Jesse J. Melton, late of Pickens's company, First Regiment Alabama Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE HARBAL.

The bill (H. R. 21046) granting a pension to Jesse Harral was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Harral, late of Capt. H. W. Cooke's company, Third Battalion Tennessee Infantry, Cherokee Indian disturbances, and to pay him a pension of \$8 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 21002) granting an increase of pension to William Wiggins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Wiggins, late of Company E, Eighth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY EVANS.

The bill (H. R. 21000) granting an increase of pension to Mary Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Evans, widow of Henry J. Evans, late of Company G, Twenty-seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Jessie F. Evans, less and dependent child of said Henry J. Evans, the additional pension herein granted shall cease and determine: And provided further. That in the event of the death of Mary Evans the name of said Jessie F. Evans shall be placed on the pension roll at \$12 per month from and after the date of death of said Mary Evans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT MARTIN.

The bill (H. R. 21277) granting an increase of pension to Robert Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Martin, late of Company A, First Regiment West Virginia Vol-unteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH BUFFINGTON.

The bill (H. R. 21274) granting an increase of pension to Jeremiah Buffington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Buffington, late of Company B, Fourth Regiment Indiana Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN SULLIVAN.

The bill (H. R. 21270) granting an increase of pension to Ellen Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Sullivan, widow of John Sullivan, late of Company F, Twenty-first Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID J. WISE.

The bill (H. R. 21264) granting an increase of pension to David J. Wise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David J. Wise, late of Company D, Forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DOPP.

The bill (H. R. 21258) granting an increase of pension to James Dopp was considered as in Committee of the Whole. proposes to place on the pension roll the name of James Dopp, late of Company I, First Regiment New York Volunteer Engineers, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FOSTER.

The bill (H. R. 21256) granting an increase of pension to William Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Foster, late of Company H, Twelfth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

THOMAS M'DOWELL.

The bill (H. R. 21255) granting an increase of pension to Thomas McDowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas McDowell, late of Company L, First Regiment, Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

PARTHENA LASLEY.

The bill (H. R. 21227) granting an increase of pension to Parthena Lasley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Parthena Lasley, widow of Francis M. Lasley, late of Company D. Thirtyfirst Regiment Illinois Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving, and provides that in the event of the death of Cora A. Lasley, helpless and dependent child of said Francis M. Lasley, the additional pension therein granted shall cease and determine, and further provides that in the event of the death of Parthena Lasley the name of said Cora A. Lasley shall be placed on the pension roll at \$12 per month from and after the date of death of said Parthena Lasley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY J. RHODES.

The bill (H. R. 21161) granting an increase of pension to Henry J. Rhodes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry J. Rhodes, late of Company I, Third Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. PEAK.

The bill (H. R. 21157) granting an increase of pension to George C. Peak was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of George C. Peak, late of Company F, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWRENCE M'HUGH.

The bill (H. R. 21123) granting an increase of pension to Lawrence McHugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lawrence McHugh, late of U. S. S. Ouichita, United States Navy, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JAMES EDWARD BRISTOL.

The bill (H. R. 21303) granting an increase of pension to James Edward Bristol was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Edward Bristol, late of Company A, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK DE PLANQUE.

The bill (H. R. 21283) granting an increase of pension to Frederick De Planque was considered as in Committee of the It proposes to place on the pension roll the name of Frederick De Planque, late of Company M, Fourteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE LUDWIG.

The bill (H. R. 21281) granting an increase of pension to Catharine Ludwig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Ludwig, widow of John Ludwig, late of Company H, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of

that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC CAIN.

The bill (H. R. 21280) granting an increase of pension to Isaac Cain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Cain, late of Company A, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN HEILER.

The bill (H. R. 21279) granting an increase of pension to Martin Heiler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Heiler, alias Martin Huyler, late of Battery F, First Regiment United States Artillery, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI MITCHELL.

The bill (H. R. 21808) granting an increase of pension to Levi Mitchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Mitchell, late of Company H, Eleventh Regiment, and Company L, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN M. BRUDER.

The bill (H. R. 21906) granting an increase of pension to John M. Bruder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Bruder, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

GEORGE H. FIELD.

The bill (H. R. 21896) granting an increase of pension to George H. Field was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Field, late of Company D, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW CANOVA.

The bill (H. R. 21888) granting an increase of pension to Andrew Canova was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Canova, late of Captain Hooker's independent company, Florida Mounted Volunteers, Seminole Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES H. HAYMAN.

The bill (H. R. 21887) granting an increase of pension to James H. Hayman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Hayman, late of Captain Johnson's independent company, Florida Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BRYANT.

The bill (H. R. 21886) granting an increase of pension to John Bryant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bryant, late of Captains Tucker's, McClellan's, and Roberts's companies, Florida Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK BREAZEALE.

The bill (H. R. 21882) granting an increase of pension to Frank Breazeale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Breazeale, late of Company F (Captain Robert's), First Regiment Texas Mounted Volunters, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. EAMAN.

The bill (H. R. 21852) granting an increase of pension to James M. Eaman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Eaman, late of Company B, Third Regiment Colorado Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT H. DELANEY.

The bill (H. R. 21843) granting an increase of pension to Robert H. Delaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert H. Delaney, late of Company A, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MARY C. HALL.

The bill (H. R. 21836) granting an increase of pension to Mary C. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Hall, widow of James M. Hall, late of Company E, Twentieth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. KASSON.

The bill (H. R. 21837) granting an increase of pension to James W. Kasson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Kasson, late of Company H, Eighth Regiment, and Company I, Fourth Regiment, New York Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH PEACH.

The bill (H. R. 21819) granting an increase of pension to Joseph Peach was considered as in Committee of the Whole. proposes to place on the pension roll the name of Joseph Peach, late of U. S. S. Princeton, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN TIMS.

The bill (H. R. 21761) granting an increase of pension to John Tims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Tims, late of Company F, Third Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. MARTIN.

The bill (H. R. 21724) granting an increase of pension to John D. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Martin, late first lieutenant and adjutant Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. TOWLE.

The bill (H. R. 21667) granting an increase of pension to John W. Towle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Towle, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in Heu of that he is now receiving.

The bill was reported to the Senate without amendment, or

dered to a third reading, read the third time, and passed.

JACOB B. BUTTS.

The bill (H. R. 21651) granting an increase of pension to Jacob B. Butts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob B. Butts, late unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL GAUS.

The bill (H. R. 21648) granting an increase of pension to Michael Gaus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Gaus, late of Company B, Eighth Regiment, and Company L, Sixteenth Regiment, Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

SHELDON HESS.

The bill (H. R. 21644) granting an increase of pension to Sheldon Hess was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sheldon Hess, late of U. S. S. North Carolina and Sunflower, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS MILLER.

The bill (H. R. 21636) granting an increase of pension to Elias Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Miller, late of Company G, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and Company C, Twenty-fifth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA SICKLER.

The bill (H. R. 21634) granting an increase of pension to Emma Sickler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Sickler, widow of Christopher Sickler, late of Company B, Eightieth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHALA M. JONES.

The bill (H. R. 21881) granting an increase of pension to Mahala M. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mahala M. Jones, widow of Joseph E. Jones, late of Company E, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. VIALL.

The bill (H. R. 21856) granting an increase of pension to John G. Viall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Viall, late captain and assistant quartermaster, United States Volunteers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. ARTHUR.

The bill (H. R. 21848) granting an increase of pension to Charles W. Arthur was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Arthur, late of Company A, Second Regiment Ohio Volunteer Heavy Artillery, and One hundred and twenty-sixth and Forty-third Companies, Second Battalion Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW SPENCER.

The bill (H. R. 21798) granting an increase of pension to Andrew Spencer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Spencer, late of Company H, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE YOUNG.

The bill (H. R. 21767) granting an increase of pension to George Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Young, late of Company E, Third Regiment Colorado Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. YEARGIN.

The bill (H. R. 21630) granting an increase of pension to John F. Yeargin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Yeargin, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN BARKER.

The bill (H. R. 21626) granting an increase of pension to Calvin Barker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin Barker, late of Company H, Sixteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed,

WILLIAM H. WILLEY.

The bill (H. R. 21624) granting an increase of pension to filliam H. Willey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Willey, late of Company B, Third Regiment Ver-mont Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MILLER.

The bill (H. R. 21617) granting an increase of pension to William Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Miller, late of Company I, Twentieth Regiment Michigan Volunteer Infantry, and unassigned detachment Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID YODER.

The bill (H. R. 21615) granting an increase of pension to David Yoder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Yoder, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

SIBBY BARNHILL.

The bill (H. R. 22264) granting an increase of pension to Libby Barnhill was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Barnhill," to strike out "Libby" and insert "Sibby;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sibby Barnhill, widow of William Barnhill, late of Captain Cunningham's company, Third Regiment North Carolina Militia, Cherokee Indian disturbances, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sibby Barnhill."

HENRY POWER.

The bill (H. R. 17334) granting an increase of pension to Henry Power was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Company," to strike out the letter "E" and insert "F;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Power, late captain Company A. Twentieth Regiment Illinois Volunteer Infantry, and Company F, Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM CONWELL.

The bill (H. R. 20727) granting an increase of pension to William Conwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Conwell, late of Company I, Ninetieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOLNA S. TOPPING.

The bill (H. R. 23051) granting an increase of pension to Volna S. Topping was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Volna S. Topping, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY KIRK.

The bill (H. R. 22827) granting an increase of pension to Mary Kirk was considered as in Committee of the Whole. proposes to place on the pension roll the name of Mary Kirk, widow of Ezra B. Kirk, late major and quartermaster, United States Army, retired, and to pay her a pension of \$35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. COURTER.

The bill (H. R. 22771) granting an increase of pension to William J. Courter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Courter, late of Company A, Twentieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOREN V. KALSEM.

The bill (H. R. 22766) granting an increase of pension to Soren V. Kalsem was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Soren V. Kalsem, late of Company C, Seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

LUCINDA DAVIDSON.

The bill (H. R. 22941) granting an increase of pension to Lucinda Davidson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda Davidson, widow of Adley Davidson, late of Company A, First Regiment Tennessee Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS L. WILLIAMS.

The bill (H. R. 22881) granting an increase of pension to Thomas L. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas L. Williams, late of Captain Mickler's company, Florida Mounted Volunteers, Seminole Indian war, and to pay him pension of \$16 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. HENRY.

The bill (H. R. 22858) granting an increase of pension to John A. Henry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Henry, late of Company E, Fourteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SPALDING.

The bill (H. R. 22829) granting an increase of pension to George Spalding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Spalding, late of Company D, Maryland and District of Columbia Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM REESE.

The bill (H. R. 22015) granting an increase of pension to William Reese was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Reese, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MELISSA D. WHITMAN.

The bill (H. R. 23122) granting an increase of pension to Melissa D. Whitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melissa D. Whitman, widow of John N. Whitman, late of Company D, Fourth Regiment Vermont Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COWAN.

The bill (H. R. 23133) granting an increase of pension to John Cowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Cowan, late of Company D, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

WILLIAM S. VORIS.

The bill (H. R. 23166) granting an increase of pension to William S. Voris was considered as in Committee of the Whole. It proposes to place on the pension role the name of William S. Voris, late of Company D, Seventeenth Regiment Indiana Vol-unteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARMON VEATCH.

The bill (H. R. 23171) granting an increase of pension to Harmon Veatch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harmon Veatch, late captain Company I, Seventy-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL DOWNS.

The bill (H. R. 23263) granting an increase of pension to Michael Downs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Downs, late of Company I, Ninetieth Regiment Illinois Volunteer Infantry and to applie the property of 200 teer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WENTZ.

The bill (H. R. 18433) granting an increase of pension to William Wentz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Wentz, late of U. S. S. Sabine, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES E. CALVERT.

The bill (H. R. 19385) granting an increase of pension to Agnes E. Calvert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Agnes E. Calvert, widow of John Calvert, late of Company E, Palmetto Regiment South Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA E. HYATT.

The bill (H. R. 22757) granting an increase of pension to Joshua E. Hyatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua E. Hyatt, late of Company F, Eighty-third Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA BARTLETT.

The bill (H. R. 22926) granting a pension to Louisa Bartlett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Bartlett, helpless and dependent daughter of Elijah Bartlett, late of Company D, Sixtieth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON STEVENS.

The bill (H. R. 22976) granting an increase of pension to Milton Stevens was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Milton Stevens, late of Company E, Thirty-first Regiment, and Company D, Thirty-second Regiment, Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY HIBERNIA TRABUE.

The bill (H. R. 22993) granting an increase of pension to Emily Hibernia Trabue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Hibernia Trabue, widow of Robert P. Trabue, late first lieutenant Company B, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA C. MUSGROVE.

The bill (H. R. 22994) granting an increase of pension to Lucinda C. Musgrove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda C. Musgrove, widow of Enoch B. Musgrove, late of Company G, Sixtieth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL Y. BUCK.

The bill (H. R. 22995) granting an increase of pension to Nathaniel Y. Buck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Y. Buck, late of Company B, Fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. MITCHELL.

The bill (H. R. 23036) granting an increase of pension to John C. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Mitchell, late of Company K, Sixty-third Regiment Illinois Vol-unteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON M'ATEER.

The bill (H. R. 22092) granting an increase of pension to Simon McAteer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simon McAteer, late of Company G, Twelfth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

GOTTLIEB SCHWEIZER.

The bill (H. R. 22088) granting an increase of pension to Gottlieb Schweizer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gottlieb Schweizer, late second lieutenant Company H, Forty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

RANDOLPH WESSON.

The bill (H. R. 22085) granting an increase of pension to Randolph Wesson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Randolph Wesson, late of Company H, Sixth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA M. SCOTT.

The bill (H. R. 22073) granting an increase of pension to Eliza M. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza M. Scott, widow of Walter F. Scott, late second lieutenant Company A, First Regiment Arkansas Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY UTTER.

The bill (H. R. 22065) granting an increase of pension to Henry Utter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Utter, late of Company I, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH BETTS.

The bill (H. R. 21960) granting an increase of pension to Sarah Betts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Betts, widow of Charles D. Betts, late of Company H, One hundred and thirty-second Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JOHN A. SMITH.

The bill (H. R. 21915) granting an increase of pension to John A. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Smith, late first lieutenant Company B, Eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. W. TANNER.

The bill (H. R. 21909) granting an increase of pension to George W. W. Tanner was considered as in Committee of the George W. W. Tanner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. W. Tanner, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY PIEPER.

The bill (H. R. 21913) granting an increase of pension to Henry Pieper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Pieper, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES W. CAMPBELL.

The bill (H. R. 22243) granting an increase of pension to James W. Campbell was considered as in Committee of the It proposes to place on the pension roll the name of James W. Campbell, late of Company B, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN ROBINSON.

The bill (H. R. 22241) granting an increase of pension to Stephen Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Robinson, late of Company E, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STINSON.

The bill (H. R. 22238) granting an increase of pension to James Stinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Stinson, late of Company G, Seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN LAWSON.

The bill (H. R. 22237) granting an increase of pension to Nathan Lawson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan Lawson, late of Companies E and A, Eighth Regiment Kentucky

Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BOUGHNER.

The bill (H. R. 22217) granting an increase of pension to George W. Boughner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Boughner, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. PROUTY.

The bill (H. R. 22214) granting an increase of pension to Thomas J. Prouty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Prouty, late of Company B, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER J. BURNS.

The bill (H. R. 22203) granting an increase of pension to Oliver J. Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver J. Burns, late of Company H, Fifth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. ARMSTRONG.

The bill (H. R. 22155) granting an increase of pension to Andrew J. Armstrong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Armstrong, late of Company B, Third Regiment Kansas Volunteer Infantry, and captain Company D, Seventy-ninth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN P. HUBBS.

The bill (H. R. 22103) granting an increase of pension to Warren P. Hubbs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren P. Hubbs, late of Company K, Tenth Regiment Michigan Volunteer Cavalry, and Company A, Twenty-first Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

BORRE PETERSON.

The bill (H. R. 22102) granting an increase of pension to Borre Peterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Borre Peterson, late of Company B, Twelfth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT J. HAMRE.

The bill (H. R. 22004) granting an increase of pension to Albert J. Hamre was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert J. Hamre, late of Company A, Seventh Regiment Minnesota Vol-unteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

SEVERT LARSON.

The bill (H. R. 22090) granting an increase of pension to Severt Larson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sevent Larson, late of Company B, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE W. CONGDON.

The bill (H. R. 22069) granting an increase of pension to Caroline W. Congdon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline W. Congdon, widow of James A. Congdon, late lieutenant-colonel Twelfth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

LEVI E. MILLER.

The bill (H. R. 22067) granting an increase of pension to Levi E. Miller, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi E. Miller, late of Company H, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ORRIN FREEMAN.

The bill (H. R. 22048) granting an increase of pension to Orrin Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orrin Freeman, late of Company C, Sixth Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE TINKHAM.

The bill (H. R. 22047) granting an increase of pension to George Tinkham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Tinkham, late of Company D, Twenty-first Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALETHIA WHITE.

The bill (H. R. 22039) granting a pension to Alethia White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alethia White, widow of William White, late of Company A, Eleventh Regiment Missouri Volunteer Cavalry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ELDRIDGE UNDERWOOD.

The bill (H. R. 22024) granting an increase of pension to Eldridge Underwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eldridge Underwood, late of Company D, Fourth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER MATCHETT.

The bill (H. R. 22003) granting an increase of pension to Alexander Matchett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Matchett, late first lieutenant Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MARTHA JOYCE.

The bill (H. R. 21997) granting an increase of pension to Martha Joyce was considered as in Committee of the Whole. proposes to place on the pension roll the name of Martha Joyce, widow of Jacob Joyce, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REDMOND ROCHE.

The bill (H. R. 21991) granting an increase of pension to Redmond Roche was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Redmond Roche, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY F. WOOD.

The bill (H. R. 21961) granting an increase of pension to Harvey F. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey F. Wood, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

EDWARD FORD.

The bill (H. R. 21643) granting an increase of pension to Edward Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Ford, late of Company K, Ninety-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. DUFF.

The bill (H. R. 20187) granting an increase of pension to John J. Duff was considered as in Committee of the Whole. proposes to place on the pension roll the name of John J. Duff, late captain Company E, One hundred and seventieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICA J. AUSTIN.

The bill (H. R. 23870) granting an increase of pension to America J. Austin was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 1, page 2, before the word "dollars," to strike out "twelve" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of America J. Austin, widow of Benjamin Austin, late second lieutenant Company H, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS J. SMITH.

The bill (H. R. 19067) granting an increase of pension to Thomas J. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Smith, late of Company C, Twenty-fourth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR CLEAVENGER.

The bill (H. R. 22500) granting an increase of pension to Minor Cleavenger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minor Cleavenger, late of Company B, Ninth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. NARRIN.

The bill (H. R. 22452) granting an increase of pension to William A. Narrin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Narrin, late of Company I, Second Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'CASLIN.

The bill (H. R. 22451) granting an increase of pension to John McCaslin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Mc-Caslin, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. MEDORA JOHNSON.

The bill (H. R. 22448) granting a pension to F. Medora Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of F. Medora Johnson, widow of Thomas Johnson, late of Company G, One hundred and seventeenth Regiment New York Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK SCHADLER.

The bill (H. R. 22447) granting an increase of pension to Frank Schadler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Schadler, late of Company D, Fourth Regiment New York Volunteer Infantry, and U. S. S. Dumbarton, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELPHIE THORNE.

The bill (H. R. 22266) granting an increase of pension to Delphie Thorne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delphie Thorne, widow of Dempsey J. Thorne, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL HOGAN.

The bill (H. R. 22270) granting an increase of pension to Michael Hogan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Hogan, late of Company H, Twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

GEORGE W. RODEFER.

The bill (H. R. 22272) granting an increase of pension to George W. Rodefer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Rodefer, late of Company K, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL L. DAVIS.

The bill (H. R. 22288) granting an increase of pension to Samuel L. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel L. Davis, late of Company B, Second Battalion, Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA DUNCAN.

The bill (H. R. 22306) granting an increase of pension to Louisa Duncan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Duncan, widow of Benjamin F. Duncan, late of Company D, Third Regiment Missouri Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. KERR.

The bill (H. R. 22310) granting an increase of pension to Mary A. Kerr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Kerr, widow of John Kerr, late of Company F, Second Regiment Illinois Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. COLBY.

The bill (H. R. 22376) granting an increase of pension to William M. Colby was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of William M. Colby, late second lieutenant Company A, Forty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24

per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. M'ADOO.

The bill (H. R. 22409) granting an increase of pension to Margaret A. McAdoo was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. McAdoo, widow of Austin McAdoo, late of Company B, Second Regiment Tennessee Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD WESLEY WARD.

The bill (H. R. 22420) granting an increase of pension to Edward Wesley Ward was considered as in Committee on the Whole. It proposes to place on the pension roll the name of Edward Wesley Ward, late of Company E, Second Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 psr month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WILLIAM J. JOHNSON.

The bill (H. R. 22422) granting an increase of pension to William J. Johnson was considered as in Committee of the It proposes to place on the pension roll the name of William J. Johnson, late of Company C, Iowa Battalion Mormon Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ALDEN YOUNGMAN.

The bill (H. R. 22431) granting an increase of pension to Alden Youngman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alden Youngman, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JOHN CLARK.

The bill (H. R. 22442) granting an increase of pension to John Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Clark, late of Company I, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WILLIAM OLIVER ANDERSON.

The bill (H. R. 22444) granting an increase of pension to William Oliver Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Oliver Anderson, late of Company B, First Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI E. CURTIS.

The bill (H. R. 22756) granting an increase of pension to Levi E. Curtis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi E. Curtis, late of Company B, Headquarters' Troop, Nineteenth Army Corps, Department of the Gulf, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELLA S. EASTON.

The bill (H. R. 22749) granting an increase of pension to Della S. Easton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Della S. Easton, widow of David J. Easton, late first lieutenant Company E and captain Company G, Nineteenth Regiment Michigan Volunteer Infantry, and to pay her a pension of \$17 per month in

lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLARD P. FISHER.

The bill (H. R. 22748) granting an increase of pension to Fisher was considered as in Committee of the It proposes to place on the pension roll the name of P. Fisher, late of Sixteenth Battery, Massachusetts Volunteer Light Artillery, and to pay him a pension of \$30 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL MATER.

The bill (H. R. 22734) granting an increase of pension to Michael Maier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Maier, late of Companies L and I, Twelfth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension to \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DEAN.

The bill (H. R. 22718) granting an increase of pension to William Dean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Dean, late captain Company A, Fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JACOB KURES.

The bill (H. R. 22711) granting an increase of pension to Jacob Kures was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Kures, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON CORNELL.

The bill (H. R. 22710) granting an increase of pension to Nelson Cornell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Cornell, late of Thirteenth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SMOKER.

The bill (H. R. 22706) granting an increase of pension to William Smoker was considered as in Committee of the Whole. proposes to place on the pension roll the name of William Smoker, late of Companies A and D, Second Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. CADMUS.

The bill (H. R. 22651) granting an increase of pension to Sarah E. Cadmus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Cadmus, widow of Thomas Cadmus, late of Company A, Seventy-fifth Regiment New York Volunteer Mounted Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA M. CAROTHERS.

The bill (H. R. 22624) granting an increase of pension to Louisa M. Carothers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa M. Carothers, widow of John C. Carothers, late second lieutenant Company H, Eleventh Regiment, and first lieutenant Company L, Second Regiment Missouri State Militia Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. HARGRAVE.

The bill (H. R. 22605) granting an increase of pension to John R. Hargrave was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Hargrave, late of Company F, Sixth Regiment Ininois Volunteer Cavalry, and to pay him a pension of \$40 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. PASSON.

The bill (H. R. 22602) granting an increase of pension to John H. Passon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Passon, late of Company B, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILSON SIDDELL.

The bill (H. R. 22551) granting an increase of pension to Wilson Siddell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilson Siddell, late of Marine Corps, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL FULLER.

The bill (H. R. 22528) granting an increase of pension to Daniel Fuller was considered as in Committee of the Whole. proposes to place on the pension roll the name of Daniel Fuller, late of Company B, Twenty-third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. SMITH.

The bill (H. R. 22506) granting an increase of pension to James F. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Smith, late of Company K, Ninth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREN D. HASKELL.

The bill (H. R. 22502) granting an increase of pension to Oren D. Haskell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oren D. Haskell, late of Company D, Cass County Missouri Home Guards, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN B. TRUMAN.

The bill (H. R. 22501) granting an increase of pension to Austin B. Truman was considered as in Committee of the It proposes to place on the pension roll the name of Austin B. Truman, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

FRANKLIN CRAIG.

The bill (S. 5992) granting an increase of pension to Franklin Craig was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Engineers," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Craig, late of Company L, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROWLAND SAUNDERS.

The bill (S. 3435) granting an increase of pension to Rowland Saunders was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike

out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rowland Saunders, late of Company F, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. TINSLEY.

The bill (S. 5423) granting an increase of pension to William M. Tinsley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Tinsley, late of Company C. Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM W. VANDEL.

The bill (S. 6955) granting an increase of pension to Abram W. Vandel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram W. Vandel, late of Company L, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEREMIAH THOMAS.

The bill (S. 7373) granting an increase of pension to Jeremiah Thomas was considered as in Committee of the Whole. miah Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Thomas, late of Company C, Thirty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY STEGMAN.

The bill (S. 4562) granting an increase of pension to Henry Stegman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Steg-man, late of Company G, Twenty-fifth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL REEVES.

The bill (S. 7606) granting an increase of pension to Samuel Reeves was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to strike out "Volunteer" and insert "Militia;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Reeves, late of Company G. Twenty-seventh Regiment New Jersey Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH KIICHLI.

The bill (S. 7532) granting an increase of pension to Joseph Kiichli was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kiichli, late of Company B, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEONIDAS OBENSHAIN.

The bill (S. 8107) granting an increase of pension to Leonidas Obenshain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonidas Obenshain, late of Company D, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SHANK.

The bill (S. 6609) granting an increase of pension to John

Shank was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shank, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARINDA D. BEERY.

The bill (S. 7483) granting an increase of pension to Marinda D. Beery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Volunteer," to insert "State Militia;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marinda D. Beery, widow of Seth L. Beery, late of Company D, Fourth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BOWEN.

The bill (S. 7480) granting an increase of pension to John Bowen was considered as in Committee of the Whole.

The bill was reported from the Committee or Pensions with an amendment, in line 6, after the word "late," to strike out "of Company E" and insert "second lieutenant Companies D and A;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bowen, late second lieutenant Companies D and A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESTER M. P. GRISWOLD.

The bill (S. 7485) granting an increase of pension to Lester M. P. Griswold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "D" and insert "F;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lester M. P. Griswold, late of Company F, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS S. ELSBERRY.

The bill (S. 4461) granting an increase of pension to Thomas

S. Elsberry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to strike out "Volunteer Militia Infantry" and insert "Militia Volunteer Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Elsberry, late of Company A, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELEANOR N. SHERMAN.

The bill (S. 7420) granting a pension to Eleanor N. Sherman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "late," to strike out "major, Twelfth Regiment Illinois Volunteer Cavalry" and insert "colonel Eighty-eighth Regiment Illinois Volunteer Infantry;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor N. Sherman, widow of Francis Trowbridge Sherman, late colonel Eightyeighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. PETERS.

The bill (S. 5361) granting an increase of pension to J. H. Peters was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the letter "J." and insert "John;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Peters, late lieutenant-colonel Fourth Regiment Iowa Volunteer Cavairy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John H. Peters."

BESSIE SHARP PETTIT.

The bill (S. 7244) granting an increase of pension to Bessie Sharp Pettit was considered as in Committee of the Whole.

Sharp Pettit was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" and in line 9, after the word "receiving," to insert "and \$2 per month additional on account of each of the minor children of the said James S. Pettit until they reach the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bessie Sharp Pettit, widow of James S. Pettit, late lieutenant-colonel Eighth Regiment United States Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving and \$2 per month additional on account of each of the minor children of the said James S. Pettit until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MENZO S. BISHOP.

The bill (S. 7341) granting a pension to Menzo S. Bishop was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-five" and insert "thirty;" and in line 9, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Menzo S. Bishop, late of Company H, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Menzo S. Bishop."

ALANSON W. EDWARDS.

The bill (S. 7481) granting an increase of pension to A. W.

The bill (S. 1481) granting an increase of pension to A. w. Edwards was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the letter "A." and insert "Alanson;" in the same line, after the word "captain," to strike out "Troop" and insert "Company;" and in line 8, before the word "dollars," to strike out "fifty" and insert "footness" as as a make the bill read. and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alanson W. Edwards, late captain Company L. First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alanson W. Edwards."

ROBERT K. LEECH.

The bill (S. 7305) granting an increase of pension to R. K. Leech was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 6, after the word "of" where it occurs the first time, to strike out the letter "R." and insert "Robert;" and in the same line, after the word "Company," to strike out the letter "H" and insert "F;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert K. Leech, late of Company F, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase pension to Robert K. Leech."

EVARTS C. STEVENS.

The bill (S. 7842) granting an increase of pension to E. C. Stevens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the letter "E." and insert "Evarts;" and in line 7, before the word "Heavy," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evarts C. Stevens, late of Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Evarts C. Stevens."

SUSAN J. ROGERS.

The bill (S. 8024) granting a pension to Susan J. Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan J. Rogers, widow of J. Sumner Rogers, late captain Company M, Thirty-first Regiment Maine Volunteer Infantry, and to pay her a pension of \$24 per month.

The bill was reported to the Senate without amendment, ordered to be engressed for a third reading, read the third time, and passed.

DAVIS GILBORNE.

The bill (S. 7764) granting an increase of pension to Davis Gilborne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Davis Gilborne, late of Company G, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB S. HAWKINS.

The bill (S. 7763) granting an increase of pension to Jacob S. Hawkins was considered as in Committee of the Whole. proposes to place on the pension roll the name of Jacob S. Hawkins, late of Company C, Thirty-seventh Regiment Illinois Volunteer Infantry, and Company F, First Regiment Missouri Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ISAAC JOHNSON.

The bill (S. 6610) granting an increase of pension to Isaac Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Johnson, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

PETER WEDEMAN.

The bill (S. 8207) granting an increase of pension to Peter Wedeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Wedeman, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN T. WOODS.

The bill (S. 8120) granting an increase of pension to Benjamin T. Woods was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 6, after the word "Companies," to strike out "L, G, and C" and insert "L and G;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin T. Woods, late of Companies L and G, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrosed for a third reading, read the third time, and passed.

SUE A. BROCKWAY.

The bill (S. 7708) granting an increase of pension to Susan A. Brockway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the name "Susan" and insert "Sue;" and in line 8, before the word "Infantry," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sue A.

Brockway, widow of Orlando P. Brockway, late captain, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sue A. Brockway."

WILLIAM T. GRAFFAN, ALIAS WILLIAM RIVERS.

The bill (S. 2315) granting an increase of pension to William T. Graffam was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to insert "alias William Rivers;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior he, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Graffam, alias William Rivers, late of Company G, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William T. Graffan, alias William Rivers." JOSIAH B. KINSMAN.

The bill (S. 6380) granting a pension to Josiah B. Kinsman

was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joslah B. Kinsman, late lieutenant-colonel and additional aid-de-camp, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Josiah B. Kinsman."

JOSHUA T. JELLISON.

The bill (S. 7334) granting an increase of pension to Joshua F. Jellison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua T. Jellison, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joshua T. Jellison."

WILLIAM H. GRANDAW.

The bill (S. 7831) granting an increase of pension to William H. Grandaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Grandaw, late of Company L. Fourth Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. FOSTER.

The bill (S. 913) granting an increase of pension to Charles E. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Foster, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. BOYLE.

The bill (S. 6911) granting an increase of pension to George A. Boyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George A. Boyle, late of Company C, First Regiment Rhode Island Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ROBERT HAMILTON.

The bill (S. 7039) granting an increase of pension to Robert Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Hamilton, late of Company A, Seventeenth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

JOHN W. CRANE.

The bill (S. 570) granting an increase of pension to John W. Crane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to strike out "Company B" and insert "Companies B and A;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Crane, late of Companies B and A, Seventy-ninth Regiment New York Volunteer Jnfantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELEANOR P. BIGLER.

The bill (S. 7912) granting an increase of pension to Eleanor P. Bigler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanor P. Bigler, widow of Henry W. Bigler, late of Company B, Mormon Battalion Iowa Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in,

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI W. CURTIS.

The bill (S. 3852) granting an increase of pension to Levi W. Curtis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi W. Curtis, late of Company C, Thirteenth Regiment New Hampshire Volunteer Infantry, and first lieutenant Company E, One hundred and eighteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. LENDSAY ..

The bill (S. 8215) granting an increase of pension to James W. Lendsay was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Lendsay, late of Third Battery, Iowa Volunteer Light Artillery,

and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. HOWELL.

The bill (S. 7915) granting an increase of pension to Mary M. Howell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "paymaster," to insert "additional;" in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers;" and in line 9, before the word "dollars," to strike out "thirty-five" and insert "sixteen;" so as to make the bill read;

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Howell, widow of Robert H. Howell, late major and additional paymaster, United States Volunteers, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA IRVINE.

The bill (S. 8237) granting an increase of pension to Lydia Irvine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "United States," to strike out "First Regiment;" and in the same line, after the word "Mounted," to strike out "Rifles," and insert "Riflemen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Irvine, widow of Caleb E. Irvine, late of Company D, United States Mounted Riflemen, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ZADOK K. JUDD.

The bill (S. 7696) granting an increase of pension to Zadok ·

K. Judd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "war with Mexico;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zadok K. Judd, late of Company E, Mormon Battalion Iowa Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN M. FALES.

The bill (S. 7572) granting an increase of pension to Warren M. Fales was considered as in Committee of the Whole. poses to place on the pension roll the name of Warren M. Fales, late of Company I, Sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. DU BOIS.

The bill (S. 6702) granting an increase of pension to Charles E. Dubois was considered as in Committee of the Whole.

The bill was reported from the Committee or Pensions with amendments, in line 6, before the word "late," to strike out the name "Dubois" and insert "Du Bois;" in line 7, before the word "Tenth," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read. read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Charles E. Du Bois, late second lieutenant Tenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles E. Du Bois."

GARRETT F. COWAN.

The bill (S. 8005) granting an increase of pension to Garrett

F. Cowan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenfy-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Garrett F. Cowan, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. MARTINE.

The bill (S. 8021) granting an increase of pension to John F. Martine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Martine, late of Company G. Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD G. BURNET.

The bill (S. 7004) granting an increase of pension to Edward G. Burnet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward G. Burnet, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. BURNETT.

The bill (S. 7470) granting an increase of pension to William F. Burnett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Burnett, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL A. MILLER.

The bill (S. 7154) granting an increase of pension to Samuel A. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with beth Strong was considered as in Committee of the Whole.

an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Miller, late of Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB BERRY.

The bill (S. 3997) granting an increase of pension to Jacob Berry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Berry, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. GILLILAND.

The bill (S. 7473) granting an increase of pension to John M. Gilliland was considered as in Committee of the Whole. poses to place on the pension roll the name of John M. Gilliland, late of Company G, Seventh Regiment California Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

FRANCIS A. DORY.

The bill (S. 6531) granting an increase of pension to Francis A. Dory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Dory, late of Company M, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WATSON L. CORNER.

WATSON L. CORNER.

The bill (S. 8017) granting an increase of pension to Watson L. Corner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment" to strike out "Sixty-fourth" and insert "Sixty-first;" in line 8, before the word "Infantry," to strike out "Volunteer" and insert "National Guard," and in line 9, before the word "dollars," to strike out "thirty" and insert twenty-four;" so as to make the bill read: bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Watson L. Corner, late of Company B, One hundred and sixty-first Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAURA M. FREEMAN.

The bill (S. 1520) granting an increase of pension to Laura N. Freeman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and in-

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura M. Freeman, widow of Jason E. Freeman, late of Company C, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Laura M. Freeman."

ELIZABETH STRONG.

The bill (S. 1515) granting an increase of pension to Eliza-

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Strong, widow of Charles H. Strong, late of Company I, Fortyfifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL R. EMERY.

The bill (S. 3672) granting an increase of pension to Daniel R. Emery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel R. Emery, late of Company D, Twenty-fourth Regiment Ohio Volunteer Infantry, and Company D, Eighteenth Regiment Ohio Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN W. WHIPPLE.

The bill (S. 1136) granting an increase of pension to Warren W. Whipple was considered as in Committee of the Whole.

The bill was reported from the Committee on Pension with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren W. Whipple, late of Company B, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA ARNOLD.

The bill (S. 8105) granting an increase of pension to Anna Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pension with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Arnold, widow of Frederick Arnold, late of Company D, Fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. BRADY.

The bill (S. 4762) granting a pension to Mary A. Brady was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Brady, widow of John Brady, late of Company B, Gray's battalion, Arkansas Volunteers, war with Mexico, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARSHALL T. KENNAN.

The bill (S. 5813) granting an increase of pension to Marshall T. Kennan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marshall

T. Kennan, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN DOUGHERTY.

The bill (S. 7772) granting a pension to Ellen Dougherty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Dougherty, widow of Daniel Dougherty, late of Company D, Fifth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENDERSON STANLEY.

The bill (S. 7722) granting an increase of pension to Henderson Stanley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Captain," to strike out "James A.;" and in line 8, before the word "and," to insert "Seminole Indian war;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henderson Stanley, late of Captain Pickett's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. LONG.

The bill (S. 7803) granting an increase of pension to William H. Long was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments in line 6, after the word "company," to strike out "St. George Roger's regiment" and insert "First Regiment," and in line 8, before the word "and," to insert "Seminole Indian war;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Long, late of Captain Cone's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GARRET P. ROCKWELL.

The bill (S. 7825) granting an increase of pension to Garrett

Rockwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments in line 6, after the word "of," where it occurs the first time, to strike out the name "Garrett" and insert "Garret P.;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Garret P. Rockwell, late of Company L, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Garret P. Rockwell."

GEORGE F. CHAMBERLIN.

The bill (S. 6910) granting an increase of pension to George F. Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. Chamberlin, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH P. HARGRAVE.

The bill (S. 8225) granting an increase of pension to Elizabeth P. Hargrave was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth P. Hargrave, widow of William L. Hargrave, late of Company F, Sixth Regiment Louislana Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS D. MARSH.

The bill (S. 7877) granting an increase of pension to Thomas D. Marsh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Marsh, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. MESSICK.

The bill (S. 7938) granting an increase of pension to John W. Messick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Messick, late of Company K, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB M. F. ROBERTS.

The bill (S. 8034) granting an increase of pension to Jacob

M. F. Roberts was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob M. F. Roberts, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILBUR A. STILES.

The bill (S. 7830) granting an increase of pension to Wilbur

A. Stiles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur A. Stiles, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA F. BURLINGAME.

The bill (H. R. 17618) granting an increase of pension to Anna F. Burlingame was considered as in Committee of the It proposes to place on the pension roll the name of Anna F. Burlingame, former widow of Walter H. Johnson, late of Company D, Third Regiment Rhode Island Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD S. E. NEWBURY.

The bill (H. R. 19537) granting an increase of pension to Edward S. E. Newbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward E. S. Newbury, late of Company D, Third Regiment, and first lieutenant Company E, Eleventh Regiment, New Jersey Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

THOMAS MILSON.

The bill (H. R. 19499) granting an increase of pension to Thomas Milson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Milson, late of Company C, One-hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH NEELY.

The bill (H. R. 19498) granting an increase of pension to Sarah Neely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Neely, widow of Samuel Neely, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. EASTEP.

The bill (H. R. 19450) granting an increase of pension to Henry C. Eastep was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Eastep, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$24 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. G. CLIBORNE.

The bill (H. R. 19369) granting an increase of pension to John F. G. Cliborne was considered as in Committee of the Whole. proposes to place on the pension roll the name of John F. G. Cliborne, late of Company F, Second Regiment Arkansas Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JOSIAH B. ARNOTT.

The bill (H. R. 19175) granting an increase of pension to Josiah B. Arnott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah B. Arnott, late of Company C, Fifty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD K. MULL.

The bill (H. R. 19131) granting an increase of pension to Edward K. Mull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward K. Mull, late second lieutenant Company F, Third Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

GEORGETTA K. COLLUM.

The bill (H. R. 19042) granting a pension to Georgetta K. Collum was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of Georgetta K. Collum, widow of Richard S. Collum, late major, United States Marine Corps, and to pay her a pension of \$25 per month.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

VANCE PERKINS.

The bill (H. R. 18968) granting a pension to Vance Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Vance Perkins, late of Company K, Third Regiment Georgia Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, or

dered to a third reading, read the third time, and passed.

JAMES E. NETSER.

The bill (H. R. 18602) granting an increase of pension to James E. Netser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Netser, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA HOWELL.

The bill (H. R. 18450) granting an increase of pension to Eliza Howell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Howell, widow of James P. Howell, late first lieutenant Company B, Sixth Regiment New York Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

WILLIAM TODD.

The bill (H. R. 18344) granting an increase of pension to William Todd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Todd, late captain Company G, Eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL D. M'CURDY.

The bill (H. R. 18245) granting an increase of pension to Samuel D. McCurdy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel D. McCurdy, late of Company I, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WILLIAM INGRAM.

The bill (H. R. 18213) granting an increase of pension to William Ingram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Ingram, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, Company A, Seventh Kentucky Volunteer Cavalry, and Company I, Fortieth Kentucky Volunteer Mounted Infantry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BOWMAN.

The bill (H. R. 17831) granting an increase of pension to James Bowman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Bowman, late of Company K, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WEST.

The bill (H. R. 17783) granting an increase of pension to James West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James West, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GUSTUS.

The bill (H. R. 17750) granting an increase of pension to John Gustus was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of John Gustus, late of Company I, One hundred and twelfth Regiment Illnois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IVA O. SHEPARDSON.

The bill (H. R. 17061) granting an increase of pension to Iva O. Shepardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Iva O. Shepardson, widow of George J. Shepardson, late captain Company I, Fourth Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAX MUELLER.

The bill (H. R. 16978) granting an increase of pension to Max Mueller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Max Mueller, late first lieutenant Company D, Seventy-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARKE S. COLE.

The bill (H. R. 16907) granting an increase of pension to Clarke S. Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarke S. Cole, late of Company C, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

MILTON PEDEN.

The bill (H. R. 16855) granting an increase of pension to Milton Peden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton Peden, late captain Company K, Thirty-sixth Regiment Indiana Volunteer Infantry, and colonel One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM JACKSON.

The bill (H. R. 16391) granting an increase of pension to William Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Jackson, late of Company D, Fifteenth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID PROVINCE.

The bill (H. R. 16046) granting an increase of pension to David Province was considered as in Committee of the Whole, It proposes to place on the pension roll the name of David Province, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. LIMPERT.

The bill (H. R. 16322) granting an increase of pension to George C. Limpert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Limpert, late of Company C, Twenty-sixth Regiment, and Company C, Third Regiment, Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ANDREW BRINK.

The bill (H. R. 16020) granting an increase of pension to Andrew Brink was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Brink, late of Company D, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. SCUDDER.

The bill (H. R. 15903) granting an increase of pension to Henry S. Scudder was announced as next in order on the

Mr. McCUMBER. The claimant in that case having died, I move the indefinite postponement of the bill.

The motion was agreed to.

ABBIE J. BRYANT.

The bill (H. R. 15353) granting an increase of pension to Abbie J. Bryant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abbie J. Bryant, widow of David S. Bryant, late of Company G, Eighth Regiment Connecticut Volunteer Infantry, and to pay her a regiment Connected Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY S. SKINNER.

The bill (H. R. 15189) granting an increase of pension to Sidney S. Skinner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sidney S. Skinner, late of Company E, Eighth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

GEORGE H. JUSTIN.

The bill (H. R. 15136) granting an increase of pension to George H. Justin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Justin, late of Company D, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER CURRY.

The bill (H. R. 15012) granting an increase of pension to Oliver Curry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver Curry, late of Company E, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. CLARK.

The bill (H. R. 14777) granting a pension to Mary A. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Clark, widow of Linus R. Clark, late captain Company F, One hundred and seventeenth Regiment New York Volunteer Infantry, and to pay her a pension of \$15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. MANNING.

The bill (H. R. 13960) granting an increase of pension to Thomas B. Manning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Manning, late of Company H, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREN D. CURTIS.

The bill (H. R. 13920) granting an increase of pension to Oren D. Curtis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oren D. Curtis, late of Company I, Thirty-eighth Regiment, and Company F, Thirty-fourth Regiment, Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CRANE.

The bill (H. R. 13835) granting an increase of pension to William Crane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Crane, late of Company E, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID ANGEL.

The bill (H. R. 13769) granting an increase of pension to David Angel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Angel, late of Company I, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

CHARLES H. ANTHONY.

The bill (H. R. 3204) granting an increase of pension to Charles H. Anthony was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Anthony, late of Company H, Third Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

DAVID C. JOHNSTON.

The bill (H. R. 3002) granting an increase of pension to David C. Johnston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Johnston, late of Company H, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. CHEEVERS.

The bill (H. R. 2878) granting an increase of pension to John M. Cheevers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Cheevers, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN V. B. WYMAN.

The bill (H. R. 2781) granting an increase of pension to Martin V. B. Wyman was considered as in Committee of the It proposes to place on the pension roll the name of Martin V. B. Wyman, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WILKINSON.

The bill (H. R. 21832) granting an increase of pension to John W. Wilkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Wilkinson, late second lieutenant and captain Companies F and B, Forty-third Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

DELIA S. HUMPHREY.

The bill (H. R. 21026) granting a pension to Delia S. Humphrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia S. Humphrey, widow of John H. Humphrey, late lieutenant-colonel Forty-fifth Regiment Ohio Volunteer Infantry, and to pay her pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT F. DURGIN.

The bill (H. R. 2777) granting an increase of pension to Albert F. Durgin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert F. Durgin, late of Company G, Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY DAMM.

The bill (H. R. 2246) granting an increase of pension to Henry Damm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Damm, late of Company A, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY AREY.

The bill (H. R. 2049) granting an increase of pension to Henry Arey was considered as in Committee of the Whole. proposes to place on the pension roll the name of Henry Arey, late acting master commanding U. S. S. Wilderness, United States Navy, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JEFFERSON L. JENNINGS.

The bill (H. R. 1778) granting a pension to Jefferson L. Jennings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jefferson L. Jennings, late of Company G, Second Regiment Virginia Vol-unteer Infantry, war with Spain, and to pay him a pension of \$12

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE BACON.

The bill (H. R. 1373) granting an increase of pension to Florence Bacon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence Bacon, widow of Daniel Bacon, late second lieutenant Company L, Second Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCRETIA DAVIS.

The bill (H. R. 1233) granting an increase of pension to Lucretia Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucretia Davis, widow of Justice Davis, late first lieutenant Company D, Second Regiment Indiana Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL B. BAYLESS.

The bill (H. R. 1019) granting an increase of pension to Daniel B. Bayless was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel B. Bayless, late of Company A, First Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$24 per month in lien of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEZEKIAH DEZARN.

The bill (H. R. 830) granting an increase of pension to Hezekiah Dezarn was considered as in Committee of the Whole. proposes to place on the pension roll the name of Hezekiah Dezarn, late of Company A, First Regiment Tennessee Vol-unteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

FRANCIS L. ARNOLD.

The bill (H. R. 529) granting an increase of pension to Francis L. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis L. Arnold, late of Company A, One hundredth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. ROWE.

The bill (H. R. 8718) granting an increase of pension to William T. Rowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Rowe, late of Company C, Sixteenth Regiment, and Company K, Twentieth Regiment, Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCENA C. S. GRAY.

It proposes to place on the pension roll the name of Marcena C. S. Gray, late first lieutenant Companies H and K, First Regiment Louisiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON J. TIMMONS.

The bill (H. R. 8586) granting an increase of pension to Milton J. Timmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton J. Timmons, late of Company H, Eleventh Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON MAYS.

The bill (H. R. 8164) granting an increase of pension to Jackson Mays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson Mays, late of Company E, Sixth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. BUXTON.

The bill (H. R. 7918) granting an increase of pension to John M. Buxton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Buxton, late of Company H, Thirty-third Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

THOMPSON H. HUDSON.

The bill (H. R. 7538) granting an increase of pension to Thompson H. Hudson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thompson H. Hudson, late of Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. BOGER.

The bill (H. R. 7416) granting an increase of pension to Joseph R. Boger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph R. Boger, late of Company A, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

GEORGE W. BRAWNER.

The bill (H. R. 7415) granting an increase of pension to George W. Brawner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Brawner, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

LINAS VAN STEENBURG.

The bill (H. R. 6943) granting an increase of pension to Linas Van Steenburg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Linas Van Steenburg, late captain Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. TAYLOR.

The bill (H. R. 6887) granting an increase of pension to James E. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Taylor, late captain Company M, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARINE D. TACKETT.

The bill (H. R. 8673) granting an increase of pension to Marcena C. S. Gray was considered as in Committee of the Whole. D. Tackett, was considered as in Committee of the Whole. 1t

proposes to place on the pension roll the name of Marine D. Tackett, late of Third Battery, Indiana Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MANOAH W. DUNKIN.

The bill (H. R. 6589) granting an increase of pension to Manoah W. Dunkin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Manoah W. Dunkin, late of Troop C, Third Regiment United States Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

RAWLEIGH M. MONIN.

The bill (H. R. 6575) granting an increase of pension to Rawleigh M. Monin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rawleigh M. Monin, late of Company E, Third Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT RILEY.

The bill (H. R. 6491) granting an increase of pension to Albert Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Riley, late of Company I, Fourth Regiment Tennessee Volun-teer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORATIO ERNEST.

The bill (H. R. 6161) granting an increase of pension to Horatio Ernest was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horatio Ernest, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN OFFINGER.

The bill (H. R. 5856) granting an increase of pension to Martin Offinger was considered as in Committee of the Whole. proposes to place on the pension roll the name of Martin Offinger, late of Company B, Third Regiment New York Volun-teer Cavalry, and Company B, Fourth Regiment New York Provisional Volunteer Cavalry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONAS GURNEE.

The bill (H. R. 5854) granting an increase of pension to Jonas Gurnee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonas Gurnee, late of Company C, One hundred and sixtieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN VOROUS.

The bill (H. R. 3977) granting an increase of pension to John Vorous was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Vorous, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE R. RORABACK.

The bill (H. R. 3352) granting an increase of pension to George R. Roraback was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George R. Roraback, late of band Thirty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

MARY H. PATTERSON.

The bill (H. R. 5709) granting an increase of pension to Mary H. Patterson was considered as in Committee of the Whole. proposes to place on the pension roll the name of Mary H. Patterson, widow of Austin H. Patterson, late captain Company A, Fourteenth Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

HURLBUTT L. FARNSWORTH.

The bill (H. R. 12496) granting an increase of pension to Hurlbutt L. Farnsworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hurlbutt L. Farnsworth, late of Company E, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. SAYLOR.

The bill (H. R. 12458) granting an increase of pension to Thomas J. Saylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Saylor, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. THOMPSON.

The bill (H. R. 12355) granting an increase of pension to Thomas B. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Thompson, late of Company G, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$46 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL NAUS.

The bill (H. R. 12250) granting an increase of pension to Samuel Naus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Naus, late of Company I, Thirty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. ROGERS.

The bill (H. R. 19578) granting an increase of pension to Mary A. Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Rogers, widow of John C. Rogers, late of Coleman's company, First Regiment Alabama Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

HENRY E. COLLINS.

The bill (H. R. 12154) granting an increase of pension to Henry E. Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry E. Collins, late of Company H, Eighth Regiment Kansas Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ATTICUS LEWIS.

The bill (H. R. 12095) granting an increase of pension to Atticus Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Atticus Lewis, late of Company A, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

GEORGE W. IRWIN.

The bill (H. R. 12033) granting an increase of pension to George W. Irwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Irwin, late of Company E, Eighteenth Regiment Ohio Volunteer

Infantry, and Company C, First Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MARTHA W. WRIGHT.

The bill (H. R. 11994) granting an increase of pension to Martha W. Wright was considered as in Committee of the It proposes to place on the pension roll the name of Martha W. Wright, widow of Ebenezer Wright, late second lieutenant Company I, Fourteenth Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BOULTON.

The bill (H. R. 11980) granting an increase of pension to William H. Boulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Boulton, late of Company H, Eighty-sixth Regiment Ohio Volunteer Infantry, and Company C, Twelfth Regiment Ohio Volunteer Cavalry, and first lieutenant Company C, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. HELVEY.

The bill (H. R. 11754) granting an increase of pension to Charles W. Helvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Helvey, late of Companies H and B, Seventh Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT R. DILL.

The bill (H. R. 11740) granting an increase of pension to Robert R. Dill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert R. Dill, late of Companies E and D, Fourth Independent Battalion Ohio Volunteer Cavalry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

JAMES H. DAVISON.

The bill (H. R. 11693) granting an increase of pension to James H. Davison was considered as in Committee of the It proposes to place on the pension roll the name of James H. Davison, late of Twenty-sixth Battery, Indiana Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

MARGARETTE R. BACON.

The bill (H. R. 11535) granting an increase of pension to Margarette R. Bacon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margarette R. Bacon, widow of George A. Bacon, late colonel Fifteenth Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT L. HAMILL.

The bill (H. R. 11523) granting an increase of pension to Robert L. Hamill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert L. Hamill, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. ROBINSON.

The bill (H. R. 11098) granting an increase of pension to Joseph A. Robinson was considered as in Committee of the It proposes to place on the pension roll the name of Joseph A. Robinson, late of Third Battery, Vermont Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

FREDERICK PFAHL.

The bill (H. R. 10874) granting an increase of pension to Frederick Pfahl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Pfahl, late of Company H, Forty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT W. MILLS.

The bill (H. R. 10598) granting an increase of pension to Robert W. Mills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert W. Mills, late of Company B, Forty-sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES L. CONN.

The bill (H. R. 10188) granting an increase of pension to James L. Conn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Conn, late of Company G, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WILLIAM CROOKS.

The bill (H. R. 9655) granting an increase of pension to William Crooks was considered as in Committee of the Whole. proposes to place on the pension roll the name of William Crooks, late of Company H, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY WAGNER.

The bill (H. R. 9576) granting an increase of pension to Henry Wagner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Wagner, late of Company D, Seventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER BROWN.

The bill (H. R. 9450) granting an increase of pension to Alexander Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Brown, late of Company E, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that

he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MELISSA M'CRACKEN.

The bill (H. R. 9073) granting an increase of pension to Melissa McCracken was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melissa McCracken, widow of William R. McCracken, late second lieutenant Company F, Fourth Regiment Missouri Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. WILDMAN.

The bill (S. 7628) granting an increase of pension to John P. Wildman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Wildman, late of Company K, First Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. BRADY.

The bill (S. 7923) granting an increase of pension to William

H. Brady was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to insert the letter "I;" and in line 8, before the word "dollars," to

strike out "fifty" and insert "thirty;" so as to make the bill read.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Brady, late first lieutenant Company I, Second Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADOLPHUS P. CLARK.

The bill (S. 7553) granting an increase of pension to A. P. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "A." and insert "Adolphus;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphus P. Clark, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Adolphus P. Clark."

HENRY O. BENNUM.

The bill (S. 2971) granting an increase of pension to H. O. Bennum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "H." and insert "Henry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry O. Bennum, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry O. Bennum."

JAMES T. PIGGOTT.

The bill (S. 7555) granting an increase of pension to James T. Piggott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Piggott, late of Company F, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN MAHANY.

The bill (S. 6245) granting an increase of pension to Susan Mahany was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Mahany, widow of Michael Mahany, late of Company M, Tenth Regiment New York Volunteer Cavalry, and Signal Corps, United States Army, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of the said Michael Mahany until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR F. RICHARDS.

The bill (S. 7231) granting an increase of pension to Oscar F. Richards was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar F. Richards, late of Company G, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC FORNWALT.

The bill (H. R. 20616) granting an increase of pension to Isaac Fornwalt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Fornwalt, late of Company G, First Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. CORLEY.

The bill (H. R. 19592) granting an increase of pension to William B. Corley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Corley, late of Company F, Fourth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. PRYCE.

The bill (H. R. 19613) granting an increase of pension to James A. Pryce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Pryce, late of Company C, Eighty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREENUP MEECE.

The bill (H. R. 19775) granting an increase of pension to Greenup Meece was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Greenup Meece, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE A. SMITH.

The bill (H. R. 20008) granting an increase of pension to Caroline A. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline A. Smith, widow of Benjamin Smith, late second lieutenant Company B, Fifth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY KÜCHLER.

The bill (H. R. 20125) granting an increase of pension to Mary Küchler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Küchler, widow of Henry Küchler, late of Company A, Eleventh Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET PINT.

The bill (H. R. 20126) granting an increase of pension to Margaret Pint was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Pint, widow of Henry Pint, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTON HEINZEN.

The bill (H. R. 20243) granting an increase of pension to Anton Heinzen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anton Heinzen, late of Company D, Forty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BURRIS SUBERS.

The bill (H. R. 20261) granting an increase of pension to Burris Subers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burris Subers, late of Company H, Twentieth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY D. BOLE.

The bill (H. R. 20283) granting an increase of pension to Henry D. Bole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Bole, late of Company I, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVA LOUISE EBERLIN.

The bill (H. R. 20413) granting a pension to Eva Louise Eberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eva Louise Eberlin, helpless and dependent child of Henry Eberlin, late of Company C. One hundred and forty-third Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

ANDREW H. GROVES.

The bill (H. R. 20446) granting an increase of pension to Andrew H. Groves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew H. Groves, late of Company G, Twelfth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY M'CALLIN.

The bill (H. R. 20455) granting an increase of pension to Harvey McCallin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey Mc-Callin, late of Company C, First Regiment New York Volunteer Mounted Rifles, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. CONNERY.

The bill (H. R. 20493) granting an increase of pension to Charles F. Connery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Connery, late of Company H, Ninety-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MARY KAISTED.

The bill (H. R. 20577) granting a pension to Mary Kaisted was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Kaisted, widow of Jasper Kaisted, late unassigned, Thirty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of \$8 per month and \$2 per month additional for each of the four minor children of said soldier until they shall attain the age of 16

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JAMES D. GRAYSON.

The bill (H. R. 22079) granting an increase of pension to James D. Grayson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

James D. Grayson, late of First Battery, Ohio Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MARIA R. KLINDT.

The bill (H. R. 21740) granting an increase of pension to Maria R. Klindt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria R. Klindt, widow of Claus Klindt, late of Company B, Second Regiment Iowa Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MENT STANNAH.

The bill (H. R. 21764) granting an increase of pension to Ment Stannah was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ment Stannah, late of U. S. S. Clara Dolsen and Exchange, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

EMMA C. AIKEN.

The bill (H. R. 21769) granting a pension to Emma C. Aiken was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma C. Aiken, widow of Calvin N. Aiken, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDERSON GRAHAM.

The bill (H. R. 21782) granting an increase of pension to Anderson Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anderson Graham, late of Company F, Georgia Battalion, Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving sion of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment. ordered to a third reading, read the third time, and passed.

ALEXANDER PORTER.

The bill (H. R. 21787) granting an increase of pension to Alexander Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Porter, late of Company G, Third Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE J. TERRY.

The bill (H. R. 21838) granting an increase of pension to Fannie J. Terry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie J. Terry, widow of Reuben Terry, late of Company D, Third Regiment Indiana Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

WILLIAM A. WHITAKER.

The bill (H. R. 21853) granting an increase of pension to William A. Whitaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Whitaker, late of Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB W. PIERCE.

The bill (H. R. 21894) granting an increase of pension to Jacob W. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob W. Pierce, late of Company F, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEBASTIAN FUCHS.

The bill (H. R. 21923) granting an increase of pension to Sebastian Fuchs was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Sebastian Fuchs, late of Company A, Ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

HENRY OSTERHELD.

The bill (H. R. 21962) granting an increase of pension to Henry Osterheld was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Osterheld, late first lieutenant Company F, Sixty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

PHILIP DIETER.

The bill (H. R. 21988) granting a pension to Philip Dieter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Dieter, late of Company F, Third Potomac Home Brigade, Maryland Volunteer Infantry, civil war, and Troop D, Seventh Regiment United States Cavalry, and to pay him a pension of \$12 per month, without deduction for any payment or erroneous payments of pension heretofore made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HALL.

The bill (H. R. 22002) granting an increase of pension to John W. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hall, late of Company G, First Regiment Arkansas Cavalry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANFORD D. PAINE.

The bill (H. R. 22007) granting an increase of pension to Sanford D. Paine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sanford D. Paine, late of Company H, Eighth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADOLPHUS COOLEY.

The bill (H. R. 22017) granting an increase of pension to Adolphus Cooley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adolphus Cooley, late of Company K, Twentieth Regiment Kentucky Volunteer Infantry, and Company A, Sixth Regiment Kentucky Volunteer Clayelry, and to pay him a proping of \$20 per month in unteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

CHARLES SELLS.

The bill (H. R. 22018) granting an increase of pension to Charles Sells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Sells, late of Company E, Tenth Regiment United States Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL KELLER.

The bill (H. R. 22020) granting an increase of pension to Samuel Keller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Keller, late of Company F, Cass County, Mo., Home Guards, Cavalry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. COOK.

The bill (H. R. 22025) granting an increase of pension to Thomas H. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Cook, late of Company B, Second Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. WONDER.

The bill (H. R. 22034) granting an increase of pension to James A. Wonder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Wonder, late drum major Forty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN SWAYZE.

The bill (H. R. 22035) granting an increase of pension to Benjamin Swayze was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Swayze, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. FROST.

The bill (H. R. 22050) granting an increase of pension to John W. Frost was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Frost, late of Company H, Second Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of \$20 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. MACY.

The bill (H. R. 22068) granting an increase of pension to John P. Macy was considered as in Committee of the Whole. proposes to place on the pension roll the name of John P. Macy, late first lieutenant, Tenth Regiment United States Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. COCHRAN.

The bill (S. 8081) granting an increase of pension to William H. Cochran was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Cochran, late of Company A, Forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

JOHN HAZEN.

The bill (S. 8084) granting an increase of pension to John Hazen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hazen, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH ICKSTADT.

The bill (S. 8079) granting an increase of pension to Joseph Ickstadt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Ickstadt, late of Second Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHEFFIELD L. SHERMAN, JR.

The bill (S. 5578) granting an increase of pension to Sheffield L. Sherman, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sheffield L. Sherman, jr., late of Company A, First Regiment Rhode Island Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

GILBERT H. KECK.

The bill (S. 7872) granting an increase of pension to Gilbert H. Keck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilbert H. Keck, late of Company F, One hundred and forty-seventh Regiment

Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

SAMUEL M. BRECKENRIDGE.

The bill (S. 7636) granting an increase of pension to Samuel M. Breckenridge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read :

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Breckenridge, late of Company D, Second Regiment Nebraska Volunteer Cavairy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. VISGAR.

The bill (S. 6103) granting an increase of pension to William

P. Visgar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, ir line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Visgar, late of Company A, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUGH L. DICUS.

The bill (H. R. 22297) granting an increase of pension to Hugh L. Dicus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh L. Dicus, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS REMINGTON, ALIAS JOHN BAKER.

The bill (H. R. 22285) granting an increase of pension to Dennis Remington, alias John Baker, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis Remington, alias John Baker, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE RUHLE.

The bill (H. R. 22284) granting an increase of pension to George Ruhle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Ruhle, late of Company D, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

THOMAS M. GRIFFITH.

The bill (H. R. 22279) granting an increase of pension to Thomas M. Griffith was considered as in Committee of the It proposes to place on the pension roll the name of Thomas M. Griffith, late of Company G. Eleventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WARREN A. SHERWOOD.

The bill (H. R. 22276) granting an increase of pension to Warren A. Sherwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren A. Sherwood, late of Company K, Eighth Regiment Illiciving.

nois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. ROSENCRANS.

The bill (H. R. 22269) granting an increase of pension to John L. Rosencrans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Rosencrans, late of Company A, One hundred and fiftysixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH S. OSBORNE.

The bill (H. R. 22262) granting a pension to Elizabeth S. Osborne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth S. Osborne, dependent mother of John C. Osborne, late of Company C, Third Regiment Connecticut Volunteer Infantry, war with Spain, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. TYSON.

The bill (H. R. 22252) granting an increase of pension to William W. Tyson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Tyson, late captain Company A, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES M. PING.

The bill (H. R. 22240) granting a pension to James M. Ping was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Ping, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ELIZABETH T. HAYS.

The bill (H. R. 22239) granting an increase of pension to Elizabeth T. Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Whole. It proposes to place on the pension roll the hard but Elizabeth T. Hays, widow of Ephraim F. Hays, late first leutenant and adjutant, Twelfth Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH KITCHEN.

The bill (H. R. 22223) granting an increase of pension to Uriah Kitchen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Uriah Kitchen, late of Company D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BOOTH.

The bill (H. R. 22222) granting an increase of pension to John W. Booth was considered as in Committee of the Whole. Booth W. Booth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Booth, late of Company E, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA A. HUGHES.

The bill (H. R. 22215) granting an increase of pension to Eliza A. Hughes, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Hughes, widow of John A. Hughes, late captain Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of that she is now reThe bill was reported in the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM C. JETT.

The bill (H. R. 22187) granting a pension to Hiram C. Jett, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram C. Jett, late of Company D, Third Regiment United States Volunteer Engineers, and to pay him a pension of \$12 per month.

The bill was reported in the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTONIO ARCHULETA.

The bill (H. R. 22153) granting a pension to Antonio Archuleta, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Antonio Archuleta, late of Companies C and E, First Regiment New Mexico Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIBBIE D. LOWRY.

The bill (H. R. 22099) granting an increase of pension to Libbie D. Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Libbie D. Lowry, widow of Morrow P. Lowry, late acting assistant paymaster, United States Navy, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADALINE G. BAILEY.

The bill (H. R. 22089) granting an increase of pension to Adaline G. Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adaline G. Bailey, widow of John G. Bailey, late of Company A, and quartermaster-sergeant Seventeenth Regiment Kentucky Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHAUNCEY M. SNOW.

The bill (S. 7786) granting an increase of pension to Channing M. Snow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where is occurs the first time, to strike out the name "Channing" and insert "Chauncey;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chauncey M. Snow, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Chauncey M. Snow."

CARLO J. EMERSON.

The bill (S. 7785) granting an increase of pension to Carlo J. Emerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carlo J. Emerson, late of Company E, Second Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB HOWE.

The bill (H. R. 21506) granting an increase of pension to Jacob Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Howe, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BARBER.

The bill (H. R. 21508) granting an increase of pension to Samuel Barber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Barber, late of Company H, Seventh Regiment Kansas Volun-

teer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH WHEELER.

The bill (H. R. 21515) granting an increase of pension to Joseph Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Wheeler, late of Company A, Seventy-second Regiment, and Company A, Thirty-third Regiment Illinois Volunteer Infan-try, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MURTHA.

The bill (H. R. 21516) granting an increase of pension to James Murtha was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Murtha, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JOHN L. WILSON.

The bill (H. R. 21540) granting an increase of pension to John L. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Wilson, late second lieutenant Company I, Second Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT M. SMART.

The bill (H. R. 21563) granting an increase of pension to Merritt M. Smart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Merritt M. Smart, late of band, Sixteenth Regiment United States Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT MEDWORTH.

The bill (H. R. 21588) granting an increase of pension to Robert Medworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Medworth, late of Company F, One hundredth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GIRDLER.

The bill (H. R. 21604) granting an increase of pension to William Girdler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Girdler, late of Company C, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONIDAS W. REAVIS.

The bill (H. R. 21618) granting an increase of pension to Leonidas W. Reavis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonidas W. Reavis, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MINERVA A. MAYES.

The bill (H. R. 21621) granting an increase of pension to Minerva A. Mayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minerva A. Mayes, widow of James M. Mayes, late of Company D, Second Regiment Texas Cavalry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANZ Z. F. W. JENSEN.

The bill (H. R. 21718) granting an increase of pension to Franz Z. F. W. Jensen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Franz Z. F. W. Jensen, late of Company A, Thirteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROLLIN S. BELKNAP.

The bill (H. R. 21268) granting a pension to Rollin S. Belknap was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rollin S. Belknap, of Capt. M. F. Alcorn's Company G, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Indian wars, and to pay him a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN ROESSLER.

The bill (H. R. 21276) granting an increase of pension to Christian Roessler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christian Roessler, late of Companies B and A, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay to him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE LEWIS.

The bill (H. R. 21289) granting an increase of pension to Jesse Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Lewis, late of Company D, Fourth Regiment New York Volun-teer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. PENCE.

The bill (H. R. 21298) granting an increase of pension to John A. Pence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Pence, late second lieutenant Company D, Seventh Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. GOODIER.

The bill (H. R. 21301) granting an increase of pension to John R. Goodier was considered as in Committee of the Whole. proposes to place on the pension roll the name of John R. Goodier, late of Company D, Thirty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERNST BOGER.

The bill (H. R. 21312) granting an increase of pension to Ernst Boger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ernst Boger, late of Company G, Fourth Regiment Ohio Volunteer Infantry, war with Spain, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

SAMUEL RHODES.

The bill (H. R. 21316) granting an increase of pension to Samuel Rhodes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Rhodes, late of Company K, Third Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD C. MILLER.

The bill (H. R. 21356) granting an increase of pension to Edward C. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward C. Miller, late of Company B, Ringgold Battalion Pennsylvania Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. HOMAN.

The bill (H. R. 21374) granting an increase of pension to Charles H. Homan was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Charles H. Homan, late of Twenty-fourth Independent Battery New York Volunteer Light Artillery, and Company G, Eleventh Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLANCHE M. KELL.

The bill (H. R. 21410) granting an increase of pension to Blanche M. Kell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Blanche M. Kell, widow of John McIntosh Kell, late midshipman, U. S. S. Savannah, United States Navy, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA E. WOOD.

The bill (H. R. 21423) granting an increase of pension to Martha E. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha E. Wood, widow of Eli M. Wood, late of Company G, First Regiment United States Dragoons, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER N. BROWN.

The bill (H. R. 21425) granting an increase of pension to Jasper N. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper N. Brown, late of Company G, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed .

The bill (H. R. 21426) granting an increase of pension to John J. Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Ross, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. LASLEY.

The bill (H. R. 21433) granting an increase of pension to George W. Lasley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Lasley, late of Company K, One hundred and twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

HENRY HUFF.

The bill (H. R. 21461) granting an increase of pension to Henry Huff was considered as in Committee of the Whole. proposes to place on the pension roll the name of Henry Huff, late of Company C, Thirteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WICKHAM.

The bill (H. R. 21462) granting an increase of pension to The bill (H. R. 21462) granting an increase of pension to William H. Wickham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Wickham, late of Company D, Ninth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. WOOD.

The bill (H. R. 21473) granting an increase of pension to James B. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Wood, late of Company C, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM A. WINSLOW.

The bill (H. R. 21476) granting an increase of pension to Hiram A. Winslow was announced as next in order on the Cal-

Mr. McCUMBER. The claimant in that case having died, I move the indefinite postponement of the bill.

The motion was agreed to.

JOHN GREGORY.

The bill (H. R. 22642) granting an increase of pension to John Gregory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gregory, late of Company F, Ninety-second Regiment, and Company G, Sixty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE WILLIAMS.

The bill (H. R. 22635) granting an increase of pension to Catharine Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Williams, widow of Benjamin C. Williams, late of Company A, First Regiment Tennessee Mounted Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELON WILSON.

The bill (H. R. 22634) granting an increase of pension to Helon Wilson was considered as in Committee of the Whole. proposes to place on the pension roll the name of Helon Wilson, widow of Robert J. T. Wilson, late of Company I, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

GEORGE W. WILLISON.

The bill (H. R. 22623) granting an increase of pension to George W. Willison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Willison, late of Company M, Third Regiment West Virginia Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

CHARLES S. ABBOTT.

The bill (H. R. 22620) granting an increase of pension to harles S. Abbott was considered as in Committee of the Charles S. Whole. It proposes to place on the pension roll the name of Charles S. Abbott, late captain Company H, Twentieth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BAYLEY.

The bill (H. R. 22609) granting an increase of pension to Thomas Bayley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Bayley, late colonel Ninth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. CLARK.

The bill (H. R. 22601) granting an increase of pension to John J. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Clark, late of Company C, Sixteenth Regiment New York Volunteer Infantry, and Company G, Twenty-sixth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN B. REBER.

The bill (H. R. 22550) granting an increase of pension to Jonathan B. Reber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan B. Reber, late of Company F, Seventh Regiment Pennsylvania Volunteer Cavalry, and unassigned, Fourth Regiment United States

Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

CHARLOTTE S. O'NEALL.

The bill (H. R. 22542) granting an increase of pension to Charlotte S. O'Neall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charlotte S. O'Neall, widow of Lark O'Neall, late of Captain Elmore's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN HARROUN.

The bill (H. R. 22522) granting an increase of pension to Susan Harroun was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Harroun, widow of John C. Harroun, late of Company I, Fifth Regiment United States Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON CHAMBERLAIN.

The bill (H. R. 22462) granting an increase of pension to Aaron Chamberlain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron Chamberlain, late of Company I, Thirteenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL MOSE.

The bill (H. R. 22440) granting an increase of pension to Daniel Mose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Mose, late of Company A, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and to pay him a pension of \$24

per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER M'CORMICK.

The bill (H. R. 22434) granting an increase of pension to Peter McCormick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter McCormick, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DORA T. BRISTOL.

The bill (H. R. 22428) granting an increase of pension to Dora T. Bristol was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dora T. Bristol, widow of Frank C. Bristol, late of Company C, Thirteenth Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

THOMAS SIRES.

The bill (H. R. 22425) granting an increase of pension to Thomas Sires was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Sires, late of Company K, United States Mounted Riflemen, war with Mexico, and to pay him a pension of \$20 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON PRESTON.

The bill (H. R. 22408) granting an increase of pension to Aaron Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron Preston, late of Company F, One hundred and forty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$20 per weeth in lieu of that he is now receiving sion of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL A. PEABODY.

The bill (H. R. 22388) granting an increase of pension to Daniel A. Peabody was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Daniel A. Peabody, late of Company I, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA L. WOOD.

The bill (H. R. 22359) granting an increase of pension to Louisa L. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa L. Wood, widow of Nathan F. Wood, late of Company D, One hundred and twenty-first Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MARIA CROSS.

The bill (H. R. 22322) granting an increase of pension to Maria Cross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Cross, widow of James G. Cross, late of Company C, Fifth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

JAMES D. COX.

The bill (H. R. 22318) granting an increase of pension to James D. Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Cox, late of Company B, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JOSEPH M. STOREY.

The bill (H. R. 20688) granting an increase of pension to Joseph M. Storey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Storey, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

LE ROY BENSON.

The bill (H. R. 20732) granting an increase of pension to Le Roy Benson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Le Roy Benson, late of Company E, Second Regiment Illinois Volunteers, with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or

dered to a third reading, read the third time, and passed.

SARAH A. HAWKES.

The bill (H. R. 20738) granting a pension to Sarah A. Hawkes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Hawkes, widow of Benjamin F. Hawkes, late of Company B, First Regiment Rhode Island Volunteer Infantry, and to pay her a pension of

\$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUTHRIDGE L. PHILLIPS.

The bill (H. R. 20740) granting an increase of pension to Guthridge L. Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Guthridge L. Phillips, late of Company E, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WEBB.

The bill (H. R. 20823) granting an increase of pension to William H. Webb was considered as in Committee of the Whole. William H. Webb, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. THOMPSON.

The bill (H. R. 20858) granting an increase of pension to William C. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Thompson, late of U. S. S. North Carolina and Santee, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. WALKER.

The bill (H. R. 20953) granting an increase of pension to James D. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Walker, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CHAGNON.

The bill (H. R. 20957) granting an increase of pension to William Chagnon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Chagnon, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS WOOD.

The bill (H. R. 21121) granting an increase of pension to Marcus Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marcus Wood, late of Company I, One hundredth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES W. COSGROVE.

The bill (H. R. 21133) granting an increase of pension to James W. Cosgrove was considered as in Committee of the It proposes to place on the pension roll the name of James W. Cosgrove, late of Company I, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS N. GOOTEE.

The bill (H. R. 21022) granting an increase of pension to Thomas N. Gootee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas N. Gootee, late second lieutenant Company I, Twentyfourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOCH MAY.

The bill (H. R. 21025) granting an increase of pension to Enoch May was considered as in Committee of the Whole. proposes to place on the pension roll the name of Enoch May, late of Company G, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON J. WELLER.

The bill (H. R. 21039) granting an increase of pension to Nelson J. Weller was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Nelson J. Weller, late of Company I, Fifty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ALBERT MANICE.

The bill (H. R. 21087) granting an increase of pension to Albert Manice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Manice, late ordinary seaman, United States Navy, war with Mexico, and Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

HENRY W. MARTIN.

The bill (H. R. 21097) granting an increase of pension to Henry W. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Martin, late of Company A, Tenth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB PALMER.

The bill (H. R. 21103) granting an increase of pension to Jacob Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Palmer, late first lieutenant Company F, Eighty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR GRAHAM.

The bill (H. R. 21111) granting an increase of pension to Arthur Graham was considered as in Committee of the Whole. Arthur Granam was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur Graham, late of Company B, Third Regiment Indiana Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVESTER BICKFORD.

The bill (H. R. 21115) granting an increase of pension to Sylvester Bickford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvester Bickford, late of Company E, Eleventh Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB HARTMAN.

The bill (H. R. 21118) granting an increase of pension to Jacob Hartman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Hartman, late of Nineteenth Independent Battery, Ohio Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LYNCH.

The bill (H. R. 21120) granting an increase of pension to John Lynch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lynch, late of Company C, Seventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNIE SCHEELE.

The bill (H. R. 21249) granting a pension to Minnie Scheele was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minnie Scheele, widow of William C. Scheele, late of Company I, Nineteenth Regiment United States Infantry, war with Spain, and to pay her a pension of \$12 per month, and \$2 per month additional for each of the two minor children of said soldier until they shall attain the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. GAHAN.

The bill (H. R. 21238) granting an increase of pension to John W. Gahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Gahan, late of Company K, Second Regiment Indiana Volunteer Infantry, war with Mexico, and Company D, Fifty-third Regiment Indiana Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK KRINER.

The bill (H. R. 21134) granting an increase of pension to Frederick Kriner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick

Kriner, late of Company G, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. DIXON.

The bill (H. R. 20687) granting an increase of pension to John M. Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Dixon, late second lieutenant Company K, Twelfth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. NEAL.

The bill (H. R. 20684) granting an increase of pension to William M. Neal was considered as in Committee of the Whole, It proposes to place on the pension roll the name of William M. Neal, late of Company I, Seventieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

TIMOTHY QUINN.

The bill (H. R. 20713) granting an increase of pension to Timothy Quinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Timothy Quinn, late major, First Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS MORRIS.

The bill (H. R. 21257) granting an increase of pension to Thomas Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Morris, late of Company H, First Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WILLIAM H. KEHLBECK.

The bill (H. R. 23686) granting an increase of pension to William H. Kehlbeck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Kehlbeck, late of Company D, One hundred and fifty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now eceiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY C. CADWELL.

The bill (H. R. 23684) granting an increase of pension to Harry C. Cadwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harry C. Cadwell, late of Company B, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS PHILLIPS.

The bill (H. R. 23683) granting an increase of pension to Thomas Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Phillips, late of Company B, Eleventh Regiment Missouri Vol-unteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KILPATRICK.

The bill (H. R. 23656) granting an increase of pension to John Kilpatrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Kilpatrick, late of U. S. S. North Carolina, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is

now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEWITT C. CHAPMAN.

The bill (H. R. 23653) granting an increase of pension to Dewitt C. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dewitt C. Chapman, late of Company I, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. ZIMMERMAN.

The bill (H. R. 23652) granting an increase of pension to William H. Zimmerman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Zimmerman, late lieutenant-colonel One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him, a pension of \$30 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WILSON.

The bill (H. R. 23651) granting an increase of pension to John W. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Wilson, late of Company G, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC L. GRISWOLD.

The bill (H. R. 23645) granting an increase of pension to Isaac L. Griswold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac L. Griswold, late of Company D, Twenty-seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

CHARLES J. SCHREINER.

The bill (H. R. 23644) granting an increase of pension to Charles J. Schreiner was considered as in Committee of the It proposes to place on the pension roll the name of Charles J. Schreiner, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ALBINA M. WILLIAMS.

The bill (H. R. 23624) granting an increase of pension to Albina M. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albina M. Williams, widow of Thomas S. Williams, late of Company D, Mormon Battalion Iowa Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

BENJAMIN MAPLE.

The bill (H. R. 23622) granting an increase of pension to Benjamin Maple was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Benjamin Maple, late of Company H, Fourth Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MANLEY.

The bill (H. R. 23608) granting an increase of pension to John Manley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Manley, late of Company D, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED B. STANSIL.

The bill (H. R. 23599) granting an increase of pension to Alfred B. Stansil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred B. Stansil, late of Company H, Eighty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. BUCK.

The bill (H. R. 23593) granting an increase of pension to Charles M. Buck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Buck, late first lieutenant Company D, Eightieth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ELIZABETH C. SMITH.

The bill (H. R. 23550) granting an increase of pension to Elizabeth C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth C. Smith, widow of William B. Smith, late of Company F, Third Regiment United States Dragoons, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH CARTER.

The bill (H. R. 23549) granting an increase of pension to Isaiah Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah Carter, late of Company E, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. SMITH.

The bill (H. R. 23528) granting an increase of pension to John M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Smith, late of Company E, Third Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of \$20 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH E. KNIGHTEN.

The bill (H. R. 23527) granting an increase of pension to Joseph E. Knighten was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Knighten, late of Company F, Mounted Battalion, Texas Volunteers, Texas and New Mexico Indian war, and to pay him a pension of \$16 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN D. JORDAN.

The bill (H. R. 23526) granting an increase of pension to Stephen D. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen D. Jordan, late of Company E, Second Regiment United States Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. SHACKLETT.

The bill (H. R. 23522) granting an increase of pension to George W. Shacklett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Shacklett, late of Company F, United States Voltigeurs, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM SLIGER.

The bill (H. R. 23495) granting an increase of pension to Adam Sliger was considered as in Committee of the Whole. proposes to place on the pension roll the name of Adam Sliger, late of Company I, Forty-third Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. PRICE.

The bill (H. R. 23481) granting an increase of pension to John G. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Price, late of Company G, Second Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE VICK.

The bill (H. R. 23477) granting an increase of pension to Caroline Vick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Vick, widow of Stanley Vick, late of Company E, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. GREEN.

The bill (H. R. 23475) granting an increase of pension to Thomas J. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Green, late of Company A, Fifteenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN BECKER.

The bill (H. R. 23468) granting an increase of pension to Martin Becker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Becker, late of Company G, Fifteenth Regiment New Jersey Volunteer Infantry, and Company G, Twenty-first Regiment New Jersey Veteran Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

EDGAR D. ELLIS.

The bill (H. R. 23458) granting an increase of pension to Edgar D. Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar D. Ellis, late of Company H, Second Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ELBRIDGE SIMPSON.

The bill (H. R. 23423) granting an increase of pension to Elbridge Simpson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elbridge Simpson, late of Company E, Fifty-fifth Regiment IIlinois Volunteer Infantry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK CRECELIUS.

The bill (H. R. 23371) granting an increase of pension to Clark Crecelius was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clark Crecelius, late of Company C, Seventy-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SEITZ.

The bill (H. R. 23365) granting an increase of pension to William Seitz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Seitz, late of Company C, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. HOUSTON.

The bill (H. R. 23357) granting an increase of pension to James M. Houston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Houston, late of Company E, Seventh Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. BROWN.

The bill (H. R. 20107) granting an increase of pension to William A. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A Brown, late of Company. K, First Regiment Pennsylvania Vol-

unteer Infantry, war with Mexico, Company B, Twenty-second Pennsylvania Infantry, and Company I, Twelfth Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY HANLON.

The bill (H. R. 24017) granting an increase of pension to Timothy Hanlon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Timothy Hanlon, late of Company F, Ninth Regiment United States Infantry, Oregon and Washington Territory Indian wars, and to pay him a pension of \$16 per month in lieu of that he is now. receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB MILLER.

The bill (H. R. 23984) granting an increase of pension to Jacob Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Miller, late of Company A, Third Regiment Illinois Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

SARAH ELIZABETH FULLER.

The bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Elizabeth Fuller, widow of John Fuller, late of Company B. Second Regiment Ohio Volunteer Infantry, war with Mexico, and Company G, Eighteenth Regiment United States Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY LOOR REGER.

The bill (H. R. 23973) granting an increase of pension to Henry Loor Reger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Loor Reger, late of Company K, Eleventh Regiment United States Infantry, war with Mexico, and Company H, Eighty-fifth Penn-sylvania Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MORSON.

The bill (H. R. 23969) granting an increase of pension to William Morson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Morson, late of Company I, Third Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS W. PARSONS.

The bill (H. R. 23958) granting an increase of pension to Thomas W. Parsons was considered as in Committee of the It proposes to place on the pension roll the name of Thomas W. Parsons, late of Company F, Third Regiment Kentucky Volunteers, war with Mexico, and Company D, Fourteenth Regiment Kentucky Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HEINRICHS.

The bill (H. R. 23957) granting an increase of pension to John Heinrichs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Heinrichs, late of Company H, Second Regiment Pennsylvania Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

WILLIAM STEGAL.

The bill (H. R. 23915) granting a pension to William Stegal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Stegal, late of Company B. Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. HANNA.

The bill (H. R. 23899) granting an increase of pension to James P. Hanna was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Hanna, late of Company D, Ninth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

ALEXANDER W. TAYLOR.

The bill (H. R. 19650) granting an increase of pension to Alexander W. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander W. Taylor, late lieutenant-colonel One hundred and first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$72 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JULIA T. BALDWIN.

The bill (H. R. 20615) granting an increase of pension to Julia T. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia T. Baldwin, widow of William H. Baldwin, late lieutenant-colonel, deputy commissary-general, United States Army, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

BURDEN H. BARRETT.

The bill (H. R. 22853) granting an increase of pension to Burden H. Barrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burden H. Barrett, late of Company A, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LISSIE D. ALLEN.

The bill (H. R. 21294) granting an increase of pension to Lissie D. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lissie D. Allen, widow of William H. Allen, late lieutenant-commander, United States Navy, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA L. BURNHAM.

The bill (H. R. 23339) granting an increase of pension to Martha L. Burnham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha L. Burnham, widow of Lewis W. Burnham, late of Company H, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JEFFERSON WILCOX.

The bill (H. R. 16389) granting a pension to Jefferson Wilcox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jefferson Wilcox, late captain Company B, Third Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$15 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. FISHER.

The bill (H. R. 23281) granting an increase of pension to William T. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Fisher, late of Company E, Second Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID H. MOORE.

The bill (H. R. 23279) granting an increase of pension to David H. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Moore, late of Company E, Twenty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed. .

JAMES M. MORRIS.

The bill (H. R. 23278) granting an increase of pension to James M. Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Morris, late of Company B, Forty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY HELTON.

The bill (H. R. 23265) granting an increase of pension to Henry Helton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Helton, late of Company L, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIE A. MERCER.

The bill (H. R. 23250) granting a pension to Georgie A. Mercer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Georgie A. Mercer, widow of John Q. Mercer, late captain Company E, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES W. WALSH, ALIAS JAMES POWERS.

The bill (H. R. 23234) granting an increase of pension to James W. Walsh, alias James Powers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Walsh, alias James Powers, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AURORA GARWOOD ELLIS.

The bill (H. R. 23195) granting an increase of pension to Aurora Garwood Ellis was considered as in Committee of the It proposes to place on the pension roll the name of Aurora Garwood Ellis, widow of Howard Ellis, late captain Company K, Sixth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA ELLA WRENN.

The bill (H. R. 23182) granting an increase of pension to Martha Ella Wrenn was considered as in Committee of the It proposes to place on the pension roll the name of Martha Ella Wrenn, widow of Roberson B. Wrenn, late of Company A, First Regiment Virginia Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. HODGES.

The bill (H. R. 22842) granting an increase of pension to William C. Hodges was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Hodges, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. IRA TEMPLETON.

The bill (H. R. 22838) granting an increase of pension to W. Ira Templeton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of W. Ira Templeton, late of Company I, Sixth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per mouth in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. SCHMUTZ.

The bill (H. R. 22820) granting an increase of pension to George S. Schmutz was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of George S. Schmutz, late of Company I, One hundred and second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY S. SANDERS.

The bill (H. R. 22772) granting an increase of pension to Mary S. Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary S. Sanders, widow of Zachariah R. Sanders, late of Company C, Second Regiment Ohio Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

SAMUEL V. CARR.

The bill (H. R. 22764) granting an increase of pension to Samuel V. Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel V. Carr, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. GILBERT.

The bill (H. R. 22762) granting an increase of pension to John M. Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Gilbert, late of Company F, Fourth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM JENKINS.

The bill (H. R. 22750) granting an increase of pension to William Jenkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Jenkins, late of Company L, Seventh Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CELESTIA E. OUTLAW.

The bill (H. R. 22747) granting a pension to Celestia E. Outlaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Celestia E. Outlaw, widow of Young P. Outlaw, late of Captain Graham's company, Georgia Volunteers, Florida Seminole Indian war, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FELIX G. COBB.

The bill (H. R. 22746) granting an increase of pension to Felix G. Cobb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Felix G. Cobb, late second lieutenant Company F. One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

TERRANCE DOYLE.

The bill (H. R. 22715) granting an increase of pension to Terrance Doyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Terrance Doyle, late of Company B, Ninetieth Regiment Illinois Vol-unteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

PAUL SHEETS.

The bill (H. R. 23327) granting an increase of pension to Paul Sheets was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Paul Sheets, late of Company E, Eleventh Regiment Pennsylvania Volunteer Cayalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY GOODLANDER.

The bill (H. R. 23299) granting an increase of pension to Henry Goodlander was considered as in Committee of the It proposes to place on the pension roll the name of Henry Goodlander, late of Company G, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

GEORGE I. STULTS.

The bill (H. R. 23247) granting an increase of pension to George I. Stults was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George I. Stults, late of Company H, First Regiment Tennessee Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY LOOMIS.

The bill (H. R. 23241) granting an increase of pension to Mary Loomis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Loomis, widow of William Loomis, alias Ambrose Crozier, late of Battery G, Fourth Regiment United States Artillery, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES E. BROWN.

The bill (H. R. 23197) granting an increase of pension to Agnes E. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Agnes E. Brown, widow of Alonzo L. Brown, late of Company A, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JENNIE E. LUCKENBACH.

The bill (H. R. 23187) granting a pension to Jennie E. Luckenbach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie E. Luckenbach, widow of Owen A. Luckenbach, late captain Company C, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

GEORGE QUIEN.

The bill (H. R. 23153) granting an increase of pension to George Quien was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Quien, late second lieutenant Company K, Twenty-third Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. ROBBINS.

The bill (H. R. 23143) granting an increase of pension to John H. Robbins was considered as in Committee of the Whole. John H. Robbins was considered as in Committee of the whole. It proposes to place on the pension roll the name of John H. Robbins, late of Company F, Fifty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

SYLVANUS SLOAT.

The bill (H. R. 23136) granting an increase of pension to Sylvanus Sloat was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvanus Sloat, late of Company E, One hundred and thirty-fourth Regiment, and Company D, Eightieth Regiment, New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK VROMAN.

The bill (H. R. 23121) granting an increase of pension to Frank Vroman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Vroman, late of Company I, Twelfth Regiment Wisconsin Volun-

teer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. COLDING.

The bill (H. R. 23096) granting an increase of pension to James L. Colding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Colding, late of Capt. Winston Stephen's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. DAVIDSON.

The bill (H. R. 23057) granting an increase of pension to James M. Davidson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Davidson, late of Company A, First Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS A. LANDER.

The bill (H. R. 22990) granting an increase of pension to Francis A. Lander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Lander, late of Company F, Fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BAUERLIN.

The bill (H. R. 22985) granting an increase of pension to Henry Bauerlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Bauerlin, late of Company B, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ADAMS.

The bill (H. R. 22978) granting an increase of pension to Thomas Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Adams, late of Company K, First Regiment Eastern Shore Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE E. RAGAN.

The bill (H. R. 22951) granting an increase of pension to Alice E. Ragan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice E. Ragan, widow of Andrew J. Ragan, late landsman, U. S. S. Independence, United States Navy, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN O. M'NABB.

The bill (H. R. 22929) granting an increase of pension to John O. McNabb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O. McNabb, late of Company E, Eleventh Regiment, and Company F, One hundred and twenty-ninth Regiment, Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. LEACH.

The bill (H. R. 22927) granting an increase of pension to William A. Leach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Leach, late of Company D, Seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN HOLMES, ALIAS GEORGE LANGIN.

The bill (H. R. 22846) granting an increase of pension to Martin Holmes, alias George Langin, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Holmes, alias George Langin, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M'NULTY.

The bill (H. R. 3720) granting an increase of pension to Joseph McNulty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph McNulty, late of Company H, Second Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT C. ROACH.

The bill (H. R. 13706) granting an increase of pension to Albert C. Roach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert C. Roach, late of Company G, Fourteenth Regiment United States Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SCHOSKE.

The bill (H. R. 8816) granting a pension to Mary Schoske was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Schoske, widow of John Schoske (or Scheske), late teamster in an expedition against the Sioux Indians in August, 1862, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH H. SHAVER.

The bill (H. R. 22022) granting an increase of pension to Josiah H. Shaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah H. Shaver, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA A. HAWKES.

The bill (H. R. 22036) granting a pension to Emma A. Hawkes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma A. Hawkes, widow of Benjamin F. Hawkes, late second lieutenant Company E, Twenty-fifth Regiment, and lieutenant-colonel Seventy-eighth Regiment, Ohio Volunteer Infantry, and to pay her a pension of \$15 per month.

a pension of \$15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. EDWARDS.

The bill (H. R. 23877) granting an increase of pension to Mary A. Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Edwards, widow of Thomas Edwards, late of Company I, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. HORN.

The bill (H. R. 23874) granting an increase of pension to William R. Horn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Horn, late of Company K, Fourteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES BLACKER.

The bill (H. R. 23872) granting an increase of pension to Charles Blacker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Blacker, late captain Company B, One hundred and thirty-seventh Regiment United States Colored Volunteer Infantry,

and to pay him a pension of \$24 per month in lieu of that he is

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH M. COX.

The bill (H. R. 23858) granting an increase of pension to Hugh M. Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh M. Cox, late of Company A, Fifteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

SARAH ANN KENDIG.

The bill (H. R. 23846) granting an increase of pension to Sarah Ann Kendig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Ann Kendig, widow of Michael B. Kendig, late of Company K. Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CASSLE.

The bill (II. R. 23845) granting an increase of pension to George W. Cassle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Cassle, late of Company E, Sixty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$45 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH DEWHURST.

The bill (H. R. 23812) granting an increase of pension to Joseph Dewhurst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Dewhurst, late of Company K, Ninth Regiment New York Volunteer Charles teer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERON CROSS.

The bill (H. R. 23811) granting an increase of pension to Theron Cross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theron Cross, late first lieutenant Company B, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and to pay him a pen-

sion of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA J. EVERSON.

The bill (H. R. 23810) granting an increase of pension to Ira J. Everson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira J. Everson, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HAMILTON.

The bill (H. R. 23805) granting an increase of pension to Thomas Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Hamilton, late of Companies C and D, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHOEBE E. SPARKMAN.

The bill (H. R. 23804) granting an increase of pension to Phoebe E. Sparkman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Phoebe E. Sparkman, widow of Henry Sparkman, late of Captain Oliver's company, First Regiment Florida Mounted Militia, Florida Indian war, and to pay her a pension of \$12 per month

in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. JONES.

The bill (H. R. 23803) granting an increase of pension to David C. Jones was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of David C. Jones, late of Capt. James F. P. Johnston's independent company, Florida Mounted Volunteers, Seminole Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK M'MAHON.

The bill (H. R. 23795) granting an increase of pension to Patrick McMahon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick McMahon, late of Company I, Fortieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZEURIAL M'CULLOCK.

The bill (H. R. 23792) granting an increase of pension to Zeurial McCullock was considered as in Committee of the It proposes to place on the pension roll the name of Zeurial McCullock, late of Company A, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BUZZELL.

The bill (H. R. 23783) granting an increase of pension to George W. Buzzell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Buzzell, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HONORA HIGGINS.

The bill (H. R. 23781) granting an increase of pension to Honora Higgins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Honora Higgins, widow of Patrick Higgins, late of U. S. S. Wyandotte, Eutaw, and North Carolina, United States Navy, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CLAPPER.

The bill (H. R. 23778) granting an increase of pension to Henry Clapper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Clapper, late of Company H, Twelfth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES MARSHALL.

The bill (H. R. 23777) granting an increase of pension to James Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Marshall, late of Company D, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JAMES KELLEY.

The bill (H. R. 23774) granting an increase of pension to James Kelley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Kelley, late of Company I, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEMPERANCE DAVIS.

The bill (H. R. 23772) granting an increase of pension to Temperance Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Temperance Davis, widow of Williba J. Davis, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY D. COMBS.

The bill (H. R. 23770) granting an increase of pension to Henry D. Combs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Combs, late of Company E, Second Regiment United States Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JOSEPH C. FISHER.

The bill (H. R. 23761) granting an increase of pension to Joseph C. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph C. Fisher, late of Company A, Eighteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADELIADE WAGNER.

The bill (H. R. 23762) granting an increase of pension to Adeliade Wagner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adeliade Wagner, widow of Lewis J. Wagner, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ELIZABETH PILLOW.

The bill (H. R. 23739) granting an increase of pension to Elizabeth Pillow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Pillow, widow of Parker B. Pillow, late of Captain Lawler's company, Illinois Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK P. GAUDINEER.

The bill (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer, late of Company D, Nineteenth Regi-Whole. It proposes to place on the pension roll the name of Frederick P. Gaudineer late of Company D, Nineteenth Regiment New York State Militia Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENDON KELLY.

The bill (H. R. 23703) granting an increase of pension to Clarendon Kelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarendon late captain Company F, Fifty-second Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

JOSEPH COUNTRYMAN.

The bill (H. R. 23699) granting an increase of pension to Joseph Countryman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Countryman, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

BLANCHE C. POLK.

The bill (H. R. 23687) granting a pension to Blanche C. Polk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Blanche C. Polk, widow of Lucius E. Polk, late captain Company D, Forty-third Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of \$20 per month, and \$2 per month additional for the minor child of said officer until he shall attain the age

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSEANNA KING.

The bill (H. R. 23135) granting a pension to Roseanna King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Roseanna King, widow of

Dumbirth King, alias James Kincaid, late of Company A, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE E. COSGROVE.

The bill (H. R. 21373) granting an increase of pension to Carrie E. Cosgrove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie E. Cosgrove, widow of Henry Cosgrove, late of Company A, Sixth Regiment New York Volunteer Heavy Artillery, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was ported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH BROOKS.

The bill (H. R. 1887) granting a pension to Joseph Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Brooks, late of Company D. Sixth Regiment Virginia Volunteer Infantry, war with Spain.
The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

MARY E. BOOKHAMMER.

The bill (H. R. 19581) granting an increase of pension to Mary E. Bookhammer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Bookhammer, widow of Sylvester S. Bookhammer, late captain Company K, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. CONVERSE.

The bill (H. R. 22776) granting an increase of pension to James E. Converse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Converse, late of Company B, Seventh Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET GUILROY.

The bill (H. R. 21246) granting a pension to Margaret Guilroy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Guilroy, widow of James Guilroy, late of Company F, First Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLA FYFFE.

The bill (H. R. 21139) granting an increase of pension to Willa Fyffe was considered as in Committee of the Whole. proposes to place on the pension roll the name of Willa Fyffe, widow of James P. Fyffe, late colonel Fifty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed.

CHARLES H. PRATT.

The bill (H. R. 21793) granting an increase of pension to Charles H. Pratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles II. Pratt, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

JOHN J. HIGGINS.

The bill (H. R. 17251) granting an increase of pension to John J. Higgins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Higgins, late of Company F, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

TALCOTT M. BROWN.

The bill (H. R. 24323) granting an increase of pension to Talcott M. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Talcott M. Brown, late of Troop D, First Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to

be read a third time.

The bill was read the third time, and passed.

MARTIN J. FLAGSTAD.

The bill (H. R. 21175) granting a pension to Martin J. Flag-stad was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill

Bc it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin J. Flagstad, late of U. S. S. Maple, United States Navy, and pay him a pension at the rate of \$50 per month.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MACK RITTENBERRY.

The bill (H. R. 22101) granting a pension to Mack Ritten-

berry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mack Rittenberry, late of Company A, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWARD H. LUNN.

The bill (H. R. 22282) granting an increase of pension to Edward H. Lunn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, on page 2, line 1, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward H. Lunn, late of First Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AUGUSTINE SORRELL.

The bill (H. R. 24671) granting an increase of pension to Augustine Sorrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustine Sorrell, late of Company G, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA FEHR.

The bill (H. R. 21660) granting an increase of pension to Emma Fehr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Fehr, widow of Joseph Fehr, late of Company C, Tenth Regiment

Maryland Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN GOLL.

The bill (H. R. 5913) granting a pension to Helen Goll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen Goll, widow of Charles Goll, late sergeant, first class, Hospital Corps, United States Army, and to pay her a pension of \$12 per month, and \$2 per month additional on account of each of the minor children of said Charles Goll until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. BRANYAN.

The bill (H. R. 19271) granting an increase of pension to Joseph J. Branyan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Branyan, late of Captain Childs's company, South Carolina Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOWMAN H. BUCK.

The bill (H. R. 24513) granting an increase of pension to Bowman H. Buck was considered as in Committee of the Whole. proposes to place on the pension roll the name of Bowman H. Buck, late of Company G, United States Voltigeurs, war with Mexico; Company F. Third Regiment New Jersey Volunteer Infantry, and Company A, Third Battalion New Jersey Veteran Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE FLOWERS.

The bill (H. R. 24418) granting an increase of pension to Kate Flowers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate Flowers, widow of Ephraim A. Flowers, late of Company G, Second Regiment Mississippi Rifle Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA G. HIGHT.

The bill (H. R. 24415) granting an increase of pension to Laura G. Hight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura G. Hight, widow of Fielding Hight, late of Captain Lucas's company, Second Regiment, and Captain Brewster's company, First Regiment, Georgia Volunteers, Florida Indian war and Cherokee Indian disturbances, and to pay her a pension of \$12 per month

in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHADRACK H. J. ALLEY.

The bill (H. R. 24383) granting an increase of pension to Shadrack H. J. Alley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Shadrack H. J. Alley, late of Captain Cleveland's company, Georgia Volunteers, Cherokee Indian disturbance, and to pay him a pension of \$16 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES WOODRUFF WOOLLEY.

The bill (H. R. 24380) granting an increase of pension to Charles Woodruff Woolley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Woodruff Woolley, late midshipman, U. S. S. Levant, United States Navy, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH F. PITTMAN.

The bill (H. R. 24360) granting an increase of pension to Jeremiah F. Pittman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah F. Pittman, late of Company F, Fiftieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA OLIN.

The bill (H. R. 24268) granting an increase of pension to Louisa Olin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Olin, widow of Richard Olin, late of Captain Elmore's independent company, Alabama Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ABSALOM SIVLEY.

The bill (H. R. 24231) granting an increase of pension to Absalom Sivley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Absalom Sivley, late of Company A, Fourth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HODGE.

The bill (H. R. 24214) granting an increase of pension to Elizabeth Hodge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Hodge, widow of George W. Hodge, late of Captain Doncin's company, South Carolina Militia, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT SUNDERLAND.

The bill (H. R. 24208) granting an increase of pension to Albert Sunderland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Sunderland, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES LEE.

The bill (H. R. 24192) granting an increase of pension to Charles Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Lee, late of company of grenadiers, First Regiment Virginia Infantry, Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL MOORE.

The bill (H. R. 24188) granting an increase of pension to Samuel Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Moore, late of Company A, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

NANCY G. REID.

The bill (H. R. 24187) granting an increase of pension to Nancy G. Reid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy G. Reid, widow of James W. Reid, sr., late of Company E, Sixteenth Regiment United States Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. WELLER.

The bill (H. R. 24185) granting an increase of pension to William S. Weller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William S. Weller, late of Company H, Tenth Regiment New York Volunteer Cavalry, and Company H, First Regiment New York Provisional Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

ELIZABETH BALEW.

The bill (H. R. 24620) granting an increase of pension to Elizabeth Balew was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Elizabeth Balew, widow of George M. Balew, late of Captain Angel's company, North Carolina Volunteers, Cherokee Indian disturbance, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATHIAS SHIRK.

The bill (H. R. 24616) granting an increase of pension to Mathias Shirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mathias Shirk, late of Company C, Fifth Regiment Tennessee Volunteers, war with Mexico, and unassigned private, Thirty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

SIMEON D. POPE.

The bill (H. R. 24479) granting an increase of pension to Simeon D. Pope was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simeon D. Pope, late of Captain Johnston's independent company, Florida Mounted Volunteers, Seminole Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time and passed.

BELAH H. WILCOX.

The bill (H. R. 24321) granting an increase of pension to Belah H. Wilcox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Belah H. Wilcox, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

GILLAM M. EZELL.

The bill (H. R. 24303) granting an increase of pension to Gillam H. Ezell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gillam H. Ezell, late of Company E, Fourth Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNIBAL A. JOHNSON.

The bill (H. R. 24259) granting an increase of pension to Hannibal A. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannibal A. Johnson, late second lieutenant Company D, Third Regiment, and first lieutenant Company D, First Battalion, Maine Volunteer Infantry, and to pay him a pension of \$30 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 24182) granting an increase of pension to John Delaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Delaney, late of Company D, Fiftieth Regiment New York Volunteer Engineers, and Company F, Fifteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD N. PORTER.

The bill (H. R. 24155) granting an increase of pension to Richard N. Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard N. Porter, late of Company I, Sixty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN J. PUCKETT.

The bill (H. R. 24099) granting an increase of pension to Benjamin J. Puckett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin J. Puckett, late of Company H, Fifty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR F. PEACOCK.

The bill (H. R. 24096) granting an increase of pension to Oscar F. Peacock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar F. Peacock, late of Company B, Ninth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN J. SEVEY.

The bill (H. R. 24078) granting an increase of pension to Warren J. Sevey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren J. Sevey, late of Company A, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MURRAY.

The bill (H. R. 24064) granting a pension to Mary Murray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Murray, widow of William Murray, late first sergeant, Fourteenth Regiment United States Army, retired, and to pay her a pension of \$12

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN COPHER.

The bill (H. R. 24056) granting an increase of pension to Reuben Copher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben Copher, late of Company G. Third Regiment Kentucky Volunteers, war with Mexico, and Company A, Seventh Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. CLARK.

The bill (H. R. 24023) granting an increase of pension to Joseph H. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Clark, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BROWN.

The bill (H. R. 24019) granting an increase of pension to John Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Brown, late second lieutenant of Vaughn's company, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ADAMS MILLER.

The bill (H. R. 24018) granting an increase of pension to John Adams Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Adams Miller, late second lieutenant Company G, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD B. SHEPHERD.

The bill (S. 7168) granting an increase of pension to Edward B. Shepherd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward B. Shepherd, late of Company G, Seventh Regiment Missouri Volunteer Infantry, and Company G, Fourth Regiment United States Veteran Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAWRENCE OVER,

The bill (S. 7194) granting an increase of pension to Lawrence Over was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Lawrence Over, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE PAYNE.

The bill (S. 5558) granting an increase of pension to George Paine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Payne, late of U. S. S. Constitution and Savannah, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now, receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George Payne."

JAMES H. HUNTINGTON.

The bill (S. 8235) granting a pension to James Huntington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "James," to insert the initial "H.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James II. Huntington, late of Company A, Sixth Battallon District of Columbia Volunteer Infantry, and pay him a pension at the rate of \$12 per

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to James H. Huntington."

FREDERICK BUEHRLE.

The bill (S. 5621) granting an increase of pension to Frederick Buehrle was considered as in Committee of the Whole.

The bill was reported from the Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "Regiment," to strike out "Fifth" and insert "Thirteenth;" in the same line, before the word "Cavalry," to insert "Volunteer;" and in line 9, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Buehrie, late of Company F, Fifth Regiment Missouri Volunteer Infantry, and Company E, Thirteenth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEVI M. STEPHENSON.

The bill (S. 4531) granting an increase of pension to L. M. Stephenson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the initial "L." and insert "Levi;" in the same line, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi M. Stephenson, late captain Company K, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Levi M. Stephenson."

HENRY B. LOVE.

The bill (S. 8259) granting an increase of pension to Henry B. Love was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Love, late of Company F. Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. BELL.

The bill (S. 5756) granting an increase of pension to Charles A. Bell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Bell, late major, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH P. WILCOX.

The bill (S. 3552) granting an increase of pension to Joseph P. Wilcox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph P. Wilcox, late of Company D. Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL CULLEN.

The bill (S. 1350) granting an increase of pension to Michael Cullen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "G" and insert "A;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Cullen, late of Company A, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. BIRGE.

The bill (S. 6140) granting an increase of pension to Julia A. Birge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Birge, widow of Wilbur W. Burge, late first lieutenant Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASA E. SWASEY.

The bill (S. 8195) granting an increase of pension to Asa E. Swasey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa E. Swasey, late of Company C, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

HANNAH PEAVEY.

The bill (S. 6672) granting an increase of pension to Hannah Peavey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah Peavey, widow of Daniel Peavey, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

RICHARD B. HALL.

The bill (S. 7068) granting an increase of pension to Richard B. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard B. Hall, late first lieutenant, Second Independent Battery, Massachusetts Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time,

and passed.

GEORGE H. ALLEN.

The bill (8.7138) granting an increase of pension to George H. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Allen, late of Company C, Sixth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

WILLIAM CURRAN.

The bill (S. 7038) granting an increase of pension to William Curran was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Curran, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

HESTER A. COLLER.

The bill (S. 6093) granting a pension to Hester A. Coller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "assistant;" and in line 9, before the word "dollars," to strike out "thirty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. Coller, widow of Eli H. Coller, late assistant surgeon Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANGUS FRASER.

The bill (S. 6319) granting an increase of pension to Angus Fraser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "Battery C" and insert "Company C, First Regiment;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angus

Fraser, late of Company C, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELISHA T. ARNOLD.

The bill (S. 2109) granting an increase of pension to E. T. Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisha T. Arnold, late of Company H, First Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elisha T. Arnold."

CHARLES V. NASH.

The bill (S. 4208) granting an increase of pension to Charles

V. Nash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles V. Nash, late of Company A. Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUTH M. HOAG.

The bill (S. 5752) granting an increase of pension to Ruth M. Hoag was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth M. Hoag, widow of Levi G. Hoag, late of Company E, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH B. HUDSON.

The bill (S. 6078) granting an increase of pension to Elijah B. Hudson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah B. Hudson, late of Company F, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and commissary sergeant, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM D. HOFF.

The bill (8, 5718) granting an increase of pension to William D. Hoff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "first lieutenant;" and in line 8, before

the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Hoff, late first lieutenant Company D, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. HACKETT.

The bill (S. 6774) granting an increase of pension to James B. Hackett was considered as in Committee of the Whole.

The bill was reported from the Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Heavy Artillery" and insert "Infantry;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Hackett, late of Company E. Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY O. FOSTER.

The bill (S. 1980) granting an increase of pension to Mary Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendment, to strike out all after the enacting clause and in-

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. Foster, widow of Arthur Foster, late of Captain Sandford's company, First Regiment Illinois Volunteers, Black Hawk Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary O. Foster."

ARABELLA J. FARRELL.

The bill (S. 8197) granting an increase of pension to Arabella J. Farrell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arabella J. Farrell, widow of Rufus Farrell, late of Company A. Second Regiment Missouri Volunteer Mounted Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY SHELLEY.

The bill (S. 8104) granting an increase of pension to Henry Shelley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Shelley, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE S. GRANT.

The bill (S. 7698) granting a pension to Fannie S. Grant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "of," to strike out "minor" and insert "helpless and dependent child;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie S. Grant, helpless and dependent child of Columbus Grant, late of Companies B and C, Ninth Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN M. FITZWATER.

The bill (S. 2502) granting an increase of pension to Stephen M. Fitzwater was considered as in Committee of the Whole.

The bill was reported from the Committee or Pensions with an amendment, in line 6, after the word "of," where it occurs the second time, to strike out "Company K, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving" and insert "Companies K and B, Third Regiment, and Company C, Elevath, Pariment Missouri Volunteer Cavalry, and pay him a pension at the rate of the companies K and B, Third Regiment, and Company C, Elevath, Pariment Missouri Voluntee Cavalry and pay him Elevath. enth Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen M. Fitzwater, late of Companies K and B, Third Regiment, and Company C. Eleventh Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES CHURCH.

The bill (S. 1935) granting an increase of pension to Charles Church was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to provisions and limitations of the pension laws, the name of Charles Church, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN J. CHANDLER.

The bill (S. 7129) granting a pension to Susan J. Chandler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Company," to strike out "B, One hundred and fifty-fourth" and insert "K, Thirtieth;" so as to make the bill read;

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. Chandler, widow of John C. Chandler, late of Company K, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN A. RUBERT.

The bill (S. 6952) granting an increase of pension to Martin A. Rubert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin

A. Rubert, late of Company I, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUTH E. ROGERS.

The bill (S. 161) granting an increase of pension to Ruth E. Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and Company H, Fourth Regiment United States Veteran Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth E. Rogers, widow of Alexander B. Rogers, late of Company H., Fifteenth Regiment Iowa Volunteer Infantry, and Company H., Fourth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. FOUNTAIN.

The bill (S. 8056) granting an increase of pension to William H. Fountain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty," and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Fountain, late of Company I, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. HAYES.

The bill (S. 6768) granting an increase of pension to John E. Hayes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty," and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Hayes, late of Company K, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER S. BOGGS.

The bill (S. 7476) granting an increase of pension to Oliver

S. Boggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver S. Boggs, late of Company I, Second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. McCUMBER. I ask the Senate to disagree to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

EZEKIEL C. FORD.

The bill (S. 7616) granting an increase of pension to Ezekiel C. Ford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezekiel C. Ford, late of Company H. One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS A. WILLSON.

The bill (S. 883) granting an increase of pension to T. A. Willson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the initial "T." and insert the name "Thomas;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Willson, late of Company F. Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas A. Willson."

ANNIE E. SMITH.

The bill (S. 2336) granting an increase of pension to Annie E. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments in line 7, after the word "Infantry," to insert "and One hundred and sixteenth Company, Second Battalion, Veteran Reserve Corps;" and in line 10, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Smith, widow of Henry H. Smith, late of Company C, Twenty-sixth Regiment Michigan Volunteer Infantry, and One hundred and sixteenth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving. bill read:

ceiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6724) granting a pension to Mary W. Grannis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary W. Granniss, widow of John H. Granniss, late surgeon's steward U. S. S. Thomas Freeborn and Sophronia, United States Navy, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary W. Granniss."

LUTHER H. CANFIELD.

The bill (S. 435) granting an increase of pension to L. H. Canfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther H. Canfield, late of Company A. Twenty-ninth Regiment Ohio Volunteer Infantry, and Company D. Eleventh Regiment Minnesota Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill granting a pension to Luther H. Canfield."

LEWIS YOUNG.

The bill (S. 496) granting an increase of pension to Lewis Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and Company K, Seventh Regiment Iowa Volunteer Cavalry;" and in line 9, before the word "dollars," to strike out "thirty and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Young, late of Company A, Forty-first Regiment Iowa Volunteer Infantry, and Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALVIN HERRING.

The bill (S. 8278) granting an increase of pension to Calvin Herring was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin Herring, late of Company E, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

JAMES SLATER.

The bill (S. 7968) granting an increase of pension to James Slater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Slater, of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

RICHARD J. GIBBS.

The bill (S. 7878) granting an increase of pension to Richard J. Gibbs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard J. Gibbs, late of Company E, Sixth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

JOSEPH C. BOWKER.

The bill (S. 6281) granting an increase of pension to Joseph C. Bowker was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in the same line, after the word "Company," to strike out the letter "I" and insert "D;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Bowker, late first lieutenant Company D, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES G. SWEET.

The bill (S. 7947) granting an increase of pension to Charles G. Sweet was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the second time, to strike out "Troop" and insert "Company;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Charles G. Sweet, late of Company A, First Regiment Rhode Island Volunteer Cavairy, and Company C, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is new receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA B. MORROW.

The bill (S. 8302) granting a pension to Ella B. Morrow was

considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella B. Morrow, widow of Carlos Morrow, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$8 per month, and \$2 per month additional on account of each of the minor children of the said Carlos Morrow until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA A. KEETING.

The bill (S. 8201) granting an increase of pension to Clara A. Keeting was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara A. Keeting, widow of Charles W. Keeting, late captain Cempany C, Eighty-second Regiment, and Company K, Eightieth Regiment, United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM FOCHT.

The bill (S. 3197) granting an increase of pension to Hiram Focht was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Focht, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

MARTIN PEACOCK.

The bill (S. 8397) granting an increase of pension to Martin Peacock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Peacock, late of Company I, Eighteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN E. MACY.

The bill (S. 8147) granting an increase of pension to Ann E. Macy was considered as in Committee of the Whole.

The bill was reported from the Committee or Pensions with amendments, in line 7, after the word "First," to insert "Regiment;" in the same line, before the word "Volunteer," to strike out "Regiment;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Macy, widow of Eli O. Macy, late of Company G. First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE A. GILMORE.

The bill (S. 7429) granting a pension to Caroline A. Gilman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out the name "Gilman" and insert "Gilmore;" in line 7, before the word "late," to strike out the name "Gilman" and insert "Gilmore;" and in line 9, after the word "month," to insert "such pension to cease upon proof that the soldier is living;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Gilmore, widow of William A. Gilmore, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of \$8 per month, such pension to cease upon proof that the soldier is living.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Caroline A. Gilmore."

MICHAEL J. GEARY.

The bill (S. 8196) granting an increase of pension to Michael J. Geary was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael J. Geary, late of Company C. One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. LUNGREN.

The bill (S. 7670) granting a pension to Sarah E. Lungren was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Lungren, widow of Norris L. Lungren, late of Company C, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$8 per moth.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AZELIA MITTAG.

The bill (S. 8212) granting a pension to Azelia Mittag was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Azelia Mittag, widow of Thomas W. Mittag, late of Company G. First Regiment North Carelina Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of the said Thomas W. Mittag, until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH A. BONNER.

The bill (S. 8144) granting an increase of pension to Elizabeth A. Bonner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Bonner, widow of James C. N. Bonner, late of Company E, First Regiment Vir-

ginia Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE K. TAYLOR.

The bill (S. 7622) granting an increase of pension to George K. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee or the whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George K. Taylor, late second lieutenant Company B, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIBERTY W. FOSKETT.

The bill (S. 7936) granting an increase of pension to Liberty W. Foskett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Liberty W. Foskett, late of Company D, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

HARVEY SMITH.

The bill (S. 2387) granting an increase of pension to Harvey Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Volunteer," to

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Smith, late of Company E, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELI B. WOODARD.

The bill (S. 8378) granting an increase of pension to Eli B. Woodard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company K, Sixth Regiment United States Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli B. Woodard, late of Company F, Sixtieth Regiment Ohio Volunteer Infantry, and Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. BROWN.

The bill (S. 7478) granting an increase of pension to William H. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Brown, late first lieutenant Company A, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES B. SAUNDERS.

The bill (S. 4008) granting an increase of pension to Charles B. Saunders was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Saunders, late of Company H, Second Regiment United States Infantry, war with Mexico, and Seventh Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY N. MEDBURY.

The bill (S. 8023) granting an increase of pension to Harry N. Medbury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry N. Medbury, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. CASPER.

The bill (H. R. 4678) granting an increase of pension to John F. Casper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, on page 2, line 1, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Casper, late of Company B. One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LYMAN S. STRICKLAND.

The bill (H. R. 22443) granting an increase of pension to Lyman S. Strickland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, on page 2, line 1, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman S. Strickland, late captain Company C. First Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed,

WILLIAM W. HERRICK.

The bill (S. 2285) granting an increase of pension to William W. Herrick was considered as in Committee of the Whole.
The bill was reported from the Committee on Pensions with

with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Herrick, late of Company H. Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL C. SWARTZ.

The bill (S. 8049) granting an increase of pension to Daniel C. Swartz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel C. Swartz, late of Company A, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MORGAN H. WEEKS.

The bill (S. 5144) granting an increase of pension to Morgan H. Weeks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morgan H. Weeks, late of Company B, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS G. BROWN.

The bill (S. 7655) granting an increase of pension to Francis G. Brown, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis G. Brown, late of Company K, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REUBEN C. WEBB.

The bill (S. 8407) granting an increase of pension to Reuben C. Webb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben C. Webb, late of Company H, Thirteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. YERINGTON.

The bill (S. 8258) granting a pension to Mary B. Yerington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary B. Yerington, widow of Almon Yerington, late of Company E, Sixth Regiment Michigan Volunteer Cavalry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OLE GUNDERSON.

The bill (S. 7838) granting an increase of pension to Ole Gunderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ole Gunderson, late of Tenth and Ninth Batteries, Wisconsin Volunteer Light Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. KINSMAN.

The bill (S: 8390) granting an increase of pension to Joseph H. Kinsman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Kinsman, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY G. POTTER.

The bill (S. 2181) granting an increase of pension to Mary G. Potter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary G. Potter, widow of Nelson Potter, late of Company E, Eighty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

JOSEPH HARE, JR.

The bill (S. 7930) granting an increase of pension to Joseph Hare was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Hare," to insert "junior;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Hare, jr., late of Company G, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph Hare, jr."

HARMAN GRASS.

The bill (S. 7657) granting an increase of pension to Herman Grass was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," to strike out the name "Herman" and insert "Harman;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harman Grass, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

 The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harman Grass."

HENRY ZACHER, ALIAS CHARLES STEIN.

The bill (S. 7890) granting an increase of pension to Henry Zacher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Zacher," to insert "alias Charles Stein;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Zacher, alias Charles Stein, late of Company K, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Zacher, alias Charles Stein."

BERTHA MARIA JOHNSON.

The bill (S. 8379) granting an increase of pension to Bertha M. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Johnson," to strike out the initial "M." and insert "Maria;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha Maria Johnson, widow of Martin Johnson, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Bertha Maria Johnson."

FRANK HOLDERBY, ALIAS FRANK GILES.

The bill (S. 8345) granting an increase of pension to Frank Holderby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and

limitations of the pension laws, the name of Frank Holderby, alias Frank Giles, late of Company I, First Regiment, and Company H, Fourteenth Regiment, Illinois Volunteer Cayalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frank Holderby, alias Frank Giles."

WILLIAM H. STILES.

The bill (S. 6518) granting an increase of pension to William H. Stiles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Stiles, late captain Company G, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL ELLIS.

The bill (S. 3432) granting an increase of pension to Samuel Ellis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "war," to strike out "Volunteer Infantry" and insert "Volunteers;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Ellis, late of Company G, Second Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. GILPATRICK.

The bill (S. 5420) granting an increase of pension to Thomas W. Gilpatrick was considered as in Committee of the Whole.

W. Gilpatrick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to strike out "Maine;" in line 7, after the word "Regiment," to insert "Maine;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Gilpatrick, late of Company D. First Regiment Maine Vetran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB P. CROOKER.

The bill (S. 6616) granting an increase of pension to J. P. Crooker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the letter "J." and insert "Jacob;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob P. Crooker, late captain of Company I, Twelfth Regiment Tennessee Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jacob P. Crooker."

MARTHA L. BOHANNAN.

The bill (S. 8263) granting an increase of pension to Martha

L. Bohannon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out the name "Bohannon" and insert "Bohannan;" in line 7, before the word "late," to strike out the name "Bohannon" and insert "Bohannan," and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha L. Bohannan, widow of Miles L. Bohannan, late of Company D. Easton's battalion, Missouri Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Martha L. Bohannan."

CLARA P. COLEMAN.

The bill (S. 7344) granting an increase of pension to Clara P. Coleman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "and," to insert "and Fifteenth Regiment United States Infantry;" and in line 10, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara P. Coleman, widow of Frederick W. Coleman, late captain Company B, One hundred and fifty-first Regiment New York Volunteer Infantry, and Fifteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. BOUCHER.

The bill (S. 3495) granting an increase of pension to Joseph H. H. Boucher was considered as in Committee of the Whole

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Boucher, late of Company B. First Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Joseph H. Boucher."

GEORGE M. SHAFFER.

The bill (S. 7679) granting an increase of pension to George M. Shaffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Shaffer, late of Company D, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA ANNE MORTON.

The bill (S. 6177) granting an increase of pens'on to Louisa Anne Morton was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Anne Morton, widow of James W. Morton, late of Company B, Thirteenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY O. CHERRY.

The bill (S. 8125) granting an increase of pension to Mary O. Cherry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary O. Cherry, widow of Watson Cherry, late of Company D, Second Regiment New Jersey Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROLLIN S. BELKNAP.

The bill (S. 3691) granting a pension to Rollin S. Belknap was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rollin S. Belknap, late of Captain M. F. Alcorn's company G, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EPAMINONDAS P. THURSTON.

The bill (S. 8006) granting an increase of pension to Epaminondas P. Thurston was considered as in Committee of the

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read :

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Epaminondas P. Thurston, late of Company C, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HALE.

The bill (S. 4580) granting an increase of pension to William Hale was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hale, late of Company E, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. JOHNSON.

The bill (S. 8153) granting an increase of pension to Henry B. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Johnson, late surgeon One hundred and fifteenth Regiment Ohlo Vol-XLI---182

unteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SMITH BLEDSOE.

The bill (S. 1896) granting a pension to Smith Bledsoe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and in-

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith Bledsoe, late unassigned recruit, General Service, United States Army, war with Mexico, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. SAUL.

The bill (S. 5724) granting an increase of pension to George C. Saul was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike cut "seventy-two" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Saul, late of Company E. Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELF BLEDSOE.

The bill (S. 990) granting an increase of pension to Relf Bledsoe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "company," to strike out "of" and insert "captain;" in line 7, after the word "Volunteers," to strike out "Indian wars" and insert "Oregon and Washington Territory Indian war;" and in line 9, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Relf Bledsoe, late captain Company K, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments were agreed to.
The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE NOBLE.

The bill (S. 3652) granting an increase of pension to Sailie Noble was considered as in Committee of the Whole.

The bill was reported from the Committee of the whole. The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to insert "junior;" and in line 9, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie Noble, widow of Charles Noble, fr., late captain Company G, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCINDA L. M'CORKLE.

The bill (S. 2011) granting a pension to Lucinda McCorkle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Lucinda," to insert the

letter "L.;" in line 7, after the word "Regiment," to strike out "Illinois" and insert "Indiana;" and in line 9, before the word "dollars," to strike out "seventeen" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda L. McCorkle, widow of James A. McCorkle, late of Company H, Eightleth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lucinda L. McCorkle."

JOHN W. OGAN.

The bill (S. 2792) granting a pension to John W. Organ was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Organ" and insert "Ogan;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Ogan, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Ogan."

CARLOSS TROWBRIDGE.

The bill (S. 8064) granting an increase of pension to Carloss Trowbridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carloss Trowbridge, late of Thirteenth Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ERVIN F. MANN.

The bill (S. 8347) granting an increase of pension to Ervin F. Mann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company E" and insert "Companies E and A;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ervin F. Mann, late of Companies E and A. Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INGER A. STEENSRUD.

The bill (S. 8000) granting a pension to Inger A. Steensrud was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inger A. Steensrud, widow of Anthon A. Steensrud, alias Anthony Olson, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Inger A. Steensrud."

MARY E. JACOBS.

The bill (S. 8089) granting a pension to Mary E. Jacobs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Jacobs, widow of William H. Jacobs, jr., late of Company D. First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Jacobs.'

MARY ELLEN VAN AMRINGE.

The bill (S. 8349) granting a pension to Mary Ellen Van Amringe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ellen Van Amringe, helpless and dependent child of James S. Van Amringe, late of First Battery, Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIUS E. BLISS.

The bill (S. 8348) granting an increase of pension to Cornelius E. Bliss was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius E. Bliss, late of Fifth Battery, Massachusetts Volunteer Light Infantry, and Company D, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. ANTHONY.

The bill (S. 6818) granting an increase of pension to John E. Anthony was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Anthony, late of Battery D, First Regiment New York Volunter Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIE J. BLAISDELL.

The bill (S. 6277) granting an increase of pension to Marie J. Blaisdell was considered as in Committee of the Whole.

Blaisdell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "Army nurse, late of Company F, Fifth Regiment Minnesota Volunteer Infantry," and insert "late Army nurse, Medical Department United States Volunteers;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie J. Blaisdell, late Army nurse, Medical Department United States Volug-

teers, and pay her a pension at the rate of \$36 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY W. ALSPACH.

The bill (H. R. 17266) granting an increase of pension to Henry W. Alspach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Alspach, late of Company A, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the bills embraced

in the unanimous-consent agreement.

Mr. McCUMBER. Does it complete the bills to correct military records?

The VICE-PRESIDENT. It does.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 14, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 13, 1907. APPOINTMENTS IN THE ARMY.

CAVALBY ARM.

To be second lieutenants with rank from February 11, 1907. Sergt. Bruce LaMar Burch, Troop E, Fifteenth Cavalry. Sergt. Edgar Mason Whiting, Troop H, Fifteenth Cavalry.

First Sergt. Edward Goff Elliott, Troop M, Sixth Cavalry Q. M. Sergt, Guy Herbert Wyman, Troop K, Eleventh Cav-

Sergt, Verne Raymond Bell, Troop G. Fifteenth Cavalry. Squadron Sergt, Maj. Henry Welles Baird, Fifteenth Cavalry. Sergt. Alexander Hamilton Jones, Troop H, Thirteenth Cavalry.

Sergt. Charles Louis Stevenson, Troop A, First Cavalry.

INFANTRY ARM.

To be second lieutenants with rank from February 11, 1907.

First Sergt. Jacob Earl Fickel, Company K, Twenty-seventh

Private Jesse Wright Boyd, infantry, unassigned.

Sergt. Ebenezer George Beuret, Company A, Third Infantry. Corpl. Rush Blodget Lincoln, Company G, Eighteenth Infantry.

Corpl. William Fletcher Sharp, Company G, Second Bat-

talion, Corps of Engineers

Sergt. Walter Francis Llewellyn Hartigan, Forty-sixth Company, Coast Artillery.

Sergt. Bruce Magruder, Eighty-seventh Company, Coast Artil-

Sergt. George Herman Huddleson, Company H, Twenty-ninth Infantry.

Corpl. Hampton M. Roach, jr., Company L, Third Infantry. Sergt. George Edward Maurice Kelly, Eighty-fourth Company, Coast Artillery.

Corpl. George Cassidy Keleher, Company K, Fifth Infantry. Battalion Sergt. Maj. Clarence McPherson Janney, Sixteenth Infantry.

Sergt. Harry Hall Pritchett, Company A, Twenty-seventh Infantry.

Corpl. Edgar Lee Field, Troop E, Fifteenth Cavalry.

Sergt. Earl Carlton Buck, Company F, Sixteenth Infantry. Corpl. Jere Baxter, Ninety-eighth Company, Coast Artillery.

CAVALRY ARM.

To be second lieutenant.

Frank Kirby Chapin, of New York, with rank from February

INFANTRY ARM.

To be second lieutenants.

Russell James, of Virginia, with rank from February 12, 1907. Lloyd Ralston Fredendall, of Massachusetts, with rank from February 13, 1907.

Rowan Palmer Lemly, of the District of Columbia, with rank from February 13, 1907.

Frank Thorpe, jr., of Maryland, with rank from February 13, 1907.

Albert Ellicott Brown, of New Jersey, with rank from February 13, 1907

James MacDonald Lockett, at large, with rank from February 13, 1907.

Eugene Robinson, of Michigan, with rank from February 13, 1907:

Chester Hood Loucheim, of New York, with rank from February 13, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1907.

ASSISTANT APPRAISERS OF MERCHANDISE.

John J. Bell, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland. Henry M. Clapp, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

Louis M. Martin, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

Wales Alfred Benham, of Ohio, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Raymond Lockwood Jack, of Virginia, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Philip Francis Roach, of Wisconsin, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Thomas Andrew Shanley, of Connecticut, to be a third lieutenant in the Revenue-Cutter Service of the United States.

COLLECTORS OF INTERNAL REVENUE.

Charles G. Burton, of Missouri, to be collector of internal revenue for the sixth district of Missouri.

Edward I. Seyburn, of Louisiana, to be collector of internal revenue for the district of Louisiana.

APPOINTMENT IN THE NAVY.

John L. Chatterton, a citizen of New York, to be an assistant paymaster in the Navy from the 1st day of February, 1907.

PROMOTION IN THE NAVY.

Capt. George A. Bicknell to be a rear-admiral in the Navy from the 8th day of February, 1907.

POSTMASTERS.

ARIZONA.

John G. Virkamp to be postmaster at Grand Canyon, in the county of Coconino and Territory of Arizona.

COLORADO.

Maude E. McLean to be postmaster at Breckenridge, in the county of Summit and State of Colorado.

CONNECTICUT.

James H. Pilling to be postmaster at Waterbury, in the county of New Haven and State of Connecticut.

IDAHO.

C. D. McEachron to be postmaster at Lewiston, in the county of Nez Perces and State of Idaho.

ILLINOIS.

William Austin to be postmaster at Effingham, in the county of Effingham and State of Illinois.

INDIAN TERRITORY.

Joseph R. Sequichie to be postmaster at Chelsea, in district 2, Indian Territory.

IOWA.

Henry Barnes to be postmaster at Elliott, in the county of Montgomery and State of Iowa.

John C. Campbell to be postmaster at Bellevue, in the county of Jackson and State of Iowa.

LOUISIANA.

Goldman L. Lassalle to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana.

MAINE.

George H. Roberts to be postmaster at Springvale, in the county of York and State of Maine.

William T. Smart to be postmaster at Lewiston, in the county of Androscoggin and State of Maine.

MASSACHUSETTS.

Stanley B. Dearborn to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts.

Samuel L. Wheaton to be postmaster at Manchester, in the county of Essex and State of Massachusetts.

MICHIGAN.

Charles E. Kirby to be postmaster at Monroe, in the county of Monroe and State of Michigan.

MISSOURI.

Moses M. Adams to be postmaster at Seneca, in the county of Newton and State of Missouri.

Isidore Schwartz to be postmaster at Ilasco, in the county of Ralls and State of Missouri.

William L. H. Silliman to be postmaster at Clarksville, in the county of Pike and State of Missouri.

· MONTANA.

John C. Sorenson to be postmaster at Glendive, in the county of Dawson and State of Montana.

NEW YORK.

Lewis B. Jewell to be postmaster at Ovid, in the county of Seneca and State of New York.

Charles E. Morgan to be postmaster at West Winfield, in the county of Herkimer and State of New York.

NORTH CAROLINA.

Estella Cameron to be postmaster at Rockingham, in the county of Richmond and State of North Carolina.

Clarence M. McCall to be postmaster at Marion; in the county of McDowell and State of North Carolina.

OKLAHOMA.

Rolland D. Barnes to be postmaster at Eldorado, in the county of Greer and Territory of Oklahoma.

OREGON.

Marshel E. Merwin to be postmaster at Independence, in the county of Polk and State of Oregon.

PENNSYLVANIA.

Thomas H. Bailey to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania.

William M. Bennett to be postmaster at Nazareth, in the county of Northampton and State of Pennsylvania.

Henry M. Brownback to be postmaster at Norristown, in the

county of Montgomery and State of Pennsylvania.

William E. Champaign to be postmaster at Wellsboro, in the

county of Tioga and State of Pennsylvania. David P. Hughes to be postmaster at East Mauch Chunk, in

the county of Carbon and State of Pennsylvania. John B. Griffiths to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania.

Ferdinand K. Hill to be postmaster at Sunbury, in the county

of Northumberland and State of Pennsylvania.

John T. Palmer to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania.

Jesse Ransberry to be postmaster at East Stroudsburg, in the county of Monroe and State of Pennsylvania.

Lucy Breen to be postmaster at Mineola, in the county of Wood and State of Texas.

John M. Cape to be postmaster at San Marcos, in the county of Hays and State of Texas.

Josephine Chesley to be postmaster at Bellville, in the county of Austin and State of Texas.

Garfield Hershner to be postmaster at Angleton, in the county of Brazoria and State of Texas.

Leander Hopkins to be postmaster at Ferris, in the county of Ellis and State of Texas.

William D. McCaslin to be postmaster at Detroit, in the county of Red River and State of Texas.

Bassett R. Miles to be postmaster at Luling, in the county of Caldwell and State of Texas.

Edward W. Morten to be postmaster at Farmersville, in the county of Collin and State of Texas.

William Myers to be postmaster at Seguin, in the county of Guadalupe and State of Texas.

William D. Rathjen to be postmaster at Canadian, in the county of Hemphill and State of Texas.

Elizabeth Rhea to be postmaster at Groesbeck, in the county of Limestone and State of Texas.

Jay S. Richard to be postmaster at Itasca, in the county of

Hill and State of Texas. Ulysses G. Roach to be postmaster at Celeste, in the county of

Hunt and State of Texas. William E. Sayers, sr., to be postmaster at Bay City, in the county of Matagorda and State of Texas.

Seth B. Strong to be postmaster at Houston, in the county of Harris and State of Texas.

E. R. Yeary to be postmaster at Alice, in the county of Nueces and State of Texas.

WISCONSIN.

Herbert A. Pease to be postmaster at Cumberland, in the county of Barron and State of Wisconsin.

WYOMING.

Harry A. Thompson to be postmaster at Sunrise, in the county of Laramie and State of Wyoming.

HOUSE OF REPRESENTATIVES.

Wednesday, February 13, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and

REVENUE-CUTTER SERVICE.

Mr. CUSHMAN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I ask unanimous consent to take from the Speaker's table the bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service, for duty in the district of Puget Sound, with House amendments amended, discharge the committee from further consideration of the same, and that the House disagree to the amendment of the Senate to the amendments of the House and ask for a conference of the two Houses thereon.

The SPEAKER. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to object,
I will ask the gentleman if this is simply unanimous consent to go to a conference?

Mr. CUSHMAN. That is all; yes, sir. Mr. WILLIAMS. I have no objection.

The Chair hears no objection, and it is so The SPEAKER. ordered, and the Chair announces the following conferees on the part of the House: Mr. Mann, Mr. Cushman, and Mr. Ryan.

MINORITY REPORT, POST-OFFICE APPROPRIATION BILL.

Mr. HEDGE. Mr. Speaker, I ask unanimous consent for the further extension of the time heretofore granted to members of the Committee on the Post-Office and Post-Roads to file a minority report on the post-office appropriation bill until the hour of adjournment Friday. This request is made on account of the absence of the gentleman from Indiana [Mr. Overstreet].

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time for filing the minority report on the postoffice appropriation bill, as indicated, be extended until the hour of adjournment on Friday. Is there objection?

Mr. FINLEY. Mr. Speaker, reserving the right to object,

I will ask the gentleman what is the necessity for extending the

Mr. HEDGE. For the sake of peace, I will say to the gentleman. I want to confer with the gentleman from Indiana [Mr. Overstreet], and the gentleman knows that he is unavoidably absent.

I have no objection.

The SPEAKER. The Chair hears no objection, and it is so

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PUBLIC LANDS.

The SPEAKER laid before the House a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Public Lands, and ordered to be printed.

[For message see Senate proceedings.]

COMMITTEE APPOINTMENT.

The SPEAKER announced the following committee appoint-

Mr. Dixon of Montana to the Committee on Indian Affairs, vice Mr. Curtis, resigned.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. Sherman in the chair.

Mr. FOSS. Mr. Chairman, there was pending at the adjournment yesterday a point of order made to an amendment offered by myself to line 22, on page 13 of the bill, under the Bureau of Ordnance. The amendment that I offered provided that the ammunition and supplies already on hand under the appropria-tion for the increase of the Navy should be transferred to ordnance and ordnance stores, and also the further provision that the ammunition and other supplies already contracted for should be transferred to the ordnance and ordnance stores. The question was whether or not the Secretary of the Navy had the

authority under the general law to do it at the present time. Section 1547 of the Revised Statutes provides that the orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to altera-tions adopted in the same manner. That is the general authority under which these regulations have been adopted. By a decision of the Supreme Court in the case of Smith v. Whitney (116 U. S., 181), when Mr. Whitney was Secretary of the Navy, these regulations have the force of law.

Now, section 3 of the regulations provides:

That the business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper under the following bureaus: First, the Bureau of Yards and Docks; second, the Bureau of Equipment: third, the Bureau of Navigation; fourth, the Bureau of Ordnance; fifth, the Bureau of Construction and Repair; sixth, the Bureau of Steam Engineering; seventh, the Bureau of Supplies and Accounts; eighth, the Bureau of Medicine and Surgery.

I submit this to the Chair.

The CHAIRMAN. The Chair begs to suggest that what the gentleman from Illinois has read indicates or shows that the Secretary of the Navy has authority to make certain classifications, etc. The amendment which the gentleman on yesterday offered is a direction to the Secretary- a statutory, mandatory direction to the Secretary to do something which under the law he has authority to do in his discretion. This, then, is a direc-tion where the statute gives the Secretary discretion; therefore it seems to the Chair that it is a legislative provision, and obnoxious to the rule.

Mr. FOSS. That is made upon the recommendation of the Secretary

The CHAIRMAN. That may be. The Chair, of course, does not enter into the question of the propriety of the legislative provision, but the matter as to whether or not it can be done upon an appropriation bill, and the Chair thinks it can not be done, and sustains the point of order. The Clerk will read.

Mr. SMITH of California. Mr. Chairman, I desire to offer an amendment which I have sent to the Clerk's desk. I want

to insert it where we left off yesterday.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 20, after line 9, insert:
"Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes authorizing the Secretary of the Navy to establish at such places as he may deem necessary suitable depots for coal and other fuel for supplying the steamships of war, \$225,000."

Mr. MANN. I reserve the point of order, Mr. Chairman. Mr. SMITH of California. Mr. Chairman, I think no point of order lies against it, but the gentleman may reserve it, nevertheless, if he thinks it does. The circumstances which surround this proposition are as follows: In the first place, the Secretary of the Navy, I understand, in making up his budget recommended \$400,000 for depots for coal, but the committee in its wisdom has inserted no items whatever. The particular thing I have in mind is the establishment of a coal depot at the city of San Diego. I have the assurance of the Department that if the money is appropriated according to this amendment there will be one put there. That is the selfish interest I have in the matter. Now, the general interest which the House will have is as follows: There are on the Atlantic seaboard, between a point in Maine and swinging around to New Orleans, fourteen coaling stations, with three more in the islands, two in Porto Rico, and one in Cuba, making seventeen ports at which they can take coal along the Atlantic seaboard.

On the Pacific seaboard there are two, one at Seattle and one at San Francisco; none south of San Francisco until you reach the southern point of the peninsula of Lower California. Around in the Bay of California there is a very small place where they can take a little coal in case of necessity. would seem to me that this is not entirely a safe condition in which to leave our Navy on the Pacific side, and it is somewhat aggravated by the further fact there are no supplies of domestic coal at any of the seaports of California for the simple reason that California no longer uses coal. There is simple reason that California no longer uses coal. There is not a railroad or street-car system of any kind in that section of the country that now uses coal, but fuel oil has taken the whole field. If you should have occasion to coal the vessels of the Navy at any port in California you would be utterly unable to buy a hundred tons of coal at any place, and under those circumstances it seems to me that it would be wise and proper for the Government to protect itself by providing a coal supply at convenient points along the coast, and San Diego Harbor is a very desirable place for vessels to enter and take coal. The Navy Department already owns land on which a

coaling station would be placed with a magnificent depth of water. I therefore hope that the House in its wisdom will see the necessity of providing for coal supplies in connection with its operations in the Pacific Ocean.

I suppose no one is inclined to raise any war scare, but we maintain a navy on the theory that we may have war, and I suppose there is not a man here who does not feel that as good an opportunity, at least, to have a war as anywhere is on the Pacific side, and the best way to avoid it will be to be amply well prepared to meet it. I think there should be an additional coal supply on the Pacific Ocean, and I hope the amendment will be adopted.

Mr. MANN. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. Mr. Chairman, as I understood it before, it was a specific proposition. I withdraw the point of order.

Mr. FOSS. Mr. Chairman, section 1552 provides that the Secretary of the Navy may establish at such places as he may deem necessary suitable depots of coal and other fuel for the supply of steamships of war. It is within his discretion to establish these coaling plants wherever he may see fit, and of course he could establish one at San Diego Harbor. Now, we have a large number of coaling plants. They are scattered all the way from Frenchmans Bay, on the coast of Maine, along the Atlantic coast, the Gulf coast, and the Pacific coast, and then there are some in the island possessions. They are about twenty-eight or thirty in number. On the Pacific coast we have a coaling plant at Sitka, Alaska, with a capacity of 5,000 tons; and then we have a large coaling plant at Puget Sound, Washington, with a capacity of 22,900 tons. That is our largest coaling plant, I think, anywhere. Then at Mare Island, which is just above the city of San Francisco, we have a coaling plant with a capacity of 20,000 tons; and now we are building a coaling plant in San Francisco Bay, near the city of San Francisco, which will have a capacity of 15,000 tons.

Mr. BUTLER of Pennsylvania. At what point is that? Mr. FOSS. That is California City Point, I think.

Mr. BUTLER of Pennsylvania. Does the gentleman know how far that is from San Diego?

Mr. FOSS. It is right there at San Francisco, in San Francisco Bay.

Mr. SMITH of California. How far is it from San Diego? Mr. FOSS. San Diego is, I presume, 450 miles farther south. Mr. SMITH of California. Six or seven hundred miles.

Mr. BUTLER of Pennsylvania. Mr. Chairman

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] yield to his colleague [Mr. Butler]?

Mr. FOSS. I do.

Mr. BUTLER of Pennsylvania, I would like to ask the gentleman from California [Mr. SMITH] what the real distance is between San Diego and San Francisco?

Mr. SMITH of California. The distance by rail down the coast, and that is quite as direct as the coast line, is about 625 miles from San Francisco to San Diego.

Down below San Diego we have a small coaling Mr. FOSS. plant, at Pinchilinque, in California Bay, if I remember rightly. Mr. SMITH of California. How far is that below the international line?

Mr. FOSS. I do not know how far it is. Now, Mr. Chairman, it is really a question of whther or not it is advisable to establish very many of these large coaling plants. In the first place they cost a large sum of money. They cost about four or five hundred thousand dollars, and when you take into consideration the fact that a ship can sail into any port or harbor and get coal, and the further fact also, that at every navy-yard we have a coaling plant, it is a question of how far we ought to go in the establishment of these great coaling plants at other

As I said a moment ago, the cost of the large coaling plant will amount to \$400,000 or \$500,000. The cost of the maintenance of that plant will probably be at least 5 per cent. cost of repairs would be in the neighborhood of 5 per cent. cost of repairs and the cost of maintenance in a single year would equal almost the value of the coal in the plant, as, for instance, if its capacity was about ten or twenty thousand tons. So that it is an important proposition to be considered as to how far we ought to go in the establishment of these separate coaling stations for coaling ships. Now, we have expended so far

The CHAIRMAN. The gentleman's time has expired. Mr. FOSS. Mr. Chairman, I will ask for five minutes more. The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. SMITH of California. I would like to ask a question.

The CHAIRMAN. Does the gentleman yield? Mr. FOSS. I would like to finish my statement first.

Mr. SMITH of California. Then I would like to ask a ques-

Yes. We have expended so far, from 1898 to 1904, \$3,340,000 outside of the appropriation at the navy-yards, as my figures show. This year we did not make any appropriation, because we found that in the report of the Chief of the Bureau of Supplies and Accounts there was an unexpended balance of \$779.528.18. This appears on page 7 of the report of the Chief of the Bureau of Supplies and Accounts, in which he gives the balances on June 30, 1906. Now, we thought with that amount of money already unexpended, with full authority now left in the Secretary of the Navy to expend this money where he might see fit, that he had enough to work on during the coming year; and that is the position of the committee. can still establish this coal plant; and we thought with this large unexpended balance on hand that it would be unwise to make a larger appropriation this year.

Mr. SMITH of California. I would like to interrogate the chairman of the committee, if he pleases. I do not want the gentleman to feel that I am antagonizing the wisdom of the

committee.

I understand.

Mr. SMITH of California. About this sum which is left over. That is already set aside for the construction of coaling plants in process of construction, is it not, at Guantanamo and at

California City Point and one other place?

Mr. FOSS. It is all in the discretion of the Secretary of the Navy, and he can expend all this amount right on the coaling station at California City Point if he wants to.

Mr. SMITH of California. But what I mean is, that he has already begun the construction of coaling stations that will consume all that \$700,000 that appears to be yet on hand.

Mr. FOSS. One at Guantanamo and also one at California

City Point

Mr. SMITH of California. And that will consume the amount of money now on hand?

Mr. FOSS. Undoubtedly it will consume it—that is, he will spend it during the coming year.

Mr. SMITH of California. So there is no fund available which he might divert to a new coaling station on the Pacific coast without stopping the work on those already under way.

Mr. FOSS. He can stop the work at any place. emergency arises in which it is necessary to have a coaling station at San Diego Harbor, why he can immediately establish one. That is all within his own power, under this law, which says he may "establish at such places as he may deem necessary suitable depots of coal and other fuel for supply of the steamships of war.

Mr. SMITH of California. One other question. You spoke about the Navy Department being able to buy coal from private holders on the Pacific coast. What information have you as to the supply of coal in any of the ports along that coast

Mr. FOSS. Well, I have no special information. I understand that we buy American coal on the Pacific coast and also

buy coal from England.

Mr. SMITH of California. I want to say, for the information of the chairman of the committee, you can not buy a ton of coal at any port between San Francisco and San Diego, and for the reason that California no longer uses coal as fuel. will agree with me that the coal that the Navy uses on the Pacific coast is freighted there from England or from the Eastern States. There is no coal produced on the Pacific coast within a thousand miles of tide water anywhere except in the State of Washington, near Puget Sound.

Mr. FOSS. It is true that what American coal we use there

we have to freight there.

Mr. SMITH of California. But there is no private stock, and, as I understood, the gentleman made that a part of his argument against having a new coaling station. There are no private stocks of coal at all in California. I was at Port Har-ford and Santa Barbara, San Diego, and Hueneme during the last year, and I know that there is no coal at any of those places on the Pacific coast, for the reason that every railroad there and every steam enterprise is now using mineral oil for fuel. The Spreckels company formerly imported coal for distribution to the Santa Fe and other railroads, but since the railroads have changed to oil burners in their locomotives there is no supply of coal kept there. So that shows the necessity of having coal there in time of an emergency, for if there were an

enemy's fleet off the coast, all it would have to do would be to hover around the entrance to San Francisco Harbor until every vessel of the Navy was without coal, and we might be thousands of miles from a supply of coal. I am not stating this in a spirit of criticism of this committee for this condition of affairs, but I think it ought not to be permitted to exist; that the continuation of this condition of affairs might become very serious.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of California. Division!

The committee divided; and there were—ayes 13, noes 44.

So the amendment was rejected. Mr. WILLIAM W. KITCHIN. Mr. Chatrman, I offer an amendment.

The Clerk read as follows:

Page 20, line 8, after the word "dollars," insert:
"Provided, That except in cases of emergency no part of this appropriation shall be expended for coal in the Philippine Islands, except for American coal purchased from the lowest responsible bidder for coal delivered."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I desire to

ask the gentleman a question.

Mr. WILLIAM W. KITCHIN. I will be glad to answer it.

Mr. BUTLER of Pennsylvania. Please explain the purpose

of your amendment. Mr. WILLIAM W. KITCHIN. I can hardly make any ex-

planation which will be plainer than the amendment itself.

Mr. BUTLER of Pennsylvania. It was read hurriedly. am not complaining of the reading, but I did not hear it dis-

Mr. WILLIAM W. KITCHIN. I will be glad to explain it. It is simply this: I provide that for all the coal in the Philippine Islands the Navy Department be instructed to, as far as this appropriation is concerned, buy its necessary coal—American coal—from the lowest bidder for coal delivered there. Under this amendment all the coal that is bought there except in case of emergency must be American coal, but it will be American coal bought from the lowest responsible bidders for coal delivered there.

Mr. BUTLER of Pennsylvania. That is good tariff doctrine,

so far as he has gone.

Several Members. What is the amendment? The CHAIRMAN. If there be no objection If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. OLMSTED. Mr. Chairman, I move to amend that amendment by adding the words:

Which coal shall have been transported in American bottoms,

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report. The Clerk read as follows:

Add to the amendment the words "which coal shall have been transported in American bottoms."

Mr. FITZGERALD. I make the point of order against that amendment that it changes existing law.

The CHAIRMAN. The gentleman from New York makes the

point of order against the amendment to the amendment.

Mr. SULZER. I hope the gentleman from New York will withdraw that point of order. The Democratic party has been fighting for many years to build up our merchant marine and transport our goods in our own ships

The CHAIRMAN. Does the gentleman from New York desire to discuss the point of order? Will the gentleman refer

the Chair to the statute?

Mr. FITZGERALD. I can refer the Chair to the law in a few minutes; but I can state now the substance of the law. There is no dispute about it. At present all supplies for the Navy must be carried in American bottoms, unless, in the opinion of the President, the prices are unreasonable or excessive, when he may direct that they be carried in foreign bottoms. This amendment changes that law by removing the discretion of the President.

Mr. OLMSTED. I think, as this is a limitation, it is not subject to the point of order; but I am willing to add to the

words of my amendment:

Unless in the opinion of the President the charges therefor shall unreasonable.

That will meet the objection of the gentleman from New

The CHAIRMAN. The clerk will again report the amendment as modified.

The Clerk read as follows:

Add to the amendment the words "unless in the opinion of the President the charges therefor shall be unreasonable."

Mr. FITZGERALD. I still make the point of order against that, as it is impossible to tell the effect of it.

Mr. GILBERT. I offer this additional amendment.

The CHAIRMAN. , No additional amendment is in order.

Mr. GILBERT. I offer it as a substitute, then.

The CHAIRMAN. The gentleman offers a substitute for the amendment.

Mr. GILBERT. In addition to the amendment offered by the gentleman from Pennsylvania I want to add these words:

Without regard to the flag under which the vessel is operated.

The CHAIRMAN. The gentleman from Kentucky must offer something as a substitute for the whole proposition.

Mr. GILBERT. I am offering the amendment, with these additional words, as a substitute.

The CHAIRMAN. The gentleman must offer a substitute. He can not offer another amendment.

Mr. GILBERT. I am offering a substitute, in the language of the gentleman's amendment, with the additional words suggested by myself.

The CHAIRMAN. The Clerk will report the proposed sub-

The Clerk read as follows:

Substitute for the pending amendment the words:
"Provided, That, except in case of emergency, no part of this appropriation shall be expended for coal in the Philippine Islands, unless for American coal purchased from the lowest responsible bidder for coal delivered, which coal shall be transported in American bottoms, unless, in the opinion of the President, the charge therefor is unreasonable, without regard to the flag under which said coal is transported."

Ma. CHERERY, This amendment causes a smile on the

Mr. GILBERT. This amendment causes a smile on the faces of some people, but it is abundantly established that there are about 250,000 tons of American bottoms sailing and operating under foreign flags. I am sure the gentleman from Pennsylvania has in mind an effort to encourage the purchase of coal that has been shipped in vessels that are operated under the American flag, but there are a great many vessels operated under the British flag and under the German flag and other flags that are to all intents and purposes American vessels, owned by American citizens or American corporations, and yet, not having been constructed in American shipyards, they are being operated under foreign flags.

Mr. HUGHES. I would like to inquire of the gentleman from

North Carolina why his amendment is necessary?

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I am glad to inform the gentleman. On yesterday afternoon we had a full debate on another amendment which I offered and which was defeated by the committee. One of the objections to that amendment was that under it the Navy Department would be authorized to buy foreign coal in the Philippines, and some gentlemen insisted that they would oppose any proposition that gave permission in this appropriation bill to buy foreign coal. So this amendment is limited to American coal. I will say further that if this amendment is adopted we can buy American coal in the Philippine Islands for \$2.75 a ton cheaper than we can buy the coal here and have it transported in American steamers

Why should we not permit a dealer in American coal who can carry other goods to the Philippine Islands in any bottom he may see fit, why should we not permit him to carry coal under any flag, and why not let the Government save \$2.75 a

ton on its coal?

In that very full document that the chairman of the committee published in connection with his remarks yesterday, gentlemen will find that the Government had in the last two months offers of 50,000 tons of American coal delivered in the Philippine Islands at \$7.25 a ton, and another 50,000 tons under other conditions at \$7.50 a ton, while in that same document it appears that the Government has been unable to get a single American steamer to transport coal there for this year for less than \$7.50, and not a single American steamer wants to transport coal there even at the price at which he can buy American coal in the Philippines, and it seems to me that this is a business proposition.

This Congress would not undertake to say that an American citizen in the Philippines should not buy goods there of American manufacture unless those goods were transported in American bottoms. Why do you wish to tie your Government and the public Treasury to a rule that you do not and will not apply to American citizens? You will let American citizens buy American American citizens? can shoes in the Philippines, you will let American citizens buy American lumber in the Philippines, and it matters not how it got there. Now, why not let the Government buy American coal there on the open market?

Mr. HUGHES. Mr. Chairman, I asked the gentleman from North Carolina a question, and I expected him to confine his remarks to the answer to my question. I did not expect him to go on and make a tariff speech.

Mr. WILLIAM W. KITCHIN. I have not mentioned the

tariff.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. OLMSTED. Mr. Chairman, I would like to ask, in the first place, whether there is a point of order pending?

The CHAIRMAN. The point of order is pending. reserved by the gentleman from New York [Mr. FITZGERALD]. Mr. WILLIAM W. KITCHIN. Not to the original amendment?

The CHAIRMAN. No; to the amendment to the amendment offered by the gentleman from Pennsylvania.

Mr. OLMSTED. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. Of course. It changes existing law.

Mr. OLMSTED. The gentleman reserved it?

Mr. FITZGERALD. I reserved it.

Mr. OLMSTED. Mr. Chairman, I wish to say that the amendment offered by the gentleman from North Carolina is in substance and effect the same amendment we discussed yesterday and by a large majority voted down. His amendment now is that they shall purchase American coal, but it does not provide for the transportation of that coal in American vessels.

As the law now stands it is in the power of the President or the Secretary of the Navy to use foreign vessels if the rate charged by American vessels is, in their judgment, unreason-Therefore there is no danger of their being caught in any such corner as the gentleman from North Carolina anticipates. If American bottoms could not be obtained at reasonable rates, it is within the power of the President to obtain foreign bottoms, and therefore there is no occasion for the gentleman's amendment.

Now I wish to say a few words on the point of order. The amendment offered by the gentleman from North Carolina, as I understood its reading, is a limitation upon the appropriation. My amendment is germane to that, and is in itself a limitation and therefore not subject to a point of order at all. It does not change existing law. In fact, my amendment is in harmony with existing law and does not change existing law in any way. The amendment offered by the gentleman from North Carolina, and my amendment to his, constitute a limitation upon the appropriation in this bill for this year as far as it relates to coal to be shipped to the Philippines; but my amendment does not change existing law. I have so amended it as to conform to existing law, as the gentleman from New York states it to be.

The effect of my amendment is to put it right back, to neutralize the amendment of the gentleman from North Carolina [Mr. William W. Kitchin], so as to comply with existing law, and require, as the law now does, that the coal shall be shipped in American bottoms, unless, in the opinion of the President, the rate charged for such transportation is unreasonable and excessive. My amendment, as existing law does, leaves it in the discretion of the President to employ other means of transportation if American vessels charge unreasonable rates. But so long as their rates are reasonable I think American bottoms should be given the preference. The gentleman from New Jersey [Mr. LOUDENSLAGER] submitted official evidence yesterday that transportation rates are actually lower since the act of Congress has given American vessels a chance.

Mr. SULZER. Mr. Chairman, I only want to say just a word or two. The gentleman from Pennsylvania [Mr. Olmsted] has so well expressed my views in regard to this matter that there

is no need of wasting time by mere repetition.

I disagree entirely with my colleague, the gentleman from New York [Mr. Fitzgerald], regarding this matter. For years the Democratic party has been endeavoring along constitutional lines to build up the American merchant marine on the Atlantic and Pacific coasts. Its policy is to build up by recurring to the policies of the early days of the Republic, by having all goods, wares, and merchandise coming in or going out of the United States carried in American bottoms by a just system of tonnage taxation or by discriminating duties.

I am surprised that any Democrat should object to this proposition of the gentleman from Pennsylvania, especially when it leaves the option in the hands of the President, so that if the American ship will not carry the coal as cheaply as the foreign ship he has the right to select the foreign ship.

I know a good deal about the Pacific coast; I go out there almost every summer. I know as a fact that there are a great many American schooners and ships and barks, besides the American steamers, that will carry this coal under the American flag as cheaply, if not more so, than any foreign vessel; and that a great many American vessels to-day are lying idle in Puget Sound, and the gentleman from Washington [Mr. Humphrey] I know will bear me out when I say these ships are riding at anchor simply because they can not get goods to carry to the Philippines and foreign ports. Let us begin to put the American flag on our merchant vessels; let us protect in every way American ships against foreign ships; let us send our coal and our goods and our merchandise to the Philippine Islands and to the Orient in American ships, under the American flag, and manned

by American sailors. [Applause.]
Mr. FITZGERALD. Mr. Chairman, the trouble with my colleague is that he is not acquainted with the facts. Coal is not shipped to the Philippine Islands from the Pacific coast, and if the entire coast were piled high with idle American ships they

could not be utilized for this purpose.

Mr. SULZER. I would like to ask the gentleman if he has ever been on the Pacific coast?

Mr. FITZGERALD. No.

Mr. SULZER. Then he ought not to say that I do not know the facts. I have been there several times. The President sent a message

Mr. FITZGERALD. Oh, Mr. Chairman, I decline to yield to my colleague to make my speech. I shall make this one my-self. The coal that the Navy Department ships to the Philip-pine Islands is shipped from the Atlantic seaboard. Ships that are on the Pacific coast are not available for that purpose. evidence is that a few men, some of them, I regret to say, living in the district which I represent, own a few American ships that have been engaged in this traffic, and they have been extorting unreasonable prices from the American Government for the transportation of coal from the Atlantic seaboard to the

Philippine Islands.

If my colleague favors the continuation of that practice, I do not, and I doubt whether any other Democrat who understands the facts favors a continuation of the policy. The gentleman from North Carolina [Mr. William W. Kitchin] has offered an amendment that limits the use of this appropriation for the purchase of coal in the Philippine Islands. It requires American coal to be purchased there under certain circumstances. fact is that the Department has received bids under which, if it could accept bids from those who are willing to transport in other than American bottoms, it could get coal delivered in the Philippine Islands at something like \$2 a ton less than can be purchased from those who are shipping in American bottoms. The law of April 28, 1904, provides that American bottoms shall be used to carry supplies and coal for the Navy unless the President shall find that the rates of freight charged by said vessels are excessive and unreasonable, and it also provides that no greater charge shall be made by such vessels for the transportation of articles for the use of the Army and Navy than are made by such vessels for the transportation of like goods for private parties or companies.

So far as I can ascertain, these vessels do not transport any goods for private parties, so that that part of the law is not effective. The Secretary of the Navy in his report last year said that the only effect of this law was to benefit a few shipowners, without helping to build a single American ship or to train a single American seaman. He asked then that it be repealed; he asks now that it be repealed. One hundred and ninety-three thousand dollars has been paid to a few men owning a few American ships in excess of the amount for which the work would have been done if this law had not been enacted. I desire to see the seas covered with American ships, but I am unwilling to have it done at the expense of the American people. If my colleague favors the payment of subsidies, I am quite sure that he is not in sympathy with the great mass of his Democratic col-leagues. [Applause on the Democratic side.] That is not Democratic doctrine; it never has been, and, so far as we are informed, it never will be [applause on the Democratic side]; and when he favors paying subsidies he will have to leave his Democratic colleagues and join those against whom we have been aligned ever since the establishment of the Democratic party. [Applause on the Democratic side.]

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. SULZER. Mr. Chairman, just a word.
The CHAIRMAN. The gentleman from New York asks unanimous consent—for how much time?

Mr. SULZER. For a few minutes.

nent on the floor of this House for the past ten years to what is known as "ship subsidies," and I have been in favor of and I have had a bill pending in this House for ten years, which is a comprehensive measure and defines my position, and it will be printed, with ample data, in the RECORD to-morrow morning.

I am in favor of building up the merchant marine of the United States by a system of tonnage taxes in favor of the American-built ships carrying the American flag, and make the foreign shipowner pay the tax. I believe that we never can

pass a free-ship bill.

I believe it is impossible to pass a ship-subsidy bill, and I know how difficult it is to carry out the policy recommended by President McKinley, and for a while advocated by the Re-publican party, to build up our merchant marine by discriminat-

Now, the bill I have advocated from the beginning is a tonnage-tax bill, so that foreign ships will have to pay a tax upon their tonnage. That was the policy of Jefferson, that was the policy of the fathers of the country, and that ought to be the policy to-day of every patriotic American citizen.

There ought to be no politics in this merchant-marine question whatever. It is a business matter and a patriotic matter, and I am in favor of doing everything in my power along legitimate and constitutional lines to aid American ships and build

up a great merchant marine.

I stand to-day just where I always have stood, and say that I believe it is a good thing to give such aid as we can consistently to build American ships on the Pacific coast; give them a little advantage at first, if necessary, in order to start the shipyards working out there and give employment to thousands of workmen and send the coal to the Philippines in American bottoms. There is no subsidy in this matter. The gentleman has never been on the Pacific coast, but the message of the President to-day, which was read in this House this morning, tells the story. There is more coal in the State of Washington than there is in Pennsylvania. There is more coal in Alaska than in all the United States-and the very best kind of coal-bituminous, anthracite, and lignite; great veins of coal are there, and the President is trying to save these coal lands for all the people.

Now, we do not want to transport coal from the Atlantic seaboard around Cape Horn in ships owned by the shipping trust. Of course that will cost more on account of the distance. We want to transport this coal across the Pacific from Seattle and Tacoma and Alaskan ports

Mr. FITZGERALD. Mr. Chairman-

Mr. SULZER. Mr. Chairman, I only have a few minutes, and

trust the gentleman will not interrupt me.

Now, Mr. Chairman, I am informed that every ship on the Atlantic coast is under the control of the shipping trust, and that is the reason they charge these exorbitant prices; but that would not be so, in my judgment, with American steamers and sailing vessels on the Pacific coast-

Mr. WILLIAM W. KITCHIN. Will the gentleman permit

an interruption there?

Mr. SULZER. In a moment. These ships from Puget Sound can transport this coal from the State of Washington and Alaska to the Philippine Islands for less cost than ships can from any other port in the world, because from Seattle, in the State of Washington, and from Alaska we are from 600 to 1,000 miles nearer the Orient-nearer the Philippine Islandsthan we are from San Francisco, to say nothing about ports on the Atlantic Ocean and the long journey around Cape Horn and then across the Pacific Ocean.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit an

interruption now?

Mr. SULZER. Yes. Mr. WILLIAM W. KITCHIN. I understood the gentleman to say all the ships on the Atlantic coast are controlled by the shipping trust.

Mr. SULZER. Yes; I am informed most of them are, at all

Mr. WILLIAM W. KITCHIN. Is not the gentleman aware that the American steamers transporting coal are steamers from the eastern coast, and leave from the Chesapeake Bay to go to the Philippines and-

Mr. SULZER. I want them to go from Puget Sound-that is the place to get the coal-and it will cost less there and can be

shipped cheaper from there

Mr. WILLIAM W. KITCHIN. And every dollar of this has The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

[After a pause.] The Chair hears none.

Mr. SULZER. Mr. Chairman, in the first place, I desire to say to my colleague that I have been the most consistent opposition.

Mr. SULZER. That is what I am opposed to—foreign-built ships, carrying the foreign flag, doing our business. I want to carry American goods, wares, and merchandise in American ships, built in American shipyards, carrying the American flag, do our business and help develop our great resources on the Pacific and revive our languishing shipping industry. These

ships on the Pacific are not in the trust—
Mr. WILLIAM W. KITCHIN. The coal does not start from

the Pacific coast.

Mr. SULZER. Of course it does not, but that is where it ought to start from. That is the point I am trying to make. We have coal there for all the world.

Mr. WILLIAM W. KITCHIN. Then, it will cost much more at this time.

Mr. SULZER. No; in my opinion, not half as much. I agree substantially with the gentleman from Pennsylvania [Mr. Olm-STED] in regard to this proposition.

Mr. HUMPHREY of Washington. The fact is that they fur-

nish coal to the Puget Sound Navy-Yard, in the State of Wash-

ington.

That is true. There is no doubt-

Mr. HUMPHREY of Washington. And they do not charge

an exorbitant price for it, either.

Mr. SULZER. I believe it to be the fact that the Pacific coast furnishes coal to the navy-yard at Puget Sound, to the revenue cutters, and charges the Government much less for that coal than it can be purchased at Atlantic ports; and I know the great smelters out on the Pacific coast get all the coal they want for much less a ton than they could buy it here.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. GILBERT. I ask unanimous consent, Mr. Chairman, to address the committee.

Mr. FOSS. Mr. Chairman, I object.

Mr. GILBERT. I ask unanimous consent to address the committee for three minutes.

Mr. FOSS. Mr. Chairman, it seems to me we ought to have the decision of the Chair upon the point of order first. The CHAIRMAN. The Chair is ready to decide. The provision presented here is clearly a limitation, and the amendment offered to that limitation by the gentleman from Pennsylvania [Mr. Olmsted] is in order. The proposition submitted by the [Mr. Olmsted] is in order. The proposition submitted by the gentleman from Kentucky [Mr. Gilbert] as a substitute is not properly a substitute, as the Chair understands it, under the proper interpretation of the rule. It really is an amendment in the third degree, which the rules expressly prohibit. Therefore the Chair can not recognize it as a substitute. The question, then, is upon the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. Olmsted].

Mr. FITZGERALD. Did the Chair dispose of the first

amendment?

The CHAIRMAN. The Chair overruled the point of order. Mr. GILBERT. Mr. Chairman, I move to strike out the last word of the amendment and ask unanimous consent to address the House for five minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I do not wish to object to this request. It is now half past 1 o'clock, and we have not proceeded a particle with this, and if there is any more discussion on this I will object.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. Gilbert] is recog-

nized for five minutes.

Mr. GILBERT. Mr. Chairman, I am in hearty sympathy with the amendment offered by the gentleman from Pennsylvania [Mr. Olmsted], and the substitute that I presented a while ago was not captious, but was substantial, and it ought to be embodied in that amendment. The amendment that the gentleman from Pennsylvania has in mind is for the support We want to encourage the shipment of of American bottoms. coal in that way. But the gentleman from Pennsylvania has not defined what American bottoms are. The law books teach that a merchant vessel is the property of its owner, subject to the laws of the locality where it may be placed, subject to the laws and institutions of the ports wherever it may be; and to state that coal shall be shipped in American bottoms means nothing unless he gives an additional amendment or explanation as to what constitutes American bottoms.

A ship that is owned by an American corporation and built by American money and operated under the British flag is just as much an American bottom as if it floated from the masthead the American flag. Therefore, we will be left in confusion as to what constitutes an American bottom, and we ought to define it either in this amendment or elsewhere as being the ships that are really the property of American citizens without regard to

the flag that floats from the masthead.

A word as to the proposition of the main amendment, offered by the gentleman from North Carolina [Mr. KITCHIN].

Democrats for time out of mind, in season and out of season, have antagonized everything in the way of a subsidy. stood here for years and clamored for the free admission of ships purchased in foreign ports. Now, the gentleman insists that we shall force American citizens and people who live in the Philippine Islands to buy coal simply because it has been shipped to the islands in American bottoms under the American flag, and forcing the poor inhabitants of the Philippine Islands to pay \$2 or \$3 more per ton for their coal solely because of the fact that it has been shipped in American bottoms. And that is throwing to the winds all of our argument against ship subsidies, because it is, in fact, a subsidy.

Why not stand by the doctrine that we have always advocated, and allow American capitalists to go to any foreign ship-yard, upon the Clyde or Mersey, or anywhere else, and buy their ships where they can buy them the cheapest and bring them home and float the American flag on them? This is the only country in the civilized world that retains upon its statute books that superannuated old law that we can not float the national flag from a ship except the ship has been built in

American shipyards.

Now, his proposition is second cousin to that-that is, we shall force the American people who reside in the Philippine Islands and American subjects in the Philippine Islands to buy coal because it has been brought from America and carried there in American ships, even if they are required to pay a higher price.

Mr. WILLIAM W. KITCHIN. On the contrary, my proposi-

tion is exactly the reverse.

Mr. GILBERT. The gentleman from New York, then, has misrepresented your amendment in his statement.

Mr. WILLIAM W. KITCHIN. The gentleman ought to argue my amendment from the amendment itself, and not from an argument made on it.

Mr. GILBERT. I heard it read, and, like the gentleman from Pennsylvania, misunderstood it if it did not contain that proposition; but I would like the gentleman from Pennsylvania to define in his amendment what he means by American bottoms.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move that all debate on this amendment and the paragraph be closed.

The question was taken; and the motion was agreed to. The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania to the amendment of the gentleman from California.

The question was taken: and the amendment to the amendment was agreed to.

Mr. WILLIAM W. KITCHIN. Now, Mr. Chairman, I offer an amendment to the amendment as it now stands.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment the words: Provided, That in the expenditure of this appropriation any rates of freight charged by owners of vessels of the United States for the transportation of coal to the Philippine Islands which are greater than 25 per cent in excess over and above bona fide rates offered by responsible owners of other vessels shall be deemed excessive and unreasonable, and in such case the Navy Department may employ such other vessels for such transportation.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I make the point of order that is a change of the discretion that is now lodged in the Secretary of the Navy.

Mr. WILLIAM W. KITCHIN. The last two lines ought to be

stricken out. I thought I had stricken out the last two lines from that sheet.

Mr. BUTLER of Pennsylvania. Offer a new one, or I will object to unanimous consent to its going out.

The CHAIRMAN. The Chair sustains the point of order. Mr. WILLIAM W. KITCHIN. Now, Mr. Chairman, I offer it with the last two lines omitted.

The CHAIRMAN. The Clerk will report the amendment now offered.

The Clerk read as follows:

After the amendment:

"Provided, That in the expenditure of this appropriation any rates of freight charged by owners of vessels of the United States for the transportation of coal to the Philippine Islands which are greater than 25 per cent excess over and above bona fide rates offered by responsible owners of other vessels shall be deemed excessive and unreasonable."

Mr. BUTLER of Pennsylvania. I made the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order. Mr. WILLIAM W. KITCHIN. Now, on that point of order, just one moment.

Mr. BUTLER of Pennsylvania. The Chair sustains the point of order.

The CHAIRMAN. It is very clear to the Chair.

Mr. WILLIAM W. KITCHIN. It seems to me it is germane to the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. It is more than a limitation, and it is not germane. The Chair sustains the point of order. The question now is on the amendment offered by the gentleman from North Carolina as amended by the amendment offered by the gentleman from Pennsylvania, which has just been adopted.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Navy-yard, Boston, Mass.: For one superintendent of ropewalk, at \$2,000; one clerk, at \$1,400; one clerk, at \$1,300; one clerk, at \$1,200; writers, at \$950 each; one civil superintendent of chain shop, \$2,000; one civil superintendent of anchor shop, \$2,000; in all, \$11,800.

Mr. OLMSTED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend, in line 2, page 21, by striking out the word "rope" and in-ting "cake" in lieu thereof.

Mr. FOSS. I make the point of order.

Mr.-FITZGERALD. I reserve the point of order.
The CHAIRMAN. The Chair sustains the point of order. The CHAIRMAN. The Chair sustains the point of order,
Mr. OLMSTED. Then, Mr. Chairman, I move to strike out the paragraph.

Now, Mr. Chairman, I offer this amendment for the purpose of getting some information on this subject. This is, so far as

Mr. MANN. What does the gentleman want information about? The cake walk?

Mr. OLMSTED. Mr. Chairman, we had last year evidence in abundance before this committee to show that at this navyyard at Boston, in these works where this ropewalk is, the Government makes chains for the Navy at a cost very largely exceeding the price at which chains can be obtained from private manufactures, of as good quality and often better quality.

Now, this paragraph as it now stands seems to me to show one reason why it costs the Government so much more to make chains in that navy-yard. We have here for one superintendent of ropewalk, \$2,000. I should like to know what that ropewalk is that requires a \$2,000 superintendent. Then he has a clerk at \$1,400, another at \$1,300, and another at \$1,200, and two writers, whatever they are, at \$950 each. Then we have a civil superintendent of the chain shop at \$2,000 and a civil superintendent of the anchor shop at \$2,000; in all, \$11,800 carried by the paragraph. No wonder the chain is costing so much, if it costs \$2,000 for a superintendent of the ropewalk and \$11,800 in all for superintendence of this little factory. The amendment which I offered in the first place, to substitute "cake" for "rope," was, of course, subject to the point of order; but it seems to me to be just as necessary to appropriate \$2,000 to a superintendent of cakewalk as it is to vote that sum for mere superintendence of this ropewalk, the necessity for which nobody seems able to explain. In anything but a Government factory one \$1,500 man would do all the superintending for which we are asked to provide three at \$2,000 each.

Mr. FOSS. Mr. Chairman, I want to state to the gentleman that we have inserted on page 38 a provision in this bill authorizing the Secretary of the Navy to make an investigation into the cost of articles and materials manufactured by the Government at navy-yards and naval stations, and the cost of like articles and materials purchased in the open market, so we will have the result of the investigation before the committee.

Mr. OLMSTED. Perhaps, if the gentleman from Illinois [Mr. Mann] does not make a point of order against the provision.

I am informed that there will be a point of order made against the provision of the bill.

Mr. FOSS. Does the gentleman from Pennsylvania insist on striking out this paragraph?

Mr. OLMSTED. I do, unless the chairman of the Committee on Naval Affairs will give us some light on the subject as to why the appropriations are needed.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. Olmsted] to strike out the

The question was taken; and there were—ayes 4, noes 27.

Accordingly the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I move to strike out the item "one superintendent of ropewalk, \$2,000."

Mr. FOSS. Mr. Chairman, I call for a vote. The question being taken, the amendment was rejected.

The Clerk read as follows:

Navy-yard, Mare Island, Cal.: For one clerk, at \$1,200; one clerk, at \$1,000; one writer, at \$950; in all, \$3,150.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word; and I should like to inquire, with reference to the top of page 21, what kind of ropes are manufactured at this ropewalk-manila or wire?

Mr. BUTLER of Pennsylvania. Mr. Chairman, the chairman of the Committee on Naval Affairs has gone out to get something to eat, and I will ask the gentleman from Maine to please restrain himself until the chairman returns. I do not know any-

thing about the ropewalk.

Mr. LITTLEFIELD. The chairman of the committee having gone in search of food, the gentleman from Pennsylvania can furnish us with very little food on this point.

Mr. BUTLER of Pennsylvania. I am sorry to say that 1 can

Mr. ROBERTS. I will say to the gentleman from Maine that at this ropewalk they make both wire and hemp rope.

Mr. LITTLEFIELD. Cable?

Mr. ROBERTS. They make cable; yes.
Mr. LITTLEFIELD. Is it confined to cables?
Mr. ROBERTS. No; they make different sizes of rope, such as they use in the Navy; largely cables, however.

BUTLER of Pennsylvania. This item has been in the

bill for ten years

Mr. LITTLEFIELD. While that may be true, the gentleman from Pennsylvania will concede that that fact does not shed any light on the subject.

Mr. BUTLER of Pennsylvania. That may be true.

Mr. ROBERTS. I will say, for the information of the gentleman from Maine, that all of the rope, both manila and wire, used in the Navy, is made in this establishment, except that in cases of great emergency they buy small quantities outside.

Mr. LITTLEFIELD. So that it covers the whole Depart-

ment?

Mr. ROBERTS. Covers the whole Department. Mr. LITTLEFIELD. While we are on this subject, I will inquire if the gentleman from Massachusetts can inform the committee whether or not it costs the Government as much or more to manufacture its rope under these circumstances than it would to purchase from private individuals-what the fact is

Mr. ROBERTS. I will say that matter was gone into very fully on the floor last year when the bill was under consideration, and it was maintained by certain Members that it cost the Government more to manufacture these articles in the navyyard than it would to purchase them outside, but it was con-tended, on the other hand, that the articles manufactured by the Government in the yard were of superior quality to anything that could be purchased outside.

Mr. LITTLEFIELD. Is this the proposition that was fought year ago by the geutleman from Michigan [Mr. Loud]? Mr. ROBERTS. Yes; part of it.

Mr. ROBERTS. Yes; part of it.
Mr. LITTLEFIELD. I understand the gentleman from
Massachusetts to say that it is the contention of the Department that they can not get as high a quality by purchase outside as is manufactured here.

Mr. ROBERTS. That is true; and I will say for the further information of the gentleman from Maine that I have been informed personally by officers of the revenue service that they buy their cables, hemp and manila, from the Government, because those cables made in the Charlestown yard are of a better quality than they can get anywhere in the open market.

Mr. LITTLEFIELD. So that this ropewalk practically has a monopoly of the quality that is needed for use in the Navy?

Mr. ROBERTS. The Navy standard is higher than the com-

mercial standard.

Mr. LOUD. The gentleman from Massachusetts has stated, as he did last year, that the rope manufactured by the Government was better than the highest grade you can buy in the We did not concede that argument then and we do not concede it now.

Mr. LITTLEFIELD. What is the fact about the cost?

Mr. LOUD. The cost was very much larger for that manufactured by the Government.

Mr. McNARY. I want to say, Mr. Chairman, that even though the gentleman from Michigan does not admit the fact, it was clearly shown on the floor last year by the reports of the Navy Department that the chains manufactured by the private manufacturers did not come up to the test and could not pass the test given by the Navy Department officials.

Mr. ROBERTS. Will the gentleman from Maine yield? Mr. LITTLEFIELD. Yes. Mr. ROBERTS. I want to say in addition to that that it was in evidence before the committee and on this floor that when the Department went outside to get chain cable manufactured they had to lower the standard before they could get bids from outside manufacturers. That appeared in evidence. to reduce the specifications as to strength and quality which they required in the chain made by the Government.

Mr. LITTLEFIELD. That is, its tensile strength?

Mr. ROBERTS. It was in evidence before the Department-I think it was not produced here—that when they did lower the standard and succeeded in getting outside manufacturers to bid, those manufacturers said they had to go to the chain shop in Charlestown yard to get men who knew how to make the

Mr. LITTLEFIELD. To get the mechanics?

Mr. ROBERTS. To get the mechanics, and they had to send parts of the chain into the yard to be made, because they didn't have the machinery or the men or the experience to make certain parts of the chain, like the shackles-I do not know what

the names of the particular parts were.

Mr. PAYNE. If the gentleman from Maine will allow me, I would like to ask a question of the gentleman from Massachu-

setts.

Mr. LITTLEFIELD. Certainly.

Mr. PAYNE. I want to ask the gentleman from Massachusetts if they still use in this navy-yard the old-fashioned method of making cables-that is, with a walk attached to the machinery-or do they use the new and later and more improved ma-

chinery where they dispense with the walk?

Mr. ROBERTS. The walk is used in order to get the length

Mr. PAYNE. That was the old theory, but the up-to-date theory and method is that they do not use it; they use the machine.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I understood the gentleman from Maine asked permission to make an inquiry

and unanimous consent was given him.

The CHAIRMAN. The Chair understood the gentleman from Maine to move to strike out the last word and to take the floor, and under that amendment the time has expired. The Chair will now recognize the gentleman from Pennsylvania [Mr. OLMSTED L.

Mr. BUTLER of Pennsylvania. I will ask the gentleman to permit two lines of the bill to be read in the absence of the chairman, so that I can be able to report that fact to him. [Laughter.]

Mr. OLMSTED. Mr. Chairman, I should very much like to further the laudable ambition of my friend and colleague, but I wish to say just a word on this subject in answer to what has been said by the gentleman from Massachusetts. With all respect for him I beg to suggest that the evidence to which he refers was not presented on the floor a year ago. On the contrary, the gentleman from Michigan [Mr. Loud] and the gentleman from Ohio [Mr. Grosvenor] both read conclusive evidence showing that the chains manufactured at Lebanon, Pa., were vastly superior to the chains made by the Government; that numerous breakages in the Government chains were shown by the officers of different vessels from whose reports the gentle-I desire to state that it is not a fact that in the manufacture of chains at private factories, certainly not in the Lebanon factory, has it ever been necessary to go to Charlestown. On the contrary, they have at Lebanon better workmen, better machinery, better methods, make a better chain, and sell it to the Government at a lower price than the Government can make it at the Charlestown yard or anywhere else.

Mr. ROBERTS was recognized.

Mr. BUTLER of Pennsylvania. Mr. Chairman, will it be in order to move to close debate?

The CHAIRMAN. Not until the gentleman from Pennsylvania has the floor. The gentleman from Massachusetts now

Mr. GROSVENOR. Will the gentleman from Massachusetts allow me to ask him a question before he proceeds?

Mr. ROBERTS. Certainly.

Mr. GROSVENOR. The gentleman can answer it as he goes Will he state what authority he has for saying that the along. Will he state what authority he has for saying that the Government has lowered at any time its standard in the purchase of chains from outside sources? That is the first question. This is the second: From whom did they buy the chains and what was the result? Third, will the gentleman kindly state if it is not true that the log of the steamer *Maine* showed five partings of her cables in one voyage, and whether or not those cables were made at the Charleston Navy-Yard?

Mr. ROBERTS. Mr. Chairman, the source of information as to the lowering of the standards came from the Bureau of

Equipment at the Navy Department.
Mr. GROSVENOR. When?
Mr. ROBERTS. It was before our committee, I think, in a statement at the hearings, but I am not sure about that. is where it came from, however.

Mr. GROSVENOR. I am told by a member of the committee that no such information ever reached the committee.

Mr. ROBERTS. Will the gentleman kindly repeat that second question he put?

Mr. GROSVENOR. From whom did they buy the cable under the lowered standard?

Mr. ROBERTS. I am not able to tell the gentleman from memory. I have in my room the evidence that I have been mentioning here, and can easily ascertain it if the gentleman desires. I want to say this in regard to the cable breaking on the Mainc. It is a fact that the cable has been broken on that and other ships repeatedly, but that is no indication that the ship did not have the best possible cable that can be made.

Any naval man will tell you that if you bring strain enough on the cable when the anchor is fast in the mud or among the rocks, you can break any cable that could possibly be made. Furthermore, if there is a kink in that cable when the anchor is dropped, if it brings up with a jerk, it will break the best cable made. There was a great deal said last year about the weakness of the Government-made cables, because some of them had broken under service conditions. Nothing was said about the hundreds, and I might say thousands, of merchant ships that have parted their cables, commercial cables, not made in the Government plants, while they were lying at anchor, and have become a total loss. I challenged the gentleman from Ohio [Mr. Grosvenor] last year, and I challenge him again, to point to an instance of a naval vessel riding at anchor upon a naval cable, that has ever had that cable parted under the severest stress of weather, and on the other hand you can point to hundreds of thousands of cases of commercial ships that have parted their cables while trying to ride out storms, and the vessels have become a total loss, the cable of the Government being made in the Government yard and the cable of the commercial ship being a commercially made cable, bought in the open market. That should be the test of the strength of the What they do under service conditions is the test. gentleman says nothing about the hundreds and thousands of breaks of commercial cable under the same circumstances exactly to which he alludes in the case of the Maine.

The gentleman from Pennsylvania [Mr. Olmsted] says there was no testimony here last year along the lines indicated by me. He misunderstood me if I made the absolute statement that there was such testimony. As a matter of fact the proposition came before the committee last year entirely without notice to anybody on the Naval Committee. -It was sprung upon the House here, and those who were opposed to the appropriation had no means of getting this information together until the debate had closed. I want to say to this committee and the gentleman from Ohio [Mr. Grosvenor], and to the gentleman from Michigan [Mr. Lovd], that the next day the former chief of the Bureau of Equipment, after debate had closed and all opportunity to get the evidence before this committee had passed, came to my house with letters that had been writen by manufacturers of cable, or those who proposed to manufacture cable for the Government, setting out the very things I referred to a while ago. I want to state further in regard to the case of this cable. I am advised by the head of the Department that a machine has been invented for bending the links of this heaviest cable. That machine has been installed in the Charlestown yard, and it is materially decreasing the cost of the cable to the Government. That is a fact that should be taken into consideration, and for the benefit of the gentleman from Maine [Mr. LITTLEFIELD], who made some inquiry about relative cost, and to the committee, I would say that the Naval Committee this year has put a provision in the bill, which, if it escapes a point of order, will bring to this Congress at the next session the cost of all articles made in the Government yards; cables, chains, ropes, uniforms, everything that the Government manufactures in the yards, and a comparison with the cost of that same article made in the open market.

The CHAIRMAN. The time of the gentleman has expired.
Mr. GROSVENOR. Mr. Chairman, I do not pretend to Mr. GROSVENOR. Mr. Chairman, I do not pretend to be skilled in this manufacture of cables. I took a little interest in this discussion in the last session of this Congress because of the information that was brought to me that the cost of the construction of cables in the navy-yards of the country had increased the aggregate appropriations and expenditures to an extravagant and unnecessary point. There was nothing in the testimony in regard to the parting of the cables upon the ship Maine that justifies the gentleman from Massachusetts [Mr. Roberts] in saying that she parted her cables in the midst of It was a simple report of a voyage of the Maine, and it was a statement of the parting of her cables five times.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield for

a question right on that point?

Mr. GROSVENOR.

Mr. ROBERTS. Did not that testimony show that the cable

parted while the anchor in each instance was being raised or lowered?

Mr. GROSVENOR. Not at all.

Mr. ROBERTS. I have seen it, and if I am not mistaken

that is the testimony. It is the fact, at any rate.

Mr. GROSVENOR. Here is the letter, and I will satisfy myself. This is a letter addressed to Hon. George A. Loud, of

Michigan, by N. A. Niles, captain, United States Navy, commanding U. S. S. Maine:

U. S. S. MAINE, North River, New York, N. Y., May 9, 1906.

Sin: 1. In reference to your letter of May 3, 1906, to the Chief of Bureau of Navigation, asking for an except from the log of this ship covering the subject of losing anchors, I have the honor to state that the records of the ship show that the following-mentioned cases of chain or triplet links—

Which is the very thing it is claimed can not be made anywhere else than in Boston-

parting had occurred prior to my taking command:

(a) In letting go the anchor on March 23, 1904, on the target range at Pensacola, Fla., one link of the "triplet" broke, and the anchor was

at reassacoia, ria., one link of the "triplet" broke, and the anchor was recovered.

(b) While heaving in the starboard bower chain on July 8, 1904, at anchor off Corfu, Greece, it parted, and the anchor and 25 fathoms of chain were afterwards recovered. This was due to a defective link at about 26 fathoms.

about 26 fathoms.

(c) While heaving in at Marthas Vineyard on September 9, 1904, the chain came in without the anchor. The examination showed that the middle link of the bending shackle triplet had broken across the weld. This anchor was lost and no trace of its buoy could be found.

(d) While beaving in off Cape Henry, Virginia, on June 1, 1905, it was found that the second link of the port triplet had parted. The anchor was recovered.

2. Since I have taken command of the Maine the following-mentioned cases have occurred:

(e) In letting go the port anchor on the target range off Barnstable. Mass., on September 22, 1905, the chain parted at the outboard link of the triplet. The anchor was recovered.

(f) In letting go the port anchor in North River on May 4, 1906, the middle link of the triplet parted almost immediately after letting go and before the anchor had touched the bottom. The anchor has been recovered.

recovered.

3. The anchor chain of this ship was manufactured at the Boston Navy-Yard.

Very respectfully,

N. A. Niles,

Captain, U. S. Navy, Commanding.

Hon. George A. Loud, M. C.,

Tenth District, Michigan,

Committee on Naval Affairs, Washington, D. C.

That is the evidence that was presented, Mr. Chairman. Now, I have no interest one way or the other in this. My idea is and I feel like scoffing at the suggestion that a great article, the coarse but wonderfully strong article of chains can not be manufactured in the United States except through some occult skill in some navy-yard somewhere. Why, Mr. Chairman, there is no nation on earth that does not equip more or less of their great ships from the handiwork of American genius, and can it be said that the American people, with their tremendous and enormous development of efficiency in all kinds of other interest in the matter than that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Do I understand debate has closed?

The CHAIRMAN. Debate has not been closed.

Mr. FOSS. Well, I move to close debate—

Mr. McNARY. I desire a moment or two to reply to the statement made by the gentleman from Pennsylvania, which ought to be answered, that we had not presented the evidence last year in regard to the Lebanon works; and I have the evidence right here

Mr. FOSS. Now, Mr. Chairman, debate on a proposition of

this kind comes more properly later in the bill.

Mr. McNARY. Let me say to you this is the time debate has originated, and it ought to be met now. I do not desire more than four or five minutes.

Mr. FOSS. Then, Mr. Chairman, I move to close debate on this in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that

debate on this paragraph be closed in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McNARY. Mr. Chairman, in view of the statement that we had not presented on the floor last session evidence of the inferiority of the chains, ropes, etc., of private manufacturers as compared with that of the Boston yard, I want to call the attention of the Members to page 6591 of the Record of last session, in which I personally on the floor presented the evidence of Admiral Manney before the Committee on Naval Affairs, and I want to call the attention of the gentleman from Pennsylvania to some things which he said in that evidence.

Mr. Roberts asked the Admiral if he could not get any end-weld chains made outside, and Admiral Manney replied:

"Not on the larger chains. There are other points about the chain cables. The Boston chain, as I said, is of the highest grade iron; it is better iron than is put in commercial chains. Much of the latter is

unsultable. Such chains are unduly heavy and liable to accident. The cables of the Pacific liners of which I spoke are, I believe, the largest ever made in this country—3% inches; cost, \$0.543 per pound. There is no machine in the United States that can test that cable for strength if it is the best cable iron. It is safe to say that it has never been tested. These chains would not meet the Navy Department specifications. The increase of weight above that of the largest navy cable is for two cables 34,000 pounds (17 tons), which would have to be paid for at whatever the price per pound might be. Such weight is objectionable in a battle ship, because, as she carries from three to four cables, the unnecessary weight would bar out from 25½ to 34 tons of armor, ammunition, or coal. Two cables, the least number a merchant ship would carry, would have an unnecessary weight of 34,000 pounds, which would have to be paid for at the rate of 5½ cents per pound at least. High grade chain of a smaller size costs even more per pound than the larger cable. The latest contract made by the Bureau for 2½ inch chain is with a Pittsburg firm for 8½ cents; 2½-inch chain at Boston costs between 9 and 10 cents.

"Mr. ROBERTS. Are you familiar with the size and quality of the chain that Mr. LOUD says is sold in the markets at 4 cents?

"Admiral MANNEY. I do not know of first-class chain cables of first-class iron at such a price. The Lawson's cables and those of Hill's Pacific Line are more than 3 inches in diameter, larger than the Navy chain cables. I am sure they cost more than 4 cents a pound. The Minnesota's, of that line, cost 5.43 cents per pound. I believe the statement that 'the very best chain that can be bought in this country for use in the highest class ships is for about 4 cents per pound,' is in error."

And further:

error."

And further:
"Mr. Loudenslager. Now, you say that the contract work is not as good as that done in the yard?
"Admiral Manney. Contract work that we have had done from the Lebanon Chain Works has shown up upon test to have the strength necessary to pass it. The method of welding the links is inferior to that employed at the yard. The yard uses the end weld; in the large commercial chains purchased the side weld is employed. This is objectionable, as the two sides of the link are then not symmetrical in strength. The part of the link which has been oftenest heated and pounded has not the same texture as the other part.
"Mr. Loudenslager. Does your test show inferiority in the manufacture of chains?
"Admiral Manney. The breaks show where the weakest part is, and

"Admiral Manney. The breaks show where the weakest part is, and the links having the end weld have been found the stronger.

Mr. LOUDENSLAGER. Will they not weld them at the end if you demand it?

"Admiral Manney. No; they state that they can not. It would increase the cost."

Admiral MANNEY. No, they state that they can not. It would increase the cost."

And further on the same page he replied as follows to Mr. Loud:

"Mr. Loud. I find in the last report that when they were shorted year they went outside and bought large chains. They can be bought outside?

"Admiral Manney Those chains were made by contract. They were

year they went outside and bought large chains. They can be bought outside?

"Admiral Manney. Those chains were made by contract. They were 22-inch cables. The method of making was inferior to the Government method, because a side weld was employed. The contractors would not undertake to make an end weld, and never have made an end weld; specifications had to be waived on the manufacture and material.

"Mr. Rixey. I understood you to say in the first part of your hearing that these chains were made at the Boston yard by the Government cheaper than outside.

"Admiral Manney. Cheaper, in one sense, than can be bought outside and better finished—more durable. The 22-inch cables made in Boston cost 9½ cents per pound."

Further on he says:

"Admiral Manney. We make all kinds of rope—wire, hemp, and manila. Our rope we consider better than outside rope. We know what it is. Quality considered, it is cheaper.

"Mr. Rixey. You say now that you can make rope cheaper than outside?"

"Admiral Manney. Of the same quality; yes.

Mr. Rixer. For say how that you can make rope cheaper than outside,
"Mr. Rixer. Why is it that you can make rope cheaper than outside,
but can not make the chains?
"Admiral Manner. We buy material in each case. The rope is machine made; the chain cables are made by hand. They are especially
heavy, difficult, and expensive to handle. Handmade articles are more
expensive than similar ones made by machinery. The best chain iron
in the market is bought to make cables. It is expensive, not only because of quality, but because of high cost of transportation. As to
ropes, only the very highest grade of hemp and manila is bought by the
Navy, and it is carefully inspected. Much of the manila and hemp
that is sold in the market is not of the first quality, and especially is
that the case with manila. The grade of manila used in the Bostonmade rope is not put in commercial rope nor quoted unless 'special
grade' is asked for."

I submit that the Record shows that we presented this evi-

I submit that the RECORD shows that we presented this evidence on the floor last session, and as a result of presenting that and other evidence on the same line we beat the proposition which was made to do away with the making of chain cable, anchors, and rope in the Boston yard. It was fairly beaten on the floor by the weight of evidence and argument during the last session of Congress.

Mr. ROBERTS. I want to say just a word or two in reply to the gentleman from Ohio [Mr. Grosvenor]. The letter written by Captain Niles, if that is his name, which the gentleman read, sustains the contention which I made, that in every instance when the cable on a naval vessel had been broken it was either in hoisting or in lowering the anchor. I made no statement that the *Maine* parted cables while riding at anchor. My statement was that in all instances when a naval vessel parted a cable it was done when hoisting the anchor or lowering it.

Now, just one word further. No claim has been made either by the Navy Department or by any Member of this House that the Charleston Navy-Yard makes an absolutely perfect cable. Perfection in a cable is impossible. You can not make a cable

of sufficient size and strength to stand the strains that will be brought upon it. The contention that is made by the Navy Department and by the gentlemen from Massachusetts [Messrs. ROBERTS and McNary] is that the Navy Department makes the finest chain that is made in the country or in the world.

The CHAIRMAN. The time for debate on this paragraph has closed, and without objection the pro forma amendment will

be withdrawn and the Clerk will read.

The Clerk read as follows:

Navy-yard, Charleston, S. C.: Commandant's office: One stenographer and typewriter, at \$3.04 per diem; one writer and telegraph operator, at \$2 per diem, including Sundays; one mail messenger, at \$2 per diem, including Sundays; one messenger and janitor, at \$1.52 per diem, including Sundays. Civil engineer's office: One cierk, at \$1,300; one stenographer, at \$2.80 per diem; one messenger, at \$1.52 per diem; in all, \$5,631.36.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph, lines 15 to 25, on page 30. I would like to ask the chairman what is the reason for this item at this time?

Mr. FOSS. We have been building during the last two or three years a navy-yard at Charleston, and this is the first time that we have put in the civil establishment.

Mr. MANN. This is to take the place of Port Royal, and so

Mr. FOSS. To take the place of Port Royal, and the men who were at Port Royal have been transferred to this station

Mr. MANN. So that there is no appropriation proposed for Port Royal this year?

Mr. FOSS. No appropriation, except simply for a watchman, I believe.

Mr. MANN. I mean for the civil establishment?
Mr. FOSS. No.
Mr. MANN. This is practically a transfer?
Mr. FOSS. Yes; practically a transfer.
Mr. MANN. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

The Secretary of the Navy is hereby authorized to appoint a board of five persons, not more than two of whom shall be naval officers, which board shall investigate and report not later than December 1, 1907, as to all matters of construction, management, and administration of the navy-yards and stations, with a view to placing the same on a more economical basis, and to defray the compensation and expense of said board the sum of \$15,000, or so much thereof as may be necessary, is hereby apprentiated necessary, is hereby appropriated.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that provision.

Mr. PERKINS. Mr. Chairman, I desire to make the point

of order against that provision.

Mr. FOSS. I hope the gentleman will not make the point of order against that provision, because I believe it is a very important one. It provides for a board to visit the naval yards and stations with the view of putting them on a more economical and businesslike basis. It is on the line of economy.

Mr. MANN. I would like to ask my colleague whether, in his judgment, it would require a larger appropriation?

Mr. FOSS. A larger appropriation than \$15,000? Mr. MANN. When the board reports, and we put the places on a more economical basis, it would require more money to carry out the report. Has the gentleman ever known of a report of a board of this kind that did not propose to expend an additional sum of money over that current expense?

Mr. FOSS. As the gentleman perhaps knows, at the present time we have a bureau system in our yards and stations, and this investigation would have as one of its purposes to look into that question and see whether or not that present system would be as economical as, for instance, that of the consolidation of some of the bureaus in the navy-yards.

Mr. MANN. Well, is not that something that the Secretary of the Navy can do now without getting an outsider to go in

there at all?

This provides that two members of the board Mr. FOSS. shall be naval officers. While the Secretary of the Navy has perfect authority to investigate a matter of this kind, yet he can not appoint a board of two naval officers and the rest

Mr. MANN. I understand. Mr. FOSS. The committee is of the opinion that whatever reform comes in the management of these naval yards must come really from outside—from expert engineers or the superintendent of large shipbuilding plants. But he can not appoint such a board as is here authorized.

Mr. MANN. And, of course, their report, to be more economical, would require a different plant, an additional plant, and greater expense in connection with the operation of that plant; like all other boards, in order to be more economical, it would require more money.

proposition. But if the gentleman wishes to make the point of order, I hope he will make it, and have no further time consumed in debate.

Mr. PERKINS. I shall make the point of order, but I wish to take the liberty, as the gentleman has spoken on the matter, to question the propriety of any such way of making the investigation.

Mr. FOSS. All right.

Mr. PERKINS. Mr. Chairman, I have no desire to make captious points of order. If I thought this proposition was a wise one I certainly should not object to it on the floor. But we have, Mr. Chairman, this experience in this House that commissions of this sort are always productive of expense but rarely productive of valuable results. Now, we have a Navy, the expense of which is almost \$100,000,000 a year. We have numerous officers of high rank, and certainly I am unwilling to believe that in the Navy of the United States there can not be found persons who are competent to pass upon this question.

In this very bill, on page 38, there is another Commission, whereby investigation is to be made in reference to the cost of articles manufactured by the Government. That is as they should be-an investigation made without expense to the Government by the officers of the Government. If the investigation which the gentleman asks was framed in the same manner as that on page 38 I should not raise the point of order. But now an investigation is directed to be made by outside officers at an expense of \$15,000. I do not believe that with the great Navy we have, with the eminent officers connected with it, it is necessary for us to go outside to be informed as to the manner in which our navy-yards are to be erected and carried on. Therefore I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FOSS. Just one moment. A few years ago the Secretary of the Navy was authorized to make an investigation. A board was appointed of civilian experts, and the result was that the board reported in favor of the consolidation of the light, heat, and power plants, and that is going on now in the navy-yards. The result, as we believe, will be to get a more economical administration of the yards.

Mr. CRUMPACKER. Will the gentleman allow me to ask

him a question?

Mr. FOSS. Certainly.
Mr. CRUMPACKER. Did not the Secretary of the Navy last year in his annual report recommend a readjustment of the administrative service and consolidation of several bureaus?

I think he did.

Mr. PAYNE. I would like to ask the gentleman in that connection, and I rose for that purpose, if the Secretary of the Navy has not authority now, under the law, to make this examination and report to Congress?

Mr. FOSS. I think he has perfect authority, but he does not do it, and for that reason we would like to insert this provision.

Mr. PAYNE. It seems to me that the gentleman should introduce a simple resolution of inquiry of the Secretary of the Navy, have it referred to his committee, and report it; and without expense the Secretary of the Navy could report on this matter.

Mr. FOSS. I understand the gentleman insists upon his point of order.

The CHAIRMAN. The point of order has been sustained.

The Clerk read as follows:

Navy-yard, Portsmouth, N. H.: Railroad and rolling stock, \$2,000; sewer system, extension, \$2,000; quay walls, to extend, \$20,000; grading, to continue, \$15,000; central power plant, to complete, \$60,000; blasting in front of quay wall (to cost \$110,000), \$50,000; coaling plant, \$15,000; naval prison laundry, \$3,000; naval prison cooking and baking plant, \$3,200; naval prison, furniture and fittings, \$8,500; naval prison, administration building, to complete, \$10,000; in all, \$188,700.

Mr. MANN. Mr. Chairman, I reserve the point of order on the portion of the paragraph after the word "dollars," in line 21, down to and including the word "dollars," in line 3, on page 32.

I should like to ask my colleague in reference to these items in the bill and which propose new work.

Mr. FOSS. What particular items?
Mr. MANN. It is the blasting in front of the quay wall, prison laundry, cooking school and baking plant, and the naval prison. There are a number of naval prisons provided for, I believe, in this bill.

Mr. FOSS. The principal naval prison is at Portsmouth. Then there is one at Boston, and that is all on the Atlantic coast. I want to say that the estimates for the navy-yard at Portsmouth amounted to several hundred thousand dollars, but the committee went carefully over them and concluded to report these items, amounting, in all, to \$188,700. The estimates, in Mr. FOSS. I can hardly agree with my colleague in that fact, were over a million for the navy-yard, and we went over

the subject thoroughly with the Chief of the Bureau of Yards and Docks and got down to the bed rock of what he believed to be absolutely necessary for that navy-yard for the coming year, and this is the result.

Mr. MANN. The estimates were over a million dollars? Mr. FOSS. Over a million dollars.

Mr. MANN. And how much did you recommend?
Mr. FOSS. One hundred and eighty-eight thousand dollars.

Mr. MANN. There are a number of items in here in reference to quay walls, etc. Here is one for blasting in front of the quay wall, to cost \$110,000.

Yes. The Chief of the Bureau said it was important to blast this rock if we were going to handle heavy-draft vessels there at that navy-yard. These items of dredging and of quay walls are carried more or less in connection with the navy-yards in every appropriation bill, and they have to be

Mr. MANN. I withdraw the point of order.

Mr. FITZGERALD. I move to strike out, on page 31, lines 21 to 23:

Blasting in front of quay wall (to cost \$110,000), \$50,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 31, line 21, strike out "blasting in front of quay wall (to cost \$110.000), \$50,000."

Mr. FITZGERALD. Mr. Chairman, this is a provision to appropriate \$50,000 to commence blasting at this navy-yard. is to blast out rock almost immediately in front of a dry dock. The dry dock was authorized some years ago at a cost of \$1,000,000. After the dry dock was completed \$765,000 was appropriated to remove Hendersons Point, in order that battle ships might go up to the dry dock, and now the committee is authorizing an appropriation of \$50,000 to commence blasting out rock right in front of the dry dock, the total cost to be \$110,000. In a former appropriation bill \$25,000 was appropriated for the same purpose, so that this condition now exists: A million dollars was appropriated to build a dry dock, and \$900,000 will be expended to enable ships to get into the dock. It seems to me that it is about time that expenditures for the purpose of enabling ships to reach that dry dock should cease. It might just as well have been built out in the prairies and a channel dug from the Gulf into the middle of the continent as to have put this dry dock where it is.

This is a very innocent provision. The limit of cost is not \$110,000, but merely as descriptive, merely for the information of the House, it is stated that it is to cost \$110,000. If the \$50,000 be appropriated, it will be necessary next year to appropriate the additional \$60,000. It appeared in the hearings that the chairman of the committee said to the Chief of the

Bureau of Yards and Docks:

I thought we had sufficient depth.

Admiral Endicott. We have in the harbor, but not right in front of the dry dock. It is one of the deepest harbors on the coast.

But the dry dock apparently was built where it was known that a ship could not readily enter. Then after some further discussion-

The CHAIRMAN. Right in front of the dock?

That is, is this blasting to be done there?

That is, is this blasting to be done there?

Admiral Endicott. Yes, sir; to one side.
The Chairman. Have you used the dry dock?
Admiral Endicott. Yes, sir.
The Chairman. Can you get a big battle ship in?
Admiral Endicott. Yes, sir. It lies right in front of the quay wall.
You can not lay a vessel up there if she draws 26 or 27 feet, because there is danger of grounding and injuring her.
The Chairman. If she draws less you can?
Admiral Endicott. Yes, sir.
The Chairman. There are other places along the quay wall where you can put the vessels?
Admiral Endicott. Yes, sir.
The Chairman. There is plenty of space?
Admiral Endicott. No, sir. This is right on the quay wall adjoining the dry dock, where you want to moor a vessel before taking it into the dry dock.
Several items in this bill contemplate an investigation as to

Several items in this bill contemplate an investigation as to the manner in which the navy-yards have been conducted. seems to me that it would be more proper to investigate the bureaus that designate such places for the location of dry docks. When Congress authorized \$1,000,000 for a dry dock, it was a reasonable assumption that the dock would be built at a place where a ship could go and where there was ample water. We learn now that after \$1,000,000 has been appropriated for the dock it requires \$900,000 additional to enable ships to get into the dock. The evidence is that there is ample space, that ships have gone into this dock, that it has been utilized, and it seems to me that it is wise now to stop, and stop here, this everlasting blasting of rock at this yard. Let us save this appropriation and put it to better use Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Navy-yard, New York, N. Y.: Electric plant, extensions, \$25,000; underground conduits, extension, \$15,000; heating system, extensions, \$20,000; electric motors for pump well valves, \$7,000; electric elevators, \$10,000; central power plant, to complete, \$140,000; in all, navy-yard, New York, N. Y., \$217,000.

Mr. CALDER. Mr. Chairman, I offer the following amend-

ment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 33, line 4, after the word "dollars," insert the following: "flagging the sidewalk of Flushing avenue and Navy street, in front of the navy-yard, \$10,800."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. CALDER. Mr. Chairman, this amendment has been recommended for the past four years by the civil engineer at the New York Navy-Yard. This sidewalk extends around the entire yard and has never been flagged. The members of the committee can appreciate the condition of any public building in their respective cities if the sidewalks were not flagged. They can see what condition of things would exist in front of the public buildings in Washington if the sidewalks were not flagged.

Mr. MANN. Is the gentleman aware that the Government of the United States does not feel obliged to build sidewalks or

pave streets?

Mr. CALDER. I am not asking the Government to pave the street. I know that the sidewalks in front of the post-office in Brooklyn and the post-office in New York City were flagged by the Government. All the Government buildings in New York City have sidewalks flagged by the Government.

The CHAIRMAN. Let the Chair make an inquiry of the

gentleman. Does the amendment propose to flag a public side-

Mr. CALDER. Yes; in front of Government property.
The CHAIRMAN. The Chair understands that the fee of
the sidewalk is not in the Government.

Mr. CALDER. It is; the fee of the Government extends to the center of the street.

Mr. PERKINS. The gentleman does not mean to say that that is so in the city of New York?

Mr. CALDER. Yes. Mr. PERKINS. I tl

I think that the gentleman will find that the

fee is in the public in the city of New York.

Mr. MANN. Mr. Chairman, I discussed for two days in the last session of Congress this identical question on the side of the gentleman from New York, and I was unable to persuade the gentleman in the chair [Mr. Watson] that I was correct.

Mr. CRUMPACKER. Did not the proposition of the gentleman from Illinois involve the paving of the street?

Mr. MANN. In that case the title to the roadway and the

sidewalk was precisely the same.

Mr. CRUMPACKER. My recollection is that the gentleman from Indiana [Mr. Warson], then in the chair, held the proposition out of order, because it went beyond the sidewalk

Mr. MANN. Oh, no.
The CHAIRMAN. That was the point in the mind of the Chair. A proposition to flag a sidewalk on Government property would be in order, but on the highway not on Government

property it would not be in order.

Mr. CRUMPACKER. In the State of Indiana, and I think in most of the States where the public streets are established. the public has an easement only. The rule may be different in the State of New York, but in the State of Indiana and in the State of Illinois the fee, subject to the easement of the public, is in the adjoining lot owner, and upon the vacation of the street the entire fee reverts to the adjoining property owners. I do not know what is the rule in Brooklyn, but the gentleman who proposes the amendment says that that is the rule in the city of Brooklyn.

The CHAIRMAN. The Chair does not know what the facts

are in reference to that.

Mr. MANN. The facts are that the sidewalk which this amendment proposes to flag is in the street. It is a part of the street and is not a part of the Government property. As to whether the Government has the fee subject to the easement of the street, I take it, is not in point, because that is the identical question I presented to the chairman last year, and he held that it made no difference. This property is in the street—the sidewalk is in the street.

Mr. PAYNE. May I ask the gentleman from Illinois [Mr. Mann] if his proposition a year ago was not to pave to the center of the street in front of the post-office in Chicago?

Mr. MANN. Mr. Chairman, the distinction between whether it is one part of the street or another part of the street may be a distinction which can be drawn by the distinguished gentleman from New York [Mr. PAYNE], but I fail to distinguish the difference between paving one part of the street and paving another part of the street, so far as the point of order is concerned

Mr. PAYNE. There may be something in that. the ownership of streets is concerned in the State of New York, as the chairman well knows, the city owns the street fee and all in some of the cities, and in others the abutting property owners own the fee of the streets, and in some cities the streets are owned by the city in some localities, and the abutting owners own to the center of the street in other localities. less we can have some testimony from the gentleman from New York [Mr. CALDER] on this subject, I do not see any point in the discussion. It might go over for the purpose of obtaining further information.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the amendment may go over until to-morrow without prejudice, in order that the gentleman may ascertain who owns the fee of the street.

Mr. CALDER. I have no objection to its going over.

Mr. MANN. I have no objection to its going over, but the case I presented last year was a case where there was no doubt about the Government owning the property. I would be very glad to have the Chair rule that it is in order to pave property outside of the Government ownership.

The CHAIRMAN. The gentleman from New York [Mr. Fitz-GERALD] asks unanimous consent that the matter may go over until to-morrow without prejudice. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Tirrell, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bill of the following

H. R. 20990. An act to create a new division of the southern judicial district of Iowa, and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House

of Representatives was requested:

S. 8365. An act authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project;

S. 8252. An act to construct and place a light-ship at the easterly end of the southeast shoal near North Manitou Island,

Lake Michigan:

S. 6731. An act granting an increase of pension to Elizabeth H. Rice: and

S. 8182. An act authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Navy-yard, Washington, D. C.: Paving, to extend, \$10,000; grading, to extend, \$10,000; quay wall, \$25,000; railroad bridge and tracks, \$40,000; in all, navy-yard, Washington, \$85,000.

Mr. SOUTHARD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 33, after the word "dollars" in line 15, insert:
"For brass and iron foundry to cost \$300,000, \$100,000."
Mr. BUTLER of Pennsylvania. Mr. Chairman, I make the

point of order against that. The CHAIRMAN. The gentleman from Pennsylvania raises the point of order against the amendment. Does the gentleman

from Ohio desire to discuss the point of order? Mr. SOUTHARD. Mr. Chairman, I will say just a word on the point of order. I have nothing special to offer except this: The gun factory in the Washington Navy-Yard is an institution that is established by law. The foundry for which this appropriation is to be made, if it is made at all, is a necessary, an

absolutely essential, part of this gun factory.

The CHAIRMAN. May the Chair inquire of the gentleman from Ohio right there if there has been a foundry there heretofore?

Mr. SOUTHARD. There has been a foundry there. There is a foundry there now, and this is simply a provision for the building of an additional foundry, as I understand it. It does not seem to me that it is subject to the point of order at all.

The CHAIRMAN. The Chair understands the gentleman to say that this is to construct an addition to the foundry now

Mr. SOUTHARD. It is to construct a foundry. Whether it is to be a new and independent foundry I do not know, but I understand that the foundry already there was constructed in pursuance of this provision of law establishing the gun factory at the Washington Navy-Yard. It does not seem to me that it is possible that this proposed amendment is subject to the point of order

The CHAIRMAN. Can the gentleman from Ohio refer the Chair to the provision under which the foundry was originally

established there?

Mr. SOUTHARD. I can not; but if there is any question

about it I would like to have this paragraph passed over.

Mr. MUDD. Mr. Chairman, if I may be permitted to interrupt, there is no doubt, as a matter of fact, that there is a building there now of the same character and to do the same work as is proposed to be done by this appropriation in the amendment offered by the gentleman from Ohio, and, if I may be allowed-if the gentleman will indulge me-the nonapplicability of the point of order, so to speak, is on all fours with what in my judgment seems to be the almost universal trend of the decisions on similar matters heretofore. The Government owns the land. There is no land to be acquired. The Government has been carrying on this work of a gun factory, I don't know for how many years, but certainly for a great many years. It is no new proposition in any sense whatever.

All the decisions thus far for many years as to the construction of buildings of this kind on land owned by the Government, with the single exception of some erroneous decisions, in my judgment, upon dry docks, have all been against the point of order. The present occupant of the Chair has ruled upon as many of them, perhaps, as any other Chairman of the Committee of the Whole. Down at the Naval Academy, at the West Point Military Academy, and at a number of other places where the Government owned the land, where it had been carrying on business and where it was attempting to build up a part of the naval establishment, the decisions have always been in favor of admitting the provision.

Mr. SOUTHARD. Mr. Chairman, it is a necessary part, without any question, of the gun factory. You can not have a gun factory in any proper sense of the term without having a foundry. It is a part and parcel of the gun factory itself. It is to do the very kind of work that has been done there ever since the gun factory was established. It is simply a continuation of a public work already in progress and comes clearly, as I believe, within the provisions of the rule and is not subject to a

point of order

Mr. DALZELL. Mr. Chairman, if there is a foundry on the premises that is capable of doing the work necessary to be done in carrying on this factory, then very clearly it is subject to the point of order, because it is a proposition to introduce an additional work in that yard. It is a proposition to put up a new establishment. It is not a continuation of an existing work. It is no proposition to extend an already existing foundry, to fit it with new tools, or to do anything of that kind, but it is to build an additional foundry to undertake additional work, and it comes very clearly, in my judgment, within the line of a great many rulings, within the point of order made by the present Chairman on a paragraph when the Indian appropriation bill was under consideration, when it was proposed to erect and equip a shop for manual training, to which proposition the gentleman now in the chair made the point of order that that was an additional branch of education and subject to the point of order, and so held, and this is on all fours with that case.

Mr. SOUTHARD. Mr. Chairman, it strikes me there is no difficulty in distinguishing between that case and this, and the amendment carries with it the suggestion that at least the present foundry is not sufficient for the purposes of the gun factory, otherwise no appropriation would be offered for the It is as much a part of the gun factory, as much an foundry. essential part of the gun factory as any other part of the gun

factory, and there can be no question about it.

The CHAIRMAN. The Chair would be clear on the subject provided the amendment provided for an addition to the gun factory or for an addition to the brass and iron foundry, but so far as the amendment shows on its face here there is not any-thing showing it is an addition to a work in progress.

Mr. BUTLER of Pennsylvania. Mr. Chairman, in order that

the Chair may be as well informed as he can be informed, I shall repeat what others well informed have repeated in my presence. This is not a gun factory. Make no mistake. navy-yard. At this point there are assembled numbers of pieces and the gun is put together. At no time has a gun forging been made or cast at this plant. The castings are made elsewhere and brought to Washington, and the gun is then made up, as it is called, using the technical phrase.

Mr. ROBERTS. Machined. Mr. BUTLER of Pennsylvania. It is machined, as my colleague [Mr. Roberts] suggests. Mr. Chairman, this is the beginning of a new enterprise in the Washington Navy-Yard. It is true more than sixteen years ago a small appropriation was made, out of which and by use of which they established in this navy-yard a little foundry. In that foundry they make certain tools or certain machines or certain instruments useful in the Navy

Mr. SOUTHARD. Mr. Chairman, will the gentleman yield

for a question?

Mr. BUTLER of Pennsylvania. I wish to impress, if I can, upon the Chairman the understanding of the point of order which I have made. It is proposed by this amendment to begin in this navy-yard-my statement is based upon the evidence of the men who are in charge of the project—a plant that will cost this Government fully \$3,000,000. That statement, Mr. Chairman, may not bear particularly upon the point of order pending, but I desire to impress the Chair with the statement that the amendment offered is the beginning of a new proposition, a new enterprise. There is a little foundry, it is true, as I said, in which they melt every day a certain number of tons of ore, all that is necessary for their present purposes. Another foundry is necessary, however, for other purposes not now employed at this navy-yard.

It is not proposed by this appropriation, Mr. Chairman, to extend that work. It is proposed by this appropriation to put in this navy-yard at Washington a new, an absolutely new, branch of business that has not heretofore been used—namely, or a foundry—and for what purpose? To make gun castings and to make gun-carriage castings. Mr. Chairman, the last statement I have to make is this: That up to this time they have never made those castings. They now propose by the use of

this money to erect a foundry to make them.

Mr. TALBOTT. Why does the gentleman call the Washington gun foundry a small foundry? It is one of the two that the Government owns. The Watervliet-

Mr. BUTLER of Pennsylvania. It is not a gun foundry at all. They call it a gun factory or gun foundry, but it is known in the law as the Washington Navy-Yard.

Mr. TALBOTT. Is there not a gun factory in the Washing-

ton Navy-Yard?

Mr. BUTLER of Pennsylvania. It is true that in this navy yard there is a place where guns are finished, as I have said if the gentleman please, I am directing my reto the Chairmarks to the Chair-and while, perhaps, we call this a gun

factory, it is not in the law known as a gun factory.

Mr. TALBOTT. What is it, then? Has it not been recognized in legislation and as a matter of fact as the gun factory in the Washington Navy-Yard, the biggest one in the United

States?

Mr. BUTLER of Pennsylvania. No, sir; it has not.

Mr. TALBOTT. It has.

I would like to ask the gentleman from Penn-Mr. PAYNE. sylvania [Mr. Butler] if this was simply a proposition to enlarge the factory, so they could do more work of the same kind, could it not be easily provided for by the appropriation of, say, \$15,000 or \$20,000, to make all of the addition necessary to do the increased work of the same kind that is being done in the foundry?

Mr. BUTLER of Pennsylvania. It could; but such appro-

priation is not asked for.

Mr. PAYNE. What is asked for, as I understand, is to tear down the present building from the foundation and build a new and larger building, that will accommodate not only the work done now, and enlarged work of that class, but also work of a different class.

Mr. BUTLER of Pennsylvania. That is true. Mr. MUDD. It is to carry on the same work.

Mr. SOUTHARD. In order to ascertain definitely what is asked for, I desire to read just a moment from the hearings taken before the Committee on Naval Affairs in December last. I read from the testimony of Admiral Mason, on page 45, as follows:

The reasons for requiring this item have been so fully stated they can ally be reiterated. A new foundry is indispensable for the economy of e gun factory. It is the most needed of all the improvements that the gun factory.

could be recommended. The present foundry is antiquated and inadequate in size and unsuitable as a foundry for an institution like the Naval Gun Factory. On account of its insanitary condition it is a menace to the health of the employees and officers of the yard in its present situation. The Government losses every year by not having better facilities would soon equal the amount requested to properly provide for all the requirements of this portion of the plant, and its increased product would materially add to the production of armament by this factory, saving in both time and expense.

I read that, Mr. Chairman, for this purpose—for the purpose of satisfying the Chair that the work intended to be done by this foundry is precisely the work which has heretofore been done by the foundry which is already in existence in the navyyard; nothing different at all. It is a forging plant, as suggested by the gentleman from Pennsylvania [Mr. Butler]. is no new departure from the work which this navy-yard has been carrying on ever since it was first erected. And it would seem that the gentleman from Pennsylvania has radically changed his opinion from what it was a year ago when he made a point of order against a similar proposed amendment to this bill. I read from page 6843 of the Record. Practically the same proposition was presented as an amendment by the late Mr. Rixey, of Virginia, and the gentleman from Pennsylvania [Mr. Butler] made the point of order. I will read from the RECORD:

The CHAIRMAN. The gentleman from Pennsylvania reserves the point of order on the amendment.

Mr. Rixey. I should like to have the point of order disposed of.

The CHAIRMAN. Does the gentleman desire to discuss the point of

order?

Mr. Rixey. I do not care to discuss the point of order. I am willing to submit it. There is now at the navy-yard a brass and iron foundry.

Mr. LITTLEFIELD. What do you want another one for?

Mr. Rixey. I was going to explain that.

Mr. Butler of Pennsylvania. After a minute's reflection, I think that the amendment offered by the gentleman from Virginia is in order. In order that he may not be embarrassed, and that we may discuss the facts, I will withdraw the point of order.

Now, the gentleman from Department.

Now, the gentleman from Pennsylvania one year ago was clearly of the opinion that this amendment was not then and

would not be now subject to a point of order.

Mr. BUTLER of Pennsylvania. I am perfectly willing to stand by what I then said. My recollection is the gentleman from Virginia [Mr. RIXEY] desired that there should be a vote. I may have said that, in my judgment, the amendment that was I had not looked at the proposed amendoffered was in order. ment carefully, but I have examined the precedents, Mr. Chairman, since yesterday, and I am convinced now that the amend-

ment offered is not in order.

Mr. WALDO. Mr. Chairman, it seems to me that this is drawing the point of order a little finer than it ever has been in the past. The work that is done in this gun factory foundry is part of that factory, and the only purpose here is to increase the facilities of that foundry, because they are now too small and insanitary; and clearly a point of order does not lie to this The "Naval Gun Factory" is the enas to any new enterprise. terprise, and this amendment proposes necessary additional room for it; and this room is needed, as Admiral Mason said, for the purpose of making trial castings. It is not for the purpose of transferring all the business of casting naval ordnance to this yard in preference to private foundries, but that the Naval Gun Factory may make trial castings which the naval authorities are unable to get from the private foundries. This amendment is clearly for a mere increase of the facilities of the present Naval That is all it is for. Gun Factory.

Mr. SULZER. Mr. Chairman, just a word. I entirely agree with my colleague in regard to this foundry proposition for the Washington Navy-Yard. Money has already been appropriated for this very purpose, and this is only a continuing appropriation. This appropriation is to increase the facilities, appropriation. This appropriation is to increase the factories, to enlarge the foundry establishment, so that the men there can have steady work and do proper work. At the present time, to my personal knowledge, the work of the Government can not be done, and the Navy Department asks for this appropriation. It ought to be made. We ought to make our own gun material. We are now, and for many years have been, making in this Washington Navy-Yard the greatest guns in the world, guns that stand the greatest tests and shoot the straightest.

We are making them by American workmen, and, in my

opinion, it is the best gun factory in the United States, if not in the world, and this appropriation ought to be made. What is the use of building great battle ships if we have no guns to put

on them?

There is no reason in the world why these men who work at the navy-yard should be laid off half the time—thrown out of employment. There is no reason in the world why we should There is no reason in the world why we should not enlarge this plant so that it will be able to turn out the guns as fast as they are needed. I am in favor of the amendment of the gentleman from Ohio, and I trust the point of order will be overruled and the amendment agreed to by the com-

Mr. WALDO. Permit me to add to the testimony of Admiral Mason read, something that was omitted. Something, I think, the House ought to know in considering this matter. The Admiral said, page 45 of the hearings on this bill:

At the present time the yard factory is working up to its extreme capacity, and in case of war the emergency conditions could not be met. We are now practically at a standstill on account of our inability to obtain castings due on existing requisitions.

Mr. SOUTHARD. One word. I understand that there is no contention that this gun factory was not established by lawful authority; that is, by act of Congress. The erection of a gun factory, the authority to erect a gun factory, would carry with it the authority to do anything reasonably necessary for the manufacture of guns. I think there is no doubt about that proposition. You can not make a gun, you can not carry on the business of manufacturing these guns at least without a foundry. Nobody will make any contention of that kind. So that, if a foundry is necessary for making guns, I do not see why we can not appropriate for one foundry, two foundries, or a dozen foundries, if they become necessary for the proper conduct of the business of making guns in that factory.

I do not see why we can not appropriate for a forging plant, for they must have forgings in the construction of guns. It is the contention of the gentleman from Pennsylvania that the ultimate purpose of this proposition, or appropriation provided for in this amendment, is to establish a forging plant. I deny that, however. But even if it were, if forgings are necessary for the manufacture of guns, and you can not make a gun without forgings, why would not apply the control of the co ings, why would not authority to establish a gun factory carry

with it the authority to erect a forging plant?

The CHAIRMAN. The merits of any proposition or the desirability of any proposed work should not be considered by the Chair in determining whether the proposed work can be appropriated for in a general appropriation bill. What the Chair is to determine is procedure, not merit; and the Chair, accepting as correct the statement of the gentleman from Pennsylvania [Mr. Butler], and differentiating between the present situation and the additional buildings at the Naval Academy and an additional war ship, which have been specifically ruled upon, the former rulings having been followed by the present occupant of the Chair on a former occasion, and at that time the present occupant of the chair stating that he was controlled by a specific ruling theretofore made, differentiating between that situation and this, and calling to the attention of the House particularly a decision made by a chairman, the occupant not now being remembered by the present occupant of the chair, but where the present occupant on the floor made a point of order against a provision for the creation of a manual training building for an Indian school, the point of order being sustained.

Properly interpreting the rules and the general line of decisions made thereunder, and drawing a distinction between the general line of decisions and those special decisions in reference to battle ships and in reference to the two academies, the Chair is constrained to hold that the amendment, as now presented, is not within the rule and decisions, and therefore the Chair sustains the point of order.

Mr. SOUTHARD. Then, Mr. Chairman, I ask to have the

amendment changed, so as to read:

For an addition to brass and iron foundry (to cost \$300,000), \$100,000.

Mr. BUTLER of Pennsylvania. I make the point of order. The CHAIRMAN. Let the Chair inquire of the gentleman from Ohio, at the time the present foundry was authorized was there a limit of cost put thereon?

Mr. SOUTHARD. I am not advised.
The CHAIRMAN. The Chair will assume that there was not. Mr. BUTLER of Pennsylvania. Mr. Chairman, inasmuch as the act of Congress was passed sixteen years ago, and the Chairman has asked a question upon which he should be correctly informed, because it is very important to know, I will ask that this may be passed over until we can obtain the statute.

Mr. TALBOTT. I will say to the Chair that the language of the amendment adopted by Congress, authorizing the establishment of the gun-foundry site, was for the establishment of a gun foundry for the manufacture of guns adapted to modern warfare

The CHAIRMAN. The Chair thinks he should have that statute before him, but if the Chair may suggest to the gentleman from Ohio, the amendment without the limitation in it, in the absence of a limitation in the original act, the Chair would be constrained to hold to be in order. Unanimous consent is asked that the matter go over without prejudice until to-morrow, or until the original statute can be produced.

Mr. BUTLER of Pennsylvania. Mr. Chairman, will the Chair hear further argument to-morrow?

To-morrow, or at any time to-day. The CHAIRMAN. unanimous consent is that it go over until the original statute can be produced.

Mr. SOUTHARD. I think some time had better be fixed, say

to-morrow morning.

The CHAIRMAN. The gentleman from Ohio makes his request that it may go over until to-morrow morning, when the committee takes the bill up for consideration. Is there objection to that request?

There was no objection. The Clerk read as follows:

Navy-yard. Charleston, S. C.: Stone and concrete dry dock, to complete, \$50,000; grading and paving, \$15,000; railroad system, extensions, \$15,000; dredging, \$50,000; conduit system, extension, \$10,000; sewer system, extension, \$5,000; central power plant, \$30,000; railroad equipment, \$5,000; crane track, extension, \$34,000; heating system, extensions, \$15,000; electric system, extension, \$10,000; in all, navy-yard, Charleston, S. C., \$239,000.

Mr. LEGARE. Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which will be reported to the Clerk.

The Clerk read as follows:

Amend by striking out the word "fifty," in line 20, page 33, and inserting the word "ninety-eight" in lieu thereof; also by striking out "crane track, extension," in line 24, page 33, and inserting the words "quay wall" in lieu thereof.

Mr. MANN. I reserve the point of order to the latter part of that amendment.

Mr. LEGARE. Mr. Chairman, I offer this amendment for the following reasons: The dry dock at the navy-yard at Charleston is about completed. In possibly a month the dock will be completed and ready for use. Between the dock proper and the river, where the water is deep, there is a quantity of soft mud which it is necessary to remove. Now, the estimate from the Navy Department is \$98,000 for the removal or dredging of this mud and earth. The committee has allowed in the bill \$50,000. I understand from the admiral now in charge, the Chief of the Bureau of Yards and Docks, Admiral Rousseau, that if this entire estimate of \$98,000 is granted by the House at this time this dock can receive vessels within a year. I have a letter from him, from which I quote as follows:

Sir: In compliance with your request, the Bureau has the honor to submit the information desired by you in regard to the item of "Dredging, \$50,000," page 33, line 20, of naval bill (H. R. 24925) reported January 25, 1907, by quoting the following extract from a report made to the Secretary of the Navy on this matter, dated Feb-

port made to the secretary of the Navy on this matter, dated February 1:

"The opening up of the Charleston Navy-Yard as a repair station practically hinges on the completion of the stone and concrete dry dock. The body of the dock, which has been set in from the river bank several hundred feet in order to secure a suitable foundation, is practically completed. In order that the dock can be used it will be necessary to extend the wing-wall approaches sufficient to retain the earth embankments, and it will be necessary to dredge out the soft mud and other material between the dry-dock entrance and the river channel. The river channel has ample depth. An estimate of \$98,000 for this dredging work was approved by the Department. The naval bill carries \$50,000. In order to permit vessels to enter the dock the whole amount asked for, \$98,000, will be necessary. It is respectfully requested that the item of dredging, therefore, be increased from \$50,000 to \$98,000, as originally estimated."

From the above it will be seen that the completion of the approach immediately in front of the dry dock will be delayed for another year unless the item of dredging can be increased from \$50,000 to \$98,000, as originally estimated, at this session of Congress.

Now then, Mr. Chairman, we have down there this dry dock

Now then, Mr. Chairman, we have down there this dry dock about completed and the Government navy-yard, upon which has been expended several million dollars, and in order to have it ready within a year from date we want this slight increase. If the bill is not amended as suggested and this additional increase had for dredging, all this capital expended and in fact the entire yard will lie idle for another year, and, understanding this, I trust the committee will accept the amendment.

Mr. MANN. In the last year \$10,000 was appropriated for this purpose. How is the money expended, by direct labor or by contract?

Mr. LEGARE. I understand that in order to carry this work on and hurry it to completion, Admiral Rousseau, who has been in charge of the yards and docks for about a month, is arranging to secure for the War Department the use of a mud dredge so that the work may be done right away.

Mr. MANN. So there would be no object in increasing the amount because a contract was to be let for the total amount?

Mr. LEGARE. No; this is entirely legitimate.
Mr. MANN. Yes; it is legitimate to let it by contract.
Mr. LEGARE. I did not mean it in that sense.
Mr. MANN. I was trying to help the gentleman out.

Mr. LEGARE. The latter part of this amendment provides that instead of the \$34,000 for the crane-track extension, we

should change it to the quay wall, which is necessary to get the dredging through in time.

The gentleman proposes to substitute the quay Mr. MANN

wall for the crane track. Is there not a distinction?

Mr. LEGARE. The difference is this: You can not put any crane track on until the quay wall is there to put it.on. changed the quay-track extension to the quay wall. You must have the quay wall first before you can put the track exten-It is also necessary to have that little piece of quay wall before we can do the dredging or the dirt will slide in.

Mr. MANN. If it is for the same purpose I have no objection, but if it is proposed to substitute for an item reported by the committee something else entirely different, I should object.

Mr. LEGARE. No; it is for the same purpose and in connection with the dredging.

Mr. FOSS. I wish to say a word, Mr. Chairman, on this amendment. It was recommended by the new Chief of Bureau of Yards and Docks, who was appointed about a month ago. The estimate as originally sent in was recommended by the old chief of the Bureau, and since the new chief has been appointed he has gone down to Charleston and made a special investigation, and since the bill has been reported to the House he has recommended this change, an increase of the amount of dredging and the change of appropriation from a crane track to a quay wall.

Mr. MANN. Mr. Chairman, I withdraw the point of order. The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Navy-yard, Norfolk, Va.: Paving and grading, additional, \$10,000; railroad tracks, extensions, \$8,000; rebuilding coal wharf, \$25,000; telephone system, extensions, \$2,500; electric plant, extensions, \$20,000; machine shop for steam engineering, to complete, \$25,000; concrete and granite dry dock, to complete, \$100,000; improvements to 100-ton shears, to complete, \$20,000; repairs, buildings, St. Helena, \$25,000; in all, navy-yard, Norfolk, Va., \$235,500.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word in order to ask the gentleman, the chairman of the committee, for some information in relation to the navy-yards.

How many navy-yards are there?

Mr. FOSS. They are all mentioned in the bill.

Mr. PERKINS. Are any of these navy-yards completed, or are they ever to be completed? I see that there are large appropriations apparently for the purpose of construction in reference to every navy-yard in the United States.

Mr. FOSS. Every year there are items for improvement in connection with the navy-yards. I may say that they are never, in one sense, completed. There are new buildings and new docks required year after year, and the business of the committee has been to keep these estimates down as much as possible.

Mr. PERKINS. Of course I can understand that there would be current repairs, but I should suppose that a navy-yard, like any other building establishment, could be built so that with proper repairs there would not be any further expense for additional construction.

Mr. FOSS. That would be so if our Navy remained just so large and no larger, but we are increasing the Navy right along, building new ships, and we have, to a certain extent, to increase the buildings in the navy-yard.

Mr. PERKINS. How long has the Norfolk yard been estab-

lished?

Mr. FOSS. Oh, that has been established a great many years. It is one of the oldest yards.

Mr. PERKINS. Has the gentleman any idea of how much has been expended in buildings of the Norfolk Navy-Yard alto-

Probably in the neighborhood of seven or eight Mr. FOSS. million of dollars all told, running over a great many years. In the New York Navy-Yard, for instance, we have expended \$25,000,000, running back sixty or seventy years.

Mr. PERKINS. I see on the Norfolk Navy-Yard there is an appropriation for a concrete and granite dry dock, to complete,

\$100,000. Can the gentleman tell us what that is?

Mr. FOSS. That is for a dock which has been in course of construction there for a few years, and this appropriation is to make the last payment upon it. The dock cost in the neighborhood of \$1,250,000.

Mr. PERKINS. Hasn't there always been a dry dock there? Mr. FOSS. Oh, there are two or three docks there, just as there are at New York and Boston in the navy-yards.

This was for an additional dock Mr. PERKINS.

Mr. FOSS. This was an additional dry dock at the time we started to build it.

Are these changes all made necessary by Mr. PERKINS. the enlargement of the Navy?

Mr. FOSS. They are.

Mr. PERKINS. Enlargement of the Navy, or because the old

navy-yards have got out of condition?

Mr. FOSS. Well, they are due to both reasons, but if you build up the Navy you have to increase the number of docks. In Portsmouth, England, there are twenty docks, and you will find them right side by side, some of them over a hundred years

Mr. PERKINS. Are these allowances made on the recommendation of the various gentlemen who have charge of these navy-yards.

Mr. FOSS. They are made on the recommendation of the bureau chiefs, which are submitted to the Secretary of the Navy

and revised by him and then sent to the committee.

Mr. PERKINS. May I ask, without impertinence, whether the committee follows the recommendations of the various bureau chiefs, or whether they are recommended independently by the committee itself?

Mr. FOSS. We have hearings upon these estimates, I will say, and all the bureau chiefs are before us, and we examine into all of these things as far as we can. This year the estimates for the Norfolk yard amounted to over a million dollars-\$1,288,-

000—but we have recommended in this bill \$235,000.

Mr. PERKINS. Mr. Chairman, I withdraw the pro forma

amendment.

Mr. PAYNE. Mr. Chairman, I would like to ask the gentleman a question in that connection. A moment ago we passed an amendment here offered by the gentleman from South Carolina [Mr. Legare], raising an appropriation from \$50,000 to \$98,000 for the completion of some work at the navy-yard at Charleston,

Mr. FOSS. Yes; dredging right in front of the dock.
Mr. PAYNE. I understood the gentleman from Illinois [Mr. Foss] to say that the reason for this additional appropriation was that they had a new superintendent who had gone down there and reported, and although the former superintendent thought it could be done for \$50,000, this new superintendent made a report in favor of \$98,000, which had come to the committee after the bill had been reported. Is that correct?

Mr. FOSS. Yes; the new chief was appointed after hearings

upon this matter.

Will the gentleman yield to allow me to an-Mr. LEGARE. swer that question? Mr. PAYNE. I I want to get at what the gentleman from

Illinois said.

Mr. LEGARE. But the gentleman is mistaken.

Mr. PAYNE. In that connection I would like to ask the gentleman from Illinois [Mr. Foss] if that thing occurs oftenthat when there is a new superintendent sent to a navy-yard or a new officer the estimates change because of some change in the plan or something of that kind? In other words, whether we have a permanent policy as to each navy-yard or whether every time we change a commandant or a superintendent the plans change and the cost is increased on account of

Mr. FOSS. I want to say that this constant changing of the civilian head of the Navy has been a matter of some embarrassment to the committee, and that when a new civilian head comes in there is a new policy. Of course with reference to the new Chief of Yards and Docks he was recently appointed, and he went down and made a special investigation of this navy-yard, and other navy-yards, and came back and recommended that we make this provision. The original estimate, however, under the old chief, was \$98,000, but in our hearing we came to the conclusion with him that \$50,000 would be all that he could expend that year.

Mr. PAYNE. And the hearing was with the old chief? Mr. FOSS. Yes. Mr. PAYNE. But I notice you put it in the bill for the completion of the work \$50,000.

Mr. FOSS. No; not to complete. Mr. PAYNE. Perhaps I am mistaken about that. Then I understand the gentleman that with the change of civilian and I suppose the same thing would apply if superintendentsa man happened to be an officer of the Navy-there is liable to be a change in the plans? Mr. FOSS. There is.

Mr. PAYNE. That makes increased expenses for the maintenance of these yards?

Mr. FOSS. New policies are usually adopted by new chiefs

Mr. PAYNE. Is that any reason why these Government yards are unable to compete, in the construction of battle ships, in price with yards owned by private owners, where the management is continuous under the same policy? Is that one reason why it costs more to build ships in the Government navy-yards?

Mr. FOSS. Well, that is probably one reason; but the principal reason is that the men in the Government yards work only eight hours a day, whereas in private employment they work nine and ten hours, and then the wages paid the men in the Government navy-yards are larger than in outside yards, and then men in the Government navy-yards have holidays. For instance, during this last year in the Washington Navy-Yard they had ten holidays, I believe, but they usually have as many as seven in one year, and all of these things enter into the question

as well as, of course, the question of management.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. There was no objection.

Navy-yard, Mare Island, Cal.: Railroad system, extension, \$5,000; electric-plant system, extension, \$10,000; sewer system, extensions, \$3,000; heating system, extension, \$5,000; telephone system, extensions, \$1,000; lectric capstans for dry dock No. 1, \$10,000; extension of building No. 119, block and cooper shop, \$15,000; improvements to building No. 96, ship-fitters' shop, \$3,000; improvements to building No. 96 ship-fitters' shop, \$3,000; improvements to building No. 69 and 71, \$20,000; improvements to coal cylinders, \$7,500; workshop for electrical class, \$3,000; channel moorings, Mare Island Strait, \$9,000; enlarging and moving dispensary building, \$6,000; improvements to naval prison, \$50,000; in all, navy-yard, Mare Island, \$147,500.

Mr. FITZGERALD. Mr. Chairman, I move to strike out, in 12 and 13, the words "improvement to naval prison, \$50,000."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 35, lines 12 and 13, strike out the words "improvements to naval prison, \$50,000."

Mr. FITZGERALD. Mr. Chairman, this bill carries \$106,000 for naval prisons. Since the fiscal year 1901, including the appropriations in this bill, there have been appropriated for naval prisons \$408,200. It seems a very extraordinary thing that these very large expenditures should be necessary for naval prisons. There are in the Navy to-day some 32,000 ennaval prisons. listed men. The testimony shows that during the past year there were added to the Navy 13,418 men, separated from the service, 8,701 men, and the net increase was 4,717 men. The desertions amounted to 3,998. More than 10 per cent of the entire enlisted force of the Navy deserted. For several years the Department has been stating that a superior class of men have been obtained. It has been a matter of congratulation for the Department that the recruiting parties have gone into the rural districts and have obtained a class of men considered superior to those heretofore enlisted in the Navy; and yet, ever since the Department has been congratulating itself upon the fact that a superior class of men has been enlisted, the appropriations for the naval prisons have gone up correspondingly and the desertions have increased in a like ratio.

It seems that if the conditions were improving that either there is something radically wrong in the administration of the service or else the conditions must be so unsatisfactory that the enlisted men can not continue in the service. I am inclined to believe that the ordinary farm hand, who has been accusto believe that the ordinary latin hand, who has been accus-tomed to living with the farmer as a member of the family, upon an equality with members of the family, treated as an equal, when he enlists in the Navy and finds the conditions so different from those to which he is accustomed as soon as he reaches shore he immediately quits the service. There should be some means of reaching this condition. There can be no excuse for so large a number of desertions from the service if the conditions are what they should be. The same condition does not exist to such a degree in the Army, and yet even in the Army the desertions are very large.

A short time ago, Mr. Chairman, in looking through a book I ran across a little thing that seemed to some extent to illustrate the reasons for the conditions that make men desert both from the Army and from the Navy. This particular thing, I do not know just how to describe it, while it refers to the Army, in my judgment applies equally to the naval service. It is a fact that the conditions in the Navy are such that even more than in the Army it compels men, by reason of conditions they find there, to desert. The sharp line of distinction that necessarily is drawn between the enlisted man and the officer tends to create the dissatisfaction that exists. I will read this effusion to illustrate to some extent at least what causes the great dissatis-

faction among the enlisted men:

I used to boss him in the store
And oversee his work,
For I had charge of one whole floor,
And he was just a clerk.
To-day it's different, if you please;
We've changed respective pegs;
I'm private in the ranks, and he's
Got stripes
Down
His
Legs.

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The girls, whose smiles were once for me,
Now scarce vouchsafe a glance,
Such great attraction can they see
In decorated pants.
The erstwhile clerk no longer my
Indulgence begs.
I'm down below; he's up on high,
With stripes
Down
                    Down
                           His
Legs.
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Legs.

It's "Private Jones, do this and that;"
In haste I must bestir.
To Jenkins, on whom oft I've sat,
I'm told to answer "Sir!"
One born to rule, it's come to pass,
Of woe I drink the dregs;
I'm in the Army with, alas,
No stripes
Down
My
Legs.

Mr. FITZGERALD. I hope, Mr. Chairman, we shall discontinue increasing our prisons, and make some provision to induce men to remain in the service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Navy-yard, Puget Sound, Washington: To continue grading, \$10,000; electric-light plant, extensions, \$6,000; water system, extensions, \$5,000; heating system, extensions, \$5,000; roads and walks, extensions, \$2,500; stone and concrete dry dock, to continue, \$200,000; quay wall, extensions, \$30,000; in all, navy-yard, Puget Sound, Washington, \$258,500.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question or two. I noticed in the hearings that the Chief of the Bureau of Yards and Docks states that officers' quarters are very scarce in this yard and recommends, if possible, that the committee make an appropriation of \$8,000 for additional quarters. Will the chairman state why the committee could not see its way clear to make that appropriation?

Mr. FOSS. We went over very carefully with the Chief of the Bureau all of the estimates which were furnished or sent up to the committee, and he pointed out to us those which he regarded as the most essential for the coming year and these we

put into the bill.

Mr. JONES of Washington. In the central power plant he recommends \$130,000 extension, and says that that is needed at the yards. Was there any further showing made by him? He says that this extension is needed there.

Mr. FOSS. We did not provide for it, but we thought we would not do the work in all of the yards during the same year; that we would extend it along for a year or two, or even three, perhaps, in working out this system of consolidation. We have to take a yard or two up at a time.

Mr. JONES of Washington. With reference to the officers' quarters he states:

I think it would be advisable to appropriate for one of these, \$8,000. Mr. FOSS. We came to the conclusion that we could not do so this year.

Mr. JONES of Washington. Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

Navy-yard, Pensacola, Fla.: Machinery for central power plant, \$35,000; naval prison, \$28,000; conduit system, \$2,500; improvements to storehouse, building No. 25, \$5,000; in all, navy-yard, Pensacola, \$70,500.

Mr. FITZGERALD. Mr. Chairman, I make the point of order

against the naval prison, in line 25.

The CHAIRMAN. Will the gentleman state what it is?

Mr. FITZGERALD. In line 25, page 35, "naval prison, \$28,000." I think I have a decision that naval prisons are not in order.

The CHAIRMAN. Does the gentleman make it or reserve it? Mr. FITZGERALD. I make it. I think it would be cruel and inhuman punishment to imprison men in Pensacola.

The CHAIRMAN. There is no question but that this has been heretofore provided for, the Chair assumes?

Mr. FOSS. There is a naval prison there at the present time, and has been for a number of years. This is a new naval prison.

The CHAIRMAN. The point of order is sustained.

Mr. LAMAR. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Florida [Mr. Lamar] offers an amendment, which the Clerk will report. The Clerk read as follows:

On page 36, line 3, after the word "dollars," insert:
"One stone dry dock, to cost not exceeding one million one hundred thousand;"

On page 36, line 4, strike out the words, after the word "Pensala," "seventy thousand five hundred dollars" and insert "\$170,500."

Mr. VREELAND. Mr. Chairman, I make the point of order

Mr. MANN. Mr. Chairman-

Mr. LAMAR. Mr. Chairman, I ask the gentleman to reserve the point of order.

Mr. VREELAND. I will reserve the point of order.
Mr. LAMAR. Mr. Chairman, I shall say little in criticism of the Committee on Naval Affairs, because that is the committee out of which I expect this graving dock to come now or eventually. But the people of my district can not understand why it is that with so many strong and favorable recommendations from the Navy Department for the construction of this stone graving dock at Pensacola the Committee on Naval Affairs does not recommend it. They would be very much disinclined, Mr. Chairman, to think, or even suggest, a sectional reason for the nonconstruction of this proposed stone-graving dock at the Pensacola Navy-Yard, but they can not help reflecting upon the number of stone graving docks throughout the North and throughout other portions of this great country, other than the far southern section of the United States. Let me read the number of graving docks in existence and under construction in this country

Portsmouth, N. H., two-one floating dock and one graving dock; Boston, two graving docks; New York State, four graving dock; Boston, two graving docks; New York State, four graving docks; League Island, Pa., two graving docks; Mare Island, Cal., two graving docks; Puget Sound, Wash., two graving docks; two in the Philippine Islands, and one at Guantanamo, Cuba. And, Mr. Chairman, in the South, three graving docks at Norfolk, Va.; two floating docks at Pensacola, one of them marked "unserviceable," and one floating dock at New Orleans. Such disparity has raised a feeling in the section from which I come that the Naval Affairs Committee has not done justice in the past and is not now doing justice to one of the greatest harbors, if not the greatest, in the country. I mean the harbor at Pensacola, Fla. The channel entrance of Pensa-cola Harbor is over 32 feet and the harbor from 35 to 50 feet deep. The 20,000-ton battle ships contemplated in the present naval bill will not have a draft greater than 28 feet, and the channel entrance of Pensacola Harbor is so straight that, with out a pilot, these great battle ships, costing from \$5,000,000 to \$10,000,000, can enter with safety.

Admiral Capps has recommended this stone graving dock, stating in his report that Pensacola is of importance stratein time of war to the United States Government. Admiral Endicott has recommended it in his past reports.

Now, Mr. Chairman, why leave Pensacola out? Why place in this bill a floating dock costing one and a half millions, while its location is not even fixed? Why leave out that character of docks, fixed and permanent, built of stone, that the Navy Department declares to be the proper style of graving dock for this country? Every naval authority that I have conversed with, or whose reports I have read, fear to place these great masses of steel and iron upon a floating dock, where by the slightest quiver this great piece of machinery may be thrown into permanent disorder and probably wrecked in value. Why leave Pensacola out of this bill year after year when it is recommended by the high authorities of the Navy Department?

I repeat, I would be disinclined, and do not on this occasion raise or suggest the sectional question; but I repeat that the people of Pensacola and the people of the far South can not understand why it is that the Navy Department so uniformly recommends the construction of this graving dock, and it is so uniformly eliminated from the naval bill. From Norfolk to Galveston there is but one stone graving dock, and that is only in the process of construction in the harbor of Charleston. Does that appear fair? I do not say that it is unfair, but, I ask, Does it appear fair?

The CHAIRMAN. The time of the gentleman has expired. May I have two or three minutes more? Mr. LAMAR. The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. LAMAR. Now, let me suggest to the gentleman who raises the point of order that in this bill there is a provision for a floating dock. That proposition will go out of this bill on a point of order as this amendment will go out if a point of order is made and sustained. The Secretary of the Navy has requested that this floating dock be constructed. Why make this point of order? Why make any point of order against the bill upon these proposed docks? Let the gentleman who has made the point of order permit this stone graving dock at Pensacola to be put in the bill; and if any gentleman desires to make the point of order upon the floating dock provided for in this bill let him suspend his point of order and let the two

docks go through. This at least will only confirm the recommendation of the Secretary of the Navy, Admiral Capps, and Admiral Endicott.

So I say, in conclusion, to the gentleman who has made the point of order, withdraw it and let there be a vote in the committee upon this proposition.

The CHAIRMAN. Does the gentleman from New York insist upon his point of order?

Mr. VREELAND. Mr. Chairman, the committee feel that they have devoted to the maintenance of yards and docks all that ought to go in the bill this year, and they insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Olmsted having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Warren, Mr. Fora-KER, and Mr. BLACKBURN the conferees on the part of the

The message also announced that the Senate had insisted upon its amendment to the amendments of the House of Representatives to the bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Elkins, Mr. Perkins, and Mr. Mallory the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Naval station, New Orleans, La.: Improvement of water front, \$25,000; levee improvement and grading, \$25,000; central electric light and power plant, extension, \$50,000; ratiroad system, \$5,000; drainage system, \$10,000; central heating plant, \$18,000; paving, \$10,000; quarters for commandant, \$12,000; fitting up yard buildings 8 and 16, \$4,300; dispensary building, \$9,000; in all, navy-yard, New Orleans, \$168,300.

Mr. MANN. Mr. Chairman, I make the point of order against ne words "quarters for commandant, \$12,000," in lines 11 and the words

The CHAIRMAN. The Chair is ready to rule, if nobody desires to discuss the question.

Mr. MANN. I am perfectly willing to reserve the point of order, if that is desired. I understand that Congress heretofore provided an appropriation of \$10,000 for quarters for the commandant, and then afterwards consolidated it with another building, and that the quarters have been built for the commandant. Now, a proposition comes into the bill for entirely new quarters for the commandant, although the paint is hardly dry on the old ones.

Mr. MEYER. Mr. Chairman, the gentleman from Illinois [Mr. Mann] is mistaken. There has been no understanding that there should be no authorization for commandant's quar-ters, nor is there any building appropriated for costing \$34,000. The facts are that in 1903 an appropriation of \$10,000 was made for commandant's quarters, and at the same time \$14,000 for two officers' quarters, and in 1905 for two additional officers' quarters \$10,000. Later it developed that the appropriation for the four officers' quarters, aggregating \$24,000, was inadequate; hence Congress authorized application of the \$10,000 for commandant's house to the cost of the four quarters, say, \$8,500 each, deferring appropriation for the commandant's quarters to a later period.

The commandant of the station during the last few years has had his residence in the city of New Orleans. But the time has arrived when it is necessary to provide such quarters at the navy-yard, and this appropriation should be made. It is recommended by the Secretary of the Navy in his estimates.

I have some doubt as to whether the amount, \$12,000, will be sufficient. The Secretary suggested \$15,000, but the committee, in its wisdom, presumed that \$12,000 might be adequate. I do not think the gentleman will regard it as unreasonable that the

commandant of that important station should have suitable quarters, and I hope he will withdraw the point of order.

Further, it will prove a saving to the Government. The present officer in command draws commutation of \$60 per month.

At 2 per cent, this would mean on \$36,000.

Mr. MANN. Mr. Chairman, there was \$10,000 heretofore carried for quarters for commandant, and only two years ago we provided that that \$10,000 should be consolidated with \$14,000 theretofore carried for two officers' quarters, and the two sums were further consolidated with another sum of \$10,000 previously appropriated for another two officers' quarters. Now, the plea was made at that time that this would provide quarters for the commandant and that there was no necessity for having separate quarters, and they have a building there now appropriated for to the amount of \$34,000.

Mr. MEYER. If the gentleman will allow me, the aggregate of those appropriations which the gentleman has referred to is \$34,000 for four officers' quarters, or \$8,500 for each. inadequate even for the number of officers to be provided for, exclusive of the commandant, and while it is true, as the gentleman has stated, that at one time it was intended that one of these buildings should be for the commandant, the provision which he has just read indicates clearly that that was not the intention of Congress, and the four buildings which have been referred to are the only buildings for officers' quarters at that

station now.

Mr. MANN. When we appropriate in three different appropriations, and then come in under the plea that we will take care of them all by consolidation and appropriating \$34,000 for four

quarters, Congress is quite liberal.

It is the duty of Congress to provide quarters Mr. MEYER. for officers, and certainly four officers' quarters are not more than are necessary for the officers at that station, leaving out the question of quarters for the commandant. The reason for these changes is simply this; In the first place Congress did not appropriate enough. We first appropriated for four officers' quarters at \$6,000 each, supposing that might prove sufficient. Subsequently that amount was found inadequate because of the advance in cost of materials and labor, so now this is the position: We have appropriations for four officers' quarters, \$34,000, or \$8,500 each, which is small in view of the extreme cost of building material, etc., and no provision for commandant's quarters. I submit, Mr. Chairman, that this is not unreasonable, and I hope that the gentleman will withdraw his point of order.

I dislike very much to make a point of order Mr. MANN. against the distinguished gentleman from New Orleans, but after all his naval station is pretty well taken care of in the bill, and it seems to me this is not a proper item. I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained. The

Clerk will read.

The Clerk read as follows:

Naval station, Olongapo, P. I.: Water system, \$40,000; quay walls, \$50,000; closing Binicktigan and Tinaligman rivers, \$25,000; in all, \$115,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph. This is the commencement of appropriations to turn aside the two rivers that run through the naval station, or through the reservation. The next step will be to remove the mountain that is upon it, and which the Department reports will require over 9,000,000 cubic yards of material to be re-

Mr. FOSS. Mr. Chairman, I want to disabuse the gentle-man's mind. We have received a cablegram that the rivers are closed, and I was going to move to strike out the appropriation for that purpose.

Mr. FITZGERALD. Was it done by an act of Providence?

Mr. FOSS. No; by a previous appropriation. [Laughter.]
Mr. FITZGERALD. Does the gentleman ask unanimous consent to strike out the \$25,000 appropriated for the closing of these rivers?

Yes; I move to strike out the words "closing Mr. FOSS. these rivers, \$25,000."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

In lines 19 and 20 strike out the words "closing Binicktigan and Tinaligman rivers, \$25,000.

The question was taken; and the amendment was agreed to. Mr. FITZGERALD. Now, Mr. Chairman, I move to strike out the balance of the paragraph.

The CHAIRMAN. The gentleman from New York moves to

strike cut the balance of the paragraph.

The question was taken; and the amendment was rejected.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the Clerk may have authority to correct the totals.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that where amendments are made changing the totals the Clerk may be authorized in each case to change the totals to correspond. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Naval station, Cavite, P. I.: Extension of building No. 64, \$7,500; boat-storage shed, \$4,000; improvement of naval prison, \$1,500; in all, \$13,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. Is it intended to continue to make appropriations for both naval stations within 40 miles of each other in the Philippine Islands, or is it intended eventually to abandon one of them?

Mr. FOSS. So far we are keeping up the naval station at Cavite for the repair of ships. At Olongapo the dock is situ-

ated, and that is where we dock the ships.

Mr. FITZGERALD. How many years will it be before they

can do any work at Olongapo?

Mr. FOSS. I do not know. They already do a little repair work there in connection with the docking of the ships. Whenever ships are docked we use the old Spanish station at Olongapo, and we have provided some tools for them for light repairs.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Naval station, Culebra, Porto Rico: Clearing and grading, \$1,500; fencing, \$500; in all, \$2,000.

Mr. JONES of Washington. Mr. Chairman, I want to ask the chairman of the committee whether there is any definite plan of extending the naval station at Culebra?

Mr. FOSS. There is no intention to have any navy-yard there. Our fleet, however, goes down there every winter and

has target practice.

Mr. JONES of Washington. They make it simply a rendezvous?

Mr. FOSS. Yes; but they have a few tools there, where they can make light repairs.

The Clerk read as follows:.

Naval station, Tutuila: Barracks for native guard, \$5,000; operating room, \$1,000; in all, \$6,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the "barracks for native guards, \$5,000." I want to know what the native guard is and what it has to do with this bill.

Mr. FOSS. Admiral Endicott asked for barracks for native guards, grading and filling, and for an operating room, a total of \$14,000.

Mr. MANN. An operating room for a hospital, or Mr. FOSS. We did not allow all that, however. An operating room for a hospital, or for guns? did allow was simply for an operating room and for barracks. The total asked for was \$14,000, and that was recommended by the chief of the bureau. All we allowed was barracks for the native guards, \$5,000.

Mr. MANN. And the operating room, \$1,000.

Mr. FOSS. Yes; but not the full amount of \$14,000.
Mr. LOUDENSLAGER. Let me say to the gentleman from Illinois that the Surgeon-General wants to build a small operating room.

Mr. MANN. In connection with hospital work?
Mr. LOUDENSLAGER. Yes.
Mr. MANN. What is the necessity for barracks for the

guards? I thought they slept outdoors in that country.

Mr. FOSS. This is what he says in the report, "That the building now in use by the native guard is inadequate and in a very bad condition, and it is contemplated to construct a modern frame building for the use of the guard and devote the old building to the use of the prison.'

Mr. MANN. How much of a guard is there? Mr. FOSS. I could not tell the gentleman how many men there are who act as guards there, but probably a considerable force.

What does the guard do? Does it guard the navy-yard against the natives or against approaching war ships? Mr. FOSS. I think it looks after public property. Tutuila is a naval station, and that is all there is to it. We own it. It is the naval station where our ships stop from time to time on their way across the Pacific, and we always have in connection with these stations a guard of men. Sometimes we call them watchmen. In this case it is a guard of natives, which is very much cheaper than if we provided American watchmen. It seem to me that it is necessary over there that there should be a guard of some kind. I should not want to be over there all alone without one of some character.

Mr. MANN. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

Steel floating dry dock : One steel floating dry dock (to cost not exceeding \$1,400,000), \$100,000.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Will the gentleman reserve his point of order? Mr. MUDD.

Mr. MANN. I reserve it temporarily.

Mr. MUDD. Mr. Chairman, in view of the decision of the Chair as to the dry dock just proposed for Pensacola, I think I might make a fairly safe prediction in stating that I feel that I can "see my finish" on this proposition at this time, in this House, unless I shall be able, in the very brief observations I shall have time to make, to convince the gentleman from Illinois, who has but recently remarked that he disliked to make points of order, that he ought to withdraw the point of order that he has made against this provision.

Mr. MANN. I can assure my distinguished friend from Maryland that if he convinces me, that there would likely be a number of gentlemen in the House who would still be uncon-

vinced.

Mr. MUDD. Very well; I will, at any rate, undertake to convince Members of the House of the merits of this proposition, and I shall have to be brief in the remarks that I shall submit.

The report of the Chief of the Bureau of Yards and Docks to this session of Congress, which I hold in my hand, contains this statement as to the reasons for this dry dock. It will be found on page 68 of his report:

STEEL FLOATING DRY DOCK.

This estimate is submitted to provide for the commencement of the construction of a steel floating dry dock, capable of taking up an injured vessel drawing 37 feet of water, which draft can not now be accommodated by any dry dock in the United States.

It proceeds further on to state that the facilities at Norfolk are not sufficient for this purpose, and that this dock, if constructed, would be capable of lifting a ship of 20,000 tonsthat is to say. a disabled ship of that displacement, which, in his judgment, as I understand it, would require a depth of water of about 37 feet. In other words, the Chief of the Bureau of Yards and Docks in effect states that if we shall go ahead and construct battle ships of the Dreadnought class, of the kind that we appropriated for last year and that we are proposing to appropriate for this year, allowing for the increased draft that such ships would have in a disabled condition, that there is not a dry dock in the United States to-day capable of lifting and repairing such a ship. It does seem to me that it is worth while for us to have one dry dock in the United States capable of lifting a disabled ship of the character of the Dreadnought that we are intending to build in the future.

I have before me an official statement from the Bureau of Yards and Docks giving the depth of water over the entrance sill of the existing docks in the country. As a general thing the greatest draft of those now constructed is about 30 feet. In two of the docks that are provided for, but not yet constructed, namely, Charleston and Norfolk, there is a requirement for 34 feet, and that is the greatest depth of any dry dock, either existing or contemplated, and these docks would not take in a disabled ship of the class and draft of the Dread-The statement goes on further to say that even to get to the dock at Charleston or Norfolk there would have to be some expenditure for dredging, in order to get a depth of chan-nel sufficient to make the dock available. I did not know that so soon would come the verification of that statement by an appropriation, which has just been made by an amendment to this bill, providing an amount of money for dredging, in order that ships might get up to the new dock provided for at Charleston.

Will the gentleman yield for a question? Mr. MANN.

Mr. MUDD. I will.

Does the gentleman know where this dry dock Mr. MANN.

will be located and constructed?

Mr. MUDD. I will undertake to enlighten the gentleman on that point. I can only say, Mr. Chairman, that by a process of natural and appropriate selection, by analogy to the doctrine of the survival of the fittest, and in further view of the information given in the hearings, I am of the opinion that this dry dock if constructed will be located or, to a large extent, utilized at the mouth of the Patuxent River, opposite a place called Solomons Island, in my district, and I do not undertake to deny that my interest in it is somewhat accentuated and spurred on by the evidence that comes to me because of that proximity in that section of my district, and the consequent opportunity for observation of the advantages of that place. But, Mr. Chairman, why will it go there, if at all?

Mr. MANN. Because the gentleman represents the district, I

suppose that would be a sufficient reason.

Mr. MUDD. Oh, no, Mr. Chairman. A year ago there was some intimation to the effect that I was actuated by the fact that this dry dock would perhaps go in my district in my somewhat zealous advocacy of it, and the intimation was also thrown out that perhaps there would be added likelihood of its going there because of the fact that we happened at that time to have from Maryland a Secretary of the Navy. That Secretary of the Navy, in the recent procession of prominent Cabinet members through the Navy Department to other stations, has gone elsewhere, and that reasoning would not now apply. I will say to the gentle-man, however, that were this gentleman from Maryland now in the Navy Department, I take it for granted in selecting a site for the location of this dock he would have something of a civilservice examination made of the various harbors in the country, and that would likely result in the dock going to Solomons Island, because that happens to be the best place in the United States for such a dock.

Why is that the best place to have this dry Mr. MANN. dock?

Mr. MUDD. Because we happen to have there over a wide extent of area of water a depth of from 60 to 100 feet. We are appropriating money in this naval appropriation bill and have been so appropriating in naval appropriation bills for several years past, as well as in river and harbor bills, to get a sufficient depth for battle ships to get to the dry docks and harbors of the country, while we have at that place, without any occasion for the expenditure of a single cent, a sufficient depth of water to accommodate any battle ship that the mind of man can conceive of being constructed in the next hundred years. happens, Mr. Chairman, that Providence has seen fit to ordain that ships requiring a big draft should some day seek entrance into the mouth of the Patuxent River, in so creating the world as to make there the best harbor on the face of the globe. I am now endeavoring to act in accord with and seeking to recognize and fortify the judgment and the wisdom of Providence.

Mr. MANN. Mr. Chairman, I dislike very much to stand in

the way of Providence

Mr. MUDD. But, Mr. Chairman, I realize that I am having a hard task before me, at this time and place, if I can not move the obdurate heart of the gentleman from Illinois to withdraw his point of order. I rather apprehend that the Chairman, acting upon the erroneous precedents of the last few years, culminating in the most erroneous one of all of last year against the construction of dry docks without previous authorization, will not perhaps desire to overturn the precedents, ill-founded and erroneous as I think they are. There is just one other point to which I wish to refer. The gentleman from Indiana, in making his decision last year, stated in the language which I have before me now that the "question for decision" was "whether a floating dry dock is an essential part of the equipment of the Navy," and he stated further that such a dock could only "be taken from place to place when the sea is calm.'

I apprehend that such language would no longer be used after the experience of the dry dock Devey, which since that time has thrown new light upon the situation and makes a new condition to which parliamentary law should be applied, in making a trip of about 11,000 miles through gales and storms such as hardly any battle ship is subject to, going a longer distance than the famous journey of the Oregon from Bremerton to the West Indies during the Spanish war; and I will say further, in this connection, that the official report of the Navy Department, a statement of which I have here, shows that the deviation out of the line of a perpendicular of the side walls of that great steel structure was only about 4 degrees on the Atlantic Ocean and about 6 degrees in the Mediterranean; perhaps not as much of a roll as on an ordinary battle ship, and the men who constituted the crew of that dock, which I claim to be in effect a ship, were not subject to as much seasickness as those of the towing and convoying ships.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit an interruption?

Mr. MUDD. Certainly. Mr. WILLIAM W. KITCHIN. I understand the gentleman to say that our present dry docks will not take in the ships provided for in this bill. Am I correct?

Mr. MUDD. Not entirely. I base my remarks upon the statements, or at least upon the clear and unavoidable infer-I base my remarks upon the ence from the statements, of the report of the Chief of Bureau of Yards and Docks that a ship of the kind we are providing, with a few feet allowed for the additional draft needed, if such a ship was disabled, that we have no dry docks in the country which would take in a ship in such a condition.

Mr. WILLIAM W. KITCHIN. I will state that Captain

Wainwright's opinion, found on page 293 of the hearings, is that we have dry docks which will take in the ships we propose to build under this bill.

Mr. MUDD. Oh, yes; take them in a normal condition, that is right. Just barely take them in. The *Dreadnought* will have, when loaded, about 29½ feet of draft.

Mr. WILLIAM W. KITCHIN. But the ships we propose will have a draft of 27½ feet, we believe.

Mr. MUDD. That also is the draft when the ship is unloaded—that is to say, from the information I received this morning from the Bureau of Navigation, the *Dreadnought* will have, when loaded with coal and other supplies that necessarily will have to go on board of her, a draft of a little in excess of 29 feet.

Mr. WILLIAM W. KITCHIN. And several of our docks have

a draft of 30 feet.

Mr. MUDD. I understand, Mr. Chairman; but we do not put battle ships in the docks when they are in a normal condition and when they do not need repair. We send them there when they are disabled; and Admiral Endicott and others, I apprehend, will vouch for the statement—I make it from information gained from them-that you have to allow about 5 feet to a ship disabled from one cause or another.

Mr. WILLIAM W. KITCHIN. I understand some dry docks have even greater depths—one has 31 feet and two have 34 feet.

The CHAIRMAN. The time of the gentleman has expired. Mr. MUDD. Mr. Chairman, I ask for five minutes more.
The CHAIRMAN. The gentleman from Maryland [Mr. Mudd]

asks for five minutes more. Is there objection?

There was no objection.

Mr. WILLIAM W. KITCHIN. I understand one of our docks has a greater depth than that. The one at Guantanamo has

Mr. MUDD. We have abandoned the dock at Guantanamo, and the gentleman and myself both concurred in doing it.

Mr. WILLIAM W. KITCHIN. The dock that is in contemplation?

Mr. MUDD. We do not contemplate any dock there, because

the gentleman will remember— Mr. WILLIAM W. KITCHIN. I will state that the gentleman did, I believe, after long meditation, join with me in opposing that dock.

Mr. MUDD. I admit, Mr. Chairman, that it frequently takes some time of meditation for me to get up to the point where

the gentleman from North Carolina starts off.

Mr. Chairman, I think we can fairly rely upon the statements of the Chief of the Bureau of Yards and Docks and the other officers connected with that Bureau, who are supposed to be familiar with the subject-matter, as to the depth of our docks and the additional and abnormal draft that will be required by a battle ship in a disabled condition; and it is clear that the Chief of the Bureau in the statement in his report as to this steel floating dry dock means unequivocally to convey the impression that a disabled ship of the class that we are calling a "Dreadnought" will require about the depth of water which he there speaks of, or approximately that.

We may safely assume that there will be a requirement under such a condition of 35 feet. The largest and deepest dry docks that we have as yet provided-because we have none of that depth constructed—are those at the navy-yards of Norfolk and Charleston, that are to have a depth of 34 feet, and that depth, as I understand it, is the depth that they will have at high water, which can not by any means be counted on; and we will have to appropriate money, as I have already stated, for dredging, in order that our battle ships may approach and be enabled

to enter into these docks.

The truth of it is, if we will look over the naval appropriation bills for the last few years, and consider in connection with them the items for similar purposes in the various river and harbor bills, it will be found that I am not wide of the mark when I make the statement, as I do, that the money we appropriate in each Congress, certainly in two Congresses, in order to obtain a sufficient depth for the battle ships that we are building to bring them up to the docks would more than pay the total expense of the steel floating dry dock of the class that we are seeking to provide for in this bill.

So that, considered from the standpoint of economy, as well as efficiency for the purposes for which it is to be used, such a dry dock, in my opinion and in the expressed opinion of the admiral in charge of that branch of the service, would be a very valuable addition to the naval establishment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The Secretary of the Navy is authorized to make a thorough investi-gation regarding the cost of articles or material manufactured by the

Government in navy-yards and naval stations, and the cost of like articles and material purchased in the open markets, and report to the next Congress the information obtained and the difference found in such cost, and such other information as he may deem advisable.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. Does the gentleman desire to discuss the

point of order?

Mr. FITZGERALD. Only to say this, that I think this is in line with the duty of the Secretary of the Navy. Similar information to this is continually obtained in response to resolutions of inquiry

Mr. FOSS. I know, and for that reason I do not see that the point of order would lie against this in the appropriation bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Buildings for lepers, island of Guam: Naval station, island of Guam: Buildings for lepers and other special patients, island of Guam, \$4,000; maintenance and care of lepers and other special patients, \$16,000; in all, \$20,000.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order against the provision. I wish to inquire whether these lepers are kept at this naval station at present?

They are. If the gentleman will read my report, he will see that I have placed in it an extract from the report of the Secretary of the Navy, in which he especially urges this appropriation.

Mr. FITZGERALD. I will make the point of order against that part of the paragraph that provides for the building, so as

not to effect the maintenance at present.

The CHAIRMAN. Does the gentleman make the point of order against lines 22 and 23, beginning with the word "buildings" and ending with the word "dollars?"

Mr. FITZGERALD. Yes.
The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Naval magazine, Puget Sound, Washington: For necessary buildings, water and fire system; fencing, clearing, and grading; railroad tracks, and equipment of the naval magazine, Puget Sound, on ground recently acquired for the purpose, \$75,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph, lines 7 to 11, page 43. There are a great many provisions in the bill in reference to naval magazines and constructing new magazines. This provision authorizes the commencement of any sort of building that may be thought necessary, as it says "for necessary buildings." It seems to me that the gentleman ought to have some limit of cost upon the buildings in some way, or some limit as to the building. Of what are these buildings to consist, may I ask my colleague, and what are they to cost?

Mr. FOSS. Well, this is to be a fully equipped magazine, and it will cost when fully completed \$153,000 and the items are given on page 71 of the hearings-one gun-cotton house, \$24,000; four magazine buildings, \$28,000; one shell house, \$17,000; an administration building; fuse house, primer house, a workhouse, and so forth. There are seventeen buildings in all.

Mr. MANN. Does the law provide in any way a limit of cost upon these buildings?

Mr. FOSS. No; but we make provision for them this year. Mr. MANN. Well, the item makes provision by an appropriation of \$75,000 for necessary buildings. There is no limit upon it at all. If they commence with a \$25,000 building upon any sort of plan that they may have, it would be in order to make an appropriation every year for them. Why not put in a limitation of the expense in some way?

Mr. FOSS. It is right within the control of the committee. I have no objection if the gentleman wishes to put in "not to exceed \$153,000, \$75,000." That is within the control of the

committee anyway

Mr. MANN. In the control of what committee?
Mr. FOSS. To recommend to the House.
Mr. MANN. Oh, well, I understand that, of course.

Mr. FOSS. Now, if the gentleman desires, after the word purpose," to insert "the cost not to exceed \$153,000," I have no objection to the amendment.

Mr. HULL. But that would limit the cost of grading the avenues, the material, and buildings, and all.

Mr. FOSS. That would limit everything in connection with this naval magazine.

Mr. HULL. I notice you have an appropriation for fencing,

clearing, and grading.

Mr. FOSS. We do where they are now.

Mr. HULL. I think it would be danger I think it would be dangerous to limit the cost for grading and clearing. It should not apply to anything except the building.

Mr. FOSS. Clearing and grading has been figured in this estimate at \$10,000. It covers everything. I say if the gentleman desires to limit the cost of the magazine I have no objec-

Mr. MANN. I move to insert, after the word "purpose," in line 11, the following words:

The total cost of the building at said naval magazine not to exceed the sum of \$150,000.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit me to say the estimated cost of the building does not amount to that?

Mr. MANN. Let us find out what it is.
Mr. WILLIAM W. KITCHIN. It is on page 71. It seems that these buildings are estimated to cost just about \$100,000. The cost for the other items are: One reservoir and tank, \$24,000; railroad system, \$15,000; water and fire system, \$5,000; clearing and grading, \$10,000. In all, about \$54,000; so that the cost of the buildings would be \$99,000.

Mr. FOSS. If the gentleman will just put this in, "not to exceed \$150,000," that will include all that is meant in that

paragraph. It will cover everything.

Mr. WILLIAM W. KITCHIN. But that would limit the amount of grading, so that if you provided for it hereafter, a point of order would be good against it.

Mr. FOSS. Yes; it would. But they have made a sufficient

estimate here to cover it.

Mr. MANN. If the gentleman will accept this amendment, I will withdraw the point of order. "The total cost of the improvements of said grounds not to exceed the sum of \$153,000."

The CHAIRMAN. The question is on agreeing to the amendment, which the Clerk will report.

The Clerk read as follows:

After the word "purpose," in line 11, page 43, insert:
"Total cost of the improvements to said grounds not to exceed \$153,000."

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Naval Observatory : Grounds and roads : Continuing grading, extending roads and paths, clearing and improving grounds, \$10,000.

Mr. GILLETT. Mr. Chairman, I move to strike out that paragraph, for the purpose of asking the chairman what is the purpose of making that appropriation of \$10,000?

Mr. FOSS. Well, the purpose is expressed in the language of this section: "Continuing grading, extending roads and paths,

clearing and improving grounds, \$10,000."

This appropriation has run for a number of years. This tract at the Naval Observatory covers a large number of acres, and they have gradually been making improvements in connection with the grounds.

Mr. GILLETT. I would like to ask the gentleman a little more definitely what he means by that. I know, of course, all about the observatory, but I do not see why they should keep on laying out the grounds and paths at the Naval Observatory, making a pleasure park of it.

Mr. MANN. They do not do it, either. I walk out there

nearly every Sunday.

Mr. FOSS. I have not the statement now showing just how the money was expended during the last year, so that I can not inform the gentleman what the principal items of expenditure

Mr. MANN. During the last year they have done some grading out there and done some filling and improving the roads a little bit. Now, I do not know from reading the hearings what this appropriation is needed for, but I walk over these grounds very frequently, and up to the present I should say their money has been very properly expended. Whether it should be continued in the future I would not undertake to say. It has only been recently that the grounds about the Naval Observatory have been graded and grassed.

Unless there is some definite information, Mr. GILLETT. it seems to me that this appropriation might go out. The Naval Observatory I personally consider rather an excrescence. It is a beautiful spot of ground. We are not doing any new building there, and it does not seem to me that we ought to be spending \$10,000 a year just for ornamental purposes about a building of this kind, which I can not see is of any practical

use. Mr. ROBERTS. Let it go over until to-morrow, Mr. GILLETT. Let it go out.

Mr. FOSS. Mr. Chairman, I hope this will not be stricken out. It comes with the recommendation of the Secretary of the Navy. Although I have not the information here to show just how this money was expended during the last year, I trust it will remain in the bill this year. I call for a von The CHAIRMAN. The Clerk will report the amendment. I call for a vote.

The Clerk read as follows:

Strike out lines 16 to 18, both inclusive, on page 43.

The question being taken, the amendment was rejected. The Clerk read as follows:

Public works under Bureau of Medicine and Surgery.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 43, line 20, after the word "surgery," insert "Naval Hospital, Canacoa, Philippine Islands: For the construction of additional wards, \$50,000."

Mr. MANN. I reserve the point of order on that, Mr. Chairman, until I know what the facts are.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, the substance of this amendment is very strongly recommended by the medical department of the Navy.

On page 116 of the hearings Surgeon-General Rixey says that we have a modern tropical naval hospital there with a capacity of 120 beds, and that it should be increased to accommodate 200 patients. He further says that it is only necessary to add bed space to accomplish this, as administration facilities, the expensive part of the hospital, are already provided for. He further says that this hospital is admirably located; that he has visited it himself, and personally knows of its condition.

I now read from the annual report of the Bureau of Medicine and Surgery, found in the last Annual Report of the Secretary

of the Navy, on page 53:

of the Navy, on page 53:

The hospital has a ward capacity of 100 patients. As this number has been almost constantly exceeded during the past six months, the necessity for additional wards is apparent. The present excellent hospital building is inadequate in size for the proper accommodation of the patients now admitted. As it is the only naval hospital in the Philippine Islands, its enlargement is imperative.

When it is considered that with the personnel of the Asiatic fleet and the complement of marines in the Philippines, together with a large civil population entirely dependent upon naval hospital facilities—there are approximately 10,000 persons to be provided for—the need of the station for a hospital accommodating at least 200 beds becomes apparent. * * *

Mr. MANN. Do you make this immediately available? Mr. WILLIAM W. KITCHIN. No, sir; the amendment does not propose that.

Mr. MANN. Let me ask the gentleman how many sailors have we over there—members of the Navy?
Mr. WILLIAM W. KITCHIN. That can not be stated defi-

nitely.

Mr. MANN. Approximately

Mr. WILLIAM W. KITCHIN. I am unable to approximate it, but all of our sailors who operate in the waters adjacent to the Philippine Islands must go to that hospital, as it is the only

hospital in the Philippines.

Mr. MANN. Is the gentleman himself absolutely satisfied that in order to give proper hospital attention to sallors over there these accommodations are needed?

Mr. WILLIAM W. KITCHIN. In order to give proper accommodation to persons who ought to be admitted and for whom we ought to make preparation, I am satisfied this is necessary. Mr. MANN. I mean the sailors.

Mr. WILLIAM W. KITCHIN. That would include other than sailors

Mr. MANN. Well, in connection with the Navy and Marine Corps.

Mr. WILLIAM W. KITCHIN. I think so.

Mr. MANN. I am willing to take the gentleman's judgment in reference to it. I withdraw the point of order.
Mr. PERKINS. I reserve the point of order.

Mr. WILLIAM W. KITCHIN. Before I finish let me add that there were over 600 patients treated there during the last year. there were something over 600 patients treated there during the last year. When we began this fiscal year there were 104, and I have already read the statement showing that this hospital for the last six months covered by the Surgeon-General's report was somewhat crowded.

Then, in a communication of February 2, 1907, the Surgeon-General says:

The naval hospital at Canacao is the only naval hospital in the Philippine Islands. It is an excellent building, with a fine location, but is inadequate in size, and its enlargement by the construction of additional wards is absolutely necessary.

Mr. LOUDENSLAGER. Is not the recommendation of the

Surgeon-General for increased accommodations there for the purpose of accommodating patients from the civil population,

and not from the naval forces or from the marine forces?

Mr. WILLIAM W. KITCHIN. The only information which
I have I have read, in which he said there would be a population of all included of 10,000. The very fact that he limits it to

10,000 shows that it does not include the general population of the Philippine Islands, or even the territory adjacent to the

Now, further, Mr. Chairman, in this communication he says:

The appropriation requested is \$50,000 for additional wards and \$20,000 for the erection of quarters for the medical staff outside of the hospital building proper, the location of the hospital being so far removed from Manila and Cavite as to render it necessary that the medical officers attached to the hospital shall live within the compound.

Now, Mr. Chairman, as to the point of order. I desire to say that I did not include in my amendment any proposition to build these officers' quarters because I recognize that the building for officers would be subject to a point of order, in my judgment. This amendment provides for additional wards to the present hospital building. I take it that no one who has the Surgeon-General's report to the Secretary of the Navy, or who has read his testimony, or who has looked into this matter can doubt that that is a splendid hospital and well located, and that there is a necessity, certainly in the opinion of the Navy Department, for the increase of wards. Now, in my judgment, if the Chair will bear with me—

The CHAIRMAN. The Chair is ready to rule on the point

Mr. WILLIAM W. KITCHIN. I think that the addition of wards to that building there would not be subject to a point of

The CHAIRMAN. The Chair understands that this is to provide for additional wards to an existing hospital now in operation, and that can be done in this manner if the committee desires to do it. It is a question for the committee and not for the Chair. The point of order is overruled, and the question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. William W. Kitchin) the ayes were 22 and the noes 33.

So the amendment was rejected.

The Clerk read as follows:

Naval hospital, Pensacola, Fla.: For the renewal of the present hospital buildings, \$15,000, and for the erection of quarters for the medical staff outside the naval hospital, \$10,000; in all, \$25,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of getting some information.

Mr. MANN. I reserved the point of order because I wanted

some information.

Mr. PERKINS. I want to ask the chairman of the committee about another point. If the chairman of the committee will be kind enough to turn to page 41 of the bill he will see that there is an appropriation toward a naval magazine on the New England coast, and it says "toward the erection of the necessary buildings on ground the purchase of which is now under negotiation." The same statement was contained in the bill last year, and I would like to ask whether the land has been bought, or whether the appropriations are made for buildings to be erected on lands the purchase of which have not been completed?

Mr. FOSS. I think the gentleman from Massachusetts can better inform the gentleman than I can, but I think the land is now under condemnation proceedings.

Mr. ROBERTS. Mr. Chairman, a considerable portion of the land has already been acquired, but there are some portions remaining that are now under condemnation proceedings, awaiting the action of the court. It is thought that all the land will be acquired, so that the work can be commenced on the ground and the buildings erected in the next fiscal year. Mr. PERKINS. There was an appropriation last year for

What has been done with that money? the same purpose.

The appropriation for last year will be Mr. ROBERTS. used largely in paying damages under the condemnation pro-The expense of acquiring the land has turned out to be much greater than the Department estimated in the be-

ginning of the undertaking,
Mr. PERKINS. Has any land been acquired upon which the buildings can be erected for which we are asked to make an

appropriation?

Mr. ROBERTS. I understand so. I understand that considerably more than one-half the land has been acquired for some time past.

Mr. PERKINS. How much will be the entire cost of the land, if the gentleman knows, or about how much?

Mr. ROBERTS. There is no way of telling, because that will depend upon what the verdict of the jury may be.

Mr. PERKINS. What does the gentleman expect the cost will be

Mr. ROBERTS. We can not make any estimate of it. I can

tell the gentleman what the Department estimated the cost to

be in the first instance, and that was \$70,000.

Mr. PERKINS. But the gentleman can not estimate how much it will cost in the end?

Mr. ROBERTS. I have no doubt but that it will cost \$100,-000, over and above that amount-that is, \$170,000 in all.

Mr. PERKINS. Their estimate was a very inaccurate esti-

Mr. ROBERTS. The estimate as given by the Department stated that the land was assessed for \$35,000, and in their judgment could be purchased for \$70,000. That is the information the committee acted upon.

Mr. PERKINS. Then a Massachusetts jury on land assessed for \$35,000 proposes to make the Government pay \$170,000?

Mr. ROBERTS. Oh, Mr. Chairman, we have land in Massa-chusetts that we would not sell for ten times its assessed valuation-plenty of it.

Mr. PERKINS. What is the system of assessment in Massachusetts?

Mr. ROBERTS. It varies in every community. It depends upon the expenses of the community—how much money they have to raise by taxation; how much personal property may be owned in that town; how much real estate, etc.

Mr. PERKINS. That is the amount of taxation collected, but the assessment is on the value of the property.

Mr. ROBERTS. Oh, no, indeed; we do not assess up to the full value, and there is nothing in our law that requires the assessors to put an assessment of any percentage of the values upon the property.

Mr. PERKINS. What do they base their assessment on, upon

Mr. ROBERTS. I am trying to explain to the gentleman. In some of our communities property is assessed at more than its market value, much more. I would like to sell the gentleman some property over in Massachusetts at its assessed value.

Mr. PERKINS. I have no desire to buy it.
Mr. ROBERTS. On the other hand, I know of property there that he could not buy for many times its assessed value. It depends on the debts of each community, on the amount of personal property and real estate owned there. It is not regulated by law.

Mr. PERKINS. I should think it depended a good deal on the caprice of the assessors, according to the statement of the

Mr. ROBERTS. To some extent. Sometimes they raise their money by a high tax rate and low valuation and sometimes by high valuation and low tax rate. There is no uniformity of practice in respect to that in our State. The criticism, if any, in this respect would be upon the appraisers that the Navy Department secured to appraise that property in the first instance. I would not personally give much for their judgment when they said that land could be purchased for \$70,000 in view of what has transpired since, in view of the prices that we are being called upon to pay, both at private sale and under condemnation.

Mr. PERKINS. If the committee had known this land would cost as much as it will cost, would it have thought it wise to

continue this undertaking?

Mr. ROBERTS. I am not prepared to state that. I will say to the gentleman that this site was selected by a commission provided for by legislation. A commission was provided for by act of Congress to look over the New England coast north of Cape Cod and select a suitable location for a magazine on that This commission looked the coast over from Cape Cod to Eastport, and it decided that, considering the natural advantages and the amount of land available, the isolation of the land, and the probable price, this was the most desirable loca-I can not say what that commission would have reported had they known the ultimate cost of the land. They might have reported in favor of some other site or some other point, but they did not.

The CHAIRMAN. The time of the gentleman has expired. Mr. PERKINS. I ask unanimous consent that I may proceed for one minute more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. PERKINS. I wish to state that what the gentleman has just said, as it seems to me, confirms me in the wisdom of the I made to the appointment of a new commission a little while ago, because here we have one of these commissions that, as the gentleman says, brought in most inaccurate estimates, upon which the committee and Congress have acted to the considerable detriment of the Government, I judge from what the gentleman says.

Mr. ROBERTS, Oh, I do not agree with that. The magazine would have had to be located somewhere on that coast, and any other point would have been more expensive than this has proved to be.

The CHAIRMAN. The Chair will recognize the gentleman

from Illinois on the point of order.

Mr. MANN. Mr. Chairman, this seems to be an unusual provision in this bill. What is the occasion for building hospital quarters or medical staff quarters outside of the hospital at Pensacola?

Mr. FOSS. The present quarters now occupied by the medical staff will be thrown in to increase the hospital building for the men. That is to say, the officers will have their quarters now outside instead of inside, and that will give a larger space for the hospital inside, and in order to do that we provide for the erection of quarters of the medical staff outside.

Mr. MANN. Are these medical-staff quarters to be outside

of the city altogether?

Mr. FOSS. No; near the hospital. Mr. MANN. Well, how far away?

Well, I do not know about that-Mr. FOSS.

Mr. MANN. Uptown?

Mr. MUDD. No; the city of Pensacola is several miles away. You have to go there by trolley or ride. I think it is 7 miles from the city of Pensacola to the naval station.

Mr. MANN. They might build these medical-staff quarters

in Pensacola for aught this bill provides.

Mr. FOSS. Oh, no; they have to build them in the navy-

yard grounds, of course.

Mr. MANN. Why, not at all. Under the bill—I call my colleague's attention to the fact that is the reason I raised the question—there is absolutely no limitation about that at all.

Mr. FOSS. Well, that is the usual provision, and I have

never known of an instance in the last twelve years where they

have built outside, I will say to the gentleman.

Mr. MANN. Of course, I take my colleague's statement as to its being the usual provision, but I have never seen it in the naval appropriation bill before. I withdraw the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 43, line 24, after the word "dollars," insert: "Naval hospital, Puget Sound, Washington: For the repair of naval hospital buildings, \$75,000, total cost not to exceed \$150,000."

Mr. PADGETT. Mr. Chairman, I reserve the point of order against that amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, on page 122 of the hearings this proposal for a hospital is recommended by the Department in the following language:

For the erection of naval hospital buildings, the cost not to exceed \$159,000, \$75,000. The existing building was designed for the navy-yard dispensary and is therefore adapted neither for hospital use nor to the hospital requirements of the station. There is but one other naval hospital on the Pacific coast of the United States. Without more ample facilities at this station, the Department will be unable to provide hospital accommodations for the sick of the Navy on the Pacific coast.

I now ask to be inserted in the RECORD, and have the Clerk read, a letter from the Surgeon-General upon the question.
The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

The Clerk read as follows:

Department of the Nayr,
Bureau of Medicities and Streets,
Washington, D. C., February 1, 1907.

Dear Sir: In reply to your letter of the 30th ultimo, requesting a navel hospital of a navel hospital at the navy-yard, Puget Sound, Washington, and stating that when the navel bill is considered in the House, you will make as attempt to have an amendment giving an appropriation to build this hospital, I take pleasure in informing you that the necessity for a properly equipped naval hospital at the Department. In the estimate of appropriated for the navel service for the station and has been recommended to the Department. In the estimate of appropriated for the builded an item for the erection of mayal hospital buildings to cost not to exceed \$150,000.

This item will be found a properly the Bureau included an item for the erection of mayal hospital buildings to cost not to exceed \$150,000.

This item will be found and has been recognised to the Department, in the erection of mayal hospital buildings to cost not to exceed \$150,000.

This item will be found and has been recognised to the Department, in the erection of mayal hospital buildings to cost not to exceed \$150,000.

The existing building at the navy-yard, Puget Sound, was designed for a navy-yard dispensary, and is therefore neither adapted for hospital use nor of sufficient capacity to meet the hospital requirements of the States, located at the navy-yard, Mare Island, Cal. With the inadequate facilities for the care of the sick at this station it will be impossible for the Department to give satisfactory accommodations for those needing treatment.

During the calendar year 1905 there were admitted to the hospital

at Puget Sound from the enlisted force of the Navy 191 cases of disease, 33 cases of injury, which, with 12 cases carried over from the preceding year, made a total of 236 cases under treatment. The average number of cases under daily treatment was 17.89; the average number of days of treatment for each case was 27.66; and the total number of sick days was 6,539. In addition to the naval sick and injured above enumerated, cases of severe injury from among the workmen and other civil employees of the station are treated at the hospital and are not included in the figures above given. The number of beds that the hospital will accommodate is 16, from which it will be seen that the capacity of the hospital is at all times less than the average number of patients. At times the number of patients is considerably in excess of the capacity, when it becomes necessary to erect tents for the accommodation of the excess patients.

As this matter has received the approval of the honorable Secretary of the Navy there is no impropriety in my expressing the wish that you may be able to have the item incorporated in the bill now before the Committee of the Whole House by amendment, as suggested in your letter.

Thanking you for the interest you have manifested in this metter.

Thanking you for the interest you have manifested in this matter, I am, very truly, yours,

P. M. RIXEY, Surgeon-General, United States Navy.

Hon. W. E. Humphrey, M. C., House of Representatives, Washington, D. C.

Mr. HUMPHREY of Washington. Now, Mr. Chairman, according to the letter of the Surgeon-General, it shows that there is an average of about eighteen patients at the navy-yard and they only have sixteen beds, and it is impossible to properly take care of the sick of the Navy, and that does not include the civilian employees working in the yard. Therefore it does seem to me we ought to have more than one hospital on all the Pacific coast, especially at this time when we are spend-

The CHAIRMAN. Is there objection to the request? [After pause.] None is heard.

Mr. HUMPHREY of Washington. And especially at this time when we have more vessels already constructed than we have men to man. It does seem to me when we have naval vessels without crews that we ought to take care of the few sailors we already have. In view of the fact that the Surgeon-General has recommended this hospital and that the Department has recommended it, and as we do not have adequate facilities upon the Pacific coast, I trust that this amendment will prevail.

Mr. FOSS. Mr. Chairman, I think the gentleman is mistaken;

we have now a hospital at Mare Island.

Mr. HUMPHREY of Washington. I said except one.

Mr. MANN. Have you one at this point? Mr. HUMPHREY of Washington. No; we have not.

Mr. MANN. How do you expect to repair one when you have not one there?

Mr. HUMPHREY of Washington. We have a dispensary-

an apology for a hospital.

Mr. FOSS. The Surgeon-General has recommended several this year and we have provided for a few, but we can not provide them all in one year. The gentleman has a naval magazine there, and we can not give everything in one year. I will say to the gentleman. They can get along very well there with

existing accommodations and ought to be satisfied.

Mr. HUMPHREY of Washington. I desire to say to the chairman that when you have an average of eighteen patients and only sixteen beds and you have to put them out in tents, as they have been doing there in order to accommodate the sick,

that that is not ample accommodations.

Pacific coast we ought to have more than one naval hospital. And, as was said by my colleague, it seems to me that this Government of ours should not haggle about a few thousand dollars for the care of the sick of the Navy. If there is any-thing we ought to care for, if there is anything we ought to provide suitable and ample buildings for, it is for the sick of the Army and the Navy. And I hope that this committee will feel justified in adopting this amendment, and that the gentleman who made the point of order, or reserved the point of order, will withdraw it.

The CHAIRMAN. The point of order is overruled. The question is on agreeing to the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. HUMPHREY of Washington. Division, Mr. Chairman. The committee divided, and there were—ayes 28, noes 16.

So the amendment was agreed to. The Clerk read as follows:

Naval medical supply depot, Canacao, Philippine Islands: For the erection of a building for the United States naval medical supply depot on the grounds of the naval hospital, Canacao, \$25,000.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order against that paragraph. What is the character of the building that is proposed to be erected, and which is to cost \$25,000, as a storehouse?

Mr. FOSS. Why, this is a depot, at which all of the medical supplies for the Navy in the Asiatic waters are assembled and It is a depot for all kinds of medicines.

Mr. FITZGERALD. I understand that.

Mr. FOSS. The only one which we have over there.
Mr. FITZGERALD. I understand that, and at present the supplies are stored in some other building, but are somewhat crowded?

Mr. FOSS. In different buildings.

Mr. FITZGERALD. But for a storehouse for the medical supplies that are required in one hospital and upon different ships that may be in the Asiatic waters is seems to me that \$25,000 will supply a building of rather an unusual character.

In this country I presume we would recommend

at least \$100,000.

Mr. FITZGERALD. Does the gentleman think it would cost \$25,000 to build?

Mr. ROBERTS. Undoubtedly. It is expensive to build a permanent building out there.

Mr. FITZGERALD. I withdraw the point of order.

The Clerk read as follows:

PUBLIC WORKS, MARINE CORPS.

Barracks and quarters, Marine Corps: For construction of officers' quarters, navy-yard, League Island, Pa., to cost \$30,000, \$30,000.

Mr. MANN. Mr. Chairman, I reserve the point of order

against that, and I would like to ask my colleague if he would not amend that to make it read "to cost not to exceed \$30,000?" I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment. Mr. MANN. Insert after the word "cost," in line 10, "not

to exceed.' The CHAIRMAN. The Clerk will report the amendment,

The Clerk read as follows:

In line 10, after the word "cost," insert "not to exceed."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken: and the amendment was agreed to. The Clerk read as follows:

For the purchase of ground adjoining the quartermasters' depot, Philadelphia, Pa., and erection thereon of an addition to said depot, not to exceed \$200,000, \$200,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on that, and I ask whether it would be acceptable to accept an amendment after the word "depot," so as to read, "the total cost not to exceed \$200,000."

Mr. FOSS. That is what it means, I will say to the gentle-

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend so as to read: "At a total cost not to exceed \$200,000.

Mr. FITZGERALD. I did not understand that the point of order was withdrawn. The gentleman asked if it would be

satisfactory to do that.

The CHAIRMAN. The Chair understood the gentleman to withdraw the point of order.

Mr. FITZGERALD. I did not so understand. I intended to

insist on it if it can be insisted upon.

Mr. LOUDENSLAGER. There was no point of order raised on the paragraph.

Mr. MANN. I reserved the gentleman has the right to renew it. Mr. MANN. I reserved the point of order. Undoubtedly the

Mr. BUTLER of Pennsylvania. Mr. Chairman, point of order that an amendment has been offered.

The CHAIRMAN. The Chair saw the gentleman from New York [Mr. FITZGERALD] standing, and the Chair did not understand for what he had risen.

Mr. FITZGERALD. The gentleman from Illinois [Mr. MANN] reserved the point of order, and then asked if it would be ac-

ceptable to amend and insert the words which he mentioned.

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. FITZGERALD] to make the point of order if he so desires

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For construction of marine barracks, Charleston, S. C., \$30,000.

Mr. MANN. Mr. Chairman, I reserve the point of order against the paragraph. If I may have the attention of my colleague for a moment, there are a number of items here for marine barracks. I do not know how many additional barracks

marine barracks. I do not know how many additional barracks may be needed; but is this total cost of marine barracks at Charleston, S. C., \$30,000, or is that merely the commencement? Mr. FOSS. The total cost for the present is \$30,000.

Mr. MANN. Would the gentleman be willing to accept an amendment so as to read "For the construction of marine barracks, Charleston, S. C., at a total cost not exceeding \$30,000?" Mr. ROBERTS. For one building?

Mr. MANN. No: the way it stands

Mr. MANN. No; the way it stands. Mr. ROBERTS. You would shut them out from increasing the size of the barracks as the number of men increased?

Mr. BUTLER of Pennsylvania. Mr. Chairman, I will assure my friend that for the time being that would be an ample sum of money to provide for the barracks at this point. It may come that in the future it will be necessary to have additional barracks for an increased number of men. If this amendment should become part of the bill, then no barracks, in my judgment, could be erected hereafter by means of an appropriation bill.

No barracks can be erected now unless an item Mr. MANN. is put in the bill.

Mr. BUTLER of Pennsylvania. No barracks can be erected unless the item is put in the bill, but that might be construed, if it became law, that we could not hereafter enlarge the barracks upon an appropriation bill.

Mr. MANN. That is what I am trying to ascertain, whether this appropriation of \$30,000 will construct these barracks, or whether it means hereafter an appropriation of any such sum as the committee wishes to bring in. I will not make any objection to this appropriation, if that is where it stops; but now we do not know the amount of money that hereafter may be required for this purpose.

Mr. FOSS. The estimate was for \$50,000, and it read: "For barracks and officers' quarters;" and we provide here simply for the barracks for the men, \$30,000.

Mr. MANN. The gentleman's committee has authority at any time to control the situation in the proper manner.

Mr. BUTLER of Pennsylvania. I am not going to delay the passage of this great bill in an argument with my friend. I can do that afterwards; but when in this House do you believe a bill for this purpose could be reached for consideration? Answer the question. It is true we have the power to legislate.

Mr. MANN. While the gentleman is upon that subject, I

will state that there are carried in this bill for increases in the Navy in some way or other numerous items. The Committee on Military Affairs—and I commend its action to the gentleman upon the Committee on Naval Affairs-recently brought in a bill in the proper way. They had stated for years that under the rules that what they were trying to do in that bill could get no consideration except on an appropriation bill. Yet, after many delays, when they concluded to bring a bill in in accord-ance with the rules, increasing the force of the artillery, they passed it without question.

Mr. BUTLER of Pennsylvania. Under a suspension of the

Mr. MANN. And if the gentleman's committee will bring in bills in the same manner, in accordance with the rules, it is probable that they can pass proper bills in a proper manner.

Mr. ROBERTS. Let me say to the gentleman from Illinois that the Naval Committee now have on the Calendar bills for increasing naval establishments, the same provisions that have carried in this appropriation bill, and the Naval Committee, nor any of its members, have been able under the rules of this House to get those bills up for consideration even.

Mr. MANN. I understand; and some of these bills a majority of the Members of this House are opposed to.

Mr. ROBERTS. I do not know.

They might as well be disposed of here as any Mr. MANN. other place, I believe.

Mr. FOSS. As far as the duty of the committee is concerned, the barracks for the Marine Corps have always been carried in the naval appropriation bill, and it is the only proper place for

I am not referring to this item. Mr. MANN.

The CHAIRMAN. Does the gentleman from Illinois withdraw the point of order?

MANN. Unless gentlemen are willing to accept the amendment that is proposed, I shall insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last

word, for the purpose of suggesting that it is a quarter after 5 o'clock, and that we shall make more headway, I think, by taking things in their regular order and adjourning at a regular hour. I think it would be well for the committee to rise

Mr. FOSS. I should like to finish this Bureau.

The Clerk read as follows:

For construction of marine barracks, naval station, Guantanamo, Cuba, \$10,000.

Mr. PERKINS. Mr. Chairman, I wish to reserve a point of order on that. This is for the construction of marine barracks

We have a station at Guantanamo: not very much of a one, but there is a piece of land, I think about 5 miles square, that was set apart for a naval station in Cuba under the Platt amendment.

Mr. PERKINS. This is to erect naval barracks on that?

Mr. FOSS. This is simply to provide barracks for the marines, who are the guard looking after public property.

Mr. PERKINS. Will this be the entire expense? Mr. FOSS. This will be the expense.

Mr. PERKINS. I withdraw the point of order. The Clerk read as follows:

In all, public works, Marine Corps, \$377,000.

Mr. FOSS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Sherman, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24925, the naval appropriation bill, and had come to no resolution thereon.

GLASGOW LAND DISTRICT, MONTANA.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20984) to provide for a land district in Valley County, in the State of Montana, to be known as the "Glasgow land district."

The bill was read, as follows:

Be it enacted, etc., That all that portion of the State of Montana included within the present boundaries of Valley County is hereby constituted a new land district, and that the land office for said district shall be located at Glasgow, in said county.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

DAMS ON BEAR RIVER, MISSISSIPPI.

The SPEAKER laid before the House the bill (H. R. 21194) to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss., with a Senate amendment thereto.

Mr. CANDLER. Mr. Speaker, I move to concur in the Senate

amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3593. An act granting an honorable discharge to Joseph P. W. R. Ross

S. 4113. An act granting an increase of pension to Dell E. Pert:

S. 4396. An act granting an increase of pension to Thomas

S. 4509. An act granting an increase of pension to Anna M. Loomis;

S. 4681. An act granting an increase of pension to William S. Gray;

S. 1495. An act granting an increase of pension to John Holley

S. 1511. An act granting an increase of pension to Marvin F. Barton;

S. 1516. An act granting an increase of pension to Orlando O.

S. 1594. An act granting an increase of pension to Margaret E. Guthrie

S. 1797. An act granting an increase of pension to John E. Henderson

S. 2104. An act granting an increase of pension to Moses

S. 2139. An act to remove the charge of desertion from the military record of Anton Ernst;

S. 2259. An act granting an increase of pension to Charles Duby, alias Louis Deshemean;

S. 2693. An act granting an increase of pension to Samuel Wise:

S. 2780. An act granting an increase of pension to Daniel N. McCarter;

S. 2994. An act granting an increase of pension to David Harvey;

S. 362. An act granting an increase of pension to James M. Bullard:

S. 660. An act granting an honorable discharge to Peter Green; S. 756. An act granting an increase of pension to Jacob Niebels:

S. 822. An act granting a pension to Michael V. Hennessy S. 1172. An act granting an increase of pension to Asaph H.

Witham: S. 1215. An act to correct the military record of William Fleming:

S. 1397. An act granting an increase of pension to Anna B. L. Walker:

S. 3668. An act to authorize the Washington, Spa Springs and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia;

8, 4908 An act granting an increase of pension to William H. Kimball;

S. 8065. An act to provide for the transfer to the State of

South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State; S. 5021. An act granting an increase of pension to Margaret

Kearney S. 5023. An act granting an increase of pension to Ruth E.

S. 5041. An act granting an increase of pension to George A. Tucker

S. 5106. An act granting an increase of pension to John

S. 5190. An act granting an increase of pension to Abby L. Brown;

S. 5292. An act granting an increase of pension to Michael J. Sprinkle.
 S. 5352. An act for the relief of William H. Osenburg;
 S. 5542. An act granting an increase of pension to Elizabeth

S. Reess.

S. 5580. An act granting a pension to Julia A. Vroom;

S. 5586. An act granting an increase of pension to Albert F. Pepoon:

S. 5697. An act granting an increase of pension to George H. McLain:

S. 5374. An act granting a pension to Floyd A. Honaker;

S. 3295. An act granting an increase of pension to Anna Williams;

S. 3319. An act granting an increase of pension to James E.

S. 3461. An act granting a pension to Helen L. Woodward; S. 3320. An act granting an increase of pension to Elias H. Parker:

S. 3583. An act granting an increase of pension to Kate O'Donnell Wood;

S. 3681. An act granting a pension to Sanford H. Moats;

S. 3882. An act granting an increase of pension to Delphine Darling;

S. 4033. An act granting an increase of pension to William Kirkwood;

S. 4055. An act granting a pension to Nancy J. Mullally;

S. 4108. An act granting an increase of pension to Martha M. Lambert

S. 4742. An act granting an increase of pension to Mary E. Allen:

S. 4756. An act granting an increase of pension to John

8,4769. An act granting an increase of pension to Rosa Olds Jenkins:

S. 4818. An act granting an increase of pension to George W. Penbody; and

S. 4813. An act granting an increase of pension to Samuel Doolittle.

SENATE BILLS REFERRED.

Under clause 2. Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8365. An act authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project—to the Committee on Indian Affairs.

S. 8252. An act to construct and place a light-ship at the easterly end of the southeast shoal near North Manitou Island, Lake Michigan—to the Committee on Interstate and Foreign Commerce.

S. 8182. An act authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia—to the Committee on Interstate and Foreign Commerce.

S. 6731. An act granting an increase of pension to Elizabeth H. Rice—to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, report that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 8685. An act for the relief of Charles E. Danner & Co.; H. R. 25123. An act providing for the construction of a bridge across the Mississippi River; and

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

LELA ELLIS.

By unanimous consent, at the request of Mr. Butler of Tennessee, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Lela Ellis (H. R. 25374), Fifty-ninth Congress, no adverse report having been made thereon.

JAMES H. CAMPBELL.

By unanimous consent, at the request of Mr. Hunt, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of James H. Campbell (H. R. 7675), Fifty-ninth Congress, no adverse report having been made thereon.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting a supplemental statement of receipts and disbursements of funds derived from the sale of town lots in the Territory of Oklahoma—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Governor-General of the Philippine Islands, a petition of agriculturists of the province of Negros Occidental requesting suspension of the Dingley tariff and the establishment of an agricultural bank—to the Committees on Ways and Means and Banking and Currency, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, trans-

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for continuing the construction of the isthmian canal—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for light-house keepers' dwellings at Bonito Point and Mendocino, Cal.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Auditor for the Post-Office Pensions.

Department submitting an estimate of appropriation for additional skilled laborers—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2769) to divide Nebraska into two judicial districts, reported the same with amendment, accompanied by a report (No. 7604); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 23391) to change the time of holding the United States district courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, N. C., reported the same with amendment, accompanied by a report (No. 7606); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 7812) to amend section 591 of the Revised Statutes of the United States, relative to the assignment of district judges to perform the duties of a disabled judge, reported the same without amendment, accompanied by a report (No. 7603); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 17156) for the relief of Roman Scholter, reported the same with amendment, accompanied by a report (No. 7605); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and memorials of the following titles were introduced and severally referred as follows: By Mr. SMITH of Pennsylvania: A bill (H. R. 25627) to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Armstrong County, Pa.—to the Committee on Interstate and Foreign Com-

By Mr. SHEPPARD: A bill (H. R. 25628) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, by increasing the compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: A bill (H. R. 25629) to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 25630) to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906—to the Committee on the District of Columbia.

By the SPEAKER: Memorial of the legislature of Kansas, praying for the submission of a constitutional amendment to provide for election of Senators by the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. LILLEY of Connecticut: Memorial of the legislature of Connecticut, with reference to forest reserves—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 25631) granting an increase of pension to Rebecca S. Wishart—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 25632) for the relief of the heirs of Samuel Corruthers, deceased—to the Committee on War Claims

Also, a bill (H, R. 25633) for the relief of the heirs of Mrs. Jane Burris, deceased—to the Commiftee on War Claims.

Also, a bill (H. R. 25634) for the relief of the heirs of D. D. Patterson, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 25635) granting a

pension to Sophia M. Henry—to the Committee on Invalid Pen-

By Mr. CHANEY: A bill (H. R. 25636) for the relief of William P. O'Haver-to the Committee on Military Affairs.

By Mr. CROMER: A bill (H. R. 25637) granting an increase of pension to Isaac H. Thornburg-to the Committee on Invalid

By Mr. DUNWELL: A bill (H. R. 25638) granting an increase of pension to John Mess-to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 25639) granting an increase of pension to Russian B. Moody—to the Committee on Invalid Pensions

By Mr. GOULDEN: A bill (H. R. 25640) for the relief of Reed B. Granger—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 25641) granting an increase of pension to John Hayden-to the Committee on Invalid Pen-

By Mr. KINKAID: A bill (H. R. 25642) granting a pension to E. E. Hunter—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 25643)

granting a pension to Elizabeth E. Clark—to the Committee on Invalid Pensions

By Mr. SHACKLEFORD: A bill (H. R. 25644) granting an increase of pension to Mary J. McKenzie—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 25645) granting an increase of pension to W. H. Twiford—to the Committee on Invalid

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of various associations of several States and the District of Columbia, against passage of bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of Lodge No. 136, Brotherhood of Railway Firemen, Sanborn Division of Locomotive Engineers, and other labor organizations, for the sixteen-hour bill-to the Committee on

Interstate and Foreign Commerce.

By Mr. ACHESON: Petition of W. W. Bair, Liberty street, Newcastle, Pa., for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pennsylvania, for increase of salaries of post-office clerks-to the Committee on the Post-Office

By Mr. ADAMSON: Petition of the R. P. Cole Manufacturing Company, against reduction of railway mail pay-to the Com-

mittee on the Post-Office and Post-Roads.

Also, petition of H. C. M. Fadden and Dr. F. M. Redley, of Albanto and Lagrange, Ga., against reduction of railway mail pay—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Petition of James L. McGill, meat inspector, for the bill increasing salaries of Government em--to the Committee on Appropriations.

By Mr. BARTLETT: Petition of Fain & Stamps et al., of the Atlanta Wholesale Grocers' Association, of Atlanta, Ga., for legislation to provide for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. E. Moran, of Gray, Ga.; C. W. Middle-brook & Co.; J. D. Anchers, and H. J. and J. T. Finney, of Haddock, Ga., et al., for legislation giving increased powers to Interstate Commerce Commission for regulation of the movement and unloading of interstate freight-to the Committee on Interstate and Foreign Commerce.

By Mr. BRUNDIDGE: Paper to accompany bills for relief of heirs of Mrs. Burris, heirs of D. D. Patterson, and heirs of Samuel Carruthers—to the Committee on War Claims.

By Mr. EDWARDS: Paper to accompany bill for relief of estate of Caroline Thompson-to the Committee on War Claims.

By Mr. FULLER: Petition of the American Musical Copyright League, for the Currier bill (H. R. 25133) and against the Kittredge bill (S. 8190)—to the Committee on Patents.

Also, petition of Grand Camp of the Arctic Brotherhood, for an appropriation for Government participation in the Alaska-

Yukon-Pacific Exposition, to be held at Seattle in 1909-to the Committee on Industrial Arts and Expositions.

By Mr. GOULDEN: Petition of New York Typographical Union No. 6, for the copyright bills (H. R. 19853 and S. 6330) to the Committee on Patents.

Also, petition of the American Musical Copyright League, for bill H. R. 25133 (the copyright bill)-to the Committee on Patents.

By Mr. HIGGINS: Petition of Carpenters and Joiners' Union, No. 97, of New Haven, Conn., and by the State Association of Connecticut, for an increase in salaries of post-office clerks to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of the United Brotherhood of Carpenters and Joiners of America, for increase of salaries of postal clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of O. S. Erwin, president of the McKinley Club, of Omaha, Nebr., asking 20 per cent increase of pay for railway postal clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petition of the Utah Press Association, for a modification of the antipass provision of the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the city council of Salt Lake City, Utah, for right of way to construct a boulevard through a portion of the Fort Douglas Military Reservation—to the Committee on Military Affairs.

By Mr. LILLEY of Connecticut: Petition of the National Wholesale Lumber Dealers' Association, through the governors of the New England States, for the forest-reserve bill-to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the Merchants' Association of New York City, for a post-office building in New York City, as per bill H. R. 24762—to the Committee on Public Buildings and Grounds.

Also, petition of the National Convention for the Extension of Foreign Commerce in the United States, for a dual tariffto the Committee on Ways and Means.

By Mr. McNARY: Petition of the Boston Society of Civil Engineers, against reduction of the appropriation for the Geological Survey to gauge streams—to the Committee on Appropriations.

Also, petition of the Massachusetts State Board of Trade, in-dorsing bill S. 4953, for forest reserves—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Daniel Fallon-to the Committee on Invalid Pensions.

Also, petition of the National German-American Alliance of the United States against the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Boston Lodge, No. 97, Brotherhood of Railway Trainmen, for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Springfield Board of Trade for an increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Musical Copyright League for bill H. R. 25133—to the Committee on Patents.

Also, petition of the Dorchester (Mass.) Helping Hand Association, against the Dillingham-Gardner bill-to the Committee on Immigration and Naturalization.

Also, petition of the International Association of Machinists, for a new foundry at the Naval Gun Factory, Washington, D. C.—to the Committee on Naval Affairs.

By Mr. NORRIS: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariff-to the Committee on Ways and Means.

Also, petition of the women's associations of Falls City, Nebr., for the Beveridge child-labor bill—to the Committee on Labor. By Mr. OLCOTT: Petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariff-to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of the heirs of Mrs. Jane E. Williams-to the Committee on War Claims.

By Mr. PEARRE: Paper to accompany bill for relief of

Thomas N. Gott—to the Committee on Claims.

By Mr. REYBURN: Petition of the National Convention for the Extension of the Foreign Commerce of the United States,

for a dual tariff—to the Committee on Ways and Means.

By Mr. SCHNEEBELI: Petition of L. N. Cushman, of Boston, for an improved system of fractional currency—to the Com-

mittee on Coinage, Weights, and Measures.

Also, petition of working people of Philadelphia, against the decision of the Supreme Court in refusing to recognize the constitutional rights of Mover, Haywood, and Pettibone-to the Committee on the Judiciary.

By Mr. SULZER: Paper to accompany bill for relief of Harriet P. Porter, widow of Gen. Fitz John Porter—to the Committee on Pensions.

By Mr. WEBBER: Petition of citizens of the District of Columbia, for bill H. R. 6016 (prohibition of the liquor traffic in the District of Columbia) -to the Committee on the District of Columbia.

WEISSE; Petition of Madison Division, No. 73, Brotherhood of Locomotive Engineers, for the sixteen-hour bill (S. 5133)—to the Committee on Interstate and Foreign Com-

Also, petition of the American Protective Tariff League, for a

dual tariff—to the Committee on Ways and Means.
Also, petition of the National German-American Alliance, against bill H. R. 13655 (the Littlefield bill)-to the Committee on the Judiciary.

Also, petition of the National Business League, of Chicago. Ill., for conservation of the public domain by revision of the land laws—to the Committee on the Public Lands.

Also, petition of the National Business League, of Chicago, Ill., for reform of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Immigration Restriction League, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Illinois Manufacturers' Association, for a deep waterway from Chicago to St. Louis-to the Committee on Rivers and Harbors.

Also, petition of the Chicago Real Estate Board, for general improvement of the Chicago River in all its branches-to the Committee on Rivers and Harbors.

Also, petition of the International Association of Machinists, for a new foundry for the Naval Gun Factory in Washingtonto the Committee on Naval Affairs.

petition of the American Musical Copyright League, Also. for bill H. R. 75133-to the Committee on Patents.

SENATE.

THURSDAY, February 14, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CREDENTIALS.

Mr. CLARK of Wyoming presented the credentials of Francis E. WARREN, chosen by the legislature of the State of Wyoming a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

Mr. CARMACK presented the credentials of Robert L. Taylor, chosen by the legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

JOSE MARCH DUPLAT.
The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a note from the chargé d'affaires of Venezuela at Washington, D. C., requesting, under instruction from his Government, that permission be granted Jose March Duplat, a citizen of Venezuela, to enter the United States Military Academy at West Point, and submitting the draft of a joint resolution to carry into effect the request; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of The Trustees of the Jerusalem Evangelical Lutheran Church, of Ebenezer, Ga., v. The United States; and In the cause of Marie L. Hermance, administratrix of the

estate of Jeremiah Simonson, deceased, v. The United States. The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE,

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 6691. An act granting to the Columbia Valley Railroad Com- S. Gray;

pany a right of way through Fort Columbia Military Reservation at Scarboro Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes; and

S. 8288. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns.

The message also announced that the House had passed a bill (H. R. 20984) to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 362. An act granting an increase of pension to James M. Bullard:

S. 600. An act granting an honorable discharge to Peter Green;

S. 756. An act granting an increase of pension to Jacob

Niebels; S. 822. An act granting a pension to Michael V. Hennessy; S. 1172. An act granting an increase of pension to Asaph H.

Witham; S. 1215. An act to correct the military record of William

Fleming; S. 1397. An act granting an increase of pension to Anna B. L. Walker:

S. 1495. An act granting an increase of pension to John Holley

S. 1511. An act granting an increase of pension to Marvin F. Barton:

S. 1516. An act granting an increase of pension to Orlando O. Austin:

S. 1594. An act granting an increase of pension to Margaret E. Guthrie

S. 1797. An act granting an increase of pension to John E. Henderson :

S. 2104. An act granting an increase of pension to Moses

S. 2139. An act to remove the charge of desertion from the military record of Anton Ernst; S. 2259. An act granting an increase of pension to Charles

Duby, alias Louis Deshemean: S. 2693. An act granting an increase of pension to Samuel

Wise: S. 2780. An act granting an increase of pension to Daniel N.

McCarter; S. 2994. An act granting an increase of pension to David

S. 3295. An act granting an increase of pension to Anna Wil-

liams; S. 3319. An act granting an increase of pension to James E.

Croft: S. 3320. An act granting an increase of pension to Elias II.

Parker: S. 3461. An act granting a pension to Helen L. Woodward;

S. 3583. An act granting an increase of pension to Kate O'Donnell Wood; S. 3593. An act granting an honorable discharge to Joseph P.

W. R. Ross; S. 3668. An act to authorize the Washington, Spa Springs and

Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia;

S. 3681. An act granting a pension to Sanford H. Moats;

S. 3882. An act granting an increase of pension to Delphine Darling:

S. 4033. An act granting an increase of pension to William Kirkwood;

S. 4055. An act granting a pension to Nancy J. Mullally;

S. 4108. An act granting an increase of pension to Martha M.

S. 4113. An act granting an increase of pension to Dell E.

S. 4396. An act granting an increase of pension to Thomas C. Davis:

S. 4509. An act granting an increase of pension to Anna M. Loomis:

S. 4681. An act granting an increase of pension to William

S. 4742. An act granting an increase of pension to Mary E. Allen:

S. 4756. An act granting an increase of pension to John Kirch:

S. 4769. An act granting an increase of pension to Rosa Olds Jenkins;

S. 4813. An act granting an increase of pension to Samuel

S. 4818. An act granting an increase of pension to George W. Peabody:

S. 4908. An act granting an increase of pension to William H. Kimball:

S. 5021. An act granting an increase of pension to Margaret Kearney:

S. 5023. An act granting an increase of pension to Ruth E.

S. 5041. An act granting an increase of pension to George A. Tucker

S. 5106. An act granting an increase of pension to John Adshead;

S. 5190. An act granting an increase of pension to Abby L. Brown:

S. 5292. An act granting an increase of pension to Michael J. Sprinkle:

S. 5352. An act for the relief of William H. Osenburg;

S. 5374. An act granting a pension to Floyd A. Honaker;

S. 5542. An act granting an increase of pension to Elizabeth

S. 5580. An act granting a pension to Julia A. Vroom;

S. 5586. An act granting an increase of pension to Albert F. Pepoon;

S. 5697. An act granting an increase of pension to George H.

McLain; and

S. 8065. An act to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State.

PETITIONS AND MEMORIALS

The VICE-PRESIDENT presented a concurrent resolution of the legislature of the State of Kansas, in favor of the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. BRANDEGEE presented a petition of the State Association of Carpenters and Joiners, and a petition of Carpenters and Joiners' Union No. 97, of New Haven, Conn., praying for the enactment of legislation providing for an increase in the salaries of post-office clerks; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of Wilton, North Jay, Brownfield, and Bingham, all in the State of Maine. praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were re-

ferred to the Committee on the Judiciary.

Mr. MULKEY. I present a memorial of the Oregon State legislature, in favor of the election of United States Senators by the direct vote of the people. I ask that the memorial be read, and referred to the Committee on Privileges and Elections.

The memorial was read, and referred to the Committee on

Privileges and Elections, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON, Office of the Secretary of State.

Office of the Secretary of State.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State do hereby certify that the annexed page contains a full, true, and complete copy of house joint memorial No. 2, adopted by the house of representatives of the State of Oregon. January 28, 1907, and concurred in by the senate of the State of Oregon February 4, 1907, original of which memorial was filed in this office February 5, 1907.

In testimony whereof I have hereunto set my hand and seal, and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 6th day of February, A. D. 1907.

1907. [SEAL.] F. W. BENSON, Secretary of State.

House joint memorial No. 2.

House joint memorial No. 2.

Whereas there is a general demand by the people of the United States and of the State of Oregon for the election of United States Senators by the direct vote of the people: Therefore, be it Resolved by the house of representatives of the State of Oregon (the Senate concurring). That it is the sense of the people of this State that United States Senators should be elected by the direct vote of the people, and that the Congress of the United States is hereby memorialized to propose an amendment to the Constitution of the United States, providing for the election of United States Senators by the direct vote of the people, and to submit the same to conventions in the several States of the United States called for the purpose for ratification; be it further

*Resolved**, That a copy of this memorial be sent to the Senate and House of Representatives of the United States in Congress assem-

bled and to the legislatures of the several States of the Union by the secretary of State.

Adopted by the house January 28, 1907.

E. W. HAINES, President of the Senate.

FRANK DAYEY,
Speaker of the House...
Concurred in by the senate February 4, 1907.

(Indorsed:) House joint memorial No. 2. Chief Clerk. Filed February 5, 1907. F. W. Benson, secretary of state.

Mr. MULKEY. I present a memorial of the Oregon State legislature in favor of increased compensation to rural mail carriages. I ask that the memorial be read and referred to the Committee on Post-Offices and Post-Roads.

The memorial was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

Post-Offices and Post-Roads, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
Office of the Secretary of State.

I. F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that the annexed page contains a full, true, and complete copy of house joint memorial No. 3, adopted by the house of representatives of the legislature of the State of Oregon February 1, 1907, and concurred in by the senate of the State of Oregon February 4, 1907; original of which memorial was filed in this office February 5, 1907.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.
Done at the capitol at Salem, Oreg., this 6th day of February, A. D. 1907.

[SEAL.]

House joint memorial introduced by Mr. Holt.

House joint memorial introduced by Mr. Holt.

Whereas since the establishment of the system of rural free delivery of mail in Oregon the State has become more populous and the labors of rural mail carriers have increased in proportion; and Whereas the compensation paid carriers on the rural delivery routes has always been inadequate and is not commensurate with the labors performed: Therefore, be it

Resolved by the house of representatives of the State of Oregon (the senate concurring), That the compensation of rural mail carriers should be increased by Congress to at least \$1,000 per annum, and that the Congress of the United States is hereby memorialized to provide a compensation of at least \$1,000 per annum for rural mail carriers; be it further pensation of at least \$1,000 per unamed further Resolved. That a copy of this memorial be sent to the Oregon delegation in Congress.

Adopted by the House February 1, 1907.

Frank Daver,

FRANK DAVEY, Speaker of the House.

Concurred in by the Senate February 4, 1907.

E. W. Haines,

President of the Senate.

(Indorsed:) House joint memorial No. 3. Chief clerk. Filed Febru-y 3, 1907. F. W. Benson, secretary of state. Mr. KNOX presented a petition of the Allegheny Teachers'

Association, of Allegheny, Pa., praying for the enactment of legislation providing for annuities for teachers, principals, supervisors, and superintendents of public schools; which was referred to the Committee on Education and Labor.

He also presented a petition of the National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories of Continental America, of Boston, Mass., praying for the passage of the so-called "liability" and "Saturday half-holibills for Government employees; which was referred to the Committee on Education and Labor,

He also presented a petition of the National Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the regulation of duties upon Philippine products, with a view of allowing every possible opportunity for the building up of the internal resources and the enlargement of the commerce of the islands; which was referred to the Committee on the Philippines.

He also presented petitions of H. O. Wilbur & Sons and of the Buchanan-Foster Company, of Philadelphia, Pa., praying for the enactment of legislation providing for a revision of the tariff laws of the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of sundry members of the Medal of Honor Legion of the United States of America, of Philadelphia, Pa., praying for the enactment of legislation providing for the issuing of a medal of honor; which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 19, Union Veteran Legion, of Pottsville, Pa., praying for the enactment of legislation providing for the establishment of a national military park at Petersburg, Va.; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the participation by American trade-mark owners in the benefits of the International Union for the Protection of Industrial Property; which was referred to the Committee on Patents.

He also presented petitions of J. L. Stewart, of Philadelphia, and of the Warren County Woman's Christian Temperance

Union, of Warren, in the State of Pennsylvania, and of C. F. Nesbit, of Washington, D. C., praying for an investigation of the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also presented petitions of Martha Walter, of Osterburg; G. M. Ermentrout, of Reading; J. W. Trimmer, of Altoona, all in the State of Pennsylvania, and of C. H. Unverzagt, of New York City, N. Y., praying for the passage of the so-called "Crumpacker bill" relating to postal fraud orders; which were repacker bill" relating to postal fraud orders; which were re-ferred to the Committee on the Judiciary. He also presented a petition of the Coos Bay Chamber of Com-

merce, of Marshfield, Oreg., praying for the enactment of legislation providing for a resurvey and estimates for further improving Coos Bay bar and harbor on the Oregon coast, and also for the construction of a dredger for the ports along the coast of Oregon; which was referred to the Committee on Commerce,

He also presented a petition of the National Convention for the Extension of the Foreign Commerce of the United States, of New York City, N. Y., praying for the enactment of such legislation as will promote the extension of foreign commerce of the United States; which was referred to the Committee on Commerce.

He also presented a petition of the select and common councils of McKeesport, Pa., praying for the enactment of legislation providing for the improvement of the Youghiogheny River; which was referred to the Committee on Commerce,

He also presented a memorial of the Religious Liberty Bureau of Watertown, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the Dis-trict of Columbia to be closed on Sunday; which was referred to

the Committee on the District of Columbia.

He also presented a petition of the First Synod of the West of the United Presbyterian Church of North America, praying for the enactment of legislation providing for a so-called Sabbath law for the suppression of all unnecessary work and pastimes; which was referred to the Committee on the District of Columbia.

He also presented petitions of G. Buehler & Co., of Allentown; Samuel A. Brown, of Philadelphia; F. S. Schrade, of Monaca; Pooley Furniture Company, of Philadelphia, all in the State of Pennsylvania, praying for the adoption of certain amendments to the present denatured-alcohol bill; which were referred to the Committee on Finance.

He also presented sundry memorials of the Penn Tobacco Company, of Wilkes-Barre, Pa., and of the Independent Tobacco Manufacturers' Association of the United States, remonstrating against the passage of the so-called "free leaf to-bacco bill;" which were referred to the Committee on Finance.

He also presented petitions of Messrs. Cruthfield & Woodfolk, and of Pittsburg Branch, National League of Commission Merchants of the United States, of Pittsburg, Pa., praying for the enactment of legislation to continue the minimum duty imposed by the German Government on American fruits; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Illinois Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation providing for an appropriation at the present session of Congress for beginning the construction of the deep waterway between Chicago and St. Louis, and for making a survey of the Mississippi River from St. Louis to Cairo; which was referred to the Committee on Commerce.

He also presented a petition of the Council of Jewish Women, of Pittsburg, Pa., praying for the enactment of legislation providing for the appointment of a commission to investigate the question of immigration; which was ordered to lie on the table.

He also presented memorials of Colonel Fred Taylor Post, No. 19, Philadelphia; John A. Koltes Post, No. 228, Philadelphia; J. W. Reynolds Post, No. 98, Tunkhannock; Colonel Ellsworth Post, No. 209, Scottdale; The Naval Post, No. 400, Philadelphia; Lieutenant David H. Wilson Post, No. 134, Mifflintown, all Grand Army of the Republic, in the State of Pennsylvania, and of the War Veterans and Sons' Association of Brooklyn, N. Y., remonstrating against the enactment of logislation schliching. strating against the enactment of legislation abolishing pension agencies throughout the country; which were referred to the Committee on Pensions

He also presented the memorial of Ballinger & Perrot, of Philadelphia, Pa., remonstrating against the passage of the socalled "Crumpacker bill" relating to postal fraud orders; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Brook-Black River, Rochester, Buffalo, Jamestown, lyn, New York, Salamanca, Newburgh, and Troy, all in the State of New York. praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. GALLINGER presented the petition of Harry S. Duckworth, of Dover, N. H., praying for the adoption of certain amendments to the present denatured alcohol law; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Free Baptist Church of Bristol, N. H., and a petition of the Woman's Christian Temperance Union of Dover, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Com-

mittee on the Judiciary.

He also presented a petition of the North Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the extension of the tracks of the Capital Traction Company from Seventh street and Florida avenue NW. along Florida avenue east to Eighth street NE., thence south on Eighth street to Pennsylvania avenue SE.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the opening and extension of streets and avenues, county roads, and suburban streets in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of John S. Wightman, of Watertown, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to close on Sunday; which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented petitions of sundry citizens of Rockingham, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Barnard, Brandon, Brighton, Chester, Derby, Ludlow, Morristown, and St. Johnsbury, all in the State of Vermont, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG. I present a concurrent resolution of the legislature of Kansas, which I ask may be printed in the Record and referred to the Committee on Privileges and Elections.

The concurrent resolution was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 4.

House concurrent resolution No. 4.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore, be it

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That the legislature of Kansas, in accordance with the provisions of Article V of the Constitution of the United States hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of their respective bodies and to try and induce favorable action thereon; and

and
Resolved further, That the secretary of the State of Kansas is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from Kansas, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 23, 1907.

J. S. SIMMONS.

J. S. SIMMONS,
Speaker of the House.
D. Y. Wilson,
Chief Clerk of the House.

Passed the senate February 5, 1907.

W. J. FITZGERALD, President of the Senate. W. S. KRETSINGER, Secretary of the Senate.

Approved February 6, 1907.

E. W. Hoch, Governor.

Office of the Secretary of State.

Office of the Secretary of State.

I. C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 9th day of February, 1907.

[SEAL.]

Secretary of State.
By J. T. BOTKIN.

Assistant Secretary of State.

Mr. LONG presented petitions of sundry citizens of Pratt, Shawnee, Sumner, Barber, Kingman, and Stevens counties, and of the Woman's Christian Temperance Unions of Mayfield, Summer, Derby, and Sedgwick counties, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Kansas State board of agriculture, of Topeka, Kans., praying for the ratification of international reciprocity treaties; which was referred to the

Committee on Foreign Relations.

He also presented a memorial of the War Veterans and Sons' Association, of Brooklyn, N. Y., remonstrating against the en-actment of legislation to abolish pension agencies throughout

the country; which was ordered to lie on the table. He also presented a memorial of the Japanese and Korean Exclusion League, of San Francisco, Cal., remonstrating against the ratification of any treaty that would be inimical to the interests of Japanese and Korean laborers; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of South Ottawa, Kans., praying for an investigation of the existing conditions in the Kongo Free State; which

was ordered to lie on the table.

He also presented a petition of Typographical Union No. 470,
American Federation of Labor, of Pittsburg, Kans., praying for
the enactment of legislation to amend and consolidate the acts respecting copyrights; which was referred to the Committee on Patents.

Mr. PERKINS presented petitions of the congregations of the Methodist Episcopal Church, the Grace Methodist Episcopal Church, the Lutheran Church, the First Baptist Church, the Presbyterian Church, and the Christian Church, of Redlands, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BERRY presented petitions of sundry citizens of Waldron and Jonesboro, in the State of Arkansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. DUBOIS presented a petition of Typographical Union No. 271, of Bojse City, Idaho, praying for the passage of the so-called "copyright bill;" which was ordered to lie on the

Mr. CURTIS presented a concurrent resolution of the legislature of Kansas, in favor of the adoption of an amendment to the Constitution providing for the election of United States Senators by the direct vote of the people; which was referred

to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Kansas, of the Southern Wholesale Grocers' Association of Birmingham, Ala., and of the Smith-McCord-Townsend Dry Goods Company, of Kansas City, Mo., praying for the enactment of legislation providing for a national reciprocal demurrage law penalizing railroads for neglecting to perform their duty as common carriers of freight; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Saline, Chanute, and Wakefield, and of Pomona Grange, Patrons of Husbandry, of Coffey County, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to

the Committee on the Judiciary.

Mr. CLAPP presented a petition of the constitutional convention of the proposed State of Oklahoma, praying for the en-actment of legislation providing that the sale of all surplus lands in the Indian Territory be restricted so as to prevent land and lease monopolies; which was referred to the Committee on Indian Affairs.

He also presented petitions of sundry citizens of Utica, Owatonna, Buffalo, Lake Crystal, Verona, and Le Roy, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the State of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to

the Committee on Finance.

He also presented a memorial of the Minnesota Shippers and Receivers' Association, of St. Paul, Minn., remonstrating against the action of the chairman of the Senate Committee on Interstate Commerce relative to certain railroad legislation; which was referred to the Committee on Interstate Commerce

Mr. BLACKBURN presented a petition of sundry citizens of

the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary,

Mr. SPOONER presented a petition of the Termaat & Monahan Company, of Oshkosh, Wis., and a petition of the Fond du Lac Table Manufacturing Company, of Fond du Lac, Wis., praying for the enactment of legislation to amend the laws governing the distillation of alcohol; which were referred to the Committee on Finance.

Mr. OVERMAN presented a petition of George W. Gahagan Post No. 38, Department of Virginia and North Carolina, Grand Army of the Republic, of Marshall, N. C., praying for the enactment of legislation providing for the establishment of a national cemetery at that city; which was referred to the

Committee on Military Affairs.

Mr. LODGE presented a petition of the Pacific Mills Company, of Lawrence, Mass., and a petition of the Jewett Piano Company, of Leominster, Mass., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented the petition of Walter M. Lindsay, of the State of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3507) to correct the military record of George H. Keating, reported it without amendment.

He also, from the Committee on Public Buildings

Grounds, to whom the subject was referred, reported an amendment proposing to increase the limit of cost of the customhouse at San Francisco, Cal., by \$250,000, etc., intended to be proposed to the general deficiency bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FLINT, from the Committee on Public Lands, to whom

was referred the bill (S. 8117) to create the Calaveras Bigtree National Forest, and for other purposes, reported it without

amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to whom was referred the bill (S. 8327) to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city on a site to be selected for said station of a public building, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally

without amendment, and submitted reports thereon:

A bill (S. 8301) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts; and A bill (H. R. 15197) to correct the military record of Arthur

W. White. Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3356) to correct the military record of Timothy Lyons, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 23367) granting an increase of pension to Asa A. Gardner, reported it with an amendment, and submitted a report thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to whom was referred the bill (S. 8431) to authorize the cutting and sale of timber on land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, reported it with an amendment, and submitted a report thereon.

COLUMBIA INDIAN RESERVATION LANDS

Mr. FULTON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 25550) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington, to report it favorably without amendment, and I submit a report thereon.

I ask unanimous consent for the consideration of the bill. It is a short bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. LA FOLLETTE. I ask the Senator from Oregon to exain the bill somewhat. What is the scope of it? What lands plain the bill somewhat. What lands

are covered, and how much land?

The bill applies simply to about eleven hundred acres of land in an Indian reservation which was thrown open to settlement some years ago-in 1884, I think. The Department construed for a while that additional soldiers' homestead entries might be made upon it under the law, and subsequently held that they might not be made. That left a lot of entries that had been made and which are being held up at the Department. The Department now recommends that this legislation be had.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATER RESOURCES IN THE UNITED STATES.

Mr. FLINT. I am directed by the Committee on the Geological Survey, to whom was referred the bill (S. 7359) to provide for the investigation of the water resources in the United States, to report it favorably with amendments, and I submit a report thereon.

I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, on page 1, line 6, after the words "United States," to insert the words "and Territories;" so as to make the bill read:

to make the bill read:

Be it enacted, etc., That the Director of the United States Geological Survey is hereby authorized and directed, in continuation of the work authorized by existing law, to investigate and report upon the water resources in the United States and Territories, both on the surface and underground, including the amount of water available, and its quality and fitness for use in public supplies and manufacturing processes, especially those engaged in by the United States; also the damage to said water resources upon interstate streams arising from sewage and industrial pollution; also the determination of the amount of water afforded by the drainage areas of interstate and navigable rivers for purposes of water-supply development.

The amountment was agreed to

The amendment was agreed to.

The next amendment was to add at the end of the bill a new section, as follows:

Sec. 2. That the Secretary of the Interior may authorize the Director of the United States Geological Survey to accept the cooperation of such of the several States as may request it in the execution of the hydrographic and other surveys under his direction: Provided. That such States shall agree to expend on these surveys sums equal to those expended by the Director of the United States Geological Survey: Provided further, That the work shall be done under the supervision of the Director of the United States Geological Survey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to provide for the investigation of the water resources in the United States and Territories

Mr. HEMENWAY subsequently said: I move to reconsider the vote by which the Senate ordered to be engrossed, read a third time, and passed the bill (S. 7359) to provide for the investigation of the water resources in the United States.

The motion to reconsider was agreed to.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate resumed the consideration of the bill.

Mr. HEMENWAY. I offer the amendment which I send to the desk.

The Secretary. It is proposed to add after the words "Geological Survey," at the end of the bill, a colon and the following:

Provided, That the Secretary of the Interior is hereby authorized to accept for use in connection with the investigation of fuels and structural and other mineral materials, as ordered by Congress, any grounds, buildings, equipment, material, or funds for cooperative work; and the same may be used under such regulations as he may prescribe.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTIS C. MOONEY.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7431) to correct the military record of Otis C. Mooney, to report it without amendment, and I submit a report thereon. I call the attention of the

Senator from New Hampshire [Mr. Gallinger] to the bill.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consider-

ation. It directs the Secretary of War to correct the military record of Otis C. Mooney, late private of Company K, Eighth Vermont Infantry Volunteers, and grant him an honorable discharge as of date May 18, 1864, but no pay, bounty, or other allowances shall become due and payable by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7269) for the erection of an addition or extension to the post-office and courthouse at Sioux Falls, S. Dak., to report it favorably with an amendment, and I submit a report thereon.

I call the attention of the Senator from South Dakota [Mr.

Kittredge] to this report.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill just reported.

The Secretary read the bill; and there being no objection, the

Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 10, before "thousand," to strike out "fifty" and insert "seventy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the post-office and courthouse at Sioux Falls. S. Dak., for the use and accommodation of the Government offices, the cost of such additional land and extension or addition not to exceed \$170,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS L. HEWITT.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8469) granting an increase of pension to Thomas L. Hewitt, to report it favorably without amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas L. Hewitt, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET BARER.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8456) granting an increase of pension to Margaret Baber, to report it favorably without amendment, and I submit a report thereon. I ask that the bill be put on its passage.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Baber, widow of William Baber, late of Company B, Second Regiment Missouri Volunteer Mounted Infantry, war with Mexico, and to pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OVERTON E. HARRIS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8422) granting an increase of pension to Overton E. Harris, to report it favorably with amendments, and I submit a report thereon. I ask for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" in line 7 to strike out the first word, "Missouri," and after the word "Enrolled," in the same line, to insert "Missouri;" and in line 8, before the word "dollars," to strike out "forty" and insert twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Overton E. Harris, late second lieutenant Company A, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK CONLIN.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 22367) for the relief of Patrick Conlin, to report it without amendment, and I submit a report thereon. I invite the attention of the senior Senator from Kansas [Mr. Long] to the bill.

Mr. LONG. I ask unanimous consent for the present consid-

eration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place the name of Patrick Conlin on the records as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, and to grant him an honorable discharge, to date from September 1, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMUTATION OF HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7496) relating to commutations of homestead entries and to confirm such entries when commutation proofs were received by local land officers prematurely, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. HEYBURN. I should like to hear some explanation of

. I do not rise to object. Mr. HANSBROUGH. I do not understand that the Senator from Idaho objects to its consideration.

Mr. HEYBURN. No.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HEYBURN. I rose to ask that some explanation of the

bill might be given by the Senator reporting it

Mr. HANSBROUGH. The purpose of the bill is to correct a very drastic order issued by the Secretary of the Interior, and which has worked great hardship upon many homesteaders throughout the country. It is unanimously reported by the Committee on Public Lands. There ought not, under all the conditions surrounding the case, to be any objection to the bill. It should become a law as quickly as possible.

Mr. SPOONER. I ask that the bill be again read.

The Secretary again read the bill.

Mr. HEYBURN. I desire to offer an amendment to the bill before it is put upon its final passage, so that it will include mining claims for which the final receipt has been issued. There are a large number of them tied up under exactly the same circumstances as those surrounding agricultural claims. It will take but a moment. I move to amend the bill, in line 6, by inserting, after the words "liomestead laws," the words "or mining laws.

The VICE-PRESIDENT. The Senator from Idaho proposes

an amendment, which will be stated.

The Secretary. In line 6, after the word "laws," insert the words "or mining laws."

The amendment was agreed to.

Mr. SPOONER. I wish to ask the Senator reporting the bill

what change the bill makes in the existing law?

Mr. HANSBROUGH. It makes no change whatever in existing law. It merely corrects, as I said a while ago, a drastic order issued by the Secretary of the Interior, and which, I think, as other members of the Committee on Public Lands think, was retroactive. It makes no change whatever in exist-

Mr. SPOONER. This is an important bill, Mr. President, and I am only asking for information in regard to it. The Senator from North Dakota says it makes no change in existing law. I should like a word of explanation of this phrase in the bill:

And that no other reason why the title should not vest in the entryman exists except that the commutation was made upon a showing of less than fourteen months' continuous residence upon the land, and that there was at least eight months' actual residence in good faith by the homestead entryman on the land prior to such commutation—

Does not that change existing law?

Mr. HANSBROUGH. That does not change existing law. Mr. SPOONER. How much residence is required under existing law

Mr. HANSBROUGH. Fourteen months' commutation.

Mr. SPOONER. Does it not validate and provide for the issuance of a patent where in cases heretofore occurring there have been only eight months' residence?

Mr. HANSBROUGH. It does, because the Department erroneously held that six months of the fourteen might be constructive residence, and eight months actual residence. The order which the bill is intended to correct was issued while hundreds and perhaps thousands of homesteaders were making their proofs and had received their certificates. It affects proofs already made and certificates issued. So it does not change existing law.

Mr. SPOONER. Is it the object of the bill to repeal the

Executive order recently made?

Mr. HANSBROUGH. Not at all. It does not touch the Executive order of January 25.

Mr. SPOONER. Did not that conflict with the order theretofore made by the Secretary of the Interior?

Mr. HANSBROUGH. I think not. I think that was a separate proposition. It affected all classes.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. HANSBROUGH. I yield to the Senator.

Mr. NELSON. I simply rose to explain the matter to the Senator from Wisconsin, but if he is satisfied I have no desire to take up any time.

Mr. SPOONER. I am satisfied that it is an important bill, and I am equally satisfied that I do not know much about it.

I would be glad to have the Senator's views upon it.

Mr. NELSON. The necessity of the bill arises out of these facts. Under the homestead law a man can commute. There are two ways in which he can make his final entry. He can commute at the end of fourteen months after making his first entry and furnishing proof of settlement and cultivation up to that time, and pay cash for the land, a dollar and a quarter an acre, or he can remain on it five years and secure his final entry without paying anything.

Under the homestead law I may say that a homesteader has six months after making the first entry within which to go on the land and make a settlement. That is, the law gives him six Under the first ruling of the Interior Department they held that the fourteen months given for commutation should include those first six months; in other words, that a man need not make his settlement until the last day of the six months, and then if he resided eight months more, making fourteen months on the entry, he could then commute. They afterwards changed that ruling, and to my mind changed it properly, holding that a man should reside actually fourteen months before he could commute.

It is because of the entries that were made under the first ruling that it is necessary to pass this bill to cure it. It simply cures it by allowing the men who made the entries in good faith under the ruling of the Interior Department or of the Land Office to commute, and allows them to get their patents.

Mr. HANSBROUGH. And they also received their certifi-

cates

Mr. NELSON. The final proof has been made and they have their certificates. So it is the mere issuing of the patent. Mr. SPOONER. I think that makes it good.

Mr. BERRY. The bill is all right.

The bill was reported to the Senate as amended.

Mr. SPOONER. Does the explanation apply at all to the mineral claims?

Mr. NELSON. No, sir; it does not apply to those. It simply applies to commuted homestead entries.

Mr. SPOONER. How does the proposition as to mining claims become germane then to the bill?

Mr. NELSON. It does not affect it, because they are not made under the homestead laws. They are made under a different law.

Mr. HANSBROUGH (to Mr. Nelson). The Senator from Idaho [Mr. Heyburn] secured the adoption of an amendment applying to mining claims.

Mr. SPOONER. How can it apply to mining claims?

Mr. NELSON. It did not under the original law. I do not know as to the amendment the Senator from Idaho has injected into the bill. My attention was not called to it. I am speaking about the bill as it was reported from the committee. In my opinion, mining claims ought not to be included in this law.

Mr. HEYBURN. Mr. President, my purpose in proposing the amendment was more to bring the bill up for deliberate consid-

eration than anything else.

Mr. LODGE. Mr. President, I rise to a question of order.

If there is to be a deliberate consideration of the bill, it seems to me that this is not the time for it. The Senator from Pennsylvania [Mr. Knox] has given notice of a speech this morning; the conference reports on the immigration bill and the agricultural appropriation bill are both pressing, as well as other important matters. If the debate is to continue, I ask for the regular order.

Mr. HEYBURN. I understand that the Senate has deliber-

ately taken up the consideration of the bill.

The VICE-PRESIDENT. The bill was taken up subject to objection.

Mr. LODGE.

Mr. LODGE. I ask for the regular order. The VICE-PRESIDENT. The regular order is demanded,

and the bill goes to the Calendar.

Mr. BERRY. I wish to enter a motion to reconsider the vote by which the amendment of the Senator from Idaho to the bill was adopted

The VICE-PRESIDENT. The Chair does not understand that the Senator from Arkansas wishes present action upon the

Mr. BERRY. No; I do not ask for present action. I simply want to enter the motion so that the right to make it will not be lost.

ROBERT B. TUBBS.

Mr. OVERMAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 11153) to correct the military record of Robert B. Tubbs, to report it favorably with an amendment, and I submit a report thereon.

Mr. BURROWS. That is a very brief bill, and I ask for its

present consideration.

Mr. HALE. After the suggestion made by the Senator from Massachusetts, I do not think we ought to proceed to the consideration of any bill during the morning hour.

Mr. BURROWS. I hope if that practice is to prevail that we shall have the regular order every morning and let us go ahead without any unanimous consents. This is a very brief measure, and I hope it may be considered at the present time.

Mr. HALE. The Senator from Massachusetts has called attention to the crowded condition of to-day's business and that the Senator from Pennsylvania is to submit some remarks to the Senate on an important matter. He has been waiting I do not think under the circumstances we nearly an hour. ought to proceed to the consideration or discussion of further bills. After this bill is disposed of I shall call for the regular order.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill reported by the Senator from North

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of War to grant an honorable discharge to Robert B. Tubbs, late a lieutenant of Company I, Eighth Michigan Cavalry Volunteers, to date August

22, 1863.

The amendment of the committee was to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. DILLINGHAM introduced a bill (S. 8470) granting an increase of pension to James Kavanagh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 8471) for the relief of Marcus D. Wright, executor of the last will and testament of Thomas G. Wright, and the heirs at law of said Thomas G. Wright; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY (by request) introduced a bill (S. 8472) for the relief of the estate of J. H. Moseby, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 8473) granting an increase of pension to Lindsay Murdoch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 8474) removing restrictions upon the alienations of certain lands in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. NIXON introduced a bill (S. 8475) to remove the charge of desertion from the military record of Henry Bain; which

was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8476) for the relief of W. H. Minor; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 8477) granting a pension to Georgiana Walker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 8478) granting a pension

to Eliza Hood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on

A bill (S. 8479) for the relief of the heirs and representatives of Thomas J. Benson;

A bill (S. 8480) for the relief of the heirs and representatives

of William G. Burke, deceased;
A bill (S. 8481) for the relief of Nellie Lane; and
A bill (S. 8482) for the relief of the heirs of Washington Dorney.

Mr. RAYNER introduced a bill (S. 8483) authorizing the President of the United States to nominate Joseph C. Byron, late a captain and assistant quartermaster, to be a captain and assistant quartermaster on the retired list; which was read twice by its title, and referred to the Committee on Militray Affairs.

Mr. CARMACK introduced a bill (8, 8484) for the relief of the University of Nashville, of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER (for Mr. CARMACK) introduced a bill (8. 8485) granting an increase of pension to Ann Hudson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WHYTE introduced a bill (8. 8486) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DICK introduced a bill (S. 8487) amending "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McLAURIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

Mr. CULBERSON submitted an amendment relative to the rank and pay of retired officers of the Navy engaged in active duty after retirement, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BEVERIDGE submitted an amendment authorizing the Secretary of Agriculture to prescribe and fix reasonable fees for the inspection and examination of cattle, sheep, swine, and goats and meat and meat-food products thereof, etc., intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table, and be printed.

He also submitted an amendment relative to the date of the inspection and packing or canning of foods and meats, intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table, and be printed.

Mr. HANSBROUGH submitted an amendment relative to the inspection of any food-carcasses and any or all parts thereof of such animals after having been duly inspected as provided for by law, etc., intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table, and be printed.

THE SENATE MANUAL.

Mr. SPOONER. I ask that the following order be adopted. The order was read, as follows:

Ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual, and that there be printed 2,500 copies of the same for the use of the committee.

Mr. CULBERSON. A resolution was introduced the other day by myself and referred to the Committee on Rules to the effect that the report prepared by Mr. Cleaves on the subject of conference reports should be added to the Senate Manual. I will ask the Senator if any action has been taken by the Com-

mittee on Rules upon that resolution?

Mr. SPOONER. That resolution will be reported. Of course it does not conflict at all with this order.

Mr. CULBERSON. I understand, but there being a new print of the Manual ordered, I thought it would be very well to consider that matter now.

Mr. SPOONER. I am in favor of the Senator's resolution,

and I do not know of any opposition to it.

The VICE-PRESIDENT. The question is on agreeing to the order submitted by the Senator from Wisconsin;

The order was agreed to.

STANDING RULES OF THE SENATE.

On motion of Mr. Spooner, it was

Ordered, That 500 copies of the Standing Rules of the Senate, with Index, together with rules for the regulation of the Senate wing of the Capitol, adopted by the Committee on Rules, be printed and bound in paper covers for the use of the Senate.

SPECIAL EMPLOYEES OF INTERSTATE COMMERCE COMMISSION.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the heads of the Departments and the Interstate Commerce Commission in replying to the resolution of the Senate of February 8 be directed to report the names and compensation of all persons who may have been employed between June 30, 1906, and February 1, 1907, but who were not employed on the latter date.

DAVID C. JOHNSTON.

Mr. McCUMBER. I move to reconsider the vote by which the Senate passed last evening the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

The motion to reconsider was agreed to.

Mr. McCUMBER submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

JOHN W. M'WILLIAMS.

Mr. McCUMBER submitted the following concurrent resowhich was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5854) granting an increase of pension to John W. McWilliams, the beneficiary being dead.

INDIAN TRIBAL FUNDS.

Mr. CLAPP. I move that the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, which is now on the Calendar, be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

SENATOR FROM UTAH.

The VICE-PRESIDENT. The morning business is closed, and the Senator from Pennsylvania [Mr. Knox] is recognized. Mr. DILLINGHAM. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont

rise to morning business?

Mr. DILLINGHAM. No, Mr. President. I merely wish to say that, at the conclusion of the remarks of the Senator from Pennsylvania, I shall ask the Senate to proceed to the consideration of the conference report on the immigration bill.

Mr. KNOX. Mr. President, I ask that the resolution in relation to the right of the Senator from Utah [Mr. Smoot] to a

seat in the Senate may be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections, June 11, 1906, as follows

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. KNOX. Mr. President, the Territory of Utah was admitted as a State by proclamation of the President on January 4, 1896 (29 Stat. L., 876), that Territory having, by the adoption of its constitution of November 5, 1895, fully complied with the terms of the enabling act of July 16, 1894 (28 Stat. L., 107). This enabling act stated the terms upon which Utah would be admitted into the Union.

Congress by this act authorized the admission of Utah on condition that its convention should pass an "ordinance irrevocable without the consent of the United States and the people of said State," providing, "first, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: Provided, That polygamous or plural marriages are forever prohibited."

This was the agreement between the people of the Territory

of Utah and the United States, the condition upon which, for

their mutual benefit, the State was admitted.

It constitutes a compact concerning the Mormon question in tah. The Mormons were to forever prohibit the making of plural marriages. Otherwise they were not to be disturbed

about their religion. Fetters on their minds were not sought to be imposed. The destruction of their existing families was not

Utah was admitted on equal terms with the other States, since by reason of the Constitution it had to be. She is entitled inter alia to representation in the Senate. If any valid condition was imposed upon her, it was the irrevocable ordinance providing for perfect toleration of religious sentiment and prohibiting polygamous marriages.

Senator Smoot was regularly elected to represent the equal State of Utah in the Senate. The Senate is now asked to expel him and deprive the State of one of its votes arbitrarily. Can it do so? Certainly it has the power, but only as Congress has power to refuse all appropriations or the Senate to ratify all treaties or confirm all appointees

Utah has not the power to maintain its right to representation, but this fact adds to the necessity of the Senate proceeding dispassionately and judicially when the right of a State to its senatorial choice is challenged. If it were otherwise, the States would be nothing more than nominating powers, and the Senate would merely confirm or refuse to confirm such nominations. This is not the proper office of the Senate.

But should the Senate expel Senator Smoot, and why? should not be expelled for believing in the Mormon religion. The irrevocable ordinance expressly, and with Mormonism in view, guaranteed religious toleration in the State of Utah. He should not be expelled for being a member or officer of the Mormon Church for the same reason. He should not be expelled for the vindication of Utah's law, violated by certain Mormons continuing polygamous relations with Senator Smoot's consent or approval—supposing he did consent or approve—for Utah, without being ignorant of the facts, elected him, and the Senate would not be justified in going out of its way to enforce respect for the formerly expressed will of Utah embodied in its law against polygamous relations by defeating its later expressed will shown in its electing Smoot

For what, then, should he be expelled and Utah be deprived

of a Senatorial vote?

Is it for his violating or consenting to or approving the violation of Federal law?

There is no Federal law against polygamy or polygamous re-lations applicable to Utah, now that Utah is a State, and when she was admitted to the Union of States it was known that there would and could be none.

Why, then, I repeat, should the Senate expel Senator Smoot? Because, first, it is claimed he is wicked in this, that some of his friends, having cohabited with several women before Utah became a State, are continuing to do so until death, and that he approves of them as officers of a church which does not chastise them for so doing; and, second, because he is a Mormon, and the Mormon Church is a hierarchy disloyal to our institutions, whose will he is bound to obey.

Mr. President, the Constitution provides that the Senate shall be the judge of the qualifications of its members; a majority of the Senate can determine whether or not a Senator posse them. The Constitution also provides that the Senate may, with

the concurrence of two-thirds, expel a member.

I have intentionally referred to the proposed action against Senator Smoot as expulsion. I do not think the Senate will seriously consider that any question is involved except one of expulsion, requiring a two-thirds vote. There is no question as to Senator Smoot possessing the qualifications prescribed by the Constitution, and therefore we can not deprive him of his seat by a majority vote. He was at the time of his election over 30 years of age and had been nine years a citizen of the United States, and when elected was an inhabitant of Utah. These are the only qualifications named in the Constitution, and it is not in our power to say to the States, "These are not enough; we require other qualifications," or to say that we can not trust the judgment of States in the selection of Senators, and we therefore insist upon the right to disapprove them for any reason.

This claim of right to disapprove is not even subject to any rule of the Senate specifying additional qualifications of which the States have notice at the time of selecting their Senators, but it is said to be absolute in each case as it arises, uncon-

trolled by any canon or theory whatever.

Anyone who takes the trouble to examine the history of the clause of the Constitution as to the qualification of Senators must admit that it was the result of a compromise. tention that the States should be the sole judges of the qualifications and character of their representatives in the Senate was acceded to with this limitation: A Senator must be 30 years of age, nine years a citizen of the United States, and an inhabitant of the State from which he is chosen. Subject to these limitations imposed by the Constitution, the States are left untrammeled in their right to choose their Senators. constitutional provision secures a measure of maturity in counsel, and at least a presumption of interest in the welfare of the Nation and State.

By another provision-namely, that relating to expulsion-the Constitution enables the Senate to protect itself against improper characters by expelling them by a two-thirds vote if they are guilty of crime, offensive immorality, disloyalty, or gross impropriety during their term of service.

I specify these reasons because I can not imagine the Senate expelling a member for a cause not falling within one of them.

Mr. President, I would be false to the traditions of my State, forgetful of her history and the relations she has sustained to the birth, development, and defense of the National Govern-ment, if I failed to raise my voice in protest against an en-croachment upon the rights reserved to the States when she so promptly, unconditionally, and unreservedly ratified the Constitution of the United States.

As Pennsylvania was first to take steps to approve the Constitution, so I pray she will be the last to acquiesce in the invasion of rights involved in this heresy of Senatorial power to add to the constitutional qualifications of Senators and kindred

modern heresies of constitutional construction.

The perfection of human liberty under law will only be attained under the American Constitution when each of the dual tained under the American Constitution when each of the dual sovereignties within its sphere exerts its powers to the utmost limits for the public weal; when the States and the artificial bodies they have created cease to deny and resist the rightful and full exercise of the national power over national affairs; when there are no attempts to encroach upon the undeniable reserved powers of the States for the aggrandizement of national power; when the people discriminate betwen wise policies designed to meet the imperative needs of modern conditions and demagogic assaults upon the foundations of the Republic for political or personal purposes; when the people shall not be vexed by unnecessary legislation about their daily affairs, and normal conditions are undisturbed by ceaseless agitations—agitations fomented by ignorance and insincerity and misrepresenting those just and constitutional policies of the time which had a due beginning, have a reason for their existence, and shall have a due ending when their work is accomplished.

Mr. President, I know no tenet in the new propaganda of constitutional construction that begins to contain the danger to our country involved in the contention that a Senator of the United States may be deprived of his seat whenever the majority of the Senate concludes that there are doctrines taught, or have been taught in the past, by some church organization to which he belongs which that majority believes to be, or have

been, dangerous.

It is an easy step after the first one is taken, because of a man's religion, to take the next and logical one of exclusion because of a man's politics, and then because of his notions upon economics, and then because of his attitude toward certain legislation. Identically the same argument can be made mutatis mutandis in support of the Senate's power in all these instances as is now advanced, namely, our duty to guard and protect the Senate from the contagion of false doctrine.

I know of no defect in the plain rule of the Constitution for which I am contending. I know of no case it does not reach. can not see that any danger to the Senate lies in the fact that an improper character can not be expelled without a twothirds vote. It requires the unanimous vote of a jury to convict a man accused of crime; it should require, and I believe that it does require, a two-thirds vote to eject a Senator from his position of honor and power, to which he has been elected

by a sovereign State.

The simple constitutional requirements of qualification do not in any way involve the moral quality of the man; they relate to facts outside the realm of ethical consideration and are requirements of fact easily established. Properly enough, therefore, as no sectional, partisan, or religious feeling could attach itself to an issue as to whether or not a man is 30 years of age, had been a citizen of the United States and an inhabitant of a State for the periods prescribed, the decision as to their existence rests with a majority of the Senate. When, however, a different issue is raised, dehors the Constitution, upon allegations of unfitness, challenging the moral character of a Senator, involving a review of questions considered and settled in the Senator's favor by the action of his State in electing him, then the situation is wholly changed and a different function is to be performed by the Senate, calling for its proper exercise the highest delicacy and discretion in reviewing the action of another sovereignty.

If I were asked to state concisely the true theory of the Con-

stitution upon this important point, I would unhesitatingly say: First. That the Constitution undertakes to prescribe no moral or mental qualification, and in respect to such qualifications as it does prescribe the Senate by a majority vote shall judge of their existence in each case, whether the question is raised be-fore or after the Senator has taken his seat.

Second. That as to all matters affecting a man's moral or mental fitness the States are to be the judges in the first instance, subject, however, to the power of the Senate to reverse their judgment by a two-thirds vote of expulsion when an offense or an offensive status extends into the period of Senatorial service, and such a question can only be made after the Senator

has taken his seat.

If to this it is objected that it contemplates admitting a man who may be immediately expelled, I reply that it is hardly proper to adopt a rule of constitutional construction and Senatorial action based upon the theory that the States will send criminals or idiots to the Senate. Besides, it does not seem to me to be conceding much to a State, after it has deliberately and solemnly elected a Senator after the fullest consideration of his merits, to concede on the first blush of the business the State's intelligent and honorable conduct by allowing its chosen

representative admission to the body to which he is accredited. Small wonder, Mr. President, that Mr. Justice Brewer, of the Supreme Court of the United States, speaking as recently as August, 1906, to the Virginia Bar Association at Hot Springs, Va., after reviewing some of the current heresies of the day in regard to the Constitution and specifying some of the instances

in which they were sought to be applied, remarked:

The Constitution says that no person shall be a Senator of the United States who is not 30 years of age, nine years a citizen of the United States, and when elected an inhabitant of the State for which he shall be chosen. Now, the contention is that although these are the only qualifications named in the Constitution the Senate can attach other and different qualifications.

This which follows turns to another point, but I read it because I want to draw his conclusion:

Because a manufacturer may intend to dispose of some of his products in interstate traffic it is said that Congress has the right to supervise the entire action of his manufacturing establishment. Inasmuch as it is difficult to draw the line in our great industries between that commerce which is wholly within the State and that which is carried on between the States, the contention is that Congress may take control of the entire industry, the greater power of the nation swallowing up the smaller power of the States. I might go on and enumerate many other illustrations, but these serve my purpose.

Is there not danger in this tendency, and may we not wisely consider whether it ought not to be stayed?

As regards Senator Smoor, all have agreed that he is a man of unblemished character, possessing every constitutional qualification as a Senator of the United States. What, then, is the charge against him?

Mr. BURROWS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Pennsy!vania yield to the Senator from Michigan?

Mr. KNOX. I do.
Mr. BURROWS. I understand the contention of the Senator from Pennsylvania to be that a sitting member of this body 30 years of age, nine years a citizen of the United States, and an inhabitant of the State from which he is chosen can not be dispossessed of his seat except by expulsion, which requires

a two-thirds vote. Am I correct?

Mr. KNOX. The Senator from Michigan has my theory exactly, unless there is some want of constitutional qualification or some irregularity in his election.

We may as well go to the root of the matter at once. It is only this: He is a member and officer of the Mormon Church nothing more. There is no other charge brought against him. All other charges are included in or grew out of the fact that he is a Mormon and one of the advisory counsel to the presidency of that church. Clearly, that in itself can not disqualify him in this Government, where, as Mr. Justice Story said:

The Catholic and the Protestant, the Calvinist and the Arminian, the Jew and the infidel may sit down at the common table of the national councils without any inquisition into their faith or mode of

Mr. CULBERSON. Mr. President——
The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. KNOX. I do. Mr. CULBERSON. I simply desire to ask the Senator a question for information. He states that the only charge against the Senator from Utah is that he is a member of the Mormon Church. I read a few questions and answers at page 248 of volume 5 of the hearings before the Committee on Privileges and Elections:

Senator Overman. You think the laws of God are superior to the

laws of man?

Senator Smoot. I think the laws of God, upon the conscience of man, are superior. I do, Mr. Senator.

Senator Overman. You think the laws of God, as revealed to Joseph Smith and accepted by the church, would be binding upon the members of the church superior to the laws of the land?

Senator Smoot. I think it would be binding upon Joseph Smith. Senator Overman. Well?

Senator Smoot. And I think if a revelation were given to me, and I knew it was from God, that that law of God would be more binding upon me, possibly, than a law of the land, and I would have to do what God told me, if I was a Christian.

Senator Overman. I speak of a law—
Senator Smoot. But I want to say this, Mr. Senator. I would want to know, and to know positively, that it was a revelation from God.

Senator Smoot. And then I would further state this, that if it conflicted with the law of my country in which I lived, I would go to some other country where it would not conflict.

I read that, Mr. President, for the purpose of inquiring of the Senator, to whose speech I am listening with great interest, whether there is not a charge against the Senator from Utah that he holds the law of revelation in temporal affairs superior

to the law of the land?

Mr. KNOX. Mr. President, the statement I made is that all of the other charges are collateral and grow out of the charge that Senator Smoor is a Mormon; and I propose, before I finish, that Senator Smoot is a Mormon; and I propose, before I mish, to run into every one of those collateral charges, including the one to which the Senator from Texas has referred in the testimony he has just read. There is a specific charge, as I have already stated, that the Mormon Church is a hierarchy, or rather a theocracy, because a hierarchy is no offense. Every church that has a priesthood and bishops has what may be called a "hierarchy;" but hierarchy deals only with spiritual dominion, while a theocracy—and that is what it is charged that this church is—as we all know, is one where the priests having political power claimed direction from on high. But I will come to every one of those questions in due time, if the Senator will

permit me to pass on in my own way.

It is said, however, that the Mormon Church is a theocracy, a hierarchy, a government of priests claiming to rule by divine authority in matters temporal as well as spiritual, whom all its adherents must obey absolutely, even to the disregard of the laws of the land, if they should conflict with each other; that every Mormon's allegiance is first to his church and secondly to his country; that the kingdom of God, as it is termed, is the only legal government that can exist in any part of the universe, and that all other governments are illegal and unauthorized; and that Senator Smoot, being a member and an officer of this organization, is dominated thereby and would yield obedience to the dictates of his church rather than to the laws of the land, and therefore is not and can not be a loyal citizen of the United States, and consequently is not qualified to sit as a Sen-

ator of the United States.

I think my recital of the charges covers exactly what the Senator from Texas suggested by his question.

One thing must be borne in mind in connection with these claims, and that is that we are to take into account only what the Mormon Church is teaching and practicing to-day and not what it taught and did twenty to fifty years ago.

Now, is it true that Mormons must absolutely obey the church even to the disregard of the law of the land; that a Mormon's allegiance is first to his church and secondly to his country, and that as a Senator Mr. Smoot would obey the dictates of his church rather than the laws of the land?

I inquire again, is this true? For if it is, Senator Smoot should be expelled for disloyalty to his country, established by

the fact of a higher allegiance.

Of course, Mr. President, no one is unreasonable enough to ask the Senate to assume these charges to be true or to ask us to deprive Utah of her Senatorial choice unless they are proven to be true.

It would seem in respect of charges of this nature that they could be easily and overwhelmingly proven if true, because of the nature of the offense and the publicity that would be incident to its commission.

If you want to know as to the loyalty of a great number of people organized into an ecclesiastical body, whose doctrines are publicly promulgated and whose actions may be daily witnessed, it seems to me the obvious way to ascertain the truth would be to examine their doctrines and search into their acts. Their teachings and their acts ought to furnish the best evidence of

which the case in its nature is susceptible.

It ought to be very easy to ascertain if the Mormon Church requires a member to obey its law rather than the law of the land, and to ascertain if it required a Mormon Senator or other public officer to submit his official judgment to church dictation.

The thing to do in such a case is to examine the doctrines of

the church as they are now promulgated, and if you find they teach no such disloyalty as is charged, but quite to the contrary, then, if still dubious, the next step would seem to be to look over the records of the various Mormon officers who have served

Utah since her admission as a State and see if such disloyalty can be shown as a fact.

A third step might be taken for the benefit of those who insist upon the utmost suspicion as against absence of any legal proof, and that is to subject each Mormon officer to an inquisition as to his mental state of loyalty.

I propose to submit these charges to all three tests.

Now, how does the Mormon Church treat this duty of loyalty to the country in its published doctrines and revelations?

I find upon an examination of the Articles of Faith of the Mormon Church and its book of doctrines and covenants that the Mormon doctrine relating to human governments and the duties of citizenship is set out in great detail.

I quote church articles of faith, No. 12:

We believe in being subject to kings, presidents, rulers, and magistrates; in obeying, honoring, and sustaining the law.

Also, from the Doctrines and Covenants, pages 483-485, verses

We believe that governments were instituted of God for the benefit
of man, and that He holds men accountable for their acts in relation to
them, either in making laws or administering them, for the good and
safety of society.

I will not read some half dozen other articles of this creed. I will ask, however, that they may be printed in the RECORD

as they appear upon my notes.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

The matter referred to is as follows:

2. We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

3. We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same, and that such as will administer the law in equity and justice should be sought for and upheld by the voice of the people (if a republic) or the will of the sovereign.

4. We believe that religion is instituted of God and that men are amenable to Him, and to Him only, for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others; but we do not believe that human law has a right to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

5. We believe that all men are bound to sustain and uphold the respective governments in which they reside, while protected in their inherent and inalienable rights by the laws of such governments; and that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly; and that all governments have a right to enact such laws as in their own judgment are best calculated to secure the public interest; at the same time, however, holding sacred the freedom of conscience.

6. We believe that every man should be honored in his station, rulers and magistrates as such being placed for the protection of the innocent and the punishment of the guilty, and that to the laws all owe respect and deference, as without them peace and harmony would be supplanted by anarchy and terror, human laws being instituted for the express purpose of regulating our interests as individuals and nations, between man and man

them in their opinions so long as a regard and reverence are shown to the laws and such religious opinions do not justify sedition nor conspiracy.

S. We believe that the commission of crime should be punished according to the nature of the offense; that murder, treason, robbery, theft, and the breach of the general peace in all respects should be punished according to their criminality and their tendency to evil among men by the laws of that government in which the offense is committed; and for the public peace and tranquillity all men should step forward and use their ability in bringing offenders against good laws to punishment.

9. We do not believe it just to mingle religious influence with civil government whereby one religious society is fostered and another proscribed in its spiritual privileges and the individual rights of its members as citizens denied.

10. We believe that all religious societies have a right to deal with their members for disorderly conduct according to the rules and regulations of such societies, provided that such dealings be for fellowship and good standing; but we do not believe that any religious society has authority to try men on the right of property or life, to take from them this world's goods, or to put them in jeopardy of either life or limb, neither to inflict any physical punishment upon them; they can only excommunicate them from their society and withdraw from them their fellowship.

Mr. DUBOIS. Mr. President—

Mr. DUBOIS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. KNOX. Certainly. Mr. DUBOIS. I should like to ask the Senator from Pennsylvania if these doctrines, some of which he has just read and others of which he will print, have always been the doctrines of the church?

Mr. KNOX. I stated a moment ago that it was not my intention to go into the ancient history of the Mormon Church. It is not my intention to go into what the Mormon Church

taught and believed fifty years ago. The question is what it teaches and believes now, and that, in my judgment, is the only thing we have to do with. I have taken these excerpts from the book called "The Doctrines and Covenants," from pages 483 to 485.

Mr. DUBOIS. If the Senator will pardon me, that does not answer my question. I should like to know if these doctrines from the Doctrines and Covenants, which the Senator has just read and others of which he is going to have printed, are the same doctrines which the church has always taught?

Mr. KNOX. I say I do not know, and I say I do not care. It is a matter wholly indifferent. Suppose they taught something wholly different fifty years ago! We are not testing this question by what the ancient Mormons taught or what ancient Mormons believed or what concerned the ancient Mor-We are testing it by what applies to REED SMOOT, the man who comes here with the credentials of the State of Utah.

Mr. DUBOIS. I should like to ask the Senator from Pennsylvania if he knows whether these doctrines and covenants, tenets of the church, have been changed?

Mr. KNOX. In reply to that question I will say I know nothing more than that I find what I have read in the Doctrines and Covenants, upon the pages indicated and at the places indicated. If they are not the doctrines and covenants of the Mormon Church, then I am deceived. If they are not the doctrines and covenants of the Mormon Church, I hope the Senator will take the trouble to reply to them in his own time.

Mr. DUBOIS. I do not want to interrupt the Senator from Pennsylvania against his will, but he is quoting the Doctrines and Covenants, and I want to know if they are the same doctrines which they have heretofore taught. In other words, whether there has been any change. All the testimony shows they have not been changed. They are the same now as when pro-They are no more and no less binding now than in

Mr. KNOX. I have already answered that question to the

best of my ability.
Mr. BEVERIDGE.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. KNOX. Certainly.

Mr. BEVERIDGE. So far as the religious belief itself is -not acts but beliefs-taking the religious belief alone, I ask the Senator from Pennsylvania, in accordance with the questions asked by the Senator from Idaho, whether in fact we are not forbidden to inquire into a man's religious belief separate from any acts?

Mr. DUBOIS rose.

I am asking the Senator from Pennsyl-Mr. BEVERIDGE. vania.

Mr. KNOX. Absolutely, and I propose to follow up— Mr. DUBOIS. Mr. President—

Mr. KNOX. The Senator from Indiana asked me the ques-

Mr. BEVERIDGE. I should like the Senator from Pennsylvania to answer it.

Mr. DUBOIS. Mr. President— Mr. KNOX. I must decline to yield further to the Senator from Idaho, especially as the Senator from Indiana has asked me a question which he insists that I shall answer.

Mr. DUBOIS. He stated my position-

The VICE-PRESIDENT. The Senator from Pennsylvania

declines to yield further to the Senator from Idaho.

Mr. KNOX. In answer to the question of the Senator from Indiana, and without the slightest reference to the question of the Senator from Idaho, which I have told the Senator I have answered to the best of my ability again and again, I will say that if the Senate will have patience with me, I will not only show that these are the doctrines and covenants of the Mormon Church, prima facie at least, subject to anyone challenging their authenticity, but I will show specifically by the testimony in this case that they are the doctrines at the present time and are the doctrines held by Senator Smoot.

Mr. President, it seems to me it would be difficult to draft a creed more nearly antipodal to the teachings of a theocracy than the creed of the Mormon Church I have just read. A theocracy is defined by Webster to be "the exercise of political authority by priests representing the Deity." The creed of the Mormon Church not only disclaims the right to exercise political authority, but enjoins obedience to the authority of the State in all

things.

So much, Mr. President, for the first test I proposed to apply, namely, the ascertainment of what the Mormon Church teaches. in reply to the charge that it is a theocracy and teaches obedience to the church, even to the disregard of the law of the land.

Now, let us inquire, as I have proposed, if the practices of the church in this respect have been consistent with its teachings. That is, have Mormon officeholders disregarded the laws of the land and substituted therefor the will of the church. There has

not been the suggestion of an attempt to establish any such fact. But, Mr. President, it is claimed that the head of the Mormon Church may and does at times receive divine revelations in respect of a variety of subjects, and therefore is liable at any moment to receive one enjoining disloyalty to the United States. Suppose he does. None of these revelations are in any way binding upon the church until it has been ratified by a vote of the whole congregation or convention of its members, and even then it is not binding as against the law of the land. Smoot's testimony touching this is very clear. He states that the members of his church are free agents, and that any one of them has the right to disobey any divine revelation given to the head of the church, even though submitted to the church conference and accepted by it; that it is the fundamental and pri-mary law of the Mormon Church that its members must obey the law of the land, and there is a revelation to that effect; and that as between a revelation and the law of the land it is the duty of the members of that church to obey the law of the land; but he did testify that if he himself should receive a revelation commanding him to disobey the law of the land, and if he were sure that God had spoken to him, he would feel the obligation to obey it, but that he would leave the country and go where the law of the land would not conflict. His testimony on this point is as follows (Vol. III, pp. 251-253):

law of the land would not conflict. His testimony on this point is as follows (Vol. III, pp. 251-253):

Senator Beveridge. I merely want to continue a question which was put a moment ago, putting it in its simplest possible form. As between the law of the land and any revelation, which is binding upon the members of your church?

Senator Beveridge. No, sir. I did not ask what you would do. I ask you, as an officer of the church, to answer my question. As between a revelation and the law of the land, which is binding upon the members of the church?

Senator Smoot. The law of the land in which we live.

Senator Smoot. The law of the land in which we live.

Senator Beveridge. Do I understand you to say that there is no law, rule, or ordinance of your church by which a revelation from above, even when confirmed by your people, is superior to the law of the land? Senator Smoot. I do not think it could be, Senator.

Senator Smoot. I do not think it could be, Senator.

Senator Smoot. We have a revelation in the doctrines and covenants that it is mandatory upon all members of our church to honor and obey the law of the land.

Senator Overman. Right here—

Senator Overman. Right here—

Senator Beveridge. Pardon me. Suppose a revelation is received, as you described a moment ago it might be, and suppose, in addition to its having been received in that way, it is confirmed, or whatever term you use, by the people, and then that revelation, thus confirmed by the people, is in conflict with the law of the land; which is binding?

Senator Overman. I understand you to say, if I apprehend your answer correctly, that when a divine revelation is given to the president of the church, is submitted to the church conference, and is accepted by the conference, then, as a free agent, any member of the church has a right to disobey it?

Senator Smoot. They have, Senator.

Senator Smoot. They have, Senator.

Senator Smoot. They have, Senator.

Senator Smoot. That is correct.

Senator Smoot. That is correct?

Senator Smoot. That is corre

I pause here long enough to observe that this, in connection with the creed I have read, conclusively shows that the Mormon Church is not a theocracy, as the essential fact in a theocracy is that the will of the deity as promulgated by priests is the highest political authority.

Senator Foraker. I understood you to say that rather than to undertake to obey such a revelation you would leave the country and go where the law of the land would permit obedience to the revelation? Senator Smoot. Yes; if God had given it to me himself then I would, because I would feel then that I was under direct obligation to my Maker to carry out what He revealed directly to me, and if I could not do it in this country I would go to some other country where I could.

Mr. TAYLER. So that you would, of course, obey the revelation coming from God?

Senator Smoot. If I knew that God had spoken to me, I would

obey it.

Mr. TAYLER. Suppose the revelation commanded of God was that you should do a certain thing and also stay in the country?

Senator SMOOT. Well, I do not think the God I worship is such a

This recital, which reads like a chapter from the Spanish inquisition, contains Senator Smoot's belief as regards his duty in case of any possible conflict between the law of the land and any revelation which might be received by his church or by himself directly. I quote his testimony because it states the whole case so far as it concerns us. What finer or more accurate declaration of a man's duty in relation to God, to the church, and to his country could there possibly be? His whole testimony and utterance is of that careful, conscientious, and reverent character, not seeking in any way to shield himself from the just consequences of any of his positions, which must have indelibly impressed upon the minds of everyone who heard him the conviction of the absolute truthfulness and reliability of his answers. He, then, clearly states under oath that he is not bound to obey, and will not obey, any revelation of his church in conflict with the laws of the land. His answer is absolutely conclusive upon this matter. He himself, and he alone, knows the exact state of his mind and his purposes in this regard, and it is this exact state of his mind that is the controlling point. The truthfulness and sincerity of his statements have not been questioned. If they could be questioned without any evidence of overt act or statement on his part to the contrary, then the sincerity of the oath of every Senator present might be similarly questioned. I think this fully meets the requirements of the third test I proposed, to wit, a rigid inquiry into the mental attitude of the individual as to loyalty.

I will not discuss the question as to the particular danger arising from Senator Smoot's belief that he may receive a direct revelation from God; that he is capable of being in such conscious fellowship with God as to be aware of His presence, or hear His voice, and in that personal relation to receive the wish and command of God, and that for this reason he is constitutionally incapable of being a part of a man-made government. This contention of protestants, which will be found on page 612 of volume 3 of the testimony, in an answer by Mr. Tayler, counsel for protestants, to a question propounded by me, is in my judgment too absurd to demand any serious consideration. Every Christian prays to God for guidance in matters both spiritual and temporal, and particularly in times of perplexity and doubt, and many believe that they receive such guidance.

If the Almighty can not speak to Smoor, he could not have spoken to Moses or Mahomet or Joseph Smith or Brigham Young, as the case may be, and as people variously believe. I am not prepared to attack the foundations of all religions based on revelation by denying that God has the power to reveal His will to man. I am not prepared to deny that the Omnipotent Creator of the Universe lacks the power to speak to one of His creatures, if such is His will, nor am I disposed to challenge the wisdom of the fathers of this Government who provided that in such matters every man should be protected in his individual belief.

In this country of ours religious belief is not an offense or a defense. A man may believe what he chooses without fear of molestation from the law or deprivation of his civil rights. On the other hand, his religious belief will not avail him as a protection if he violates the law.

Senator Smoot merely says that he believes it is possible that he might receive a revelation. That is all. From the importance placed upon this matter by counsel for protestants one be led to think that Senator Smoot had been in the habit of receiving such revelations every day or so. As a matter of fact, he has never received one, and so testified. He merely asserts that he believes that he is capable of receiving one. Surely this is not a danger of such magnitude and of such an imminent character as to justify expelling him from the United States Senate, especially since he asserts under oath that in case he should have such a revelation, and it should command him to break a law of the United States, he would leave the country before violating the law.

It was stated by counsel for the protestants that "the chief charge against Senator Smoot is that he 'encourages, countenances, and connives at the violation of law." (Vol. 3, p. 611.) Senator Smoor is one of the twelve apostles of the Mormon Church, and as such he has voted to sustain in office members of the church who continue to cohabit with wives which were taken prior to the manifesto of 1890 and the admission of the State into the Union. It is claimed that by thus voting to sustain them in the church he encourages, countenances, and connives at a violation of law.

It will be borne in mind that in doing this Mr. Smoot merely approved of their fitness and qualifications for the particular positions they occupied. He did not in any way pass upon the legality of their acts, but merely upon the moral quality of the acts as measured by the standards of that church, and therefore of their fitness to hold the exalted positions which they occupied.

Mr. BEVERIDGE. They not being civilian positions.

Mr. KNOX. Being religious positions, as I have indicated. He in no way countenanced or encouraged their illegal acts. With that he had nothing to do. His own views and conduct

in regard to that subject were well known, and prevented the possibility of any misunderstanding on that point. passed upon their qualifications with respect to the particular church positions which they then held and the advisability of retaining them in those offices. Some officers of the Mormon Church hold official positions in corporations. Is a stockholder who votes for them an accessory if they live in polygamous relations?

It will also be noted that those officers were not violating any law of the United States, but merely a State law, which all, Gentile and Mormon alike, knew to be a dead letter. mon Church and the State of Utah are in the same position on the subject of polygamous cohabitation. The church law does not prohibit it, and the State law against it is not enforced. Senator Smoot is no more culpable in not denouncing the practice and in not prosecuting offenders than any other citizen of his State. Even during the time that Utah was still a Territory, immediately preceding the adoption of the constitution and its admission as a State, from 1890, the date of the manifesto, to 1896, and while the Territory was still under Federal control, when hundreds of men were living in open polygamy, there Judge McCarty, who were scarcely any prosecutions (3-709). was at that time assistant United States district attorney, testified before the committee (2-887, 888) that there was no disposition on the part of the prosecutors or on the part of the people to complain, and that his understanding was that instructions had been sent from Washington to the district at-torney that he was *not* to interfere with men who were living in polygamous cohabitation if they had taken their wives before the manifesto.

After the adoption of the constitution this matter was left with the State to deal with, and it was dealt with in precisely the same way the United States had dealt with it for the six years preceding. The State enacted a law against polygamous cohabitation, but never enforced it, and says in effect "if you do not flaunt this relation so as to attract public notice, nothing will be said about it."

In the face of all this, it is now contended that while neither the officers of the United States nor of the State took any active interest in the enforcement of the law in respect to polygamous cohabitation, and while public sentiment and the general understanding was against such enforcement, that Senator Smoot, himself a Mormon, should be expelled from the Senate of the United States merely because he voted to sustain in their positions church officials who violated that statute and that by so doing he directly encouraged and connived at a defiant violation of the law.

He no more encouraged and connived at a violation of the law than has many of the Presidents of the United States time and time again in appointing to office Mormons, including governors, postmasters, etc., who have maintained the polygamous rela tion. And I will say further that if Senator Smoot is disqualified for this reason, then for a very similar reason, and measured by the same standard, every man entertaining the same tolerant views is disqualified.

The only thing alleged against Smoor is that he lets this sleeping dog lie. If this disqualifies him, every citizen of Utah, Mormon and Gentile, is likewise disqualified, who likewise refrains from prosecuting the old Mormon polygamists-and they all do.

At the beginning of this inquiry it was expected that it would be shown by protestants that a large number of polygamous marriages had taken place since the manifesto and the admission of the State, and that the church actually connived at and approved of such marriages, but what is the fact? Notwith-standing the most assiduous inquiry and research not one case has been shown of a polygamous marriage occurring in Utah after the admission of that State.

Other claims of disloyalty of the Mormon Church are founded upon certain features of the endowment ceremonies and upon the contention that candidates for political offices in Utah must receive the approval of the Mormon Church or they can not be elected, and that Senator Smoot asked and received the permission of that church before he became a candidate for the Senatorship.

This latter contention grows out of a rule of the church which was formerly merely a practice, but is now clearly stated in the form of a rule, so that there may be no doubt as to what the church's position is in this respect. The rule is self-explanatory and will be found on pages 168 to 171 of volume 1 of the proceedings. (See also the remarks of counsel, vol. 3, pp. 656-658.) It is nothing more than a leave of absence, and applies not to the public generally, but only to officers of the church who have taken upon themselves obligations and duties which would be interfered with by the additional duties of a

political character. In such a situation it is perfectly competent and proper for the church to be consulted in order that it may determine whether the added duties are of such a character as will unduly interfere with church work. There is nothing compulsory about this approval or permission. Each officer has a perfect right to resign from his church position and become a candidate without submitting the matter to the It is only as he may desire to retain his church connection that the permission of the church is essential. The rule applies to church officers only, and not to lay members

This is no more than would be expected of any Protestant inister. The same thing has occurred in that very State in regard to a Methodist minister whom it was desired should become a candidate on the Republican ticket for the constitutional convention. Justice McCarty refers to this incident in his tes-timony (vol. 2, pp. 891–892). The minister's name was Miller, and he resided at Monroe, Utah. Before being nominated he stated that it would be necessary for him to communicate with Doctor Iliff, in charge of the Methodist mission in Utah, and obtain his consent. The "consent" was obtained, and no question as to the propriety of his action has ever been raised.

It is true that for political purposes both parties usually claim that their candidates have received the sanction of the Mormon Church, but that church is not responsible for the ex-

pedients resorted to by politicians.

With regard to the endowment ceremonies, or oath of vengeance, as it is called, it has not been shown with any degree of certainty what that obligation was. It was delivered orally, and those who have attempted to describe it have done so from their memories. It is claimed that it is an obligation to pray to God to avenge the death of the prophets upon this This is strenuously denied. Others who have taken the oath have stated that they were not required to take and did not take any oath or obligation against any person or any country or government or kingdom or anything of the kind (vol. 1, pp. 436-437, 744; vol. 2, pp. 759, 773, etc.); that it was in the form of a lecture, founded upon the tenth verse of the sixth chapter of Revelation, which reads: "How long, O Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth." Many have testified that there is no obligation inconsistent with the duties of good citizenship. At most, it was nothing more than an obligation to pray to the Almighty to avenge the death of the prophets upon this nation. In view of the fact that it is Almighty God who is to wreak this vengeance, the danger does not seem to be at all imminent. Whatever the exact nature of the oath, it was not shown that of the many who have taken it anyone had ever acually interested himself in wreaking this vengeance, nor was it shown that any person ever heard of anyone who On the other hand, the Mormons of Utah had attempted it. have enthusiastically taken up arms in defense of the nation in every time of danger and need.

So far as Senator Smoot is concerned, Mr. Tayler, counsel for the protestants, states (vol. 1, pp. 103, 119, 121) that he makes no claim to his taking such an oath, and will not attempt to prove it. Senator Smoor himself testifies that he never took any oath to avenge anything, and that he took his oath as a Senator without any mental reservation whatever (vol. 3, pp. 184–185), and again, in his answer to the protest (vol. 1, p. 31), he states that he has never taken any oath or assumed any obligation controlling his duty under his oath as a Senator, but that he holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon which the

State of Utah was admitted into the Union.

Mr. President, polygamy is dying out. Polygamous marriages have ended in Utah. A few years are as nothing in the life of a state or nation, and in a few years persons plurally married before Utah's admission will be rare objects of curiosity.

As practical men, should we not be content with that? If other religions have taught polygamy at one time and condemned it at another, why can we not be satisfied to see a reversal of the teachings and a gradual but sure extinction of polygamous practices among the members of the Mormon Church and call our being so satisfied no more than religious toleration?

If the Mormons are said to believe in a hierarchy more or less concerned with mundane affairs, they are not the only sect whose priesthood meddles with worldly affairs without the members being for that reason excluded from Federal offices

And if prayers for vengeance for violence against prophets are required of Mormons and the history of the church is not unstained with deeds of blood, what Christian or Jewish sect has left out vengeance and has a bloodless history? The crusades and the wars of the sixteenth, seventeenth, and nineteenth

centuries, and the old Jewish wars-numberless massacres and slaughters of heretics-these are not held to require the expulsion from the Senate of men who belong to the various Christian churches or are Jews.

It has been frequently said that Senator Smoot should be expelled from the Senate in order to protect the sanctity of the American home. I do not see how the sanctity of the American home is at stake in this issue. If the Mormon Church teaches polygamy and encourages its practice, surely the fact that Sena-tor Smoot is a monogamist and has from his youth up set his face and lifted up his voice against polygamy is conclusive evidence that he is fighting by precept and example for the sanctity of the American home against his church and under circumstances requiring the greatest moral courage. If, on the other hand, the Mormon Church is not teaching and encouraging polygamy the argument that the sanctity of the American home is involved here utterly fails. You may take either position and it will lead to Senator Smoot's complete vindication and to the certain conclusion I have indicated, that the purity of the American home is not in jeopardy. You may take either horn of the dilemma. If the church is teaching polygamy Smoot is preaching and practicing monogamy. If the church is not teaching polygamy it is blameless, and the whole case against Smoot

Mr. President, we are all sworn to support the Constitution of the United States. Personally I construe this to mean that I have solemnly obligated myself not to vote to deprive any person or State of any right guaranteed by that instrument.

Entertaining this view, and for the reasons I have stated, I could not yield to the importunities and in some cases the demands that I cast my vote for Senator Smoot's expulsion without deliberately violating my oath of office, without yielding my judgment to others as it is alleged Senator Smoot will yield his to the Mormon Church, and without converting my place here from one of honor to one of shame.

RESTRICTION OF IMMIGRATION.

Mr. DILLINGHAM. I ask that the report of the committee of conference on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903," be laid before the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the report is before the Senate. Mr. DILLINGHAM. I ask for its adoption.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. BACON. Mr. President, I trust this report may be allowed to go over until to-morrow. I beg to assure the Senator that I make the suggestion with no disposition whatever to delay the consideration of this important matter, but it is an utter impossibility for us to intelligently consider the report without having the time to read it. Of course it was read yesterday in part from the desk. It was manifestly impossible then for us to understand intelligently what its full scope and meaning were. It has been placed on our desks only this morning. I never myself saw it until fifteen minutes before the Senate convened. Since then, of course, there has been no opportunity to read it.

It is a very unusual report in the scope of the matter which It is not like an ordinary report where there is a difference between the two Houses on a few isolated points well

The VICE-PRESIDENT. The Senator from Georgia will sus-end. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Table Calendar No. 26, Senate resolution No. 214, by Mr. Carter.

Mr. CARTER. I ask unanimous consent that the unfinished business be, for the time being, laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Senator from Georgia will proceed. Mr. BACON. This matter in a practical form is presented in this way to the Senate. The Senate passed a bill with a great many different features or rather embracing a great many

sections. It was a long bill. It went to the House, and the House passed another measure equally long as a substitute for That went into conference, and it has been there for a number of months. Then the conference committee reports a third bill, made up, I suppose, very largely of the matter which was between the two Houses in common, but also attaching to it a large amount of independent matter, absolutely new and making in the neighborhood of one hundred different changes in the existing law.

I say, Mr. President, it is an absolute utter impossibility for us to be able to understand this report in the limited time which has been given to us to examine it. I understand the cause for the urgency in the matter to be one which relates to the amendment relative to immigrants coming from other countries with passports to the insular possessions or to other countries. the bill does not stop there. If it did, whether I approve it in all particulars or not, I would be content to let it go by without anything being said by me, although there are some features which I might possibly object to. But the report of the conferees goes further in the bill which they present to the Senate.

Mr. DILLINGHAM. Will the Senator allow me?

Mr. BACON. I will.

Mr. DILLINGHAM. The conferees have no disposition to press the consideration of this report unduly. They desire that the Senate and the individual members of the Senate shall examine the report with great care and detail, because they believe they have presented a bill which will meet with the approval of all.

The Senator has referred to reasons why there should be speedy action. Those reasons seem to the conferees to be imperative, but, as I said before, they have no disposition to press the consideration until the Senate can make a careful examina-

tion of the report.

If there can be a unanimous-consent agreement that the vote shall be taken on the report to-morrow, I would be glad to let it go over until that time. I presume there may be no objection to that course.

Mr. BACON. I do not know about that.

Mr. DILLINGHAM. There is other business pressing, and if the Senator wants to make a suggestion of that kind I will very

gladly join him in it.

Mr. BACON. While I have every disposition to do whatever may be necessary to expedite the particular thing which makes urgency important, as I was saying, the bill is not limited to that, and there are matters in it which most vitally concern the people of the section from which I come. It is not any slight matter; it is a matter of absolute life and death to the industries of the people of my section—not only to my State, but of other States of that section. It is not possible that we could consent to the taking of the vote at any time until this matter has been properly investigated and understood by us.

The important fact can not be overlooked, when we come to talk about voting on the report, that here is a lengthy bill, as I said, with nearly a hundred changes in existing law, many of them most vitally interesting to a great section of this country and not affecting simply the Pacific slope; and we are in a position where we can not offer an amendment to it because it is a conference report. We must, under the rules governing the consideration of conference reports, accept this bill in its entirety, with all of its provisions, or reject it in its entirety.

Mr. President, in view of such a grave presentation as that and the magnitude of interests involved, with every disposition to yield everything that may be in the particular direction indicated by the Senator as to that which demands urgency, we could not, without a grave and serious abandonment of most important interests, consent to any particular time or hour or day for the taking of the vote. If it were a matter that we could proceed with by amendment, where, when a proper presentation were made, the Senate could sift out what might be deemed to be undesirable or objectionable and come to a vote upon that which was left, it would be a very different thing from a question whether we shall take a vote upon a matter involving so many interests, where Senators may be led to vote not with reference to particular details, but with reference to some particular consideration which may be uppermost or paramount in their minds.

Mr. President, the Senator from Geor-Mr. DILLINGHAM. gia has given more reasons than had occurred to me why the consideration of this report should begin at once. If there are as many questions as he says which are to be debated, then certainly the debate should begin at once. It had not occurred to me, however, that so many questions were open for consideration. A brief examination of the report will show that a very large majority, substantially all, of the changes in the existing law are those which were presented in the Senate bill last winter, carefully examined, considered, and passed upon. There are only two or three, perhaps, of a different character.

Yet with all this, as I stated before when upon my feet, I have no disposition to crowd this matter upon the Senate unless it can receive the consideration that is due to it. pose of making progress, and doing it fairly to all concerned, I ask that the matter may be laid before the Senate to-morrow morning at the conclusion of the morning business, and that a vote be taken upon it before adjournment.

Mr. BACON. Of course, I am speaking only for myself. There are other Senators who are equally interested with me; I mean who represent interests which are involved in the same manner as the interests I represent are involved. know what their views may be, but I have no objection to the consideration beginning to-morrow. I shall certainly not do anything to delay it in any manner. We want, however, the fullest opportunity for the discussion of it.

I repeat, the embarrassment in this case grows out of the fact that here is a conference report presenting a bill in which there is one particular thing which is recognized now as being of the uttermost importance, demanding urgency, and a thing which has attracted so much attention from a national standpoint that all other matters may be lost sight of; and yet we are compelled to vote upon this report as an entirety, and will not be in a position to try to have eliminated from the bill, by amendment, those things which are equally important to the section from which we come as the things which relate to matters concerning the Pacific coast.

I am perfectly willing that the matter shall begin to-morrow, and I shall not, so far as I am concerned, desire in any way to interrupt the consideration of it until it shall be concluded. But as to consenting that a vote shall be taken at a particular time, when there is so much involved and when we do not have the opportunity to try to correct the things which we object to by offering amendments, as far as I am personally concerned it will be impossible to consent to a particular time for taking the vote.

Mr. McCREARY. Mr. President, I take a very deep interest in the conference report. I am upon the Committee on Immigration and assisted in preparing the immigration bill which

passed the Senate nearly a year ago.

This is a very interesting subject, but it is one that there should be no delay in getting through with. I think the Senator from Vermont made a very fair suggestion. We ought to take up the conference report to-morrow morning. It seems to me that Senators can study the report to-day and to-night, and that we ought to take it up to-morrow and finish it.

It refers to very important questions; questions which should

be decided. For one I can say that the conference report is satisfactory to me in the main, and I have given as much study to this question as any other question that has come before us since I have been in the Senate. I believe that there should be action, and speedy action, on the conference report. I hope it will not be delayed. I hope we will take it up to-morrow and dispose of it.

Mr. DILLINGHAM. Mr. President, I renew my request for unanimous consent, that the report be laid before the Senate to-morrow at the close of the routine morning business, and that a vote be taken upon it before adjournment to-morrow.

The PRESIDING OFFICER (Mr. Piles in the chair).

Senator from Vermont asks unanimous consent

Mr. TILLMAN. Mr. President, I hope the Senator will not press that request.

Mr. LODGE. I ask that the request for unanimous consent may be stated by the Chair.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the conference report now under consideration be laid over until to-morrow morning, that it be taken up immediately after the conclusion of the morning business to-morrow, and that a vote may be had on it that day.

Mr. LODGE. Before adjournment?
The PRESIDING OFFICER. Before adjournment.

Mr. President, I want to say that there are Mr. TILLMAN. questions involved in the report of very serious moment. I for one am not disposed to delay the action of the Senate upon them, but I think the Senator in charge of the report could secure all he wants and get early action without undertaking to get an agreement. Things might develop after an examination which would make it obligatory on some of us to fight the report until the 4th of March, if necessary, rather than see it become a law. I do not think it is entirely fair to ask that we shall be pledged to vote to-morrow whether we are ready or not.

So I hope the Senator will not press his request and will let us take up the report to-morrow morning, that we may have one more twenty-four hours in which to examine it. Then he can ask in the morning when we take up the report that we shall vote upon it before we adjourn, and probably we will agree

upon that.

Mr. CULBERSON. Mr. President——
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I do not desire to interrupt the Senator. I thought he had concluded. I will wait until he gets through. Mr. TILLMAN. I do not want to go into the merits of the

subject until we know what we are doing.

Mr. CULBERSON. In that view, Mr. President, I will ask the Senator from South Carolina to yield to me for a question which I wish to ask the Senator in charge of the conference report, to see what, if anything, there is in the matter which has occurred to me.

Mr. TILLMAN. I yield to the Senator with pleasure for that

purpose.

Mr. CULBERSON. I will state, Mr. President, that we have had a good deal of report, newspaper and otherwise, lately of a new treaty with foreign nations with reference to the immigration of their subjects who are coming to this country. fore the question of unanimous consent is definitely proposed, I invite the attention of the Senator from Vermont [Mr. DILLINGHAM] to this language in section 39 of the conference report, which is found on page 2816 of the RECORD:

And the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States.

I do not know whether there is any significance in it, Mr. President, but this section does not use the language of the Constitution as to treaties, for there is no question but such an agreement between the United States and any other nation would be a treaty, and yet are we to infer from the language used, not being that of the Constitution, that it may be approved by a majority of the Senate? I therefore ask the Senator from Vermont if there is any significance in that action?

Mr. DILLINGHAM. None whatever, Mr. President.

Mr. CULBERSON. Does the Senator consider that such an

agreement would be a treaty within the meaning of the Constitution and require a two-thirds vote of the Senate for its ratification?

Mr. LODGE. To what page of the conference report does the Senator from Texas refer?

Mr. CULBERSON. I have not the report convenient, but I refer to it as found printed on page 2816 of the RECORD.

Mr. TILLMAN. It is on page 13 of the conference report printed in pamphlet form.

Mr. CULBERSON. And section 39 of the report.
Mr. LODGE. Mr. President, the intention of the conferees was to bring any agreement of any form which was made within the advice and consent of the Senate, using the constitutional words "advice and consent." Of course such an agreement would be regarded as a treaty.

Mr. TILLMAN. I submit again to the Senator from Vermont the fairness and justice of allowing Senators an opportunity of reading this report and studying it one more day be-

fore he undertakes to drive it through the Senate.

Mr. DILLINGHAM. Mr. President, that is just what I have tried to do.

Mr. TILLMAN. But you want to get a unanimous-consent agreement that we shall vote on the report to-morrow without an opportunity of examining it.

Mr. DILLINGHAM. That places it on your own responsi-

bility.

Mr. TILLMAN. You ought not to force us to take the responsibility. Perhaps we shall not want any responsibility. We may be willing to vote on the report to-morrow without discussion. The Senator from Vermont ought not to force us to get into a corner, as it were, and tie us hand and foot by an agreement. I do not want the Senator to understand that I am filibustering or that I am going to obstruct or prevent action on this report; but I submit that what I suggest is no more than fair and just to those of us who have not had an opportunity to read the report, who do not know what is involved in it, and who do not know what grave and serious questions may arise. I submit that we ought not to be compelled to vote on it to-morrow.

Mr. DILLINGHAM. Mr. President, it seems to me that the proposition which has been made for unanimous consent is a reasonable one in view of the lateness of the session and the very large volume of business that is awaiting attention; and unless it is granted I shall feel compelled to ask that the Senate proceed with the consideration of the report at the present

time. The PRESIDING OFFICER. Is there objection to the re-

quest for unanimous consent?

Mr. TILLMAN. I object, Mr. President.

The PRESIDING OFFICER. Objection is made.
Mr. TILLMAN. Well, Mr. President, that involves the effort to discuss and present questions here without preparation and

without proper opportunity to get before the Senate all the matter which would be conducive to intelligent action. So far as I have had an opportunity to study this question, I call attention to the proviso on page 17 of the report.

Mr. BACON. Mr. President, am I to understand that the Senator in charge of the conference report declines to let the

matter go over until to-morrow?

Mr. TILLMAN. He has said so in terms.
Mr. BACON. I wanted to know that.
Mr. DILLINGHAM. Mr. President, I will submit another proposition, because I want to be fair to everybody in relation to this matter. I ask unanimous consent that the consideration of this conference report be entered upon to-morrow at the conclusion of the routine morning business, and that the vote be taken before adjournment on Saturday. That will give abundance of time for the consideration of every question involved in the report.

Mr. TILLMAN. That does not answer the objection which I raised a moment ago, Mr. President, to the effect that in the investigation which we make we may come upon propositions in the report which to our minds are so important and vital in their character that we could not consent to have the report adopted at all if we could prevent it; and under the rules of the Senate Senators know that there is great opportunity for delay if a compact minority makes up its mind to fight aggressively. So I submit that to-morrow morning will be time enough to ask for a vote, after we have had an opportunity to examine the report. I do not want to be put into a corner. I would just as lief vote to-morrow night as Saturday night, for we may be willing to vote in an hour after assembling to-mor-

row if Senators have an opportunity of examining the report.

The question is, What is in this report? So far as I have been able to discover, the conferees have acted with a free hand; they have put into this conference report matters that were never passed by either body. They have amended and changed the immigration laws of the United States to suit themselves and to suit the special interests which seem to influence and control things here, and I for one am not prepared or willing to

agree now to vote at any time.

Mr. DILLINGHAM. Then, Mr. President, I know of no other method to be adopted than to proceed with the consideration of

the report.

Mr. TILLMAN. I say I can not agree now, but we might tomorrow morning agree upon a time and save the struggle of a discussion without proper preparation.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from South

Carolina yield to the Senator from Colorado?

Mr. TILLMAN. Certainly.

Mr. PATTERSON. Mr. President, it seems to me there is abundance of business to occupy the Senate until to-morrow morning. As I understand the position of the Senator from South Carolina, it is simply to allow this conference report to go over until to-morrow morning, and that then the request for unanimous consent be taken up and acted upon.

Mr. TILLMAN. Certainly; and by me there will be no captious opposition or effort to delay.

Mr. PATTERSON. That is a very reasonable request, it seems to me, the Senator from South Carolina putting it on the ground that he wants time to examine the report. There is only one feature in the report, it seems to me, that will bring on any very considerable debate. That new feature I am in favor of, but for the purpose of facilitating the matter and preventing trouble, if possible, I suggest that the matter ought to go over as requested by the Senator from South Carolina.

Mr. TILLMAN. Well, Mr. President, I have been in the Sen-

ate twelve years, and yet I have never seen anything gained here by an effort to dragoon Senators, and those people who are ordinarily unwilling to fight and not spoiling for a fight can be very easily aroused to a condition of indignation and a sense of wrong and driven into an attitude which voluntarily they

would not take.

I want to call attention mainly to the proviso-it is the one thing I have examined thus far—on page 17 of the conference reports, which reads:

Provided further, That whenever the President shall be satisfied that Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

I make the point of order, Mr. President, that this is entirely new and extraneous matter; that it was never considered by

either House; that it does not appear in either bill as it was passed by the Senate or by the House; that the conferees have exceeded their authority, and that they are entirely outside of their jurisdiction in having brought into this Senate a matter which has no business here.

Mr. LODGE. Mr. President— Mr. TILLMAN. Mr. President [the Vice-President in the chair], I have stated the point of order, but the present occu-pant of the chair having been absent at the time, I shall have to repeat it.

Is the Senator going to state it again?

Mr. TILLMAN. Yes. I make the point of order, Mr. President, that the proviso on page 17, in italies, at the end of section 1, just preceding section 2, is out of order, because the conferees have injected into this report matter that never was considered nor passed upon nor adopted by either House

in either of the bills which they had under consideration.

Now, I will call attention, Mr. President, while I am on my feet, to the fact that last June, when the rate bill, with which I had to do at the time, was under consideration here, and a conference report was brought in, the conferees, in the desire to make a workable law, had taken the liberty, in the interest of what they thought was the public welfare and proper legislation, which seemed to be desired by all parties—one feature of which was afterwards added to the laws of the land in the way of a joint resolution-we brought that conference report here with three or four little amendments, entirely new, and which had never been considered by either body; and I recall now the terrible earnestness the Senator who is on his feet to combat the position I now occupy—I allude to the Senator from Massachusetts [Mr. Lodge]—and with what unction and zeal those conferees were lectured for their impudence in presuming to do this thing. I recall with what unanimity the conferees were notified that that was entirely outside of their jurisdiction; that they had no authority to do it; that the conference report must be taken back and changed and these extraneous and improper things be stricken out.

So, while I have seen in my service here matters submitted to the Senate itself and what everybody knew to be entirely out of order has been voted in order-and I suppose that is the method proposed now—I submit, Mr. President, that if we have rules we ought to stand by those rules and compel all our

conferees to treat all bills alike.

Speaking further to the point of order, I call attention to the fact

The VICE-PRESIDENT. The Chair will call the attention of the Senate to the fact, applying not only to the point of order under consideration, but to all points of order, that, under the rules, debate is not in order upon a point of order, and whatever debate there is is by unanimous consent. If there is no objection, the Senator from South Carolina may proceed.

Mr. TILLMAN. Proceeding then, Mr. President, I had referred to the action of the Senate and of various Senators relative to the conference report on the rate bill last June and the reprimand given the conferees in that instance for doing just the conferees have done here. There is this difference, that when the Senate passed the immigration bill, changthe law in many particulars, it presented an entirely new bill, and the House struck out everything except the enacting words and enacted an entirely new bill. Based on this, it is contended that the conferees are at liberty to enact anything they see fit in regard to immigration; that there is no limitation whatever on their power, and that technically they have been within their rights.

What I contend for is that in neither of the entirely new bills which were passed—one by the Senate and one by the Houseis there anything relating to the subject of the proviso which I have just read. That is absolutely new matter. It does not relate to anything which preceded it or which followed it. is entirely separate and apart and relates to a condition which has arisen in the last three months and was not considered by ther House. Therefore it is subject to a point of order.

The VICE-PRESIDENT. The Chair is prepared to rule upon either House.

the point of order.

Mr. LODGE. I ask permission to be heard very briefly in reply to the Senator from South Carolina [Mr. TILLMAN] on the point of order.

The VICE-PRESIDENT. Without objection, the Chair will

hear the Senator from Massachusetts.

Mr. LODGE. In this case, Mr. President, we have an entirely different set of conditions presented from those presented in the case of the rate bill. In this case the Senate bill was stricken out by the House and a single amendment was made in the nature of a substitute—a long act covering every section of the existing immigration law. Therefore both bills in their

entirety were open to the conferees and were subject to any modification which they might choose to make. there can be no doubt that in a situation like that the powers of

the conferees are very large, if not unlimited.

In the second place, Mr. President, this amendment is not out of order in itself. It is a mere modification of a section which provides for certain exceptions in regard to admission to this country and for collection of a head tax. It is merely the application of the exceptions, such as are stated previously in the bill as to persons coming from Canada or from Mexico. It is a simple extension to meet another case in which entry to this

country must necessarily be defined.

Mr. President, I do not desire to consume the time of the Chair or of the Senate on that point. It was held, formally decided by the Senate, no longer ago than last session that a point of order did not lie against a conference report. I contended for the House view and for the House position, which is that a point of order may be made against a conference report and the report, without a vote, be thrown out on the point of order. It was held by the Chair-correctly, as I now believe, in view of the precedents in the Senate-and sustained by the Senate that under the rules and practice of the Senate a point of order did not lie against a conference report, that the only vote possible was on the acceptance of the report-it could be either accepted or rejected—and that there was nothing else open to the Senate.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. In the absence of objection, the

Senator from Texas may proceed.

Mr. CULBERSON. Mr. President, I desire to invite attention a moment to the rules. Rule XX provides:

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

The Senator from Massachusetts [Mr. Lodge] a moment ago stated that a conference report was not subject to a point of rder. On that subject I read from the pamphlet entitled Conferences and Conference Reports," which is practically a order. part of the rules of the Senate. On page 16 it says:

Conferees may not include in their report matters not committed to them by either House. (1414-1417.) (50th Cong., 1st sess., Sen. Jour., pp. 1064, 1065; 54th Cong., 2d. sess., Sen. Jour., pp. 90, 91, 96.) In the House, in case such matter is included, the conference report may be ruled out on a point of order. (See Rule 50, below.) In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

Showing that a question of order can be raised to a conference report, and, if raised, must be submitted to the Senate by the presiding officer. A note, Mr. President, by Mr. Cleaves to this rule is as follows:

rule is as follows:

Note.—In the Fifty-fifth Congress, first session, Vice-President Hobart, in overruling a point of order made on this ground against a conference report during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report. (55th Cong., 1st sess., Sen. Jour., pp. 171, 172; Cong. Rec., pp. 2780-2787.) See also Congressional Record, page 2827, Fifty-sixth Congress, second session, when the Presiding Officer (Mr. Lodge in the chair) referred with approval to the foregoing decision of Vice-President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was, by unanimous consent, rejected. (59th Cong., 2d sess., Cong. Rec., pp. 2826-2883.)

Mr. PATTERSON. Mr. President—

Mr. PATTERSON. Mr. President

The VICE-PRESIDENT. Does the Senator from Texas yield the Senator from Colorado?

Mr. CULBERSON. Certainly.

Mr. PATTERSON. I call the attention of the Senator from Texas to the fact that this identical question was raised and determined at the last session of Congress on the Indian appropriation bill, and the position taken by the Senator from Texas was sustained. A point of order was made to the effect that the part of the conference report that was under discussion until it was brought to the Senate had never been acted upon until it was brought to the Senate had never been acted upon by either House, was held to be a good point of order, and the matter to which the point of order was referred was stricken out. The Senator from Maine [Mr. Hale] took very decided ground upon that question, and, if I am not mistaken, the Senator from Massachusetts [Mr. Lode] did also.

Mr. LODGE. I took very decided ground, but was overruled both by the Chair and by the Senate.

Mr. PATTERSON. Mr. President, in the matter to which I refer—if the Senator from Minnesota [Mr. Clapp], the chairman of the Committee on Indian Affairs, were here be would

man of the Committee on Indian Affairs, were here he would

recall it distinctly-at the last session of Congress the point was raised, and I raised it. The Senator from Maine sustained the position that I took. The Chair was ready to decide, according to a statement made by the Chair to me afterwards, but, on the statement by the Senator from Maine and other Senators that it was subject to the point of order, the Senator from Minnesota, chairman of the Committee on Indian Affairs, consented that that part of the report of the conference committee might go out.

TILLMAN. He withdrew the report, carried it back to conference, and brought it in again with that eliminated.

Mr. PATTERSON. He consented that it should go out. It was understood that it should go out, because there was not Mr. PATTERSON. any dissenting voice, Mr. President, in that case. Everybody who addressed the Senate or the Chair upon the subject agreed that it was subject to a point of order for the simple reason that it was a matter that had not been considered by either House before the meeting of the conference committee. back to the Senate in that way, after pretty full debate and very earnest speech by the Senator from Maine, in which he deprecated that kind of legislation and used strong language condemnatory of it, practically by unanimous consent the point of order was sustained. I think that was the last decision upon that question that we have had.

Mr. CULBERSON. Mr. President, when interrupted by the Senator from Colorado-and the interruption was entirely agreeable, of course-I had about concluded what I had to say upon the question as to whether the new matter in the report before the Senate was subject to the point of order. I desire to state and to submit to the Chair that, under the uniform rule of this body, it is subject to the point of order, and that it is the duty of the Chair to submit the point of order to the Senate.

In addition to the case cited by the Senator from Colorado, Mr. President, I want to remind the other side of the Chamber that less than a year ago, when the conferees, of which I happened to be one, on Senate bill 6248, entitled "A bill to amend section 5501 of the Revised Statutes of the United States," brought in some new matter, namely, bringing Members of the two Houses of Congress within the prohibition of that statute, but frankly stated to the Senate that such was the case, the point of order was made by Senators opposed to the bill, and the conferees were required and compelled to withdraw the report and reconsider the matter.

So I submit, Mr. President, that a point of order may be made to a conference report, and that under the rule cited it ought to be submitted to the Senate by the President.

The VICE-PRESIDENT. The Chair has heretofore had occasion to rule on a point of order raising precisely the same question in principle that is now raised by the point of order made by the Senator from South Carolina [Mr. Tillman]. The Chair, when the subject was first presented to his attention, examined with some considerable care the practice of the Senate in the premises. He came to the conclusion then that the practice of the Senate for some time past, at least, differed somewhat from the practice which obtained in the House. The Chair is of the opinion that the objectionable matter in the report, if any, can not be reached by a point of order, but the Senate may consider it when voting upon the question of agreeing to the report. On the 11th of last June the Chair ruled as follows:

The Chair is of the opinion, as he has previously held, that under the usual practice of the Senate a point of order will not lie against a conference report. The matter in the report challenged by the point of order interposed by the Senator from Texas may be considered by the Senate itself when it comes to consider the question of agreeing to the report. The only question under the usual practice of the Senate, in the opinion of the Chair, is, Will the Senate agree to the conference report?

The Chair holds that the point of order is not well taken, and therefore overrules the point of order.

Mr. CULBERSON. I rise to a parliamentary inquiry.
The VICE-PRESIDENT. The Senator from Texas rises to a

parliamentary inquiry. He will state it.

Mr. CULBERSON. I am not certain that I understood the decision of the Chair just rendered on the point of order.

The VICE-PRESIDENT. The Chair overruled the point of order, thinking that it was not well taken.

Mr. CULBERSON. I understand. I want to see if I understand the ruling of the Chair.

The Chair first stated, as it occurred to me, that the point of order might be made and that the Senate in passing upon the conference report might consider the question whether or not the point of order was well taken. The Chair, however, as it seemed to me, notwithstanding that, decided himself that the point of order was not well taken. I would be glad to have the Chair state if my understanding of the ruling is correct.

The VICE-PRESIDENT. The Senator from Texas does not

quite understand what the Chair said. The Chair is of the opinion that the point of order is not a matter for the consideration of the Chair. The matter which is now challenged may be properly considered by the Senate when it comes to vote upon the question of agreeing to the report. If matter beyond the jurisdiction of the conferees has been incorporated by them in the conference report, that is good ground for the rejection of the report when the Senate comes to act upon the entire subjectmatter of the report. The Senator will observe that while the Chair overrules the point of order, the extraneous or improper matter included in the report, if any, is not by the ruling of the Chair withdrawn from the consideration of the Senate, but may be considered and will properly be considered when the Senate

votes upon the question of agreeing to the report.

That is all that was said by Vice-President Hobart in his ruling to which the Senator from Texas has directed attention. The entire opinion of the Vice-President is not included in the pamphlet from which the Senator from Texas read. The most important part has not been incorporated in the pamphlet. will be found to be so by the Senator upon an examination of the

RECORD where the full text is published.

Mr. BACON. Mr. President, as I understand, then, the direction given to this matter by the ruling of the Chair, it is entirely proper for Senators to make points of order and to discuss them, but the decision of them will be relegated to the final vote of the Senate on the question of the rejection or adoption of the report of the committee?

The VICE-PRESIDENT. The Chair is of the opinion that interposing points of order does not change the status of the subject in the least, and that it is not necessary to make a point of order in order to give the Senate jurisdiction over the subject-matter challenged when the Senate comes to act

upon it by final vote.

Mr. BACON. I understand, but the particular matter which I brought to the attention of the Chair, with a view to seeing whether I was correct in it, was as to the matter of procedure, that of course the question whether or not there is extraneous matter in the report of the committee is a matter of order, but that instead of being raised as a point of order, it will be pointed out in the debate as extraneous matter and urged as a reason why the report should be rejected; but that in each instance there is still reserved to Senators who think there is extraneous matter the right to make a distinct issue upon each one of those particular matters thus indicated.

Mr. NELSON. Mr. President, I concur in the first part of the ruling of the Chair, if the Chair will permit me, but I think the results drawn from that ruling are improper. The Chair practically stated in the first part of his ruling that the rule here is unlike the rule in the House of Representatives, which allows the presiding officer there to rule on such a question. If it is true, and I do not question it, that the President of the Senate has not the authority to rule on it like the Speaker of the House can, the decision of the Chair should be not to overrule the point of order made, but that the Chair has no jurisdiction to rule on the point of order; that it is a matter for the Senate. That would put our record in proper shape, for if the Chair

rules against the point of order, and if it has a right to rule against it, then it has a right to sustain the point of order.

The VICE-PRESIDENT. The effect of the Chair's ruling is that the matter complained of is for the Senate to consider upon the vote upon the conference report and not for the Chair to

determine.

Mr. NELSON. Therefore the Chair had no authority The VICE-PRESIDENT. The Chair meant to be understood in effect as saying that he could not entertain the point of order.

Mr. NELSON. To that extent the decision of the Chair is correct-

The VICE-PRESIDENT. Yes.

Mr. NELSON. That the Chair has no jurisdiction to entertain the point of order. The VICE-PRESIDENT. That is the effect of what the Chair

intended to say

Mr. PATTERSON. Mr. President, I desire to suggest that the ruling which the Chair has just made will doubtless stand as a The Chair mentioned the decision of Vice-President precedent. Hobart, stating that the most important part of it was not incorporated in the pamphlet from which the Senator from Texas read. In order that the Senate may have the whole matter incorporated in the RECORD to-morrow I ask that the Chair will cause the Secretary to read the portion of the decision of Vice-President Hobart to which he referred in his opinion.

The VICE-PRESIDENT. The Secretary will read.

Mr. GALLINGER. Let the entire decision be read, Mr. Presi-

The VICE-PRESIDENT. The Chair is of the impression that

this is the entire opinion which was read at the request of the Senator from New Hampshire on the 12th of last June. Secretary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

The Vice-President The Chair has not the opportunity to look up any of the precedents that may exist on similar points of order made heretofore to the relevancy of items like the one in question contained in a conference report. The present occupant of the chair feels that it would be an unwelcome task if he is obliged to decide as to whether any or every amendment made in conference is germane to the original bill, or germane to the amendments made in either House or both Houses, or whether a conference report as submitted to the Senate contains new and improper or irrelevant matter.

The rules of the Senate certainly do not provide for such action, and the Chair calls the attention of the Senator from Arkansas and of the Senate to the fact that this conference report has been adopted by one House in this perfected shape, and that this report is now submitted here as a whole for parliamentary discussion and decision in the form of concurrence or disagreement.

All arbitrary ruling on a point of order like this after the bill has been fully passed by one House and approved by it can not be within the power of any presiding officer.

He can not decide while such a report is being discussed and during the progress of its presentation that matter has been inserted which is new or not relevant, and thus decide what should or should not have been agreed upon. It is not the province of the Chair.

All such questions are such as should go before the Senate when it votes upon the adoption or rejection of the report, which is the only competent and parliamentary action to be taken.

If the Senate itself can not amend this report, and it admittedly can not, the Chair can not do more in that respect than the Senate itself. The Senator from Arkansas asks the Chair by its decision to do that which the Senate itself can not do, to amend this conference report. It is not possible to amend by such a method. The Senate must decide for itself as to the competency of this report in all particulars

action of the Senate upon the vote taken upon concurrence has that power.

The effect of such a decision, if made, can only be surmised. Where would the bill go if thus amended? Not to the conference committee, for that has been dissolved upon the making of its report to the other House and acceptance there. Not to the Senate conferees, for they have concluded their action also. Possibly to the Senate Finance Committee, where the bill started many months ago. Such a decision, therefore, that paragraph No. 396, contained in the conference report, contains new matter or new legislation, or is not germane or relevant, might be tantamount to indefinite postponement of the bill. Surely the Chair has no such power, and if exercised would be arbitrary in the highest degree.

The Chair decides that the point is not well taken. (Congressional Record, 55th Cong., 1st sess., vol. 30, pt. 3, pp. 2786, 2787).

Mr. BACON. Mr. President, if the suggestion of the Senator from Massachusetts [Mr. Lodge] as to the powers of conference committees in a case such as that now before the Senate, where the report is one submitting an entire bill, growing out of a condition where the Senate had passed one bill and the House another bill, is correct, it would absolutely destroy the fundamental principle which controls the action or should control the action and is designed to control the action of conference committees, that they shall not in any manner undertake to legislate as to matters which were not committed to them growing out of the differences between the two Houses. I do not recall the exact language of the Senator from Massachusetts, but I think he said that in such a case the powers of conference committees were practically unlimited. I think he used the word "unlimited." If so, there is nothing which is better calculated to illustrate the necessary fallacy of the position taken by the Senator from Massachusetts, because there can be no legislative construction of the powers of a conference committee which gives them unlimited power to legislate as to the subject-matter involved.

Mr. LODGE. The Senator, of course, did not understand me as saying that they were not limited to the subject-matter.

Mr. BACON. No.

Mr. LODGE. I mean conferees on an immigration bill could Mr. BACON. No; I did not even—
Mr. LODGE. I meant practically unlimited on the subject

before them.

Mr. BACON.

The proposition of the Senator is that when a case is pre sented such as this is, that the only limitation to the power of the conference committee is that they shall confine themselves to the subject, and that when confining themselves thus to the subject, there is no limitation upon them. They may roam at will throughout its entire extent and present to the Senate for its consideration and adoption any measure they may see fit to present, provided it is upon that subject. If that is true, there could be no more dangerous proposition submitted to a delibera-

This particular matter before the Senate is one which illustrates the danger of it. I am sorry we have not more Senators

here to listen to our presentation of this argument, because it is one which concerns us vitally.
Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. Certainly.

Mr. CULBERSON. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Texas suggests
the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Cullom	Hemenway	Newlands
Bacon	Curtis	Heyburn	Nixon
Berry	Daniel	Kean	Patterson
Beveridge	Depew	· Kittredge	Perkins
Blackburn	Dick	Knox	Pettus
Brandegee	Dillingham	La Follette	Piles
Burkett	Dubois	Lodge	Proctor
Burnham	Du Pont	Long	Rayner
Burrows	Elkins	McCreary	Scott
Carter	Flint	McLaurin	Simmons
Clapp	Frazier	Mallory	Smith
Clark, Mont.	Fulton	Millard	Stone
Clarke, Ark.	Gallinger	Money	Sutherland
Clay	Gamble	Mulkey	Tillman
Culberson	Hansbrough	Nelson	Whyte

The VICE-PRESIDENT. Sixty Senators have answered to

their names. A quorum is present.

Mr. FULTON. I have been requested to state that the Senator from Wyoming [Mr. Warren], the Senator from Missouri [Mr. Warner], the Senator from Ohio [Mr. Foraker], and the Senator from Florida [Mr. Taliaferro] are in the Committee on Military Affairs, engaged in taking testimony in pursuance of an order of the Senate.

Mr. SCOTT. Mr. President, I should like to inquire how those of us who are on committees engaged in investigations are We do not want to be marked as being absent, and I understand we have the privilege of holding committee meet-

ings during the session of the Senate. Is that correct?

The VICE-PRESIDENT. That is the practice.

Mr. BACON. Mr. President, I hope Senators on the other side of the Chamber will give us their attention. I am sorry there are so few of them present, because I do not believe, if they could hear the presentation we have to make as to the injustice that this bill does to the industries of our part of the country, they would sustain the report of the committee.

Before endeavoring to present some matters right along the line of the great injustice which I said one feature of this bill does to important industries in our part of the country, I want to complete what I was saying on the subject of the proper functions of a conference committee. I was discussing the position taken by the Senator from Massachusetts [Mr. Lodge]—Mr. GALLINGER. Mr. President—The VICE-PRESIDENT. Does the Senator from Georgia

yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. Before the Senator from Georgia proceeds to discuss that will he direct my attention to the section or paragraph in the bill to which he alludes, that I may examine it?

Mr. BACON. I am going to do so in a very imperfect way, because I have not had time to read the bill, although I am going to take the time of the Senate in an endeavor to read it. As I am not to be allowed to read it elsewhere, I will read it

Mr. GALLINGER. If the Senator is going to read it—
Mr. BACON. But I call the attention of the Senator particularly to page 18, in order that he may look at it. I will come to it directly

Mr. GALLINGER. I thought the Senator was about to proceed to the discussion of another question.

Mr. BACON. In order to make coherent what I had said, I want to add a few words, which will probably take four or five minutes, and then I will come to my discussion of that question-

Mr. GALLINGER. I will listen to the Senator. Mr. BACON. Without having had the opportunity Without having had the opportunity to do more than glance at it.

I was discussing the question whether or not the fact that a bill had passed the Senate in one shape and had passed the House by a substitute, and had then been committed to a committee of conference, clothed the conference committee with the powers claimed by the Senator from Massachusetts, powers limited only by the extent of the subject involved, or whether the conferees were still bound by the fundamental rule of conference committees, that they must limit their consideration and their report to matters of difference between the two Houses.

I only want to say in that connection that where the Senate passes a bill in its entirety and the House, instead of amending that bill by piecemeal, passes a substitute for it also in its entirety, that condition of affairs thus presented does not change the rule. The conference committee are limited in their powers to a consideration of the points of difference between the two Houses.

It may be a matter of some difficulty to definitely determine what are the precise points of difference, but it is none the less necessary that the bill passed by the Senate and the substitute passed by the House shall be compared, and that in so far as they agree the conference committee have no jurisdiction whatever; that in so far as they differ, points of difference are thus developed which the conference committee are clothed with jurisdiction to consider, and their power is limited to those points of difference as much in that case and as rigidly in that case as in the other case where the one House passes the bill with distinctive, independent amendments, as is usually done.

I will not stop to discuss that, though I may have occasion before this debate concludes to call attention more particularly to that proposition and to apply it to various amendments which are proposed by this conference report, which we shall insist are in no manner connected with any points of difference between the two Houses, but are independent matters of legislation growing out of no such differences.

Mr. President, I ask the Senators on the other side of the Chamber to let me present to them and to give consideration to a matter which I now bring to their attention. As I said, I have had no time to read this document. I have had but a mere glance at it. I call attention to page 18 of the document, which was printed last night and laid on our desks this morning. It is not indicated by numbered lines, so I will have to indicate it by the relative position upon the page. It will be seen by reading it that there is an attempt, as far as I can gather from the casual reading, to utterly destroy all possibility of the securing of any immigrants by means which are now permitted under the law as it stands to-day. I will read some part of it.

Mr. LODGE. May I ask the Senator a question, as I want to understand his point? He means that this prevents the importation of contract labor?

Mr. BACON. I mean to say that it goes much further than the law as it now exists.

Mr. LODGE. That is not my question. Does it prevent more absolutely the importation of contract labor than the present law?

Mr. BACON. The Senator can discuss the question whether it does of not. I am going to discuss the very question which he asks.

Mr. LODGE. I can understand why the Senator does not answer my question.

Mr. BACON. The Senator need not fear to ask me any question he wishes, and I will answer it in my own way.

Mr. LODGE. I am not afraid to ask it. All I am afraid of is that I can not get an answer.

Mr. BACON. The Senator need not be apprehensive on that point. I think he will have a full answer before the debate gets through.

Mr. McCREARY. Will the Senator read the matter to which he referred?

Mr. BACON. If the Senator will permit me, I will do so with pleasure. As the law now stands, there is no limitation upon the States of the Union undertaking to bring laborers into the United States, and there is no limitation upon an officer of the State having the assistance of money contributed by individuals for that purpose. Under the law as it stands, the State of South Carolina undertook to bring in laborers to supply a most pressing need in that State, a need which exists in other States in that section to the same degree that it exists in the State of South Carolina.

Mr. President, I am going to give a history of this matter as disclosed in a letter from the Secretary of the Department of Commerce and Labor. Under the law as it now exists the commissioner of the State of South Carolina, supplied with funds by individuals, has been bringing in immigrants to be employed in the cotton mills of South Carolina and other industries where they are so much needed. Several shiploads have been brought in. The attention of the country having been drawn to it, an effort was made to bring the commissioner or the officer of the State under the terms of the law as a violator of it. The matter came to the Department of Commerce and Labor for its decision. I hold in my hand the decision of the Secretary of Commerce and Labor on that subject, which I now propose to read to the Senate.

Before proceeding to read the decision I wish to say that we

all understand what has brought this conference report to the Senate. We know that a condition of affairs, which in no manner relates to the industries and interests of which I am speaking, has attracted the attention of the whole country, and even of other countries, and that there is an acute situation which it is the purpose to relieve by bringing in this report. If the report were limited to that, so far as I am concerned, I would have But it is an illustration of what is said of the nothing to say. decisions of courts, that hard cases make bad law. In other words, in the case of courts, in order to meet hard cases the law is frequently bent and distorted in order that injustice may not be done in that particular case. So it is here. In order to meet this case of emergency on the Pacific coast a report is brought in which does not simply relate to that matter, but which covers the entire field of the question of the introduction of immigrants into this country, and opportunity is taken to supply a drastic rule which will do great injustice to some parts of the country, and under the stimulus of this acute situation to induce Senators to vote for a report containing this injustice, even though they may not approve it, in order that this other great end may be accomplished.

Mr. LODGE. I do not think the Senator desires to misrepresent the conferees, of whose action he knows nothing but from the report. In order that he may not misrepresent them I desire to say that this report, without the clause relating to passports, was entirely complete several days ago and would have been presented to the Senate without any reference to that clause.

Mr. BACON. That may be all true, but, Mr. President, the conferees had the opportunity to present this immigration restriction to the consideration of the Senate and to invoke the decision of the Senate with the hope of success that they otherwise would not enjoy, because of the fact that the great interest in this conference report is one which does not concern the particular matters of which I am now speaking, but is an interest in the California situation which is so great that Senators who may not agree with the conferees upon this particular matter that I am speaking about may still vote for the report in order to effect the particular object that they may consider of greater and even of paramount importance.

I can not speak for other Senators, but in opposing this report I in no manner propose to interfere with the accomplishment of what I say is the principal thing which has brought this report We all know the fact that the conference committee have been at a deadlock on the immigration bill ever since last June, and we all know that everyone had despaired of the possibility of the conferees coming to an agreement which would enable them to present a report to either House. It was known to be an absolutely fixed deadlock. We know it is only because of this matter on the Pacific coast that the committee have been able to agree to throw aside differences on other matters and to bring in a report which will accomplish this particular object, and that other questions are subordinated. The conferees can not be ignorant of the fact that the great importance of the question which has thus brought them together in an agreement is one upon which they hope to rely, and that other matters, however wrong they may be in this report, will be subordinated, and that the report as a whole, including the objectionable features, may thus be adopted.

Mr. President, I want to say in this connection that it was not necessary to do that in order to accomplish what they wish to accomplish with reference to this matter on the Pacific coast. So far as I am concerned, if they had a joint resolution here which presented a solution in the control of the immigration on the Pacific coast which was deemed satisfactory by those most interested in it, they could pass that resolution through to-day by immediate action, under a suspension of the rules, and in twenty-four hours it could be passed through each House. It is not necessary that it should be engrafted upon this bill, and it is not necessary that Senators should do a great injustice to a great section of this country, utterly oblivious to the interests of that section in order to accomplish this other end.

Is it important that the Pacific coast shall be protected? Yes; we say so; and we of the South have ever stood here cooperating with the Senators from the Pacific coast in the effort to protect them against the matters with which they are now threatened in one shape or another. Can it be said, Mr. President, when we come to legislate for the entire country, that as to the great section, with the great interests about which I shall briefly speak, and with their great demands, with their great needs, they are to be utterly ignored, and this single question to be allowed to occupy the consideration of Congress to an extent that so long as there can be accomplished what they require, it matters not how thoroughly and ruthlessly the interests of other sections may be trampled under foot?

Mr. President, I started to read this report from the Secretary of Commerce and Labor. It will illustrate to the Senate the in-justice of the adoption of this report, which results in the passage of a bill that we have never had a chance to consider or to offer an amendment to. It will also illuminate the Senate as to the influences which are back of the particular action which has resulted in the features of this bill of which I shall speak.

I am sure that when Senators have heard it they will not wonder that we are not willing to consent that a certain time shall be fixed for the consideration and a vote upon this report, when we have not even had a chance to read it, and when even in glancing our eyes hurriedly across the page we can see this injustice which is thus sought to be perpetrated upon us.

Mr. President, I am going to read this report in full. It is headed:

DECISION NO. 111.

DECEMBER 26, 1906.

To schom it may concern:

The following decision is published for the information of those interested.

OSCAR S. STRAUS. Secretary.

[Foreign laborers—Introduction of, by State of South Carolina.]

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SOLICITOR,
Washington, December 15, 1906.

Sir: The accompanying papers, constituting the file of the Bureau of Immigration relating to certain activities of Mr. E. J. Watson, commissioner of agriculture, commerce, and immigration of the Starte of South Carolina, in bringing about the immigration of a large body of allens and placing them at work in that State, were referred to me by your letter of November 16, 1906, and my opinion is required as to whether the plan pursued by Mr. Watson, as it is shown to have been carried out, involves a violation of the immigration laws of the United States prohibiting the importation of contract laborers—

If the Senator from Massachusetts will give me his attention he will find an answer in a large degree to the question which he propounded to me

and if so, in exactly what particulars the exemption in favor of States, Territories, and the District of Columbia, contained in section 6 of the act of March 3, 1903, has been erroneously applied.

The questions presented are both important and delicate—

I pause, Mr. President, to ask the attention of Senators to the fact that that is a ruling upon the law as it now stands; and then I will ask the attention of the Senate to the fact that the language used in this bill is not intended directly to put the law in a condition where this would longer be a construction of it, but where this construction would be a violation of it.

n condition where this would longer be a construction of it, but where this construction would be a violation of it.

The questions presented are both important and delicate, and before undertaking to answer them it was necessary to prepare a careful brief of the facts out of which the questions arose and upon which an opinion might be predicated. The size of the record and the need of making proper mention of the various details of the transaction render the statement prepared too long for insertion here. For present purposes it will suffice to indicate the salient features of the case as follows: It appears that the agricultural and manufacturing industries of South Carolina were languishing and in danger of material injury for lack of labor; that this was particularly true of the cotton industry, fully 20 per cent of the spindles in the State being idle; that this condition would inevitably work to the injury, not only of the operating companies and their stockholders, but to the injury of labor already employed; that the South Carolina mills had tried in the State itself, in adjoining States, and in various parts of the United States to secure the necessary labor, but without success, by reason of the great demand for labor throughout the South; that the sanitary, educational, and living conditions provided for mill workers in the State, as well as the hours of labor required and the rate of wages paid, were satisfactory in themselves and were being constantly improved; that immense property values and the welfare of thousands of laborers are involved in the successful operation of the mills of South Carolina, wherefore not only the interests mentioned but the State itself would suffer from an insufficient supply of labor; that the mill owners, being forbidden by Federal law from themselves procuring the immigration of foreign contract laborers, were denied relief from this source, unless the immigration of laborers could be secured through the agency of the State. An appeal to the legislature resulted in t

ing the expenses of the new department, the act contained the following provisions:

"SEC. 8. That the commissioner be empowered to make such arrangements with oceanic and river steamship companies and immigration agencies in this country and abroad as may best serve the interests of successful immigration, the necessary expenditures being made within the annual appropriation for the general expenses of this department: Provided, however, Nothing herein shall forbid the commissioner acting without fee as the agent of such citizens of the State, who, through the South Carolina Immigration Association and the department, wish to meet excess expenses of bringing desirable immigrants to their farm or other lands. That in the discharge of these duties the commissioner, or such person as he may select, is empowered to visit such immigration centers whenever necessary to produce the best results.

"SEC. 11. That immigrants shall be confined to white citizens of the

United States, citizens of Ireland, Scotland, Switzerland, France, and all other foreigners of Saxon origin."

A commissioner having been duly appointed, an association of private persons (whether the South Carolina Immigration Association or the Cotton Manufacturers' Association of South Carolina is not clear) made up a fund amounting to \$30,000 or more, which was placed at the disposal of the commissioner, and which, with the sum appropriated by the State, constituted a general fund for the encouragement of immigration.

Mr. TILLMAN. May I ask the Senator from what document he is reading?

Mr. BACON. I am reading from a document issued by the Department of Commerce and Labor, so headed, and entitled "Decision No. 111." It is the decision issued by the Secretary It is the decision issued by the Secretary of Commerce and Labor. The document I am now reading from is signed by Charles Earl, solicitor, and also by the Secretary of Commerce and Labor, and it is promulgated by the Secretary of Commerce and Labor, which I read when the Senator, I presume, was not in his seat, with this headnote:

To whom it may concern:

The following decision is published for the information of those interested. OSCAR S. STRAUS, Secretary.

Mr. TILLMAN. I am much obliged to the Senator. Mr. BACON. Mr. President, I resume the reading:

Mr. BACON. Mr. President, I resume the reading:

It does not appear what restrictions, if any, were placed upon the specific uses to which this fund might be put. In August of the present year the commissioner, Mr. E. J. Watson, went to Europe for the obvious purpose of carrying out the provisions of the act of assembly relating to immigration, and his efforts seem to have been directed toward the accomplishment of two principal objects, namely, the starting of a current of emigration on the part of foreign laborers to South Carolina and the establishment of Charleston as a port of entry for such laborers, with a permanent line of boats of the North German Licyd plying between that city and Bremen.

The general objects of Commissioner Watson's mission and the outlines of the methods to be employed were freely communicated to the (United States) Commissioner-General of Immigration and seem to have received at least his tacit approval, Mr. Watson at the same time (i. e., before his departure) expressing every desire to avoid a violation of Federal statutes and every intention of doing only what appeared permissible under those statutes. Mr. Watson's operations abroad were conducted openly; he kept in communication with the Commissioner-General of Immigration, and the Secretary of State had requested for him "such courteous facilitation of the purposes of his mission as may be in accordance with the laws of Belgium and due to the official agent of a constituent State of the American Union."

I pause long enough to say, in connection with the inquiry of

I pause long enough to say, in connection with the inquiry of the Senator from South Carolina, that not only is this document authenticated in the way I have indicated, but I wrote a letter some time ago to the Secretary of Commerce and Labor in behalf of a similar organization in the State of Georgia, where it was proposed by an immigration society to get up a fund to be placed in the hands of a State officer with a view to securing for the State of Georgia the best class of immigrants to meet a most trying and urgent demand for labor in order to prevent great sacrifice of the industries of that State. The letter which wrote to him inquired whether or not-it was written before this decision was promulgated—the procurement of such a fund and the placing of it in the hands of a State officer would, in the opinion of the Department, be a violation of the statutes of the United States; and the particular copy of this report, which I hold in my hand, was sent to me with a letter by the Secretary of Commerce and Labor as an answer to my inquiry, stating that this was his construction of the law. So there can be no doubt whatever that this document is an authentic document and the official utterance of the Department of Commerce and Labor. I will resume the reading.

official utterance of the Department of Commerce and Labor. I will resume the reading.

Commissioner Watson's procedure abroad appears to have been substantially this: He appointed resident representatives of his department at Ghent, Belgium; Middleburg, Holland; Berlin, Germany; Copenhagen, Denmark; Glasgow, Scotland, and Salford, England. These representatives he supplied with a variety of literature descriptive of South Carolina, its characteristics, climate, institutions, resources, industries, and opportunities, and particularly its labor conditions, including reference to the great demand therefor, to hours of labor, housing facilities, and wages paid. Advertisements were inserted in the newspapers containing more or less of this information, and persons interested were referred to the local representative of the State. As a result of these measures and of the personal efforts of Commissioner Watson and his agents nearly 500 laborers, principally from Belgium, Holland, and Germany, were collected, who agreed to migrate. In the meantime Commissioner Watson had arranged with the North German Lloyd to furnish a steamer to transport the passagers from Bremen to Charleston, which was ready to receive the laborers. Before sailing, each of the laborers signed a paper containing the scale of wages advertised as the prevailing rates paid in South Carolina, Commissioner Watson on his part agreeing to find employment for such emigrants at the rates stated and pay the passage money of each emigrant, first taking an obligation (subsequently canceled) that the sum advanced would be repaid to him by gradual deductions from the earnings of the emigrant within the ensuing year, and first satisfying the Belgian Government that the advertised scale of wages was correct and that any Belgians having just cause of dissatisfaction upon arrival would be returned at the expense of the State to their homes. Each emigrant carried with him to the United States a letter of introduction, addressed to Commissioner Watson and stating th

not likely to become a public charge; second, to assist in placing the laborer in the proper industry. In a number of cases considerable confusion and dissatisfaction resulted from misstatements in those letters as to the character of work the bearer was qualified to perform.

After the immigrants had been admitted to the United States by the officers of the Bureau of Immigration they were distributed among employers in South Carolina by the State commissioner, who appears to have acted on his own judgment as to what localities and persons they should be sent. It seems, also, that the commissioner was under no obligation to supply any particular laborer, or any laborers at all, to an employer solely because he had contributed to the immigration fund; and, further, that the immigrants themselves were free to reject any particular offer of employment that might be made to them. Most of the immigrants went to work in cotton mills, but a hundred or more who were unfitted for the mills were placed with farmers, contractors, and tradesmen generally. Out of the total number who emigrated, about twenty-two became dissatisfied and were returned to their homes at the expense of Commissioner Watson's fund.

The contract-labor laws, so-called (i. e., the acts of February 26, 1885, 23 Stat. L., 332; February 23, 1887, 24 Stat. L., 414; October 19, 1888, 25 Stat. L., 366; March 3, 1891, 26 Stat. L., 1048; February 5, 1893, 27 Stat. L., 363; March 3, 1891, 26 Stat. L., 1048; February 5, 1893, 27 Stat. L., 1313, bear directly upon three classes of persons: First, persons who import foreign labor or aid in the immigration thereof; second, masters or owners of vessels who knowingly assist in the importation or immigration of such labor, and, third, foreign laborers themselves coming to the United States under contract to perform labor, or in consequence of certain forbidden inducements held out to them. By the terms of the questions presented, a consideration of the provisions of these statutes is required only as they affect th

Mr. President, it is important that what I am now to read shall be considered not only with reference to this construction put upon it by the Secretary of Commerce and Labor, but also as furnishing to the Senate in convenient form a statement of the law as it now exists. An examination of it will afford Senators an opportunity, by reference to the bill now before us as reported by the conference committee, to compare the two and to wherein the bill as reported differs from this. They then will be able to see that the express provisions of the bill proposed in the report are evidently designed to meet the view and construction of this law as presented by the Secretary of Commerce and Labor and to put the law where he can no longer so construe it and where what has been done in the State of South Carolina can no longer be done for the purpose of supplying labor in that part of the country for the cotton mills or for other

Here the Secretary quotes a provision of the law with reference to contract labor, showing to what extent contract labor may be permitted to come in and pointing out in what particular this has been lawful in this particular transaction and how these immigrants could lawfully be brought into the State of South Carolina.

Carolina.

"Section 1. * * * That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner-whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor of service of any kind in the United States, its Territories, or the District of Columbia. (Act of Feb. 26, 1885.)

"Sec. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States, the proceeds to be paid into the Treasury of the United States. * * " (Act of Feb. 26, 1885.)

"Sec. 3. That it shall be deemed a violation of said act of February 26, 1885, to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treate

Mr. President, if I have not in my haste misread the amendments to the present existing law which are found in the report of the conference committee, they are designed expressly and particularly to nullify the provisions of the present law.

Mr. LODGE. That is the law of 1885, which has been modi-

fied since by the law of 1903.

Mr. BACON. I am reading from the law of 1891 and not from the law of 1885.

"Sec. 6. That any person who shall bring into or land in the United States by vessel of otherwise, or who shall aid to bring into or land in the United States by vessel or otherwise, any alien not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment." (Act of Mar. 3, 1891.)

"Sec. 4. That it shall be unlawful for any person—

Of course these various sections that I am reading from are sections of the particular law from which they are quoted. That will be readily seen from the fact that the sections are numbered here irregularly-

numbered here irregularly—

"Sec. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer solicitation, promise, or agreement, parol or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States. (Act of Mar. 3, 1903.)

"Sec. 5. That for every violation of any of the provisions of section 4 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parol or special, to or with such alien shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States." * * (Act of Mar. 3, 1903.)

"Sec. 6. That it shall be unlawful and be deemed a violation of section 4 of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be traced as coming under a promise or agreement as contemplated in section 2 of this act, and the penalties imposed by section 5 of this act shall be applicable to such a case: Provided, That this section shall not apply to States, or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertisi

That is the act of March 3, 1903, along the line of the one which I previously read, which, as I say, it is the express purpose and design of the bill now before the Senate to practically repeal, and in so doing to deny to these States the opportunity hereafter to procure any labor which may be needed by the industries within their respective borders.

"Sec. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding \$1,000 for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment." (Act of March 3, 1903.)

It will not be questioned, after reading the foregoing provisions that

1903.)
It will not be questioned, after reading the foregoing provisions, that the actions of Commissioner Watson, as recited above, if performed by a private person, would fall squarely within the condemnation of the statutes. Commissioner Watson was not acting in his private capacity, however, but as the representative of the State of South Carolina. The points to be considered therefore are (1) whether the provisions quoted were intended to control the action of States as well as persons; if not, (2) whether they were intended to affect State officers, acting under State authority; if so, (3) whether the actions in question fall within the prohibitions of the statutes, or are excepted from the operation thereof, either by express provision or by necessary intendment. Though stated separately, these questions can best be considered together.

Though stated separately, these questions can best be considered together.

To prevent any misunderstanding of what will be said later, it is desirable to state certain propositions, which may be regarded as established by judicial decision.

1. The power to regulate the immigration or importation of aliens into the United States is vested in the National Government to the exclusion of State authority. (Gibbons v. Ogden, 9 Wheat, 1, 216; Henderson v. Mayor, N. Y., 92 U. S., 259, 273, 274; Head Money Cases, 112 U. S., 580, 591; Ekiu v. United States, 142 U. S., 651, 659.)

2. The power to regulate the immigration or importation of aliens includes the power to exclude or expel. (Chinese Exclusion Case, 130 U. S., 581; Fong Yue Ting v. United States, 149 U. S., 698; Japanese Immigrant Case, 189 U. S., 86, 97.)

3. "Given to Congress the absolute power to exclude aliens, it may exclude some and admit others, and the reasons for its discrimination are not open to challenge in the courts. Given the power to exclude, it has the right to make that exclusion effective by punishing those who assist in introducing, or attempting to introduce, aliens in violation of its prohibition. The importation of alien laborers * * 1s the act denounced. * * 1 Congress has power to exclude such laborers, as by the cases cited it unquestionably has, it has the power to punish any who assist in heir introduction." (Lees v. United States, 150 U. S., 476, 480; United States v. Craig, 28 F. R., 795.)

4. "It must always be borne in mind that the Constitution of the United States, and the laws which shall be made in pursuance thereof, are 'the supreme law of the land,' and that this law is as much a part of the law of each State and as binding upon its authorities and people as its own local constitution and laws." (Farmers' Bank v. Dearing, 91 U. S., 29, 35; Dodge v. Woolsey, 18 How., 331, 347; Cohens v. Virginia, 6 Wheat., 264, 413; Worcester v. Georgia, 6 Pet., 515, 570; United States v. Cruikshanks, 92 U. S., 542, 550.)

In accordance with these principles, if the State of South Carolina had undertaken by legislative act to prescribe the conditions under which aliens might be admitted to her ports, to grant or deny the privilege of entry, to authorize measures which Congress had denounced, to forbid measures which Congress had sanctioned, or to "regulate" in any other way the immigration or importation of aliens, such legislation would be void. But she has done none of these things; she has enacted a law designed to encourage and assist the immigration of foreign laborers to her territory, on the assumption that this action on her part was not forbidden by Federal laws, leaving to those laws the determination of whether any foreign laborers seeking entry should be excluded. Congress, on the other hand, while it has passed numerous laws to regulate immigration, denying altogether admission to certain classes of aliens and penalizing certain acts of assistance or encouragement, has neither prohibited the immigration of aliens generally and without distinction nor proscribed all modes of assistance or encouragement by whomsoever employed. The question to be considered, therefore, is reduced to this: Has Congress forbidden the use of the particular mode of assistance or encouragement employed in the present case, notwithstanding that a State is the actor through its authorized agent?

First, as to the persons against whom the prohibitions of the contract-legal press are directed.

encouragement by whomsoever employed. The question to be considered, therefore, is reduced to this: Has Congress forbidden the use of the particular mode of assistance or encouragement employed in the present case, notwithstanding that a State is the actor through its authorized agent?

Persons against whom the prohibitions of the contract-labor laws are directed.

It is altogether probable that the purpose of controlling the action of the several States never once occupied the mind of Congress throughout the whole course of this legislation except by way of the contract and the debates in both Houses of Congress in connection with the passage of the first and the last of this series of acts will show that the effect of these laws upon State action was never considered as a vital subject of legislation or as necessarily involved in the contract of the series of acts will show that the effect of these laws upon State action was never considered as a vital subject of legislation or as necessarily involved in the contract of the contract of

found in this country." (Senate Report No. 2119, 57th Cong., 1st sess., p. 3.)

The evil here adverted to, and the evil deprecated throughout the debates in Congess, was the importation of cheap foreign labor for the purpose of supplanting American labor, resulting in a breaking down of the labor market and the reduction of native laborers to the level of foreign competitors. Just as home products of manufacture were protected by a tariff against the competition of cheaper products from abroad, so, it was repeatedly urged in debate, the home producer, the native worker, should be protected by exclusory immigration laws from the competition of foreign workmen, satisfied with lesser

pay and contented with fewer rights. The ability to bring this inferior and undesirable class of laborers to this country at pleasure and whenever need should arise was thus a weapon in the hands of large employers in their disputes with their employees. Unfair and degrading competition, induced by the self-interest of the employer class, was the wrong to be remedied. In all this, however, there is no suggestion that the effort of a State to supply an actual deficiency in its working population from foreign sources, although primarily for the benefit of the owners of its private industries, was ever regarded as an evil or even contemplated at all. In Holy Trinity Church v. United States (143 U. S., 457, 463), where the question was whether a contract between a religious society and an alien clergyman, whereby the latter was to remove to this country and serve as pastor of a church, was within the prohibition of the contract-labor law of February 26, 1885, the Supreme Court said: "Another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at contemporaneous events, the situation as it existed, and as it was pressed upon the attention of the legislative body;" and, after quoting the remarks of Justice Brown, supra, the court continued:

"It appears, also, from the petitions and in the testimony presented

it existed, and as it was pressed upon the attention of the legislative body;" and, after quoting the remarks of Justice Brown, supra, the court continued:

"It appears, also, from the petitions and in the testimony presented before the committees of Congress, that it was this cheap unskilled labor which was making the trouble, and the influx of which Congress sought to prevent. It was never suggested that we had in this country a surplus of brain tollers, and, least of all, that the market for the services of Christian ministers was depressed by foreign competition. Those were matters to which the attention of Congress, or of the people, was not directed. So far, then, as the evil which was sought to be remedied interprets the statute, it also guides to an exclusion of this contract from the penalties of the act."

But if it be said, nevertheless, that Congress must be presumed to have intended to prohibit States as well as others, and official as well as private persons, from assisting foreign laborers to immigrate, since assisted immigration is the thing forbidden and forbidden in general and unqualified terms, the answer is twofold: First, whatever the evil a statute is designed to suppress the means of suppressing it are confined to those pointed out by the words of the act; and, second, a penal statute will be held to apply only to those who are clearly embraced within its terms. On the first point the Supreme Court has said:

"We recognize the value of the rule of construing statutes with reference to the evil they were designed to suppress as an important aid in ascertaining the meaning of language in them which is ambiguous and equally susceptible of conflicting constructions, but this court has repeatedly held that this rule does not apply to instances which are not embraced in the language employed in the statute or implied from a fair interpretation of its context, even though they may involve the same mischief which the statute was designed to suppress. (United States v. Chase, 135 U. S., 255, 261.

declared by the Supreme Court in Lees v. United States (150 U. S., 476, 480); and in United States v. Gay (80 F. R., 254, 253) it was said:

"The statute in question is highly penal and must be so construed as to bring within its condemnation only those who are shown by the direct and positive averments of the declaration to be embraced within the terms of the law. It will not be so construed as to include cases which, although within the letter, are not within the spirit of the law." Turning to the actual language employed by Congress, it will be found that the prohibitions of the several acts are invariably directed against "any person," or "any person, partnership, company, or corporation." Obviously, the only one of these terms which could possibly be held to apply to a State, or a State officer acting in its behalf, is the word "person." While a State or the United States may be included in the word "person" (Bishop, Written Laws, sec. 212), such is not the usual construction, by reason of the presumption that the legislative power has primarily in view rules regulating the conduct and affairs of individuals and not the affairs of government. (Endlich, Stat. Interp., sec. 161; see also Bishop, Written Laws, sec. 103.) The test is said to depend on "the object of the enactment, the purpose it is to serve, the mischlefs it is to remedy, and the consequences that are to follow, starting with the fair and natural presumption that, primarily, the legislature intended to legislate upon the rights and affairs of individuals only." (Endlich, Stat. Interp., sec. 167.) In United States v. Fox (94 U. S., 315, 321) the Supreme Court, considering a statute of New York which provided that a devise of lands might be made "to any person capable by law of holding real estate," and where the question was whether the United States could take under such a device, said:

"The term 'person' as here used applies to natural persons and also

tion was whether the United States could take under such a device, said:

"The term 'person' as here used applies to natural persons and also to artificial person—bedies politic, deriving their existence and powers from legislation—but can not be so extended as to include within its meaning the Federal Government. It would require an express definition to that effect to give it a sense thus extended. And the term 'corporation' in the statute applies only to such corporations as are created under the laws of the State."

So, too, in McBride v. Commissioners (44 F. R., 17, 18) it was said: "This statute does, in effect, authorize an injunction to prevent waste in cases where two or more persons are opposing claimants to the same tract of land under the land laws of the United States. But it is not applicable to this case, for, although this is a case in which there are opposing claimants to the same tract of land, under the laws of the United States, inasmuch as the plaintiff is endeavoring to acquire it through the pretense of an intention on his part of working it as a mine, and it may be assumed as a matter of law, although it is not alleged in the bill, that the State of Washington claims it as a part of the grant made to it by act of Congress for school purposes, still it does not come within the letter of the act, because the opposing claimants are not two or more persons. One of the opposing claimants is the State of Washington, and it is not a 'person' within the ordinary or legal definition of the word was of vital importance and in which its decision was afterwards on appeal affirmed by the Supreme Court of the United States, held that the word 'person' does not, in its ordinary or legal definition, include either a State or a nation."

Even more directly in point is the case of Lowenstein v. Evans (60 F. R., 608, 501), which involved a construction of the Function of the Control of Control of the Control of the Control of the Control of Control of the Control of Control of the Control of Co

suance of any offer, solicitation, promise, or agreement, parol or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilied or unskilled, in the United States." The earlier of these two provisions has frequently been the subject of judicial decision and its effect has been fully elucidated. (U. S. v. Craig, 28 F. R., 799; U. S. v. Bonneman, 41 F. R., 751; U. S. v. Edgar, 45 F. R., 44, 48 F. R., 93; U. S. v. Michigan Central R. R. Co., 48 F. R., 365; U. S. v. Great Falls R. R. Co., 53 F. R., 77; Moller v. U. S., 57 F. R., 494; Lees v. U. S., 150 U. S., 480; U. S. v. Bannister, 70 F. R. 45; U. S. v. Great Falls R. R. Co., 53 F. R., 77; Moller v. U. S., 57 F. R., 494; Lees v. U. S., 150 U. S., 480; U. S. v. Bannister, 70 F. R. 45; U. S. v. River Spinning Co., 70 F. R., 978.) Not so with the later provision. No case has been found which expressly considers what is meant by the altered phraseology or determines the precise force and effect of the new terms. It has never been determined, for example, what is meant by assisting the importation or migration of aliens "in pursuance" of any offer, etc., although the difficulty of applying this phrase in practice was recognized by the lawmakers during the debates in Congress. Nor has there been any decision, so far as known, as to what is covered by "any offer, solicitation, promise, or agreement," to be unlawful, must be made by some responsible person, who is to furnish the employment, in his own behalf and interest or as the duly authorized agent of another, or whether it would be equally unlawful if made by a wholly disinterested person, who has no employment to give, either for himself or for anyone else, and who acts, say, from motives of humanity or from his personal views as to the needs of particular localities; and again, whether the offer or solicitation to perform labor or service does not necessarily imply that employment to some specified kind, at some definite place, for some particular e

posed by section 5 of this act shall be applicable to such a case: Provided, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively."

The intimate relation between this section and section 4, denouncing offers, solicitations, promises, or agreements, is indicated by the fact that both provisions were treated together by the committee said: "Section 4 follows section 1 of the act of February 26, 1885, known as the 'original alien contract-labor law,' making the importation of aliens under contract or agreement to perform labor or service of any kind in the United States unlawful, but omits the word 'contract,' substituting therefor the words' offer, solicitation, promise.' This change was made to meet the rulings of the courts, which held that in every case of alleged violation of the law all the elements of a binding contract must be proven to bring offenders within the meaning of the act. Such rulings have destroyed the efficacy of the act, as under them allens can be imported with impunity upon the suggestion or assurance that employment in this country awaits them. Moreover, Congress itself has recognized in section 3 of the act of March 3, 1891, the necessity of broadening the language of the act so as to cover the evil sought to be prevented, for it there makes the migration of any alien to the United States in consequence of an advertisement in any foreign country promising work in this country a violation of the law. Throughout this bill, therefore, the terms 'offer, solicitation, promise' are used in lieu of the word contract, and the present law.' (House Report No. 1882, 157th Cong., 187 seess., pp. 5, 4, 4) present law.' (House Report No. 1882, 157th Cong., 187 seess., pp. 5, 4, 4) present law.' (House Report No. 1882, 157th Cong., 188 seess., pp. 5, 4, 4) present law.' (House Report No. 1882, 157th Cong., 188 seess., pp. 6, 4) present

ployment sufficiently explicit to induce those to whom it is addressed to apply to some particular employer in the expectation of receiving indicates that Congress did not use the word 'promise' in its strict legal meaning, but rather in the sense of an assurance or inducement to the control of the section the 'inducements advertised by States and immigration bureaus of States offered for immigration to such States.' These advertisements do not ordinarily contain promises of employment in form of the section the 'inducements advertised by States and immigration bureaus of States offered for immigration to such States.' These advertisements do not ordinarily contain promises of employment in form of the provise is to carve an exemption out of the enacting clause. The contained the contained of Congress to exempt States and their immigration bureaus from a fact their inducements to immigrants. We are of opinion that any assurance of probable employment, definite as to the kind, the place, and the full inducements to immigrants. We are of opinion that any assurance of probable employment, definite as to the kind, the place, and the statute. If this conclusion is correct, the advertisement published by the defendant was within the interdicted class. Obviously both the defendant was within the interdicted class. Obviously both the advertised of the contained by the defendant was within the interdicted class. Obviously both the advertised of the contained by the defendant of the cont

* * while a criminal statute is to be construed strictly in those parts which are against defendants, its construction is to be liberal in those which are in their favor—that is, for their ease or exemption, * * in fayor of accused persons—criminal statutes may be either, according to the form of the provision, contracted or expanded by interpretation in their meanings, so as to exempt from punishment those who are not within their spirit and purpose, while at the same time, as the last section shows and as explained in the last chapter, they can never be expanded against the accused so as to bring within their penalties any person who is not within their letter. * * * In the nature of things statutes can not be so framed as, by express exemption, to provide for every possible unforescen and even foresee case thereafter to arise which, while within the terms of their main provisions, is still outside of their spirit and purpose. And what can not be done the courts should understand as not having been attempted. Therefore, though a case in judgment is within the letter of a statute, if they can see that it is exceptional to its spirit and purpose, and so the lawmakers did not mean punishment for it, they ought not to indict the punishment. By excepting it in the interpretation they fulfill their highest duty, which is to carry out the true legislative intent." (Bishop, Written Laws, sees. 226, 230, 236.)

Replying to your letter, therefore, in the light of all the foregoing considerations, I have the honor to say that, in my opinion, the plan pursued by Commissioner Watson, as it is shown to have been carried out, does not involve a violation of the immigration laws of the United States prohibiting the importation of contract laborers; and I am further of opinion that there has been no misapplication of the exemption in favor of States, Territories, and the District of Columbia, contained in section 6 of the act of March 3, 1903.

The views taken in reaching this conclusion have made it unnecessary to consider q

The SECRETARY OF COMMERCE AND LABOR.

Mr. PERKINS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do. Mr. PERKINS. If

If it will not interrupt the Senator from Georgia, I should like to make a suggestion. I have listened to him, as I always do, with much interest and instruction, but it is not clear to me, from his remarks, how this conference report discriminates against one part of the country in favor of the Pacific coast States.

Mr. BACON. Mr. President, I will with pleasure— Mr. PERKINS. I want to say, in connection with that, that it seems to me we ought to restrict immigration. We have been absorbing a million immigrants into this country during the past year or more, and it seems to me it is wise policy and statesmanship for us to only invite those to come here who honor our institutions and have a veneration for a republican form of gov-

Mr. BACON. Mr. President, I will with pleasure endeavor to

answer the Senator, not at length, but briefly.

The Senator from California, Mr. President, asks me in what particular the bill reported by the conferees discriminates in favor of the Pacific coast and against another section—I will favor of the Pacific coast and against another section—1 will say the South—and then the Senator, before hearing the reply, announced what he considers to be the correct rule as to the exclusion of immigrants, which, of course, does not particularly relate to the inquiry he propounded to me, except in so far as it may be controlled by a general principle and not by the conditions to which his inquiry is directed.

Mr. President, this bill, so far as it relates to the Pacific coast,

is distinctively in the interest of the Pacific coast, so far as that interest can be gathered from the attitude of those who so ably represent it upon this floor. In other words, the interest of the Pacific coast, as interpreted and represented by these able and distinguished Senators, is to interpose a barrier between that coast and the Asiatic countries which shall prevent the influx into the States bordering upon the Pacific Ocean and those neighboring to it of a class of population which is deemed by them to be injurious in its general interests and in conflict with the interests of the laboring and mechanic classes of that country; not only so, sir, but, far more than that, pernicious, and,

if not checked, absolutely destructive of the civilization of their country. I do not think I overstate the case when I say that that is the attitude occupied by those Senators and that which is recognized by the country at large, with which we are all in sympathy and in the accomplishment of which we are all ready to join with the Senators to protect them against this very great evil.

I am not sufficiently familiar with the conditions there to say whether or not this bill will accomplish that purpose, but that is the design of it. It is distinctively in the interest of the Pacific coast, and, I may say for myself, without regard to details of which I am not capable of judging, one properly directed to a laudable end. That is one side. That is the That is the presentation of this bill as it affects the Pacific coast.

Now, how does it present itself as it affects the South? The conditions in the West and on the Pacific coast are such that it is not to their interest to have this influx of Japanese labor. It is not only not to their interest to have such an influx of this particular class of labor, but it is considered to be destructive of all that is desirable in the development and civilization of that country.

On the other hand, so far from having at the South the labor which we require, the industries of the South are languishingthe industries of the South are more than languishing; some of them are absolutely paralyzed, because of the fact that we can not secure the labor which is required to keep our industries in motion.

Here is the report from which I have been reading, and the reading of which I have suspended in order to reply to the inquiry of the Senator from California. Here is the report of the Secretary of Commerce and Labor, who says that upon an examination it was ascertained that 20 per cent-one-fifth-of the spindles of South Carolina were absolutely still, because there was no labor to keep them in motion. What is true of the State of South Carolina is true of North Carolina and true of Georgia, the three States which, more than any others in the South, are engaged in the manufacture of cotton—a fact of peculiar pertinency when the fact is known that one-half of all the cotton manufactured in the United States is manufactured in the South. And what is true of cotton mills is true of all other industries. The mines are comparatively unworked, or to a large degree unworked, because there are no laborers to do the work. The fields are in large measure untilled, because there is no sufficiency of labor to till them. Many furnaces are cold. In every branch of industry it is the same thing in greater or less degree. It is only with the greatest difficulty that in any department of industry in the South labor can be obtained, and in no department of labor is there a sufficiency of labor.

Senators, conditions there are not like they are anywhere se. We have peculiar conditions that make it difficult for us to secure labor. The harvest is great, but the laborers are few, and we can not get them in that portion of the country. Take the cotton-mill industry. The colored people can not be employed in the cotton mills. Why, I am not able to tell you, because I have no technical knowledge in the matter.

Mr. BEVERIDGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. Certainly.

Mr. BEVERIDGE. I do not want to prolong this discussion at all, but I can tell the Senator why the colored people can not be employed in the Southern cotton mills. It is because the white people will not work with them.

Mr. BACON. Oh, the Senator is entirely mistaken.

Mr. BEVERIDGE. I can produce testimony to that effect. Mr. BEVERIDGE. I can produce testimony to that effect.
Mr. BACON. I possibly misunderstood the Senator. I understood him to say that the white people would not work them.
Mr. BEVERIDGE. No; I said "with" them.
Mr. BACON. Mr. President, if that is the case, it would be a

simple matter to have cotton mills in which there was only negro labor, if that were all. But it has been tried time after time. Can anybody believe that, with 20 per cent of the spindles of the State idle, with all that capital lying eating itself up and rusting itself away, if negro labor could be employed it would not be employed? It is true the white people will not work with the negro in the mills, but it is not necessary, in order that the mill industry should be carried on, that the two races should be worked together. They could be worked in separate factories. It has been tried by those who are most anxious to make it a success, and it has been demonstrated that negro labor can not be successfully employed in the cotton-milling in-That is how we are situated.

But this condition affects all other industries as well. The presence of this great negro population deters white immigra- | as to why negroes do not work in cotton mills.

tion. They do not care to come there voluntarily. You have to go and seek them in order to secure them. You have got to remove the prejudice which naturally keeps white men away from a country where negrees are thought to come in competition with them, if not into direct competition with the particular labor upon which they are to be engaged, then in the general industries of the country. So far as the white labor of the South is concerned which is available for this purpose, it is practically exhausted; it is exhausted, and the mills of the South are to-day in excess, so far as their capacity for production is concerned, of the possibility of getting labor to keep them in motion. As I said, it is not confined to the cotton mills. It is so in every branch of industry, and this very week or next week, I am not certain which, there is to be in the city in which I live a great convention of people engaged in all the various branches of industry to try to devise means by which, without violating the laws of the United States, immigrants can be brought into the country to keep our industries in motion.

If all the Republican Senators were in their seats to-day and could have this presentation made to them, that 20 per cent, onefifth, of the industries of the South are to-day idle because of the impossibility of getting labor, would they say they would pass a bill that would make it even more difficult than it is now to get labor, and that we shall not have the advantage presented by existing law? The present law, as I was proceeding to show by reading from the decision of the Secretary of Commerce and Labor, now gives us some slight opportunity. Would the Repub-Labor, now gives us some slight opportunity. Would the Republican Senators say that that small door shall be shut to us, and that in face of the assertion which I have read to you from the Secretary of Commerce and Labor that one-fifth of our spindles are to-day idle?

So far from enlarging our opportunities and giving us a chance to keep our industries in motion, the slight opportunities that we now have are to be taken away from us, and this is brought here in a conference report. This is brought here in a conference report attached to another matter of paramount importance in order that the greater and more important matter shall carry it through, when it would not go through otherwise by the vote of any Senators who understood it. Am I putting it

too strongly when I say so?

Mr. President, have I answered the Senator from California when he asked me how this bill will discriminate in favor of the Pacific coast and against the South? If I am incorrect in my statement that this bill, which is now under consideration, presented here by the conference report, does seek to change that existing law under which these immigrants have so far been obtained and under which others will be obtained, then what I am saying is largely out of place. If I am in error I have the excuse of saying that I have had no chance to read this bill except, as the saying is, with my finger, running it down the page and catching a word here and a word there. But I do not think I am mistaken. Before this debate is through-I can not do it now, but I am going to have the opportunity to do it, if some one else does not do it-I shall point out with particularity how this bill has been framed and designed purposely to meet this ruling of the Secretary of Commerce and Labor and with the design to take away from southern industries of all kinds the opportunities which are now given them under existing law to supply even a small modicum of the labor which they require.

Mr. BEVERIDGE. Has the Senator from Georgia concluded? Mr. BACON. I yield to the Senator from Indiana with great

Mr. BEVERIDGE. No; I thought the Senator had concluded his speech, and I was going-

Oh, no. Mr. BACON.

Mr. BEVERIDGE. I beg pardon. Mr. BACON. The Senator from Indiana underestimates altogether the scope of the remarks which I intend to submit to

Mr. TILLMAN. Will the Senator from Georgia allow me?

Mr. BACON. I will, with pleasure. I was about to suggest to the Senator that if he wishes to put anything else in-

Mr. TILLMAN. Not now. I am getting ready for a week or ten days or something like that. Until I get some considera-tion of the justice and fairness of a request for an opportunity to read an important bill before we are called upon to vote on it I shall be prepared to fight a little while longer. I was called out a moment ago-

Mr. DILLINGHAM. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. TILLMAN. I will in a moment. While I was away I understood a question was asked by the Senator from Indiana

Mr. BACON. There was such a question asked, and I endeavored to answer it in this way, I will state to the Senator, in order that he may supplement the answer. I said I could not state the reason particularly, because I had no technical knowledge; that I could only state the fact that with every inducement to avail themselves of negro labor, if it could be done, those who had honestly and repeatedly made the effort to have negro labor in cotton mills had found it impracticable to utilize it, as it could not be successfully done. I shall be glad to have the Senator from South Carolina supplement that answer.

Mr. TILLMAN. I will supplement that by a statement of fact, which can be substantiated, that at least two mills in the South, one in my State and one in North Carolina, have been built and organized with a view to the utilization of negroes alone, and it was found that the habits of work and the characteristics of the colored people, their inability to maintain the continued alertness of mind necessary to care for the machinery, made it absolutely impossible to run a mill with colored people;

that the racial disability prohibited their employment.

Mr. BACON. Mr. President, if I have not sufficiently answered the Senator from California in the inquiry he has made of me in what manner this bill discriminates between the Pacific coast and the interests of the Pacific coast and the interests of the South, I will be glad if he will point out in what particular have failed to do so, and I will endeavor to add to it. judge by the Senator's silence that he recognizes the correctness of the statement which I made, that this is a bill which, while not intended by those particularly interested to prejudice the South, is a bill which in its practical workings takes care of the interests of the Pacific coast, and that on the contrary the conferees have lugged in here and put upon it a provision which

onlerees have lagged in here and put doon it a provision which is absolutely destructive of the interests of the South.

Mr. DILLINGHAM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. DILLINGHAM. Has the Senator pointed out the clause to which he objects?

Mr. BACON. I thought I had. Mr. DILLINGHAM. The clause which he says the conferees ire "lugged" in here.

Mr. BACON. Possibly "lugged" was an improper word. If

the Senator criticises that word I withdraw it.

Mr. DILLINGHAM. I have been listening very attentively to the Senator to find out what clause it was in the bill to which he objects and which he thinks discriminates against the South.

Mr. BACON. I am endeavoring to point it out. to read now from the decision of the Secretary of Commerce and Labor in which he says and rules that as the law now stands it is practicable to do certain things through the agent of a State, and that that agent of the State can avail himself not only of the money of the State, but that it is perfectly lawful for him to receive from associations and private individuals money which he may use for that purpose. As to the bill reported by the conference committee, with only the opportunity to read it with my finger, I have found, as I conceive, provisions in it which are intended so to change existing law that that can not be done.

Mr. DILLINGHAM. I will be very glad if the Senator will point out that provision which he says

Mr. BACON. Before I get through I will read the whole law, so as to be sure to point it out.

Mr. LODGE. What are those provisions:
Mr. BACON. I say I will, with great pleasure, before I get through, read the entire law.

The Senator is unable to point them out. Mr. LODGE.

Mr. BACON. I will.

Mr. LODGE. I notice that all of the Senator's answers are in the future.

Mr. BACON. I will point them out in the way I desire to do I will point them, if they are here. If they are not here, it is due to the unusual methods pursued by the conference committee, which forces us to a discussion before we have had a chance to read the bill over.

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. Certainly.

Mr. TILLMAN. If the Senator should have mistaken the meaning of some of these phrases, interlineations, amendments, and not be prepared, upon calmer and more thorough investigation, to substantiate his contention, it is due to the fact that Senators here have tried to drive this bill over us like an automobile, without any opportunity even to read it.

Mr. BACON. Certainly. Senators will pardon me for under-

taking and assuming to present this matter in my own way. I will now resume the reading of this document.

At the time I was interrupted by the honorable Senator from

California in his very proper inquiry—
Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. With very great pleasure.
Mr. SPOONER. I think the business of the Senate and the public interest will be well conserved by permitting this matter to go over until to-morrow. No one can doubt what the Senator from Georgia [Mr. Bacon] has said, that he has had no opportunity, except in the most superficial way, to read this bill, in which he thinks are provisions which discriminate against his The same thing is true of other Senators. It is really, under the circumstances, not the best way to debate objectionable points in this bill, if there be any. I appeal to the Senator who has the bill in charge, if it is agreeable to the Senator from

Georgia, to let this matter go over until to-morrow.

Mr. BACON. Before this matter is disposed of I desire to say one thing. So far as I have been enabled to do so, I have not, as might have been supposed, consumed time with a word

that I have regarded as irrelevant.

Mr. SPOONER. No.

Mr. BACON. I did not understand the Senator from Wisconsin to make any such suggestion.
Mr. SPOONER. Oh, no.

Mr. SPOONER. Oh, no. Mr. BACON. But such might have been the conclusion reached. I have endeavored to present it legitimately. course I am willing to submit to the convenience and better judgment of Senators, and either to go on now or to postpone my remarks.

Mr. SPOONER. I thought it would be agreeable to the Sen-

Mr. BACON. Absolutely so.

Mr. SPOONER. And to all other Senators to have the matter go over.

Mr. BACON. But I wished to say that much before yielding the floor.

Mr. SPOONER. Certainly.

Mr. DILLINGHAM. In view of the suggestion made by the Senator from Wisconsin and the fact that my colleague [Mr. Proctor is anxious to call up the agricultural appropriation bill this afternoon, I am willing to yield.

Mr. BACON. I want to say that this particular document from which I have been reading is an important one, and I I want to say that this particular document shall desire to have it all printed as one, with the permission of the Senate. I will give such directions—I do not know exactly whether it will be by withholding all of my remarks or simply that part of the document that I have read—in order that it may all appear at one time, I intend some time to finish the reading of the document.

Mr. NELSON. Mr. President, I wish to state to the Senate what has heretofore been the practice in such cases. had a case of this kind, and in all cases where conferees have put in new matter, clearly and indisputably so, foreign to any action that had been taken in either body, it has always been the universal rule heretofore, when the attention of the Senate has been called to the matter and the fact has been undisputed, to withdraw the report. I had such a case many years ago in reference to the Indian appropriation bill, where the conferees put in a provision for the sale of an Indian reservation in the State of Minnesota—matter that was entirely new. The Senator from Maine and many other Senators took part in the discussion, and the conclusion of the debate was

part in the discussion, and the conclusion of the debate was that the conference report was withdrawn.

The same thing took place last year in reference to the Indian appropriation bill. The same thing took place, if I remember aright, in reference to the interstate-commerce bill; and while it is not a rule, it has grown to be a practice of the Senate since I have been here where there is a clear case of this kind and it is brought to the notice of the Senate the report is always withdrawn. I think that practice ought to be adhered to in this case.

Mr. LODGE. Mr. President, in the first place, the conferees do not admit that there is any matter in the conference report which is not legitimately there in connection with the subject. They were very careful not to put in anything that was not either in the House or the Senate bill or immediately connected with the subject and modifying the section. They absolutely deny that there is matter improperly in the bill.

Mr. TILLMAN. Do I understand that this matter has now passed from the consideration of the Senate and that we are going to take up other matters?

Mr. SPOONER. It has gone over until to-morrow.

Mr. TILLMAN. It has not gone over. At least there has been no announcement.

The VICE-PRESIDENT. It has not been announced. Is there objection to the report going over? The Chair hears none.

GLASGOW LAND DISTRICT, MONTANA.

Mr. CARTER. Yesterday the bill (8, 7512) to provide for an edditional land district in the State of Montana, to be known as the Glasgow land district, was passed by the Senate. Yesterday afternoon the House of Representatives passed a similar bill, which is now on the Vice-President's table, and I ask that it may be laid before the Senate for action.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 20984) to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district; which was read the first time by its title and the second time

at length, as follows:

Be it enacted, etc., That all that portion of the State of Montana included within the present boundaries of Valley County is hereby constituted a new land district, and that the land office for said district shall be located at Glasgow, in said county.

Mr. CARTER. I ask unanimous consent that the bill may be put on its passage at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CARTER. I move that the bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district, be recalled from the House of Representatives.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908

The motion was agreed to.

Several Senators addressed the Chair.

The VICE-PRESIDENT. Will the Senator from Vermont

yield for a few moments to morning business?

Mr. PROCTOR. I can not yield for the consideration of any measure. I will yield for the introduction of bills or the presentation of reports, etc., but at this late hour I can yield to nothing else.

[Morning business was received, which will be found under

the appropriate headings.]

SHORTAGE OF RAILWAY CARS.

Mr. HANSBROUGH: I offer a resolution which I desire to

have acted upon at this time.

The VICE-PRESIDENT. The Senator from North Dakota submits a resolution, which will be read for the information of the Senate

The Secretary read as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate, at the earliest practicable

Mr. CULBERSON. Unless the rule is to be applied fairly I shall object to the consideration of this resolution.

The VICE-PRESIDENT. Objection is made.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. PROCTOR. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first disposed of.

The VICE-PRESIDENT. Without objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, on page 1, line 10, to increase the salary of the Secretary of Agriculture from \$8,000 to \$12,000.

The amendment was agreed to.

The next amendment was, on page 2, line 1, to increase the appropriation for the salary of one solicitor in the office of the Secretary from \$3,000 to \$3,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the office of the Secretary, on page 3, line 1, after the word "dollars," to strike out "one carpenter, \$1,000" and insert "two carpenters and cabinetmakers, at \$1,000 each, \$2,000;" so as to read:

One assistant fireman, \$600; two carpenters and cabinetmakers, at \$1,000 each, \$2,000.

The amendment was agreed to.

The next amendment was, on page 3, line 15, to increase the total appropriation for salaries, office of the Secretary, from \$90,760 to \$96,260.

The amendment was agreed to.

The next amendment was, on page 4, line 11, to increase the total appropriation for the maintenance of the office of the Secretary from \$114,200 to \$119,700.

The amendment was agreed to.

The next amendment was, on page 7, line 9, after the word "in," to insert "the District of Columbia or elsewhere in;" so as to read:

Salaries, station employees, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, repairmen, station agents, messengers messenger boys, laborers, and other necessary employees, for duty in the District of Columbia or elsewhere in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda.

Mr. KEAN. I should like to ask the Senator from Vermont what is the necessity of the amendment? It seems rather peculiar.

For duty in the District of Columbia or elsewhere in the United States,

Mr. PROCTOR. Because it is necessary and it is always inserted. These employees or some portion of them-

They must all be in the United States.

OR. The Comptroller has held that those words Mr. KEAN.

Mr. PROCTOR. should be inserted.

Mr. KEAN. They must all be in the United States.

The amendment was agreed to.

The next amendment was, on page 7, line 22, after the word "the," to strike out "establishment;" so as to read:

General expenses, Weather Bureau: Every expenditure requisite for and incident to the equipment and maintenance of meteorological obser-vation stations in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda.

The amendment was agreed to.

The next amendment was, on page 9, line 3, to increase the appropriation for the salary of one Chief of Bureau of Animal Industry from \$4,500 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 10, line 4, to increase the total appropriation for salaries, Bureau of Animal Industry, from \$84,780 to \$85,280.

The amendment was agreed to.

The next amendment was, on page 13, line 15, to increase the appropriation for experiments in animal feeding and breeding in cooperation with the State agricultural experiment stations from \$25,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 27, line 6, to increase the total appropriation for the maintenance of the Bureau of Animal Industry from \$1,006,980 to \$1,032,480.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under "Bureau of Plant Industry," on page 27, line 10, to increase the appropriation for the salary of one Plant Physiologist and Pathologist, who shall be chief of bureau, from \$4,500 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 27, line 11, to increase the appropriation for the salary of one chief clerk, Bureau of Plant Industry, from \$2,000 to \$2,250.

The amendment was agreed to.

The next amendment was, on page 29, line 21, to increase the total appropriation for salaries, Bureau of Plant Industry, from \$188,700 to \$189,450.

The amendment was agreed to.

The next amendment was, on page 63, line 4, after the word establish," to insert "and maintain;" in line 7, after the word "grain," to insert "including rent and the employment of labor in the city of Washington and elsewhere;" in line 9, before the word "thousand;" to strike out "fifteen" and insert "forty," and in line 13, after the word "grades," to insert "and for the issuance of certificates of inspection when requested by the consignor or consignee;" so as to make the clause read:

Grain investigations: To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere, \$40,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and

the reports so made shall serve as a basis for the fixing of definite grades and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase and distribution of valuable seeds, on page 34, line 12, after the word "of," to strike out "field;" in the same line, after the word "vegetable," to strike out the comma; and in line 23, after the word "determined," to strike out the comma and the words "to the Postmaster-General;" so as to read:

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators. Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith.

The amendment was agreed to.

The next amendment was, on page 36, line 17, to increase the total appropriation for the maintenance of the Bureau of Plant Industry from \$1,026,480 to \$1,052,230.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," on page 36, line 21, to increase the salary of one forester, who shall be Chief of Bureau, from \$3,500 to \$5,000.

Mr. HALE. I wish the Senator in charge of the bill would tell us why this salary has been raised from \$3,500 to \$5,000.

Mr. PROCTOR. The salaries of the Chief of the Bureau of Animal Industry and the Chief of the Bureau of Plant Industry have stood for some years at \$4,500. The salary of the Chief of the Forest Service has stood at \$3,500, and that of the Chief of the Bureau of Chemistry has stood at the same amount. Those gentlemen never speak to anyone; I never was proached, directly or indirectly, in regard to any increase of the salary; but the duties have been very largely increased by recent legislation, and they must be men highly educated in their

scientific pursuits as well as administrative men.

In another body as the bill was reported it gave \$5,000 to the chiefs of the two bureaus, Animal Industry and Plant Industry, and to the chiefs of the Bureaus of Forestry and Chemistry \$4,500. As the labors and requirements are substantially equal, your committee thought it best to put them all where they would stay, and we hoped that that would make the salaries of the chiefs of five bureaus, the Weather Bureau, Animal Industry, Plant Industry, Forestry, and Chemistry, \$5,000. We think it is just and right in view of everything, their increase of duty, the increased cost, etc. These are men who must be kept permanently. I know they are refusing offers of higher salary. I think it is for the public interest to put the salaries at that rate, and I hope they will remain there for a long time. We raise the salary only \$1,000 above what was reported to the other House.

HALE. Of course I realize that the Department of Agriculture is of much more importance than any other Department. The salaries of the Department are on a basis entirely different from those of any other Department. Some of the old, conservative, and fogy departments of the Government get on with much smaller salaries. In the old-fashioned way the salaries were considered first of the Secretary, then of the assistant secretaries, and then of the chiefs of bureaus, who have

in every other Department been considered as inferior.

I should like to ask the Senator from Vermont what the salaries are in the Department of Agriculture for chiefs of bureaus, compared with assistant secretaries in the old established Departments—for instance, the State Department and the Treasury Department? Of course I realize that they are not so important as the Department of Agriculture, and that perhaps a clerk in the Department of Agriculture ought to be paid a higher salary than an assistant secretary in one of those Departments. What is the amount of salary paid in this bill for chiefs of bureaus compared with the salaries of assistant secretaries in the old Departments of the Government?

Mr. PROCTOR. I think most assistant secretaries get \$4,500.

The Assistant Secretary of the Department of Agriculture gets \$4,500, and we saw no occasion to raise his salary.

Mr. HALE. I am not comparing the salary of the Assistant Secretary of that Department, but the salary of these chiefs of

bureaus with the salary of the assistant secretaries in the old

Department. Which is the largest?

Mr. PROCTOR. I was coming to that. The salary is generally \$4,500, but the assistant secretary serves usually for a very limited time. The honor compensates him largely. I think as a rule their service will average much less than four years. They are merely administrative officers. The Sena-tor's experience will bear me out in that statement. I have had some personal acquaintance with them. They are good men, but they do not expect to really get their living while here. On the other hand, these men have been educated at much expense of time and money for their special duties, and they must in the interest of the Government render long service, and it is for the interest of the Government that we should pay them so that we can keep them. We have had a good deal of difficulty in keeping them. Many good men have left the Department of Agriculture for that very reason, because they were offered by colleges and corporations higher salaries.

Mr. HALE. My recollection is that a great many assistant secretaries of the old Departments have rather incontinently abandoned their positions and gone to New York, because they can get higher pay in banks and great financial institutions. have always supposed that they were educated men, and men worth competent salaries. My only point is that here is a pure instance of favoritism for a single Department and that lower grades of officers in this bill are not content with what they are getting now and are being put up on a scale that is beyond any other Department of the Government.

Mr. NELSON. Will the Senator allow me to interrupt him a

Mr. HALE. Certainly.

Mr. NELSON. I am glad that the Senator has called attention to this matter. The Assistant Secretary of Agriculture is a scientist and an expert of a high order.

Mr. HALE. But, Mr. President—
Mr. NELSON. And he has been discriminated against here. The salaries of four chiefs of bureaus are raised to \$5,000, and his salary is left at \$4,500.

I think the Senator must be mistaken. Mr. HALE.

Mr. NELSON. Oh, no; it is a fact.

Mr. HALE. It can not be possible that the Assistant Secretary of this Department, who is only a creature of the day and may go out to-morrow, has been discriminated against, and that inferior officers are put above him in pay. Does the Senator say that that is right?

Mr. NELSON. It is proposed that four bureau officers shall get \$5,000 and he gets only \$4,500.

Mr. HALE. I think that must be a mistake. Mr. BEVERIDGE. That is explained by the Senator from Vermont—that \$500 represents the honor. There is \$500 worth of honor and \$4,000 worth of service.

Mr. HALE. It seems, because the Assistant Secretary is a creature of a day

Mr. BEVERIDGE. Or of honor.

Mr. HALE. That he ought not to have as high a salary as his inferiors. I am not going to make trouble for my friend from Vermont, who is managing the bill, but it appears to me that the perspective of the bill is entirely lost sight of. We might cut down the salary of the Secretary, because he is the creature of a day. He is likely some morning to be notified by the President that his services are no longer wanted, and therefore we should put him down below these chiefs of bureaus.

I certainly can not understand on what scale of salaries inferior officers in a Department are by this bill put higher than superior officers, and I am not willing to consent under these conditions to the raising of this salary from \$3,500 to

I will take the vote of the Senate upon it.

Mr. PROCTOR. It is because of their scientific attainments. Assistant secretaries can be pretty readily obtained. A man who has spent his life in fitting himself for his position is not so readily obtained. The assistant secretary in this case is deserving of a higher salary, and I would have been very glad to have made it \$5,000, but he has been there for only a short time, and the assistant secretaries of most other Departments get only \$4,500. That is so in the War Department and the Navy Department. I have been personally acquainted with some of the men who come into that position for a short time in the Treasury Department and other Departments. do not come intending or wishing to make their living by it. It is not important to the Government that they should.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont

yield to the Senator from Minnesota?

Mr. PROCTOR. I yield to the Senator.

Mr. NELSON. I want to say to the Senator that the Assistant Secretary of Agriculture is no politician. He is a scientist and an expert. He was connected with the agricultural colleges of North Dakota, and for a great many years connected with the experimental station in the State of Minne-I have known him for a great many years. He is a scientist and an expert of a high order. He did not seek the The Secretary of Agriculture was acquainted with him and asked the President to appoint him. I happen to know that, because I was asked if I had any objection, and I said, "Certainly not; he is a first class pan" tainly not; he is a first-class man.

Now, to discriminate against a man of that kind and to call him just an officer of the day is not exactly fair. When a man will leave his position in the State of Minnesota to perform this high work, to place him in the matter of salary as a subordinate to these bureau officers does not look to me to be just and

Mr. BEVERIDGE. Mr. President, it seems to me that, upon the statement of the Senator from Minnesota [Mr. Nelson], for whose opinion on everything I have uncommon respect, there is no reason why the salary of the Assistant Secretary of Agriculture should not be raised.

Mr. HALE. Mr. President, I do not know to whom it applies. I do not know who is the chief of this inferior department or bureau of the Agricultural Department.

Mr. PROCTOR. Mr. Pinchot.

Mr. HALE. I think, under the conditions that have been disclosed here, the Senator from Vermont will not insist on raising this salary for this comparatively unimportant place in the Department above not only the salaries of much higher officers in the other Departments, but in this Department. I think an expression of the Senate ought to be had upon the question whether this salary shall be raised from \$3,500 to \$5,000.

Mr. PROCTOR. Then make it the same as the Assistant Sec-

retary, \$4,500. Mr. HALE. The Senator says make it the same as the Assistant Secretary. What does the Senator from Minnesota say about that? Ought this chief of bureau to have as high a salary as the Assistant Secretary?

Mr. NELSON. It seems to me not. If this increase of salary of the bureau officers remains at \$5,000 apiece, I shall certainly ask the Senate to make the salary of the Assistant Secretary \$5,000 at least.

Mr. HALE. I think the Assistant Secretary ought to receive

Mr. NELSON. He ought to be put on a par with them.

He ought to have \$6,000 or \$7,000.

Mr. NALE. He ought to have \$6,000 or \$1,000.

Mr. NELSON. He ought to have \$6,000, I am sure.

Mr. PROCTOR. These men are specialists. The Director
of the Geological Survey gets \$6,000. That is a bureau under
the Department of the Interior.

I remember that that, in a sense, was forced upon the Director of the Geological Survey without any act upon his part. Congress insisted that he should have an increased salary. It was not, perhaps, as much as some of his friends wanted, but Congress insisted that he should be paid beyond the chief of any other bureau. I think it was understood that that was an exceptional case, and I did not suppose that because of that the Senate was to be asked to increase the salaries of these chiefs of bureaus beyond those of the higher officers in all the Departments. I do not think that ought to be instanced, because that is a case where the salary was forced upon the Director of the Geological Survey against his will.

Mr. PROCTOR. The salaries as reported in another body for these two chiefs were \$4,500, and for the sake of putting the matter into conference I am ready to place it at \$4,500.

Mr. BEVERIDGE. I hope the Senator with reference to this

salary, now that our pleasantry is over, will not think of de-creasing the salary the committee has fixed for this chief of bureau in this particular case. Five thousand dollars does not anywhere pay for the work that this man really does.

If a change is to be made let it be done by raising the salary of the Assistant Secretary rather than to see the great injustice done of cutting down the salary of this most faithful and most deserving public servant I ever knew, without any exception what-ever. As the Senator from Vermont has explained, in this particular case there is not any question about the fact that the man by his acquirements and abilities and special aptness for the work and the actual service rendered is not compensated by the salary paid. If a change is to be made I shall hope it may be made in the other way, now that the pleasantry is over, rather than to have a reduction made in this salary.

Mr. HALE. Mr. President, the Senator from Indiana by mere

association with this chief of bureau may believe we could not sist upon a change of the salaries fixed by the committee for

pay him too much money. That may be so, Mr. President, but I am not looking at the person: I do not know who it is: but I am trying to have some kind of scale established that will not be exceptional for persons, for individuals; and I think the Senator from Vermont should be content by keeping this salary at what it is now-\$3,500. Is there danger of the present incumbent of this Bureau escaping from the Government service and

entering private employment at a larger salary?

Mr. PROCTOR. Yes. Mr. Pinchot, as is very well known and understood, remains in his present place because he has a pride in his work. He is fortunately able to live without his salary; but it is a matter of justice that he should have this increase. I do not know of any man who has devoted himself more unselfishly to the public service than has Mr. Pinchot. I never heard of a whisper from him, either directly or indirectly, on the question of salary. I do not know that he knows that it has been proposed to increase his salary in the bill; but it is a matter of simple justice and fairness.

Mr. PATTERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. PROCTOR. I do. Mr. PATTERSON. Mr. President, Mr. Pinchot has been in Colorado a great deal, and we have read a great deal in the newspapers about him. I recall about three or four weeks ago reading a partial history of Mr. Pinchot, which represented him to be an exceedingly rich man who had entered the public service for an occupation, to be useful; that he took especial pride and interest in the matter of forestry, and that he was devoting his time to the forest industry as a sort of beneficence or gratuity to the people. The article was a very eulogistic one and appeared to be semiauthentic, as though it had been written from an interview with Mr. Pinchot or from a very direct knowledge of his life and purposes. I can well understand that any movement to raise his salary is not at his solicitation or his desire. Under those circumstances it seems to me that the suggestion of the Senator from Maine [Mr. HALE] should be agreed to, and that an exception ought not to be made in favor of the head of this Bureau for personal reasons or by reason of his peculiar knowledge and acquirements which fit him for the position.

I doubt, Mr. President, if Mr. Pinchot would really appreciate an increase of salary, because I think it would take from the services he has rendered that element in which he appurently seems to take pride—that of a man of great wealth, moved and influenced by patriotic, country-loving motives, giving service to the Government in the advancement of the great cause of forestry, a man peculiarly skilled and well adapted to his particular occupation. It seems to me it would detract very decidedly from the peculiar attitude Mr. Pinchot has been able to secure in the public mind in connection with this great That is a very good suggestion in view of those facts, and I presume they are facts, because they were stated in a newspaper that always tells the truth.

Mr. KEAN. What newspaper is that?

Mr. PATTERSON. One with which I am connected. [Laugh-r.] I think really Mr. Pinchot ought to be let alone—that is my view—and let him go on with the work he is doing and receive his reward in the sense of work well done.

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. Certainly.

Mr. LODGE. Mr. President, I observe that the salary of the Forester is raised and the salary of the Chemist is raised—that

is Doctor Wiley, I suppose?

Mr. PROCTOR. Yes. These salaries were reported, I will say to the Senator from Massachusetts, in another body at

Mr. LODGE. Then, I find on page 47 of the bill the following provision:

One Soil Physicist, who shall be chief of bureau, \$3,500.

His salary is not raised.

Mr. LODGE. Why not? Why should not the salary of the Soil Physicist be raised?

Mr. PROCTOR. That is a much less important position.

Mr. LODGE. He is paid at the same rate as the others were before.

Mr. PROCTOR. Yes; but the others have not been paid enough. Their duties and responsibilities have been

largely increased by recent legislation.

Mr. BEVERIDGE. Mr. President, I very sincerely hope that neither the Senator from Maine nor any other Senator will inthe two chiefs of those bureaus. With reference to the work of one of them I know particularly, because I myself have witnessed it in various parts of this country; and that is the work of the Chief Forester. I am quite sure the Senator from Colorado [Mr. Patterson], who is a just man and who, above all things, does not want to do any one man, not a technical injustice, but an injustice in spirit, is not in earnest in what he said a moment ago.

Concerning Mr. Pinchot—although I know nothing about his reputed wealth—I take it for granted that all of us understand that his reputed wealth makes not the slightest difference. The truth about it is that either in this Hall or in any other place in the public service, in the legislative or in the executive departments, I do not know a man who so long and so faithfully and so hard and so thoroughly has equipped himself for a great service to the whole country, and who, almost alone, by his work and by his talents, has created a very great benefi-cence for the entire Republic as this man; nor do I know here or in any Department, or in any line of work, private or public, I have seen in all my life, a man who gives his remarkable talents, his high and severely acquired accomplishments, so completely to any work as this man gives his whole life to the pub-When the Committee on Agriculture of its own motion, without any request from this man-because I judge he does not even know of it, as the chairman of the committee says he does not—has seen fit, as a matter of plain justice, the justice of proportion, to add this, I think that its wisdom and its justice ought not to be questioned.

I myself participated in the pleasantry that went on concerning the raising of a salary of a chief of a bureau above that of the Assistant Secretary of the Department—those are the humorous incidents that come up—but I do not see why the salary of the Assistant Secretary of Agriculture should not be raised to \$5,000 a year; and because it is not, is no reason in the world why a man who earns that much and many times

more, too, should not be paid at least this much.

The truth is that our salaries, as was pointed out by the Senator from North Dakota [Mr. McCumber], all through our services are most disproportionate in view of the services rendered. Some men receive a small amount for doing very important and continuous service, and others receive a great deal This is a case where the man does not receive enough-not by a great deal-and when a committee of this body, of its own motion, and solely because of the committee's knowledge of the work done, adds a small amount to a salary like this, I hope it will appeal to all Senators that the committee has done the right thing—the just thing. It is to these circumstances that I call the attention of the Senator from Maine and to the fact that the recommendation for this increase has not been secured by solicitation nor by importunity, for the chairman of the committee has informed us that it was done upon the motion of the committee itself, probably without the knowledge of the man, but solely by reason of the fact of the committee's knowledge of his very great services and his special aptitude and fitness and attainments for the work in hand.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does yield to the Senator from Maine? Does the Senator from Vermont

Mr. PROCTOR. Certainly.

Mr. HALE. I do not object to the impassioned appeal of the Senator from Indiana for his friend.

Mr. BEVERIDGE. I hope the Senator will pardon me for an interruption there-

Mr. HALE. Yes

Mr. BEVERIDGE (continuing). To say this, first—and I think the Senate will bear me out in saying it—what I have said has been very calmly said, and the adjective "impassioned" does not apply to me in any way; and, second, that he will do me the justice to say that even if this were a question of personal friendship, I should be the last man here, or in any other place, to ask that public moneys should be paid on the ground of personal friendship.

I was entirely serious in what I said, and I had hoped I was quite moderate and even serene in my manner in stating that this addition to the salary, given on their own motion by the committee of this body, without importunity, which had been given, as the chairman has said, purely as a matter of justice—I hope the Senator will not raise any question of personal acquaintance or friendship of mine. He knows I am incapable

Mr. HALE. Well, I will substitute the word "earnest" for impassioned."

Mr. BEVERIDGE. I am earnest always.

Mr. HALE. I do not blame the Senator. In the discussions

that come up here, Mr. President, there ought to be nothing

Mr. BEVERIDGE. There is not in this discussion.

Mr. HALE. We are trying—and that is what I am trying to do-to put all these salaries on a proper basis compared with the importance of the places the officials fill. But when I am told that in any one bureau the duties are so vast, the range of subjects is so magnificent, and the duration of the term of office is so nearly eternal [laughter] we ought to give an additional salary, that does not appeal to me. My impression is, with some experience about salaries and dealing with appropriation bills, that we ought to keep all these places in their proper relation to the head of the Department; and nobody can persuade me that in a given case we ought to take the chief of a bureau and give him a larger salary than the chiefs of all the great bureaus in the other Departments receive, and a larger salary than his superior officers in his own Department receive.

The claim that is made by the Senator from Vermont that there is something special, something in education, something almost sacred that applies to this Bureau and to the person who is occupying it does not have any force with me. trying to have all these salaries put upon the proper basis. But for one I object, and shall ask the vote of the Senate upon it, to any increase of the salary of a bureau officer in this bill that puts him above not only the corresponding bureau officers in other Departments, but beyond his superior officers in his own Department. I suppose that is a very tame and uninteresting view of the subject, but it is my view of the subject, and that is what I am trying to call to the attention of the Senate.

Mr. PROCTOR. The Senator from Maine is familiar with

the chiefs of bureaus of the Navy and War Departments, and he knows very well that they all receive higher pay than the Assistant Secretaries of those Departments. They are, to be

sure, offices fixed by statute.

Mr. HALE. I was going to call the Senator's attention to the fact that in these Departments mere civilian officers do not receive higher pay than the Assistant Secretaries. If an officer of the Army or the Navy is detailed for service he gets the salary that his military rank entitles him to. But I did not know, Mr. President-and if I did I should be impatient of the fact—that in many of the great Departments of the Government we have put the salaries of bureau officers above the salaries of the Assistant Secretaries.

In the old days, Mr. President, the Assistant Secretaries in all the Departments were selected with the greatest care. In my day in Congress the Assistant Secretaries of the Treasury Department were not only competent men, but they were great men; they were not clerks; they were not stenographers; they were not men who were introduced into the Departments because of any special favoritism; but they were men who, when the emergency arose, were amply competent to succeed to the place of the head of the Department. I should be very glad to maintain that condition as it used to be; and the one way of maintaining it is to give to these great officers, who stand next to the head of the Department and may be called upon to assume the duties of the head of the Department, corresponding salaries. It is a slight upon these officers to select a chief of bureau below them, who only has to deal with an inferior sphere in the Department, and put him above the Assistant Secretary. agree with the Senator from Minnesota in that regard. Senate ought not to agree to any such proposition.

Mr. BEVERIDGE. It has not been shown that the assertion

of the Senator from Vermont, the chairman of the committee, that the increase in the salaries of the two chiefs of bureau in question, was proposed as a matter of justice, is not true. The statement of the Senator from Maine, I think, is rather incon-He objects that the salaries of bureau chiefs should be higher than the salary of an Assistant Secretary; but surely the Senator from Maine would not do the other men-two of them, I believe—an injustice by not raising the salary of the Assistant

Secretary \$500.

Mr. HALE. I do not believe their salaries ought to be as high as the salaries of the Assistant Secretaries. I think they ought to be kept lower.

Mr. BEVERIDGE. But I have said-

Mr. HALE. I think the rule ought to be that they should not be paid the same. By this amendment they are increased beyond what the Assistant Secretaries receive. I am not willing that they shall be put up even with the Assistant Secretaries. They ought to be kept in their proper place as chiefs of bureaus. They have subordinate work and smaller jurisdiction, and the Senate ought not to agree, because somebody wants one or two chiefs of bureaus put up to a high rate, that that shall

be done and thereby disturb the harmony which I am trying to establish in the offices of the different Departments of the Gov-

Mr. BEVERIDGE. In answer to that, I will say, with all due deference to the Senator-and no person in the world has more than I-the harmony the Senator suggests is, after all, but the shadow of harmony. I do not believe that there should be a lower salary because a man is called by some particular name. The better rule of harmony is the rule of simple, sheer justice; of the just proportion of pay for a corresponding proportion of work.

Of course the Senator had no special reason for making the objection at this particular point. Of course the Senator from Maine did not strike at the Chief Forester directly. He is incapable of that. He would have attacked anybody else as The Senator from Vermont says, and he knows, and I know, and the Senator from Maine knows, that subordinate heads of the Navy Department are paid more than those above

They are naval officers.

Mr. BEVERIDGE. If it be so in the Navy Department, I see no reason why it should not be true for the Agricultural Department. It is because they do more work, and not for any other reason. It is not because one man wears a civilian's coat and another man wears epaulets. In this particular instance the chairman of the committee has said to the Senate that it was done not only because these men did more work, but because the work was of a special nature, requiring expert knowledge. I call the Senator's attention to the fact that we have already passed, without objection upon the part of the Senator from Maine or any other Senator, two other items at least raising the salaries of chiefs of bureaus from \$4,500 to \$5,000, and no-body objected at all. Not until this point was reached was there any objection; but of course the Senator from Maine did not mean to concentrate his vigilance upon the Chief Forester. I can not believe that-I do not, notwithstanding the point has not been made until now, although we have agreed already to favor similar increases less deserved.

Mr. HALE. In this bill? Mr. BEVERIDGE. Yes.

Mr. HALE. I have been at work on the naval appropriation bill and have just come into the Senate, but I will say that before we get through I shall ask to go back—

Mr. BEVERIDGE. I was sure the Senator did not make any

special point on the amendment under discussion.

Mr. HALE. In the little time that we have I do not want to be obliged to explain a thing twice to the Senator from Indiana. I have said that the heads of bureaus in the Navy Department do not receive superior pay, because they are not in civil life, but they are detailed for service because they are officers of the Navy, not because they have superior duties; but when they are detailed for that service their pay is larger— Mr. BEVERIDGE. Because their work is larger.

Mr. HALE. But that is the military feature. I do not understand that the military feature applies to the Department of It is very embracing in its terms and has great Agriculure. privileges, but it is not yet a military department of the Government, and the rules that apply in the Army and Navy and in the War Department and Navy Department do not apply to it. I suppose in time they will; but I object to it, Mr. Presi-When the Senator says that we have already raised the salaries of two chiefs of bureaus, that is not final.

Mr. BEVERIDGE. I said the Senator had not called attention to them, and I was sure he did not mean to make a special

point on this amendment.

Mr. HALE. I am very glad the Senator has called my attention to those items; and when the bill reaches the Senate I shall venture to go back and object to those salaries being raised.

Mr. BEVERIDGE. Notwithstanding the paucity of time that remains-and I know how very valuable that is; we spent almost half the session with a great deal of discussion about one matter. but I have not taken very much time until the other day, and then I took considerable—I must be permitted to say to the Senator that, after all, the "military feature" is nothing mysterious, I suppose. I presume that, after all, the reason for giving certain officers more salary than is given to others is not based on any mystery, but upon their service and the nature of their service. So that to use the words "military feature" to justify higher pay to some naval officer than to a civilian officer in the Navy Department superior to what that naval officer receives is no answer. The reason undoubtedly must be—else it is a foolish thing and it is not explained by the mere term "military" or "naval feature"—that the person who gets higher pay does greater or more important service. That, undoubtedly, is the reason for differences in the Army between the pay of officers and the pay of soldiers. So here the reason assigned by the chairman of the committee for this increase of salary, upon the committee's own motion, without solicitation, is precisely the same reason that undoubtedly exists in the Navy and in the Army—that is, more pay as a matter of justice for more service and service of a special kind.

That is the question that we are confronted with, and not a bureaucratic rule that, because a man has a higher title, he shall have more money, but the rule of simple justice of pro-

portionate pay for proportionate service.

A great deal has been said—and I think it would not have been said if it had been thought over-about the personal business and financial condition of some of these officials. That has nothing whatever to do with it. A man who is not worth a cent, so far as his personal fortune goes, deserves no more from the Government for work performed than a man worth millions of dollars for the same work performed. The Government is no eleemosynary institution. It is no beggar, either. It is not soliciting or accepting service from any man who is rich merely because he is rich and can afford it; neither is it giving salary to some person who is poor because he needs it-but in both instances for work actually performed, because they have justly earned it.

I hope the Senator from Vermont will insist on the amendment.

Mr. HALE. I for one am entirely willing to leave this matter to a vote of the Senate. I do not want to consume any more

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PROCTOR. Certainly.
Mr. HEYBURN. Mr. President, I think it is proper and important at this time to interject into the Record some facts contained in a report of the Secretary of Agriculture as to the condition of this fund. We can not properly consider this provision of the bill without taking that into consideration.

I will say, in passing, that I have frequently been met with the argument, in defense of the high character of the acts performed by this officer of the Government, that his salary is no consideration; that he is contributing his services, his valuable services, to the country. That has been frequently stated in public addresses and in newspaper articles in response to criticisms that have been made of the policy of the Department. That has always seemed to me quite immaterial, and I am of the same mind as is the Senator from Maine [Mr. HALE] in regard to the wisdom or advisability of increasing this salary. There is nothing personal to me about it, but I should like to call the attention of the Senate to this condition of facts.

Under the direction of this officer, and under his control now, there is a special fund, and according to this report of the Secretary of Agriculture on the 12th day of April, 1906, there was a balance to the credit of the special fund amounting to \$273,363. That is an irresponsible fund in the hands of, and subject to the disposition of, these officers. Why should not that money be covered into the Treasury for the purpose of paying the expenses of the administration of this Department? is now, I think I am safe in saying, much more than that. That was a year ago. In connection with that report the Secretary says:

The amount to be collected during the remaining three months of the present fiscal year is estimated at \$262,000.

In three months. That covers the collection for the grazing period.

Mr. FLINT. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I should like to ask the Senator whether or not the report shows what this money is to be used for, and whether he does not desire more money properly to carry on the forestry-reserve work?

Mr. HEYBURN. I was coming to that. According to this statement during the current year in which this sum of money was collected the total expenses of the Department in the field So there was enough on hand in this special fund to conduct the expenses of this Department in the field for six years. It is a rapidly increasing fund. It is safe to say that now, upon the present basis of administration, there is in this special fund more than enough to make it unnecessary to appropriate a single dollar for the purpose of maintaining this

I call attention to a provision of this bill on page 42, in which the bill as it came to the committee of the Senate carried an appropriation of \$500,000, "to be expended as the Sec-

retary of Agriculture may direct for proper and economical administration, protection, and development of the national It came to the Senate committee appropriating \$500,000, and the Senate committee has reported in favor of a million dollars—a million dollars in addition to this rapidly accumulating fund, which, while it is nominally in the Treasury of the Unted States, is there as a special fund. According to the report of the Secretary of Agriculture the fund is disbursed "for expenses or refunds * * * out of the special fund in out of the special fund in accordance with the law and regulations of the Treasury Department and of the Department of Agriculture."

So you see it is an irresponsible fund. There is an officer, termed a fiscal agent, who seems to receive and disburse this fund, and he does it, not pursuant to an act of Congress, as the Constitution of the United States provides that public moneys shall be disbursed, but he does it upon an order from these heads of bureaus, nominally an order from the Secretary of Agriculture, but really, I should say, from the heads of bureaus. This immense fund, already perhaps more than half a million dollars-certainly it was more than a quarter of a millica dollars a year ago-to be augmented by a million dollars reported in this bill, and with this immense fund to conduct the Forestry Bureau, they come here and ask us to appropriate for this purpose something in the neighborhood of \$2,000,000.

It seems to me, when we are considering the question of the salaries of these officers, we must necessarily take some heed of the duties they perform; and in connection with that, of the necessity for this appropriation; and in connection with that again, the propriety of taking it out of the Treasury of the United States as against paying it out of this special fund which is in their hands and under their control. This is a very badly organized branch of the Government. It is tying up a large sum of public money, to be used, not under the direction of Congress, not pursuant to an act of Congress, but at the will and pleasure of and pursuant to an organization over which Congress has no supervision or control. Is that the way the Government should be conducted? Is there any other branch of the Government conducted along those lines?

It is proposed now that we shall place the Interior Department upon this same basis, and give it a large irresponsible fund for disbursement under practically the same or like conditions. But we might just as well, in dealing with this question, now face the proposition whether we are going to allow it to be the medium of accumulating a million or two million dollars, which is withdrawn from public use under our direc-tion and is used at the will and the pleasure of the Forestry Service.

It seems to me that the officer at the head of this Bureau. whether he may be capable of earning more money in some other occupation or capacity, is receiving quite a sufficient compensa-tion for the character of the service that he is rendering to the country at large; and we may well pause to consider whether the country is benefiting to any extent by the service which he is rendering

Mr. PROCTOR. Mr. President, the salaries of all of the chiefs of bureaus in the Department of the Interior are \$5,000, with the exception of that of Director of the Geological Survey, who has \$6,000. The salaries of the chiefs of bureaus in the Department of Commerce and Labor—Corporations, Labor, Standards, Coast Survey, Fisheries, Immigration—are all The Census is larger.

The committee in this matter were actuated merely by what they believed to be right and due to the officers and the public service. It was not to be supposed that an amendment affecting this officer whose salary is now under consideration, taking up new duties, affecting western interests, would be adopted without friction. But he is one of the very highest types of the faithful, hard-working Government officers, and this proposed increase of salary is no more than an act of simple justice.

I am ready, as the Senator from Maine has expressed himself, to have a vote upon the amendment.

Mr. HALE. It is very late. Let us have a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Agriculture and For-

Mr. HALE. Let the amendment be stated.

The Secretary. On page 36, line 21, under the Forestry Service, after the word "Bureau," it is proposed to strike out "three thousand five hundred" and insert "five thousand;" so as to read "\$5,000."

Mr. HANSBROUGH. Mr. President, I am in entire sympathy with the Senator from Maine [Mr. Hale] when he stated that the Assistant Secretaries of these Departments should re-Mr. HANSBROUGH. ceive greater salaries than the chiefs of bureaus or the chiefs of divisions, whatever they are called. I believe that the Assistant Secretary of the Agricultural Department, Professor Hays, should receive at least \$5,000, and if the chiefs of bureau are to receive \$5,000, I think his salary should be made \$6,000. I was not fortunate enough to be present at the meeting of the committee when final action was taken upon the question of his That is the view I hold on the subject. salary.

Mr. President, I was very much interested in the facetious remarks of the Senator from Maine with respect to the Agricultural Department, and notwithstanding the very complimentary things which the Senator said about that Department, I very much fear that the Senator from Maine underestimates the importance of the institutions of agriculture in this country. American farmer is the basis of the prosperity of the country, in time of peace or in time of war, and especially in time of war; always in time of peace, because in time of peace we are preparing for war. And as the Senator from Maine talked about this great Department of Agriculture I could not help but recall the efforts of that Senator here year after year to build up the Navy of this country so that we might be ready for

The Senator from Maine, as chairman of the great Committee on Naval Affairs, comes in here from year to year with increased appropriations in the naval bill, asking for more battle ships; and the Senator from Maine is getting ready for war constantly. He ought to be in sympathy with the institution of agriculture, because if it were not for the institution of agriculture the Senator from Maine could not go to war. I read in the paper only a few days ago that it was proposed to construct another great battle ship, something superior in strength and importance to the Dreadnought, I think. Mr. PERKINS. Two sl

Two ships.

Mr. HANSBROUGH. Perhaps it was two; and I at once thought of the big task the Senator from Maine had on his hands, because I have been much interested in the efforts of the Senator to get ready for future conflicts as he brings in these great appropriation bills from year to year. So I simply desire to call attention to the fact that we ought to have the sympathy of the Senator from Maine in our efforts to do everything possible for the institution of agriculture.

Mr. HALE. Mr. President, the Senator from North Dakota [Mr. HANSBROUGH] is entirely behind the times. The criticism to which I have been subjected of late is not that I seek a swollen Navy, but that I am trying to keep it down. I have never committed myself to the programme of building now two enormous ships costing more money than any ever built before, larger than any nation has built; but I want to proceed slowly; and if I were sensitive to comment, I should be troubled, not by the criticism of the newspapers that I am seeking to unduly swell the Navy, but that I am keeping it down and am for reasonable appropriations. So I say in that regard the Senator has not kept up with the march of the times. I should be very glad to see some of the great appropriations that Congress grants for the military branches of the Government, the Army and the Navy, diverted to the Department of Agriculture.

I agree fully with the Senator, and one fault, one lamentable condition, to-day in Congress and elsewhere is that we are paying altogether too much attention to the military features and departments of the Government and are paying too little attention to the real needs of the people as represented in the nonmilitary departments. I do not want to limit the appropria-tions in a proper way of the Department of Agriculture in any I agree with the Senator entirely; and I think the money we put into needless and not called for great battle ships would be better employed if devoted to promoting the interests of peace and the people at home and the development of home industries, without being affrighted by this blight on public sentiment that tells us we have to keep on increasing military appropriations. I am entirely in favor of that policy which does more for the pacific departments and for the people of the country and all their interests rather than the military.

am not sensitive to the criticism of the Senator who, as say, is behind the times upon that point. I want the Agricultural Department to be promoted, and everything that tends to add to the interests and to the development of agriculture should be appropriated for by the Government rather than to war expenses. My interest in this matter is not in any way hostile to the Department of Agriculture or the interests of agriculture or the interests of the people. I only want a proper relation of the offices of this Department of the Government; and with this explanation I am entirely willing to take the sense of the Senate on the question of increasing the salary of

this bureau officer.

Mr. FULTON. Mr. President, I shall not attempt to take up the time of the Senate to any great extent in discussing this

question. I should have been fully content to let the amendment pass without saying a word about it were it not for the fact that the increase of this salary is based largely by the advocates of it upon the excellent service that the Forestry Bureau has rendered the Government and on the splendid organization which has been brought about in that Department. If the increase of the salary is to be the evidence of our appreciation of the excellent work they have performed and of the splendid organization they have built up, I should prefer to express my judgment in that matter by decreasing the salary.

I think it is the worst organized Department of the Government. I think the manner in which it is conducted is less creditable to those who have charge of it than any other Department. I am not going to take time to explain my views to the Senate, but I simply make this statement as an explanation of my vote. I shall vote against the proposed increase.

of my vote. I shall vote against the proposed increase.

Mr. FLINT. Mr. President, I do not want a vote taken on the pending amendment with the understanding that all in the West subscribe to the doctrine that the Forest Reserve Service is not properly managed, and that the West is not in favor of the present management and control of forest reserves.

As far as the State of California is concerned, we believe in forest reserves. We believe in the Forestry Service as managed by Mr. Pinchot. We believe we have had a splendid business administration, and when it comes to increasing the salaries of the heads of bureaus in the Department of Agriculture there is no one more deserving of an increase from the standpoint of efficiency than Mr. Pinchot.

As far as concerns the table of money, as set forth by the Senator from Idaho [Mr. Heyburn], I believe that a careful investigation of the disposition of money under Mr. Pinchot's management will show that we have had an economical, honest, and efficient administration of the affairs of that department. If it had not been for a management such as Mr. Pinchot is now giving us, and if these tracts of land in the West had not been included in forest reserves, we would have the same condition in the West that now exists in the East. Our streams would be dry in summer time, and we would have no water for irrigation or the generation of electricity.

Mr. PILES. Mr. President, I wish to say only a word. I desire to follow somewhat the line pursued by the Senator from

Mr. PILES. Mr. President, I wish to say only a word. I desire to follow somewhat the line pursued by the Senator from California [Mr. FLINT]. In the State of Washington, as I presume elsewhere, mistakes have been made, no doubt, with respect to forest reserves, but I have found that that department has at all times been ready and willing to correct any serious mistake.

Mr. President, I have found upon consideration and investigation that this department is doing a real service to the people of this country, and while, as a matter of fact, injustices have crept in here and there, those injustices have in a large measure been corrected, and they will continue to be corrected. I believe that this officer is entitled to the salary which the committee has recommended for him, and that he is doing and his department is doing a very great service to the people of this country.

Mr. BEVERIDGE. Mr. President, I have already spoken, I am aware, twice, perhaps three times; it may be four times. It is a matter, however, where if I were not acquainted with the man, but only with his work, I should speak, if it would do any good, five or even ten times. This is a case which involves merely an act of justice.

This department—for it amounts to a department—has come in conflict once or twice here and there with the views of Senators in one or two of the Western States. This thing is true, and it ought to be the highest commendation that can be won by any public officer, that in no instance has the policy of this department or of its chief been swerved by the appeals or influence of any man, but only by considerations of the public good; and, as the Senator from Washington [Mr. Piles] said a moment ago, where any mistake has been made—and I suppose that even in the Senate sometimes we make mistakes; rare, unprecedented things, of course, for any of us to do—it has been immediately corrected, as a good, faithful officer should do.

I have just now had my attention called to the fact—I did not know it, and I am much surprised—that the salary of this officer, what might properly be said to be this great public officer (for he has earned the adjective "great") has been \$3,500 a year, and it is that to-day. Mr. President, that is what it was when this Bureau was established before the admirable forestry service of the United States was developed. The American Forestry Service is now rising to an equality with some of the great European forestry services, which render to their governments a large part of their revenues. Yet the salary is the same to-day, after the notable achievement

has been performed, as it was when the Bureau was established, although the work, the responsibility, the importance of the whole thing, and its benefits to the people have increased many fold.

With reference to the point made by the Senator from Idaho, his antagonism to this department we all thoroughly understand. He is very earnest and bold about it. The Senator and the Department have come into contact, and it seems that neither side has yielded, both doubtless being actuated by a sense of justice of his own position.

I have not the figures here. It is too bad that I have not. I did not know that any such thing as this would come up, because I would have been glad to have gone to a great deal of pains to get the figures. But the truth is that the administration of the forests of the United States under this department has made enormous quantities of money—not tens of thousands, but hundreds of thousands, and, I dare say, even millions of dollars. I suppose that in the whole service there is not a department that has actually earned so much money for the Government as this department.

Last year in the debate—quite a casual debate that came up concerning the revenues that came from the renting of the grazing lands—the Senator from Idaho and the Senator from Oregon, both of whom have signified their antagonism to this Department several times on this floor by reason of some conflict with it—

Mr. FULITON. I had not indicated any purpose to invite a debate with the Senator from Indiana. I do not know why he should admonish me.

Mr. BEVERIDGE. I saw in the Senator's face a look of eagerness and a defiant attitude.

Mr. FULTON. It was mere admiration of the Senator from Indiana.

Mr. BEVERIDGE. I did not know when the Senator from Maine raised his point that he was really in earnest. He was in one of those cheerful moods which charm us all, and I supposed we were having somewhat of a relief from the high tension under which we had all been this afternoon in the debate on immigration.

When I found that there was really an objection, perhaps beginning in good humor, but growing in determination as the debate proceeded, I could hardly believe that in view of the actual facts which every Senator here ought to be familiar with anybody was going to question the increase of this salary, which every Senator ought to remember was put on here as a matter of sheer justice by the committee itself, upon its own motion, and as a matter of plain justice in paying for the services of one of the most ideally faithful, hard-working men who belong to the public service in this Republic.

Should it be that the Senate will do what I hardly anticipate it may do, and vote this increase out, I give notice of my intention to move a reconsideration, when I can equip myself with the figures and the facts about this matter.

Mr. HALE. I hope, notwithstanding the menace of the Senator from Indiana, he will more fully equip himself in order to put back the action of the Senate, that on this simple question of raising salaries we may vote in an unrestrained way.

tion of raising salaries we may vote in an unrestrained way.

Mr. BEVERIDGE. The Senator from Maine must permit me
to say that I am sure he is again dealing in humor when he
says there was any threat on my part. There was nothing of
the kind. It was a mere statement, such as any Senator makes
here, and such as the Senator himself has made many times.

As a matter of fact I do not anticipate that the Senate is going to do anything of that kind. The only reason why I referred to it was by reason of some figures which the Senator from Idaho read here, because, as a matter of fact, as the Senator from California has said—and he ought to know, for he has a great part of the administration of this Department in his own State—from his personal knowledge there is not a Department which has rendered more faithful service, nor the head of a Department which has possibly more fully earned, as a matter of plain justice alone, an increase of salary. The Senator knows there is no menace in that.

Mr. HALE. If we can get a vote, of course it will dispose of this question; but I suggest to the veteran Senator from Vermont in charge of the bill that it is very late, and unless we can get a vote we had better adjourn.

Mr. BURKETT. I wish to occupy only two minutes.

Mr. HALE. It will probably be only a prolongation of the Senate's session to no purpose to continue the debate.

Mr. PROCTOR. I trust that in a very few moments we can get a vote. I yield to the Senator from Nebraska.

The VICE-PRESIDENT. The Senator from Nebraska was

der to their governments a large part of their revenues. Yet The VICE-PRESIDENT. The Senator from Nebraska was the salary is the same to-day, after the notable achievement recognized by the Chair, and he is entitled to the floor.

Mr. HALE. I am entirely willing to take the judgment of the Senate on the question.

Mr. McCUMBER. Will the Senator from Nebraska yield to me for a moment?

Mr. BURKETT. Certainly.

Mr. McCUMBER. It is suggested that there may be a vote after the Senator from Nebraska has completed his remarks. I wish to state that there may be others who wish to discuss this same question of salaries. I suggest that it is late and that probably we would get through with it more quickly if we would have an adjournment now; that we would thus get a vote sooner than we would by prolonging the debate after the Senator from Nebraska has submitted his remarks.

Mr. PROCTOR. We will hear the Senator from Nebraska,

Mr. BURKETT. Mr. President, I was about to suggest that possibly a very little consideration of this matter would adjust it all. I notice that here are four or five heads of bureaus. The Chief of the Weather Bureau gets \$5,000, and the chiefs of the next two have been getting \$4,500, and the Chief of the Forestry Service, \$3,500. The Senate is aware that those salaries have probably been raised from time to time on account of the particular individual who temporarily occupied the position. the Chief of the Weather Bureau gets \$5,000 and the Chief of the Forestry Service, of more importance to more people, gets \$3,500 it is not easy to see.

If this is to be voted down or up we ought to take into consideration what we have already done with the salaries of other chiefs of bureaus. We have raised one to \$5,000, and it seems to me it would be an injustice, perhaps irreparable, if we would go to work and cut this one down, or leave it at \$3,500. We find that \$5,000 was proposed by the committee, and it seems to me we should not give one chief of bureau \$5,000 and another one \$3,500 who is certainly putting in more hours than the head of another bureau in this Department.

Mr. HALE. I should like to have it understood that this is no drive against the Bureau of Forestry. Whatever is done by the Senate upon this salary ought to be done with the other salaries. Already, without contention, we have passed increases in other bureaus, but certainly if the Senate does not agree to this increase we should go back and, so far as we can, put all these bureaus in proper correlation to the higher officers in the Depart-

We have by solicitation and without much thought or considwe have by solicitation and without much thought or consideration added to the salaries of some of these bureaus; but this is perhaps the first time the salaries of the subordinates, compared with higher officers in this and other Departments, have been brought to the attention of the Senate. If the Senate does not increase this salary, I shall certainly ask that the same rule shall apply to these other bureaus.

Mr. BURKETT. I think the Senator is perfectly right, and that is the only observation that I desired to make, that we ought to keep this on a level with the others. This place is just as important and this is just as good a man. I do not take any stock in the argument that is made that this increase should not be made because this particular man is rich. I should not want to have that principle applied to the members of this body. Perhaps none of us would wish to have it applied here

or anywhere else.

I do not think a different rule should be made here, because just at present this particular Bureau is unpopular in certain We do know that this man is rendering about all the sections. hours there are day and night in service to the country in this Bureau. I think the salaries ought to be kept together. Whether it be done by leaving it as the committee has recommended or straightening it out by to-morrow, adjusting them all, the Weather Bureau and the others, by passing the matter over to-night for further consideration, of course can be de-termined; but certainly there ought not to be a difference of \$1,500.

Mr. BEVERIDGE. I wish to call the attention of the Senaator from Nebraska to this: Even if the suggestion of the Senator from Maine, that all these increases be cut down, should be adopted, nevertheless the point the Senator from Nebraska makes is not met at all, because it appears that the service of this officer, as everybody knows, is equally as important and equally as efficient, and yet his present salary is a thousand dollars below the salaries of all the other chiefs of bureaus.

So if the point that there should be no increase, as is provided by the amendment of the committee, is sustained it would do the very injustice the Senator from Nebraska so well points out, and leave this man \$1,000 below the Chief of the Bureau, for inscance, of Animal Industry, of the Weather Bureau, and so forth, because the original salary was that much lower.

Mr. HALE. I do not want to interfere with the Senator from

Vermont. He is entitled to conduct the order of business, because he is in charge of the bill. However, I do not think anything will be gained by remaining here any longer.

Mr. PROCTOR. I am quite as willing as the Senator from Maine to take a vote. I see no occasion for any further dis-cussion. If there are Senators who wish to discuss the matter further

Mr. HALE. The Senator from North Dakota [Mr. McCum-

Mr. HALE. The School from the BER] intimated that he desires to speak upon it.
Mr. PROCTOR. Will it be a speech in one installment or two or three?

Mr. HALE. I do not know. I have never been able to tell

that. Mr. McCUMBER. I will simply suggest that I stated when the Senator from Nebraska [Mr. Burkett] got through we would not be quite ready to vote. I thought that was a gentle intimation that probably there would be some other remarks upon the question. I simply suggested that, so that if the Senator should desire to adjourn at that time we could do so.

Mr. PROCTOR. Do I understand that the Senator from

North Dakota wishes himself to make a speech?

Mr. McCUMBER. That is about what it means.

Mr. PROCTOR. That is sufficient. If he does, I am decidedly in favor of an immediate adjournment. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 15, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Thursday, February 14, 1907.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES.

Mr. JONES of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following order, which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That when the House shall adjourn on Sunday, February 24, it shall be to meet at 10 a.m. on Monday, February 25, and at the said session of Monday, the 25th, eulogies of the life, character, and public services of the Hon. John F. Rixer, late a Representative from Virginia, shall be in order until the hour of 12 m.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RIGHT OF WAY THROUGH FORT WRIGHT MILITARY RESERVATION, WASH.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 8288, authorizing and empowering the Secretary of War to locate a right of for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Portland and Seattle Railway Company, its successors and assigns, and put the bill on its passage, a similar House bill being on the Calen-

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, except that for bridges and other structures and approaches thereto he may, in his discretion, locate a right of way not exceeding 150 feet in width, through the lands of the Fort Wright Military Reservation, in the State of Washington, if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted, during the pleasure of Congress, to the Portland and Seattle Railway Company, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: Provided, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: Provided also, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

SEC. 2. That Congress reserves the right to alter, amend, or repeat this act.

The SPEAKER. Is there objection?
Mr. WILLIAMS. Reserving the right to object, I would like to inquire of the gentleman if this is the unanimous report of the committee?

Mr. JONES of Washington. This is the Senate bill, and a

similar House bill has been unanimously reported from the Committee on Military Affairs

Mr. WILLIAMS. Is it a bill identical with this?

Mr. JONES of Washington. Yes; identical with this, and it is recommended by the War Department.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Jones of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 25319) was laid on the table.

LEAVE TO PRINT.

Mr. McCALL. Mr. Speaker, I ask unanimous consent to print in the Record in connection with the debate on the naval appropriation bill some remarks I recently made in New York. They will not occupy much space in the Record, and some Members have desired that they be printed in the Record.
The SPEAKER. Is there objection? [After a pause.]

Chair hears none.

Remarks by S. W. McCall before the Republican Club in New York City February 12, 1907, on the importance of pre-serving the constitutional balance between the central Government and the States.

Lincoln might easily be pardoned if the consuming work to which he devoted his life had produced in his mind an undue regard for the national as against the State governments and a willingness to see the balance established by the Constitution destroyed. But while he was compelled to employ every power in the great conflict of arms, in the presence of which the Constitution and all other laws were silent, he was in the highest degree conservative of the State governments. His speeches before the war show his regard for the States, but it is more significantly proven by the policy he had determined upon near the end of his life, a policy which rejected the "conquered-province" theory of the status of the seceding States, and presented a plan so mild, so constitutional, and so opposed to the radicalism of the moment that his successor was overthrown

for attempting to put it in force.

What, then, is the system of government that Lincoln stood for and that emerged victorious from the civil war? It is a dual system, under a Constitution which as distinctly reserved powers to the States and the people as it granted others to the National Government. It was thus presented by the Supreme Court after the war and in the light of the consequences of that struggle; "it may not be unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Consti-tution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible union composed of indestructible Nullification by States of the action of the National Government would be entirely repugnant to this system, but no more repugnant than usurpation by the National Government of the powers reserved to the States. Either would be, in substance, precisely what South Carolina tried to do and would be destructive of our constitutional system. If the forces of disunion, the centrifugal forces, were permitted to have sway the States would fly from their orbits and cease to revolve about the central government. On the other hand, if the centripetal forces were given unchecked domination the powers of the States would be drawn by attraction of gravitation to the central authority, they would become the mere shadows of governments and a powerful central despotism would be the result. Whether you may favor the one system or the other it is enough to say that neither one is the balanced system es-tablished by the American Constitution.

Not long ago Mr. Secretary Root, of whom I speak with the highest respect, speaking in this city, declared that it was useless for the advocates of State rights to inveigh against the extension of national authority in the fields of necessary control where the States themselves failed in the performance of their duty, and that in such cases "constructions" of the Con-stitution would be "found" to vest the power in the National Government. I fancy it would be just as sound for States, providing they were strong enough to do so, to exercise the national functions in cases where they were not performed according to the standard of duty of those who at the time were running the State governments. But how are "constructions to be "found?" Certainly the rules of constitutional con Certainly the rules of constitutional construction would not of themselves change to meet difficulties which might stand in the way of gentlemen who may at some future moment of time be in control of the Government at Washington, and who may wish to do some particular thing. But courts change, and the method of applying the rules of

construction may be made to change with them. running the Washington Government appoint judges. be intimated that the court might be packed and "construc-tions" be "found" in that way? Or that that impressive organ of conservatism, whose inflexible justice lent weight to Web-ster's great argument for the Union, that that organ might be made to become the tool of usurpation and write things into the Constitution in order to carry out the designs of a usurper? this is the way "constructions" are to be "found," a brutal, but constitutional, use of the patronage to force through Congress legislation containing material for "constructions" would be a mere incident.

In fairness it must be said that Mr. Root limited this extension of national power by "construction" to "fields of necessary control." But who is to decide in the first instance what are "fields of necessary control?" Obviously the gentlemen who wish to exercise the control. Some policy which should take possession of a President, backed up at the moment by a majority of the people, would undoubtedly seem to him necessary, however pestilential it might essentially be. The South American presidents who have "done things," who have some-The South times even dispensed with elections, have doubtless believed their acts necessary to the good of the state. When was there ever a usurper since time began who could not justify his acts by the same plea? And a given field of "necessary control" having been taken possession of by the National Government, a construction will be found to keep it under control. This theory, it is needless to say, would erect usurpation into a constitutional system; and if it were to be established and, as a consequence, the limitations upon the central authority be swept away, not merely would the death knell of the American system have been sounded, but we should invite evils compared with which those resulting from the failure of a State here and there to perform its duty would be insignificant.

But putting aside entirely the binding character of the Constitution, what justification in fact is there for the proposed centralization of power? It seems to be assumed that whatever evils have been developed in our marvelous growth under State

instrumentalities have been necessary incidents of State control, and that if the National Government had created and supervised the instrumentalities the evils would not have ex-We are only permitting our imaginations to evolve Utopias out of what might have been. This is apparent at the most cursory glance. Take at the outset the very head and front of the States' offending. Take the building and super-

vision of our railroads and the creation and regulation of other corporations. The railroads have been built almost entirely through State agencies. But one railroad, the Union Pacific, was constructed under national control, and the Credit Mobilier and other scandals associated with it almost shook the Govern-

This instance may illustrate the imagined perfection of what would have happened under national auspices. Regarding other corporations, there is one oasis among the desert of the Statesthe District of Columbia—where the National Government has every species of control, whether necessary or unnecessary. Here at least we should find a model code to aid in elevating State standards by the force of a perfect example. But the corporation laws of the District will not only not stand comparison with those of the advanced States of the Union, but they would make a New Jerseyman blush. Take the matter of insurance. One of the most notable and searching inquisitions ever conducted under government was carried on by a committee of the legislature of New York regarding insurance, and the most hidden recesses of that business were exposed to the gaze of the world. As a result of the awakening State laws are being strengthened, and yet we find in the District of Columbia a code scarcely worthy of the name. For instance, under this beneficent code there is an insurance company operating to-day which appropriates to its treasury or for expenses 90 per cent of all the premiums collected. And an effort is now being made, but thus far without success, to enact a system taken almost wholly from one of the States of the Union.

The individual action of the States has an educational influence upon the country and thus upon the National Government. Some of the great States have passed rigid laws requiring the publication of election expenses. A similar bill thus far has failed at Washington. But when the education shall have spread and a few more States have passed laws, there will be a national law upon the subject. Massachusetts took the lead upon labor legislation, and for years she has had a just and humane code. Her example has been followed by an increasing number of her sisters. The great industrial States of the Union have vastly bettered their condition in this regard, and there is a wave of labor legislation now sweeping across the country. There is far greater inertia in the working of the national than of State legislative machinery, for in order to set the national machine in motion a vast population needs to have its attention focused upon a given subject and to be educated upon it.

It is a slow process to develop a homogeneous public opinion in so populous and scattered a people. Diversity of interests will develop diversity of opinions in different groups of States. These diverse and conflicting interests will often bring into play forces that neutralize each other and prevent all national action. Or in cases where a uniform sentiment is aroused the impetus of so great a body of opinion is overwhelming, reason loses its force, and the most extreme course is liable to be taken. The failure of the effort to retire in times of peace the forced loan of the Government put out in war, and the many compromises regarding silver illustrate the balancing of forces, while reconstruction, which resulted from an unmistakable, widespread, and uncontrollable public opinion, illustrates unreasonable and extreme action. Reconstruction was pressed through by patriots and statesmen at Washington, acting in ignorance of local conditions, and it produced a condition of things which made it necessary for the people of the States affected to resort to violence and fraud in order to save civilization. Burke says repeal is more blessed than enactment; but when a law once finds its way upon our national statute books it requires almost a revolution to repeal it. sary a measure as the silver repeal, which Cleveland was able to secure only through the disruption of his party.

I might multiply such instances. Do they prove the incapacity of the National Government? By no means; but they do disprove the assumption of the perfection of a new system so airly made, under which the great National Government would put the States out of business in much the same way as the great combinations have destroyed small ones; they do tend to prove the wisdom of the framers of the Constitution, and they illustrate the inherent difficulty of attempting to govern by a rigid code of municipal law enacted by a central government representing great populations scattered over vast

stretches of the earth's surface.

You may understand better the philosophy of our system if you look across the sea to Europe and imagine that continent under a single government. It has an area substantially equal to our own. It possesses a not greatly different diversity of climate and soil. We can understand how beneficial a certain central authority might be to maintain internal peace, to protect the people against foreign war, and to conduct general imperial concerns. But it is impossible to imagine that it would be consistent with the happiness or the liberty of the people to have that vast region ruled autocratically from Vienna or Berlin, and to have the same code of municipal law enmesh the Frenchman and the Turk, those who dwell along the Ebro or upon the banks of the Volga and those who live on the shores of the Hellespont or upon the islands of the Hebrides. by no means a question of race alone. Differences of climate and soil will produce different interests, different habits, and different ambitions. That great area is too vast in this era of the development of mankind to be comprehended in a single community of thought. Laws that would be beneficial to one portion would be galling fetters upon another. Representative government in any true sense would be impossible. It would at the best upon most questions be a compromise between conflicting interests. The part of each citizen would be so infinitesimal that the sense of individual responsibility in government would be gone and you would have a system destructive of political liberty and repressive of the genius of the people.

Our National Government was established for our common security and to subserve certain great national purposes enumerated in the Constitution. For those purposes it has, as a rule, worked well, and certainly better than a system of divided authority, but the record signally fails to show any advantage likely to result from an invasion of the province of the States and from the usurpation of a detail and mass of jurisdiction beyond the possibility of close scrutiny by Congress, which would involve government by bureaus, a species of government which begins by being autocratic and ends by

being corrupt.

When an enterprise of this kind is entered upon, where is it likely to stop? If an encroachment is begun upon the rights of the States, how long will it be before we shall have a president who will encroach upon the individual and meddle in concerns which are not at all governmental in their character?

cerns which are not at all governmental in their character?

The founders of our Government were jealous of power.

They aimed to secure liberty—first, by protecting the individual against the encroachments of government, and second, by retaining the maximum of governmental powers in those govern-

mental organs near to the people. They knew that mankind had suffered quite as greatly from too much as from too little government and that uncounted millions of men had groaned under its persecutions and exactions; that governments were very apt to be conducted for the benefit of those, or of the favorites of those, who wielded them, and that the creation of an enormous central engine of authority would be subversive of individual freedom. They knew that bad men, honest and fanatical men, had often secured control of governments and had made of them scourges more deadly than the earthquake or the pestilence. And their jealousy of unrestrained power was as justifiable as it was profound.

Francis Lieber has said that we do not enjoy liberty by grace of government, but by limitations upon its powers. This is precisely the theory upon which our Government was founded. Freedom inhered in the individual, and powers not granted were expressly reserved. And the proposition to take them away by "construction" in any supposed emergency is only a part of the unending conflict between autocracy and

liberty.

The cautious grant of powers to the central Government, the express limitations imposed upon them, the reservation of other important powers to the subordinate governments with limitations again, made of our Constitution by far the most tolerant of liberty of any system ever established. The States are ideally constituted to deal with the great mass of questions relating to personal government. They do not possess the war power. They can have no foreign policies, and the most important cause of governmental infatuation and of dangerous ambition is thus taken away. They conduct their operations under the very eyes of the people, and there is far less temptation to theatric government than where actors are performing to very large and very distant galleries and in order to thrill them are compelled to make up too heavily to impose upon nearer spectators.

They deal especially with the humdrum but vital concerns of everyday life and, by an apportionment of their powers among towns and counties, the people not only have an opportunity of knowing how government is conducted, but they have an opportunity to engage in it. They feel a practical responsibility for it, see that its affairs are really their own, and instead of being like the political upholsterer of Addison, who was taken up with the concerns of the King of Sweden or some other distant monarch while he neglected his own, they acquire a practical and vital interest in it and deal with it through their senses and reason instead of their imagination. We thus see our system of government springing from a broad base and extending by a gradual and easy slope to the summit of power which rests as lightly as does the topmost point of a pyramid upon the mass beneath. How much better this than a jutting and overhanging mass of power at the very top, oppressing the people below with its intolerable weight until, in the providence of God, it topples over.

Mr. Root's speech was made upon an occasion in which the two great States of New York and Pennsylvania were associated. By the Constitution these two States are given only an equal vote in the Senate with the smaller States of the Union. This disparity was recognized as an evil at the time the Constitution was framed, but it grew out of a compelling necessity to establish the new Government. But in proportion as the National Government despoils the States of their powers in just that proportion this disparity is augmented. And Mr. Root's attitude is made impressive by the fact that the two States of which he spoke, having together a greater population than an aggregate of States electing a majority of the Federal Senate, would suffer still more from that undemocratic blemish upon our Constitution which accords their 15,000,000 people only the same measure of the great power of that body as is exercised by the 200,000 of Nevada and Wyoming.

The time is ripe for a warning, but a warning directed in an opposite direction. It should rather be aimed at the tendency to overthrow the balance of the Constitution and to regulate each and all of us from Washington. That there is such a tendency is too palpable to be denied. There is an attempt to exalt Federal instrumentalities and to bring State instrumentalities into contempt. The most common thing in interstate commerce promises soon to be the affidavit necessary for a citizen to move his goods from State to State. If a power clearly belongs to a State it is to be destroyed by the perversion of some national power, and under the pretense of doing one thing a different and prohibited purpose is accomplished. Between hypocritically purloining and boldly usurping power, the moral difference is in favor of the latter.

For my part I can see no reason for the highly centralized paternalism which is threatened and which will engender a:

servile dependence upon Government and destroy the fiber of our citizenship. In the wise performance of their functions the States, in this generation at least, have been fully abreast of the National Government. And the individual citizen has not What reason is there for the deification of the done badly. Federal officeholder? Our contributions to astronomy have been made not by the magnificent Government instruments at Georgetown, but by the private and often humble institutions of the The effect of drugs upon the human system has been country. disclosed not by the chief of the poison squad of the Department of Agriculture, ostentatiously trumpeting information already known to every sophomore in medicine, but by research carried on in a hundred schools. Our marvelous inventions and all our other gifts to civilization have come from the splendid body of our private citizenship, containing uncounted men fitted to honor our highest offices. And as our chief source of great-ness in the past has been in the cherishing freedom which has stimulated that citizenship, so will our hope for the future be in the continuance of that freedom. Our citizens may be trusted to learn how to spell and how to regulate their diets and their baths without too much governmental assistance from Washington.

The time may come when the muckraker shall sit in the seat of the publicist and the sensational demagogue take the place of the statesman, and when we shall be given over to the heralds of a statutory millennium who would make everybody equal and perfect by penal enactment. But I trust the Republican party will make it its first duty to resist the coming of that day, and while always ready to exercise when necessary any national power in its full vigor, that it will safeguard the autonomy of the States, so that those who dwell in America hereafter may continue to enjoy that rounded and symmetrical system of free government preserved and handed down to us under that greatest of Republican statesmen, whose career we to-day commemorate, and to the end, too, that in the words of the immortal message from Gettysburg, "government of the people, by the people, for the people shall not perish from the earth."

BRIDGE ACROSS PEARL RIVER, MISSISSIPPI.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25366) to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River in the State of Mississippi. The Clerk read as follows

Be it enacted, etc., That the New Orleans and Great Northern Railroad Company, a corporation organized under the laws of the State of Mississippi, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad drawbridge and approaches thereto across the Pearl River at or near Columbia, in Marion County, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters." approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this bill contains the provision

recommended by the War Department?
Mr. BOWERS. Yes.
Mr. WILLIAMS. And it is the unanimous report of the committee

Mr. BOWERS. Yes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Bowers, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY THROUGH FORT COLUMBIA MILITARY RESERVATION, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6691) granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarway through Fort Columbia annually Reservation, at sent-borough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes.

The gentleman from Washington asks The SPEAKER. unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the Senate bill and consider the same in the House as in The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War may authorize the Columbia Valley Railroad Company to build a railroad and telegraph line through the military reservation at Scarborough Head, known as "Fort Columbia," Wash., and to that end may set aside for occupancy by said Columbia Valley Railroad Company such ground, and no more, as is actually required for the track, embankment, trestle, and necessary buildings: Provided, That the ground so occupied shall remain the

property of the United States under such police and other military control as the military authorities may deem it necessary to exercise: Provided further, That the location and grade of said raliroad, the design and location of the station house and other buildings, and all other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said raliroad, shall be under such regulations as the Secretary of War may from time to time establish: Provided further, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments: Provided further, That the said railroad company shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War.

SEC. 2. That the Secretary of the Treasury may authorize the said Columbia Valley Railroad Company to build a railroad and telegraph line through the United States quarantine station grounds in section 17, township 9 north, range 9 west of the Willamette meridian, in the State of Washington, and to that end may set aside for occupancy by said Columbia Valley Railroad Company such ground, and no more, as is actually required for the track, embankment, trestle, and necessary buildings: Provided, That the location and grade of said railroad and all other details of construction within the limits of said quarantine station, and also all matters pertaining to the operation and maintenance of said railroad, shall be under such regulations as the Secretary of the Treasury may from time to time establish: And provided further, That nothing in this act shall be construed as authorizing the use of any portion of the reserve as a borrow pit for fills and embankments: And provided further, That the said railroad company shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of the Treasury.

Mr. WILLIAMS. Mr. Speaker, I would like to have some explanation of this.

Mr. WILLIAMS. Mr. Speaker, I would like to have some

explanation of this.

Mr. HUMPHREY of Washington. This is a grant of a right of way through a military reservation and also through a quarantine station, and it provides that it shall be entirely under the direction of the Secretary of War, as far as the military reservation is concerned-

Mr. PAYNE. Mr. Speaker, I wish the gentleman would speak

up, so the rest of us can hear.

Mr. HUMPHREY of Washington. This is to permit a right of way through a military reservation and a quarantine station for a railway. In both cases-in one it is reserved to the Secretary of War and in the other to the Secretary of the Treas-

It is a Senate bill, as I understand? Mr. PAYNE.

Mr. HUMPHREY of Washington. Ye

Mr. PAYNE. Has a similar House bill been reported by any committee'

Mr. HUMPHREY of Washington. No; but this Senate bill has been reported by the committee.

Mr. YOUNG. I will say to the gentleman from Mississippi [Mr. Williams] that this bill has been unanimously reported from the Committee on Military Affairs.

Mr. WILLIAMS. Of the House?

Mr. YOUNG. Of the House.

Mr. WILLIAMS. Oh, I misunderstood the gentleman then. I thought him to say, in reply to the gentleman from New York [Mr. PAYNE], that it had not been.

Mr. YOUNG. The bill was drawn by the Judge-Advocate-General. It was submitted to the Secretary of the Treasury, so far as the quarantine station is concerned, and approved by him and approved unanimously by the Committee on Military

Mr. WILLIAMS. Then I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third

time, and passed.

On motion of Mr. Humphrey of Washington, a motion to reconsider the last vote was laid on the table.

COUNCIL CITY AND SOLOMON RIVER RAILROAD.

Mr. HIGGINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23720) to aid the Council City and Solomon River Railroad Company, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the time of the Council City and Solomon River Railroad Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska, is hereby extended as follows:

First. That the time to file the map and profile of definite location of its railroad with the register of the land office in the district of Alaska, as provided in sections 4 and 5, after the filing of the map and profile of definite location of its first section of at least 20 miles has been filed with the said register, is hereby extended to and including the 31st day of December, 1909.

Second. That the time for completing its entire railroad is hereby extended to and including the 31st day of December, 1909.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what this bill accomplishes in the way of an extension of time and what this road has already done.

Mr. HIGGINS. This line is 52 miles long. Two-thirds of the road has been completed. The road has been constructed under the general law, and this bill simply extends the time in which the road may make its permanent location of the right of way. It runs from Nome to Council City. There are no other roads within a great many miles of there.

Mr. MANN. If this road has been built so far under the gen-

eral law, why does it require now a special act of Congress?

Mr. HIGGINS. This is not a special act of Congress; it simply extends the general law, and it is necessary, as has been done at four different times with this same law. Congress passed a similar law, and it has been necessary since this road was started to grant this extension, as I say, at four different times. The conditions up there are such that it is impossible for them to comply with the conditions enacted in

the general law.

Mr. MANN. We have had a number of bills like this before Congress at different times, and every time the statement has been made that it is impossible for the road to comply with the general law. If that be the case, it seems to me desirable that the committee shall report a different general law rather than to report special favors to different railroads.

Mr. WILLIAMS. I would like to ask the gentleman if this is the same bill that he had up some time ago?

Mr. HIGGINS. No; it is not. Mr. WILLIAMS. It is framed along the same line.

Mr. HIGGINS. No; that bill I think the gentleman refers to-

Mr. WILLIAMS. Is it the same railroad?

Mr. HIGGINS. No; an entirely different road. The bill I think the gentleman refers to is now in the Senate and on the Senate Calendar. It is an entirely different proposition from this. The road I think the gentleman has in mind was a special franchise and special aid was given, land grants, etc., which the general law does not give.

Mr. WILLIAMS. Was this bill reported unanimously?

Mr. HIGGINS. It was reported unanimously by the com-

mittee.

Mr. POWERS. Will the gentleman from Connecticut yield to me for a moment?

Mr. HIGGINS. Certainly.
Mr. POWERS. I wish to say to the gentleman from Mississippi and to the gentleman from Illinois that there are great difficulties in building railroads in Alaska. Many persons have organized under the general law and have done more or less work, but there are only a few months in the year in which you can work. Now they come and ask for an extension of time in which to do things.

Mr. WILLIAMS. Is there nothing in this bill except that?

Mr. HIGGINS. That is all.

Mr. MANN. Why does not the gentleman's committee bring

in a general law in respect to that?

Mr. POWERS. I think the gentleman will find if he will refer to the legislation of the different States that it has always been a custom to give an extension of time.

Mr. MANN. I will say to the gentleman that in my State and, I think, in most of the other States for years it has been made impossible for the legislature to grant special privileges. to a railroad company, and they must comply with the general law or else quit.

Mr. POWERS. Well, I know not what it may be in your State, but there is no special privilege in extending the time, and that is all these people ask to have done. Now, we are

anxious to open up Alaska——
Mr. HIGGINS, Mr. Speaker, I yield now to the gentleman from Rhode Island [Mr. Capbon].

Mr. CAPRON. Has the gentleman from Maine finished?

Mr. POWERS. I had about finished.

Mr. Speaker, I desire to state to the gentleman from Illinois that the conditions are such in Alaska, especially on this road leading to Nome, where not more than six or eight weeks of the year it is possible to continue their work, that they have found it is absolutely necessary for them in that remote region, in getting material forward and in making surveys, that this extension should be had. It may differ in each particular railroad case from what is demanded by the general law. This offers no special privileges whatever. general law.

Mr. WILLIAMS. It is simply an extension of time.

Mr. CAPRON. Yes.
Mr. GARRETT. It does not give anything—
Mr. HIGGINS. I yield to the gentleman from Iowa [Mr.

Mr. LACEY. Mr. Speaker, I went over this road last summer a year ago. They then had somewhere from 13 to 16 miles of the railroad built, from Bering Sea in the direction of Council

City. The land between this terminus reaching to East Fork is rough, tundra in part, mountainous in part, and an expensive line of road to build. I understood from friends there that they have now extended it, say, 15 or 20 miles more.

Mr. MANN. Built last summer?
Mr. LACEY. Since I went over the road.
Mr. MANN. So they are actually building the road?
Mr. LACEY. Yes, sir. It is a standard-gauge road and a very important road to Council City.

Mr. MANN. What is that part of the bill that refers to extending the time for filing maps and plats, etc.

Mr. LACEY. They have to file plats in sections for every 10 miles as the work is done, and in extending the time the right to file extended plats should be in this bill.

Mr. MANN. Well, I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DAMS ACROSS THE MISSOURI RIVER.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the consent of the Government is hereby given to the Missouri River Improvement Company, a Montana corporation, its successors or assigns, to construct across the Missouri River at some point or points to be approved by the Secretary of War, between sections 20 and 21, township 21 north, range 5 east, and the north line of township 24 north, range 8 east, Montana meridian, a dam or dams and canals and appurtenances thereof for water power and other purposes, and in connection therewith a foot bridge or bridges for public use, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters." approved June 21, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendments recommended by the committee were read, as

Page 1, line 10, after the word "dam," strike out the words "or

dams."

In line 11, page 1, and line 1, page 2, after the word "purposes," strike out the words "and in connection therewith a foot bridge or bridges for public use."

In line 4, page 2, after the word "six," insert "and in connection therewith a foot bridge or bridges for public use, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters, approved March 23, 1906."

The SPEAKER. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to object, would like to ask whether the Missouri River is navigable at this point?

Mr. DIXON of Montana. There are no steamboats within a thousand miles; the water is taken out for irrigation.

Mr. HUBBARD. Does this bill allow the construction of

bridges anywhere along the Missouri River or does it fix it at a definite point?

Mr. DIXON of Montana. It is fixed at a definite point. There is a provision between two townships under the discretion of the Secretary of War.

Mr. HUBBARD. It is not intended to cover anything ex-

Mr. DIXON of Montana. No; except this specific point. The SPEAKER. The Chair hears no objection.

The bill was ordered to be read a third time, was read the

third time, and passed.

HOLDERS OF MEDALS OF HONOR.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 223, relating to the holders of medals of honor.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the holders of medals of honor under the act approved July 12, 1862, and section 6 of the act approved March 3, 1863, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of the act of Congress approved April 23, 1904; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said act approved April 23, 1904, such medals shall be returned to them: Provided, That no recipient of both medals shall wear both medals at the same-time.

The SPEAKER Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how it would be possible to enforce a law providing a man should not wear two medals at the same time if he had them?

Mr. FOSTER of Vermont. So long as we have the present

Executive there will always be found a way to execute the law. Mr. MANN. There will be many laws not executed under the

present Executive, even if he does his best, and if we passed such a law as that it would seem to make it impossible even for Providence to execute the law.

Mr. FOSTER of Vermont. I believe there is no need of that provision, because none of these old soldiers care to wear both medals at once. The point is this: Many of the old soldiers who had the original medals for a long time became very much attached to them.

Mr. MANN. They are not required to surrender them?
Mr. FOSTER of Vermont. They are required—
Mr. MANN. They are not required to surrender them.

Mr. FOSTER of Vermont. The "gentleman from Vermont" knows that.

Mr. MANN. If they are attached to them, why do not they retain the medals?

Mr. FOSTER of Vermont. I am trying to explain to the gentleman, and if he will let me I will do so. On the other hand, on public occasions, when the new medal is being worn quite generally, the old soldier prefers to have it appear that he be-longs to the medal-of-honor corps, and that he has one of the new medals, and for this reason he desires to have the new medal. Under the existing law in order to have the new medal he must surrender the old one. The old one is of no consequence to the Government, of no intrinsic value, is worth nothing except to the holder, and I can see no reason why the holder should not have it. This resolution is reported unanimously by the Committee on Military Affairs. It was submitted to the War Department and received its approval.

Mr. MANN. The tendency of the time is to make medals They are asking for enough medals from the War Department to furnish a medal to almost everybody in the country. everybody had a medal, nobody would care for it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, for the present I object.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24925, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. Sherman in the chair.

The Clerk read as follows:

In all, public works, Marine Corps, \$377,000.

Mr. OLMSTED. Mr. Chairman, before we pass on to the next paragraph I would like to call attention to the paragraph on page 44, as follows:

For the purchase of ground adjoining the quartermasters' depot, Philadelphia, I'a., and erection thereon of an addition to said depot, not to exceed \$200,000, \$200,000.

This went out on a point of order made by the gentleman from New York [Mr. Fitzgerald] in the hurly-burly of last evening. There was no objection made and no explanation. I think the ruling might have been different had the facts been properly stated to the Chair. I would ask to go back to that paragraph and consider that point as open for discussion, if permissible.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Is that the provision on page 44?

Mr. OLMSTED. Yes.
Mr. FITZGERALD. I understand the gentleman believes the ruling on the point of order was made under a misapprehen-

Mr. OLMSTED. Yes; for lack of proper explanation.
Mr. FITZGERALD. I have no objection.
The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. Olmsted] refer to lines 11 to 14, inclusive, on page 44?

Mr. OLMSTED. Yes. The CHAIRMAN. The Chair sustained the point of order on the theory that this was a provision providing for an additional

building to enlarge the general depot.

I desire to state, Mr. Chairman, that the Mr. OLMSTED. depot is now one building and covers a lot 80 by 100 feet, that the ground proposed to be purchased is just adjoining it, and that the object is to extend the present building out on to that It is situated on South Broad street, Philadelphia. stiding is overcrowded, and the Government is now paying \$4,000 rent for another one. This addition to that building is needed to provide the necessary space for that important depot.

The CHAIRMAN. The Chair desires to state to the gentle-

man from Pennsylvania [Mr. Olmsted] that of course the rulings have always been that additional property could be purchased and not additional buildings erected, and the Chair sup-posed that this was an additional building. On the gentleman's statement that it is simply an addition to an existing building the Chair thinks the proposition would be in order.

Mr. FITZGERALD. Mr. Chairman, before the Chair rules I desire to call his attention to the fact that it appears from the hearings that this is for a new building, not an addition to the

present building.

Mr. FOSS. Mr. Chairman, upon that I hope that I may be permitted to say a word. The language in the bill as recommended by the committee is as follows:

For the purchase of ground adjoining the quartermasters' depot, Philadelphia, Pa., and erection thereon of an addition to said depot, not to exceed \$200,000, \$200,000.

As I understand, this is the purchase of additional ground, adjoining the present ground now occupied by the quartermasters' depot, and the building is an addition to the building now known as the "quartermasters' depot."

Mr. MANN. May I ask my colleague a question?

Mr. FOSS. Certainly.

Mr. MANN. The depot is not the building. It does not say addition to the depot building. It is addition to the depot. Now does this contemplate additional buildings at the depot there, or addition to the present building at the depot?

Mr. FOSS. It is an addition to the depot.

Mr. OLMSTED. If there is any doubt about that, I will, if

the gentleman from New York does not press his point of order, make an amendment to this paragraph which will make

perfectly plain that it is an extension of the building.

Mr. FITZGERALD. Now, I will suggest to the gentleman
we have now returned to it; the point of order has been sus-

tained previously

The CHAIRMAN. The point of order has been sustained on the provision, so that it went out. That stands in that condi-Now the gentleman suggests offering an amendment.

Mr. OLMSTED. In the place of that which went out I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert at page 44, at the end of line 14, the following:
"For the purchase of ground adjoining the quartermasters' depot building, now owned and used by the Government at Philadelphia, Pa., and extending thereon said depot building, at a cost not to exceed \$200,000."

Mr. MANN. I reserve the point of order on that.

Mr. FITZGERALD. I reserve the point of order on that. It was difficult to hear the amendment reported.

The CHAIRMAN. The gentleman from New York reserves the point of order pending the discussion of the amendment.

Mr. MANN. I hope we may have the amendment reported again so that we may understand it.

The amendment was again reported.

Mr. OLMSTED. Mr. Chairman, I will endeavor to make plain that this ground to be purchased adjoins not only the ground but the building which is used for a depot. It is to purchase additional ground right adjoining it and extending this building over it. It is absolutely necessary for the purposes of that depot. The Government is now paying \$4,000 rent for buildings owned by private parties. It is in a most desirable location on South Broad street, near the Pennsylvania Railroad freight station. The Navy Department has asked for it and, as stated by those who are familiar with the situation, the

piece of ground is most desirable to be acquired.

Mr. MANN. Under the gentleman's amendment, would the extension of the building be limited in cost to \$200,000, or the purchase of ground and the extension of the building, as was in

the original proposition?

Mr. OLMSTED. The purchase of the ground and the building. I would say to the gentleman from Illinois that the ground is estimated to cost \$53,000, and the ground and building \$200,000.

Mr. MANN. I am not sure that the amendment under con-

sideration means that—covers it all.

Mr. OLMSTED. I will make the paragraph clear. Mr. Chairman, I will amend the amendment, so that it will read "the cost of ground and building, \$200,000."

Mr. MANN. I have no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Add, after the word "cost," the words "of ground and building;" so as to read:
tending thereon the said depot building, at a cost of ground and buildnow owned and used by the Government at Philadelphia, Pa., and extending thereon the said depot building, at a cost of ground and building not to exceed \$200,000, \$200,000."

The CHAIRMAN. Now does the gentleman from New York

insist upon his point of order?

Mr. FITZGERALD. I am not making the point of order, but I wish to make this suggestion to the gentleman from Pennsylvania: The hearings clearly show that the Department desires to obtain a separate building. So far as I am con-cerned, I would prefer to permit the Department to buy the ground and to have the building just as it should have it. the provision were so framed that the limit of cost was applied to both, so as not to permit the ground and building to cost more than \$200,000, I believe it would be better. It is not contemplated by the Department to extend the present building. The gentleman should frame the original proposition so as to contain that condition in this provision. So far as I am concerned, I would not press the point of order merely because it provided for the extension.

Mr. OLMSTED. Mr. Chairman, in order to meet certain suggestions, I will, if there be no objection, again amend my amendment so that it will read as it stood in the original paragraph, but inserting after the word "depot," in line 13, the words "at a cost of ground and building."

The CHAIRMAN. If there be no objection, the Clerk will report the amendment as now presented.

The Clerk read as follows:

For the purchase of ground adjoining the quartermasters' depot. Philadelphia, Pa., and erection thereon of an addition to said depot, at a cost of ground and building not to exceed \$200,000, \$200,000.

Mr. FITZGERALD. I shall not make the point of order against that.

The CHAIRMAN. The question is on agreeing to the amend-

The amendment was agreed to.
Mr. CALDER. Mr. Chairman, I ask unanimous consent to withdraw the amendment submitted by me on page 23 on yes-

terday.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 23 and to withdraw the amendment that he offered yesterday, to which a point of order is pending. Is there objection?

There was no objection.

Mr. CALDER. Mr. Chairman, I desire to submit the following amendment.

The Clerk read as follows:

On page 33, line 4, after the word "dollars," insert: "For sidewalks on Flushing avenue and Navy street, in front of the navy-yard, \$10,800."

The amendment was agreed to.

Mr. TALBOTT. Mr. Chairman, I think the understanding was that immediately after going into Committee of the Whole the point of order against the amendment offered by the gentleman from Ohio [Mr. Southard] for the new gun factory at the navy-yard should be considered.

Mr. MUDD. I will say to my colleague that the gentleman from Ohio [Mr. Southard] does not want to call that up just

The CHAIRMAN. The Clerk will read.

The Clerk (proceeding with the reading of the bill) read as

Dental surgeons for the Navy: That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed thirty in all. Said dental surgeons shall have the rank and compensation of acting assistant surgeons in the Navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; of good moral character and professional standing, and shall pass a physical and professional examination; and their appointment shall be for a term of years, and revocable at the pleasure of the President, and the sum of \$50.000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. MACON. Mr. Chairman—
Mr. MANN. I want to reserve a point of order to that paraaph. I want to ask my colleague in charge of the bill what the idea was in saying that the appointment of the dental surgeons should be for a term of years and revocable at the pleasure of the President? Does not the gentleman believe that if we are to have dental surgeons as officers of the Navy they will have to go on the retired list and be appointed for life the same as all other officers? And if we are going to do that, ought we

ont to say so when we commence it?

Mr. FOSS. I wish to state to my colleague that the gentleman from Iowa [Mr. Cousins] reported this provision as a separate bill and is more familiar with it than I am, and I will ask

him to explain the provision.

Mr. MANN. Mr. Chairman, I did not ask in reference to the desirability of having dental surgeons in the Navy. Certainly some provision ought to be made for them; but I was asking in reference to the provision that the appointment should be for a term of years and revocable at the pleasure

of the President. Does the Committee on Naval Affairs believe that it can create any commissioned officers in the Navy who will not be appointed for life and put upon the retired list

within a very short time, by law?

Mr. COUSINS. It is not thought so in this case. This is the simplest of all the measures that have been presented on this subject. It was thought that no other could be got through. The great need for this provision is a humane one. mittee has passed upon it unanimously. The Department has recommended it twice, and the great need for it is testified by officers not only of the Navy and the Army, but our own sense of justice must show us that when this nation becomes practically the guardian of a lot of young men—more than 4,000 of whom are on our training and receiving ships—and takes them to places where the services of dental surgeons can not be had, it seems almost criminal neglect not to provide for their necessary care. I think the testimony that has been given of the usefulness of the dental service in the Army will be con-I think the testimony that has been given sidered one of the best arguments in favor of this proposition. It does not create a dental corps; it simply hires a number of men, dentists of good standing, who shall have the rank of assistant surgeons, the right to discharge them at will being left to the President. I hope that no point of order will be made against this humane provision.

Mr. MANN. The gentleman refers to humane provisions, but what we are endeavoring to ascertain is why the committee in providing for dental surgeons discriminates against them. An assistant surgeon of the Navy must be appointed by the President and confirmed by the Senate. Now, you propose to give the same rank to a dental surgeon, but he is not confirmed by the Senate; he is appointed only for a term of years, no one knows whether it will be one year or fifty years, but at the pleasure of the President. Certainly if we are going to provide these surgeons in the Navy we ought to provide them upon the same

basis exactly as the other assistant surgeons.

Mr. COUSINS. I will say to the gentleman that I would be very glad indeed if he could get such a measure through this House and the other necessary body and do exactly what he wants to do, but I am trying to get some means at once to provide for these young men in the Navy.

Mr. MANN. Why does not the gentleman endeavor to put

them on the same plane?

Mr. COUSINS. Because I do not believe for a moment that it would get through without a point of order being made against it.

Mr. MANN. Perhaps we can ascertain by discussion whether

such a point of order would be made.

Mr. HULL. May I ask the gentleman what is the pay of an assistant surgeon? Mr. COUSINS. I think it is \$1,700 on sea and \$1,400 on land.

Mr. HULL. Have they not abolished the difference in pay between service at sea and on land?

Mr. COUSINS. Perhaps; but while this matter was under consideration the Department notified us that the effect of this would be that they would receive \$1,700 on sea and \$1,400

Mr. HULL. An assistant surgeon is a commissioned officer

Mr. COUSINS. Yes.
Mr. HULL. What relative rank would that be in the Army?
Mr. COUSINS. I should have to refer that to the gentleman from Iowa. Mr. Chairman, I wish to print a short report in connection with my remarks on this subject.

The CHAIRMAN. Is there objection to the request of the

gentleman from Iowa?

There was no objection. The report is as follows:

Mr. COUSINS, from the Committee on Naval Affairs, submitted the following report (to accompany H. R. 13851):
The Committee on Naval Affairs, having had under consideration the bill (H. R. 13851) authorizing the appointment of dental surgeons in the Navy, report the same without amendment and recommend its

passage.

A bill substantially the same as this was recommended by the Navy Department in the following letter:

NAVY DEPARTMENT,

NAVY DEPARTMEN Washington, March 2, 1904.

Washington, March 2, 1903.

Sir: Referring to the Department's letters of May 29, 1902, January 26, and February 8, 1904, reporting upon bills for the employment of dental surgeons in the Navy, and recommending the enactment of a measure authorizing the Secretary of the Navy to employ under contract not more than 15 such surgeons, I have the honor to state that after further consideration of the matter the Department withdraws its previous recommendations in the premises and recommends instead the passage of the measure of which a draft is inclosed. The main points of difference between the bill heretofore suggested and that now proposed are that the latter authorizes 30 instead of 15 dental surgeons, and provides that they shall have the rank and pay of acting assistant surgeons, instead of being employed under contract at not to exceed \$1,800 per annum.

Acting assistant surgeons, of whom 25 were authorized by the act of May 4, 1898 (30 Stat., 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, \$1,700; on shore duty, \$1,400; on leave or waiting orders, \$1,000; after five years from such date, when at sea, \$1,900; on shore duty, \$1,600; on leave or waiting orders, \$1,200.

Very respectfully,

W. H. Moody, Secretary.

W. H. MOODY, Secretary.

Hon. Eugene Hale,
Chairman Committee on Naval Affairs,
United States Senate.

At present there is no provision of law under which the Department can employ dental surgeons except one for service at the Naval Academy.

Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a makeshift unsatisfactory to the Bureau," that "the necessity of the care of the teeth of the enlisted men existed and its importance to the health of the Navy is appreciated," and therefore this makeshift was resorted to "until legislation could be obtained giving advantages to the enlisted men of the Navy similar to those which the Army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army the Surgeon-General submitted copies of reports of Army officers, from which we quote the following:

following

[Extract from the report of the Surgeon-General United States Army.]

[Extract from the report of the Surgeon-General United States Army.]

The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, pericementitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer Armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service.

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service and their services are highly appreciated by the officers and enlisted men of the Army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service.

[Extract from the report of General Grant, Department of Texas.]

DENTAL SURGEONS.

In my opinion, after careful investigation, the principal needs of the service with respect to dental surgeons are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a deleterious effect upon teeth, and every regiment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard.

[Extract from a letter from Col. Marion P. Maus, United States Army.] HEADQUARTERS TWENTIETH U. S. INFANTRY. Malate Barracks, Manila, P. I., May 20, 1904.

THE MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

War Department, Washington, D. C.
(Through military channels.)

Sir: I have the honor to invite attention to the importance of dentists in the Army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahul, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the services of a dentist are as necessary as that of an Army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains. * * *

I have the honor to be, very respectfully, your obedient servant, Marion P. Maus,

Colonel Twentieth U. S. Infantry, Commanding.

There exists in the Navy as much, if not more, urgent need of the service of dental surgeons than exists in the Army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who, February 1, 1004, numbered 4,519, are taken in the service when the care of the

dental surgeon is necessary to protect them from the effects of dental disorders, which, either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and effi-

care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes, in a sense, the guardianship of these boys when it receives them for life service in the Navy; therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of fifty boys now or recently in training at the naval-training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities in his fourteen upper teeth; another, aged 18 years, exhibited cavities in his fourteen upper teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost seven teeth, and another, aged 18 years, had lost seven molar teeth. Several others of the fifty cases from 16 to 18 years of age had lost from three to six teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay, dead teeth, inflamed gums, chronic abscesses discharging pus in the mouth; pus-producing diseases of the teeth, gums, and underlying bone, or germ-inden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that under present conditions a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the Navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the U. S. receiving ship Wabash.]

[From the U. S. receiving ship Wabash.]

The hospital steward detailed to dental service: Restored by filling, crowning, etc. teeth—
Treatment for various diseases do—

do—

do— 502 Simple, chronic, and ulcerated conditions of the gums treated, cases Diseased nerves of teeth treated. _cases__ 165

[United States hospital ship.]

[United States hospital ship.]

* * I was employed for twelve menths by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. Yosemite, and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

As dental conditions in the Navy probably differ from those in the

As dental conditions in the Navy probably differ from those in the Army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in Army medical service, as follows:

[Thomas S. Latimer, M. D.]

[Thomas S. Latimer, M. D.]

"There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other allments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

"Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

"Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

"I need scarcely say that no aliments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required."

[Thomas Opie, M. D.]

[Thomas Opie, M. D.]

"That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrues from their being in perfect order."

[W. O. Owens, M. D.]

[W. O. Owens, M. D.]

"For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor Hospital about 300 soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were fifteen or twenty similar cases, known as "pyorhea of the sockets of the teeth," with pus bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability."

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some fifty or more particular cases represented to this committee from a single station at Newport, R. I., is ample proof of conditions which ought not to exist.

We therefore recommend that House bill 13851 be enacted.

Mr. MACON. Mr. Chairman, I wish to ascertain whether the

Mr. MACON. Mr. Chairman, I wish to ascertain whether the gentleman from Illinois is going to insist on his point of order. I was on my feet to make one when the gentleman reserved the

point of order. If he is going to make it, I will withdraw, but if not, I wish to renew it.

Mr. MANN. Is the gentleman from Arkansas desirous of making the point of order?

Mr. MACON. Yes; if the gentleman from Illinois is not going to insist on it.

Mr. MANN. I do not think I shall insist on it, Mr. Chairman.

Mr. MACON. Then I will make the point of order.
Mr. HULL. I hope the gentleman will reserve it.

Mr. MACON. I will reserve it, Mr. Chairman,

Mr. HULL. Mr. Chairman, the proposition that is contained in the bill for dental surgeons in the Navy is a most admirable one, so far as providing dental surgeons is concerned. The Navy probably needs dental surgeons as much as the Army, and it has worked splendidly in the Army. But I do believe that it ought to be on the same basis as the dental surgeons in the Army. Personally I am in favor of commissioned rank both in the Army and Navy for dental surgeons. The Army has no commissioned dental surgeons; they are contract dental surgeons. The whole experience of the Army has been that no one thing has ever been done for the enlisted force of the Army, especially of such real benefit, as having a surgeon at-

tached to the regiment. So that part of it I thoroughly indorse. But, Mr. Chairman, this amendment proposes that they shall have the rank of assistant and acting assistant surgeons of the Navy. That takes them out of the category of contract assistant surgeons, revocable at the pleasure of the President. That changes the law and would get rid of an officer without a courtmartial. The President, unless some charge was made against a man, would undoubtedly leave the assistant surgeon in until the time of retiring and retire him with rank and pay of assist-

Now, I would have no objection to that if it applied to both arms of the service. I believe they ought to have the rank, and I shall not raise any point of order on it. I believe, however, that both arms of the service should be alike, so that we shall not be constantly hammered to raise one to the level of the other. I believe in the dental surgeons, I believe the Navy ought to have them, and I doubt if thirty is enough. It is the number provided for in the Army, but I doubt if that is enough. The Senate has increased the number in the Army to thirtyone, but the Navy Department is the best judge of the number demanded. I do hope that this will be adopted, so that there will be contract dental surgeons until the time comes when we can report a bill outside of an appropriation bill to deal with this question as it should be and put these men on the basis that they are entitled to have in accordance with the dignity of their profession.

Mr. FITZGERALD. Mr. Chairman, will the gentleman from Iowa yield for a question?

Mr. HULL. Certainly.

Mr. FITZGERALD. Can he state what the pay of an assistant surgeon in the Navy is?

Mr. HULL. I can not. The assistant dental surgeon of the

Army gets a flat pay of \$150 a month, without any rank.

Mr. CRUMPACKER. Let me ask the gentleman what he thinks of this provision giving the President of the United States unlimited and arbitrary power to remove these officers at his own pleasure?

Mr. HULL. If he is a contract dental surgeon, the Department would have the right to remove him without going to the President. The chief medical officer is the proper one, if they are to be removed for incompetency.

Mr. CRUMPACKER. I like the provision contained in this paragraph. I think the Government ought to provide for the needs of the Navy along this line, but I do not favor any pro-vision that authorizes the President of the United States or any other officer arbitrarily to remove any officer at his pleasure. The tendency of that system is to make flunkeys and sycophants of every man in the service subject to that power.

Mr. HULL. Then the gentleman is not in favor of this provision?

Mr. CRUMPACKER. I am not in favor of that part of the provision. I am not in favor of the power vested in any public officer of removing another public officer at his pleasure, unless it be for cause. I do not believe in a system that will promote or give a premium upon flunkeyism and sycophancy, I do not

care where the power is vested.

Mr. HULL. I will say that clearly the intention of this is to make them contract dental surgeons. The Army dental surgeon is a contract surgeon, but that provides how they shall be selected, the careful method of selection by which they pass examination. This makes no such provision.

Mr. CRUMPACKER. Does the contract run for any definite period?

Mr. HULL. No; it does not. Mr. CRUMPACKER. It is just during the pleasure of the

Mr. HULL. The Medical Department of the Army has charge of that.

Mr. CRUMPACKER. It would be better to put the power of removal in the Medical Department of the Navy. Mr. HULL. That is where it ought to be.

Mr. CRUMPACKER. Then we neither of us favor this

Mr. HULL. I think if they will strike out the word "rank" and provide for the pay of an assistant surgeon in the Navy, and then make him subject to removal by the Surgeon-General of the Navy, they will have accomplished all that can be in this

bill of putting the two arms of the service on exact equality.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COUSINS. Mr. Chairman, I ask unanimous consent for a couple of minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COUSINS. The gentleman from Iowa [Mr. Hull] must recognize that you could not secure competent dental surgeons to go away off in the seas and remain for a cruise of a number of years. I have no objection to the gentleman providing for the Army service dentists with this low rank, but it seems to me you would cripple the efficiency of this proposition if you made it impossible to get dental surgeons who could remain away for a term of years, which you could not do if you should merely make them contract surgeons.

Mr. HULL. If the gentleman will pardon me, the dental surgeon of the Army, when he makes the contract, surrenders

his practice absolutely. He goes to Alaska, to the Philippine Islands, or to Cuba if his regiment is there.

Mr. COUSINS. What term of years is he employed for?

Mr. HULL. He is employed simply as a contract surgeon, without any term of years.

Mr. COUSINS. I am perfectly willing to strike out these three words.

And if he is competent he will stay there as Mr. HULL. long as he is able to do his work.

Mr. CRUMPACKER. What class of men are obtained in the

Army—students, beginners?
Mr. HULL. No; we have an excellent class of men. But I will say to the gentleman that every one of them now asks for a commissioned rank.

Mr. CRUMPACKER. They ought to have it.

I think they ought to have it. I am in favor of it, but while that is true, I do not want to see one branch of the service get a commissioned rank and have thirty-odd men the other way in another branch of the service.

Mr. COUSINS. Well, the gentleman is chairman of his committee, and he can undoubtedly get that.

Mr. HULL. We have already reported a bill to give them a

commissioned rank.

Mr. COUSINS. Now, Mr. Chairman, I am perfectly willing that the words "and revocable at the pleasure of the President" shall be eliminated in line 1, on page 47.

The CHAIRMAN. But the point of order is pending against the whole proposition.

Mr. COUSINS. In order to have this conform to the suggestion of the gentleman from Indiana, I am perfectly willing that those words should be eliminated.

The CHAIRMAN. But the gentleman from Arkansas has

raised the point of order against the whole proposition.

Mr. COUSINS. Well, I hope the gentleman will not insist. Mr. MACON. I do not want anybody to be shut off from having their say about it.

Mr. COUSINS. Does the gentleman from Arkansas insist upon his point of order?
Mr. MACON. Yes, sir

Yes, sir; I do; that is what I made it for. Mr. COUSINS. I regret very much, Mr. Chairman, the point should have been made against it.

The CHAIRMAN. Is there anything further to be said on the point of order? It is perfectly clear what the decision must be; the Chair sustains the point of order.

The Clerk read as follows:

· Hospital Corps: That the Hospital Corps of the United States Navy shall consist of chief pharmacists; pharmacists; chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, and hospital apprentices.

That the number of chief pharmacists and pharmacists on the active list shall not exceed fifty in all, the pharmacists to be appointed by the President and have the status of warrant officers, with the rank, pay, and allowances and privileges of such; that vacancies in the grade

of pharmacist shall be filled from men holding the rating of chief pharmacists' mate, subject to such examination as the Secretary of the Navy may prescribe; that pharmacists shall, after six years from date of warrant, be commissioned chief pharmacist, to rank with but after ensign, and shall, on promotion, have the same pay and allowances as are now allowed chief boatswains, chief gunners, chief çarpenters, and chief salimakers: Provided, That no pharmacist shall be so promoted until he shall have passed an examination as to his mental, moral, professional, and physical qualifications before a board of officers, in accordance with regulations prescribed by the Secretary of the Navy.

That the Secretary of the Navy is hereby empowered to enlist, or cause to be enlisted, as many chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, and hospital apprentices as in his judgment may be necessary, and to fix the number and to make such regulations as may be required for their enlistment and government. Enlisted men of the Navy and Marine Corps shall be eligible for transfer to the Hospital Corps.

That all necessary hospital and ambulance service at naval hospitals, naval stations, navy-yards, and marine barracks, and on vessels of the Navy and Fish Commission shall be performed by members of the Hospital Corps, and the said corps shall be permanently attached to the Medical Corps of the Navy and shall be included in the effective strength of the Navy, and shall be counted part of the enlisted force provided by law, and be subject to the laws and regulations for the government of the Navy.

That the pay of chief pharmacists' mates shall be \$70 per month, except when serving under acting appointments, when it shall be \$60 per month; of pharmacists' mates, first class, \$50 per month; of pharmacists' mates, second class, \$35 per month; and of hospital apprentices, \$20 per month, with such increase on account of length of service as is now or may hereafter be given by or in pursuan

During the reading of the above,

Mr. MACON. Mr. Chairman, I make the point of order against that paragraph (the first).

Mr. Chairman, I would suggest the Clerk might Mr. FOSS. read the whole provision.

Mr. MACON. Very well; if it is understood the point will lie against that provision.

The CHAIRMAN. The Clerk will finish reading that para-

Mr. FITZGERALD. Do I understand the point of order need not be made to any particular paragraph, but the entire provision is to be read as one paragraph?

The CHAIRMAN. The entire provision is one paragraph re-

lating to this particular subject.

Mr. MACON. If that is understood, Mr. Chairman.

The CHAIRMAN. Down to line 10, on page 49, it seems to be but one paragraph, and it will be so considered by the Chair, and the Clerk will continue the reading of that paragraph.

After the Clerk had concluded the reading of the provision, The CHAIRMAN. The gentleman from Arkansas raises the

point of order against the entire provision read. Mr. MACON. Yes, sir; commencing line Yes, sir; commencing line 5, on page 47, and-

Mr. ROBERTS. Will the gentleman reserve the point of order'

Mr. ROBERTS. Mr. Chairman, I do not know whether I can say anything that will induce the gentleman from Arkansas to finally withdraw his point of order, but I will endeavor to want to point out to him and to the Members of this House that one of the most crying needs in the bureau of the Surgeon-General of the Navy to-day is a reorganization of the Hospital Corps. That corps was established by law in 1898, and it provided the pay that should be given to all of the men and it provided the pay that should be given to all of the men employed in it. That pay being fixed by statute, all of the stew-ards, all the hospital apprentices, and others employed in that corps have had no benefit whatever of the increased pay given to all other enlisted men in the service by Executive order since the passage of that act. That fact, coupled with the further fact that those men are very inadequately paid, has re-sulted in a crippling of the corps. They enlist hospital appren-tices and after they have had the training given them as hospital tices and after they have had the training given them as hospital apprentices, there being no inducement to these men to reenlist, apprentices, there being no inducement to these men to reemist, nothing ahead of them in the way of adequate promotion, they leave the service. They go into private life and with the training they have received are able to get high wages as nurses. Now I will briefly give the condition of that corps from these causes. The total number of pharmacists existing, as established. lished by the act of 1898, limited that number to twenty-eight. The others, hospital stewards and apprentices, first and second class, are not limited in number. There may be as many of those classes as the President may see fit to order, but their pay is fixed by the act. It can not be increased by Executive

Now, there are 243 stations that require hospital stewards and there are but 223 hospital stewards in the service, being a shortage of 30. There are 286 stations requiring hospital ap-

prentices of the first class. There are but 260 enlisted, a short-There are 428 stations requiring hospital apprentices and but 272 enlisted, a shortage of 156, showing the effect of this lack of promotion in this corps, showing its effect upon reenlistment of the men who come in and receive instructions and who would be much more valuable to the service by reason of the instruction if sufficient inducements were held out to them to reenlist. What is sought in this bill is to put the pharmacist and Hospital Corps upon the same footing exactly as the chief warrant officers in the Navy. As it stands to-day, a chief boatswain or a chief carpenter, any chief petty officer in the Navy, gets the assimilated rank of ensign. He is eligible to a commission, but to-day the chief petty officer in the Hospital Corps gets no higher than pharmacist, no higher rating, and no increase in pay. If the provisions of this bill are enacted into law, it means a total expense to the Government of \$37,850 per year, and it puts this corps on the same footing with other naval enlisted men.

Now, further, Mr. Chairman, this measure has had the approval of three successive Secretaries of the Navy. It has twice received the approval of the Committee on Naval Affairs, it having been reported out in the last Congress and again in this Congress, the bill now being upon the Calendar, and it seems to me

The CHAIRMAN. The time of the gentleman has expired. Mr. ROBERTS. Mr. Chairman, I ask unanimous consent for a few minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman yield for a question?

Mr. ROBERTS. Certainly.
Mr. MANN. When were these pharmacists as now constituted provided for by law?

Mr. ROBERTS. In 1898.

Mr. MANN.

Mr. MANN. That was not very long ago, of course. Mr. ROBERTS. No; and I am glad the gentleman called my attention to that point. When this Hospital Corps was organized there were 11,700 petty officers, enlisted seamen, and apprentices in the Navy. To-day there are 37,000.

Mr. MANN. We provided then for twenty-five pharmacists? Mr. ROBERTS. Twenty-five pharmacists.

For the eleven thousand or twelve thousand? FS. There were 11,700 enlisted men, petty offi-Mr. ROBERTS. cers, and apprentices

Now it is proposed to provide fifty. Mr. MANN.

Mr. ROBERTS. A maximum of fifty-not exceeding that.

That is the pharmacists?

Mr. ROBERTS. That is the pharmacists. The men of the lower grade—I do not think that I recall the number—is not fixed here that would be established by Executive order as they are now

They are not limited now?

TS. They are not limited now. The President Mr. ROBERTS. can appoint as many as are needed of those below the grade of pharmacists.

Mr. MANN. In the original act of 1898 what was the reason they did not give these pharmacists the grade which it is

now sought to give them?

Mr. ROBERTS. I will say to the gentleman that I was not a Member of Congress at that time, and have not had that question raised, and can give him no information on it. I do not know why that was done. I think, however—this is only an impression—that they were on the same footing at that time with the other warrant officers of the Navy, but since then you have by legislation lifted up the other officers, the chief

warrant officers, and given them the benefit of a commission.

Mr. MANN. What act of 1898 is that? What is the date of

Mr. ROBERTS. That was approved June 17. rate bill. If the gentleman would like to see it, I have it here.
Mr. HULL. Will the gentleman yield?

Mr. ROBERTS. Certainly

Mr. HULL. The bringing in of a very important provision of this character on an appropriation bill gives no opportunity to investigate, and I would like to ask the gentleman how much it increases the compensation of the pharmacists?

Mr. ROBERTS. The compensation of the pharmacists-

Mr. HULL. How much is it now?

Mr. ROBERTS. It is \$60.

Mr. HULL. Now?

Mr. ROBERTS. Now; and this increases it to \$65.

Mr. HULL. Does the present law provide that they shall all be chief pharmacists after six years?

Mr. ROBERTS. No; that is a new provision entirely, in order to put the chief pharmacists on the same footing as a

chief boatswain, chief master-at-arms, chief carpenter, and

Mr. HULL. Ordinarily in the Army and Navy has it not been considered that a pharmacist was about the head of the non-commissioned officers only?

Mr. ROBERTS. It may be so considered, but he has not been

so treated by law in the Navy Department.

Mr. HULL. I know of no provision that gives an increase of pay to hospital stewards in the Army which corresponds to this. I am not raising any point of order. I want information on it. Mr. ROBERTS. If the gentleman will pardon me, the trouble

with the act creating this corps was that it fixed by law the pay that the men in each corps should receive.

Certainly.

Mr. ROBERTS. And limited promotion. Now, the other chief warrant officers were by the Executive order given the benefit of increased pay, and they also have the rank of ensign. But the Hospital Corps could not be included, and they did not get the benefit.

Mr. HULL. Any hospital steward or pharmacist who could pass the examination could be admitted as a commissioned offi-cer to the Medical Corps of the Army. Why could not he do that in the same way in the Navy?

Mr. ROBERTS. That would take them out of the Hospital

Mr. HULL. Certainly it would. I would like to ask the gentleman if there has ever been a time in the history of the country when the Hospital Corps of either branch of the service had commissioned rank?

Mr. ROBERTS. I do not think there ever has.

Mr. HULL. Is there any reason why we should give commis-

sioned rank to a Hospital Corps?

Mr. ROBERTS. I will say, in answer to the gentleman, that until recently there never was a time when a chief warrant offi-cer had a commission until Congress so ordered in its wisdom.

After passing a certain examination. Mr. HULL.

Mr. ROBERTS. After passing a certain examination in their

Mr. HULL. But when a man who is a boatswain gets a commission in the Navy, he ceases to be a boatswain, and be-comes a commissioned officer.

The CHAIRMAN. The time of the gentleman has again ex-

pired.

Mr. HULL. I ask unanimous consent that the gentleman may have more time.

There was no objection.

Mr. HULL. The proposition to give commissioned rank for a petty officer in the Navy is simply in line with what has always been in the Army. A man can enlist, pass an examination, and win his promotion. It is a splendid proposition, encouraging good and industrious young men, but there was never a proposition to extend commissions to the Hespital Corps as such; yet the Medical Department is open to every one of them if they can pass the examination. They become surgeons, and then they are commissioned in the Army. But you propose to do more than that. You are going to preserve the Hospital Corps and give them promotion to commissioned rank, something that has never been done, and I would like to know why.

Mr. ROBERTS. I would like to give the gentleman the reason why. It is because of the lack of promotion that the Hospital Corps is now hampered, and the Surgeon-General, with the approval of three different Secretaries of the Navy, wants to eliminate that feature and wants to make it attractive to people to go into that Corps and to stay there. To do that we have by this bill increased the pay of what are now known as "stewards" and "hospital apprentices," and a slight increase of pay to chief pharmacists, and give them this promotion. There is only a limited number, as the gentleman will see, who

will become chief pharmacists.

Mr. HULL. They all get the pay and allowances of chief pharmacists after six years' service?

Mr. ROBERTS. Yes.

Mr. HULL. You give petty officers as high as \$1,600 a year and with the allowances in the Navy, while with the allowances and bogey pay in the Army they serve for less than \$800. And you want to go one step further. By the present statute the pharmacist of the Navy gets his pay as fixed by law; that is in line with all of what has been the case with pharmacists and other noncommissioned officers and enlisted men.

Mr. ROBERTS. But the gentleman probably realizes that the pay of other warrant officers and petty officers he speaks of has been fixed by Executive order.

Mr. HULL. I understand that thoroughly.

Mr. ROBERTS. And that there may be a discrepancy be-

tween the rate fixed by Executive order for the Navy and that

fixed by law in the Army for hospital stewards.

Mr. HULL. I will not go into the merits of the case as to whether it is better for the country to fix the pay for men in the service of the Government by Executive order or by an act of Congress; we are precluded from that consideration at this time.

Mr. MANN. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. MANN. If we should provide that the pharmacists of the Navy should have the rank of chief pharmacist after six years' service, would it not be possible to secure the same provision for the Army after a time?

Mr. HULL. We have never had any promotion in the Hospital Corps in the Army to commissioned rank, and never in the Navy until now. It is a new departure that to my mind is exceedingly doubtful. It will result in all men finally becoming com-

What is the pay of a steward? Fifty-four dollars in the Army. Mr. MANN.

Mr. HULL. Mr. MANN. Mr. HULL. In the Hospital Corps? Yes. And occasionally a bright young fellow takes the examination and gets a commission as surgeon in the Army, just as he could in the Navy. But he then ceases to belong to the Hospital Corps. There is a man now in the Army who has served fifty-two years as a hospital steward, and we now have a bill before the Military Committee asking that he be given commission as a second lieutenant and retired. The committee has refused to retire him on the ground that hospital stewards are not commissioned, and will not recognize their rights to retire except of the grade that they served in. Mr. ROBERTS. Mr. Chairman, the Naval Committee thought

that if there was to be anything done for the benefit of the Hospital Corps, they should be placed on the same plane of equality with other chief warrant officers. If that is not the sense of the Committee of the Whole, they of course will reject it; but it does seem to me, as a member of the Naval Committee, we should not make that discrimination. I can not see why a member of the Hospital Corps is not as much entitled to a

commission as a chief boatswain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to print, as an appendix to my remarks, the statement which I send up.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The statement is as follows:

UNITED STATES NAVAL HOSPITAL CORPS.

The statement is as follows:

UNITED STATES NAVAL HOSPITAL CORPS.

A Hospital Corps of not less than a thousand men is now needed. To enlist and retain such a corps of the desired quality it is believed that greater inducements for continued service must be offered. Unless a good prospect of ultimate promotion with consequent increase in pay be held out as a reward for long and faithful service, the pecuniary advantages and comforts of civil life will continue to outwelgh in the minds of ambitious hospital stewards contemplating reenlistment the attractions of the naval service, handicapped as it is with the privations and inconveniences of sea duty. The recommendations of the Bureau to increase the warrant grade of the Hospital Corps from twenty-five, now allowed by law, to fifty was approved by the Department and included in the provisions of Senate bill No. 2206 and House bill No. 12846 of the Fifty-ninth Congress, first session. The bill, however, falled to receive consideration, though approved by there Secretarles of the Navy and favorably reported by the House Naval Committee. This bill, No. 12846, is now on the Calendar before the House. The same bill, No. 2206, has been read before the Senate and referred to the Naval Committee. The increase in the warrant grade of the Hospital Corps proposed by this bill would encourage the most desirable hospital stewards to reenlist, and the authorization of the grade of chief pharmacist would give pharmacists the opportunity, now enjoyed by boatswains, gunners, carpenters, and warrant machinists, of promotion to the lowest commissioned grade. The Bureau is of the opinion that a Hospital Corps as nearly permanent in organization as can be obtained is needed for the proper care of the sick and Injured of the Navy, and that the proposed increase in the warrant grade will favor the accomplishment of this desirable end, and therefore again recommends that the number of pharmacists be increased to fifty; that the grade of chief pharameist be authorized, and that all laws

is too small to provide the medical departments of ships in commission with full complements and at the same time supply the needs of naval hospitals, dispensaries, navy-yards, marine detachments, and recruiting offices.

is too small to provide the medical departments of ships in commission with full complements and at the same time supply the needs of naval hospitals, dispensaries, any-y-yards, marine detachments, and recruiting offices.

As present conditions do not attract men of the corps to reenlist, and, as the supply of recruits is not sufficient, it is therefore evident promotion it will be impossible to obtain for the corps the requisite nounber of recruits and retain in it experienced and trained men.

The monthly pay now allowed for hospital stewards is 860 for hospital apprentices first class, \$30, and for hospital apprentices, \$20. The pay of the Hospital Corps was fixed by the act of Congress which attached the state of the Executive order of June 26, 1903, increasing the pay of all other chile petty officers of the Navy who qualify by examination for permanent appointment to \$70 a month. For the same reason hospital stewards, hospital apprentices first class, and hospital apprentices with the stewards, hospital apprentices with the stewards, hospital apprentices with the stewards hospital apprentices with the stewards hospital apprentices of the stewards hospital apprentices with the stewards hospital apprentices of the stewards are stewards hospital apprentices of the stewards are stewards hospital apprentices for cach good-conduct medal, pin, and bar. Furthermore, as the number of pharmacists is limited to twenty-five, the chances of promotion to warrant grade are very small. These disadvantages are naturally sources of dissatisfaction to the members of the Hospital Corps. Activities of the state of the service have convinced the Eureau that correction of these unsatisfactory provisions of the law and organization of the Hospital Corps are imperatively necessary to secure and maintain a competent and efficient body of men for the care and treatment of the stdx of the Navy. The necessity for reorganizing and intention of the stdx of the Navy in the provided for insensity provisions. Provided for the popular appr

A reserve contestion of	the II	ochiene i	our po.		
Rate.	lar sta-	Special sta- tions.a	Total sta- tions.	Enlist- ments.	Short.
Hospital stewards	229 270 383	24 16 45	253 286 428	223 260 272	30 26 156

^a Dental duty, torpedo boats, vessels of the Fish Commission, recruiting stations, and class of instruction.

No allowance is made for the commissioning of new ships, or exigencies such as now the case in Cuba, where twenty hospital corps men are stationed.

REASONS FOR PRESENT CONDITION

REASONS FOR PRESENT CONDITION.

1. The rating of apothecary (hospital steward) was established December 8, 1866, with pay at \$60 per month; there has been no legislation increasing this pay since that date.

2. The pay is insufficient and the prospects of advancement, which should be held out as an inducement, is not adequate enough to attract and hold experienced and trained men.

3. The fact that the Hospital Corps is deprived of the benefits of Executive orders increasing the pay of all other enlisted men of the Navy. In this connection it is to be noted that the benefits of added compensation for trained men, provided for by the Executive orders of

June 26, 1903, and just recently, November 28, 1906, are not shared by the members of the Hospital Corps. It is imperative that legislation be enacted to settle this question of pay in the Hospital Corps at once and for all, and give it a merited share in the benefit of Executive orders, which have, up to the present time, increased the pay of chief petty officers of the line one-fourth above that of the chief petty officers of the Hospital Corps.

Estimated increased cost should House bill No. 12846 become a law.

- (a) Present number with highest pay, total per year \$43,000 (b) With increased number, according to bill, including chief pharmacists _______
 - (c) Total increase per year_ \$32, 180 HOSPITAL STEWARDS.
- (a) Present number with highest pay, total per year_ \$164, 160 (b) With total increased pay according to bill_____ 166, 400
 - (c) Total increase per year____ 2, 240
- HOSPITAL APPRENTICES, FIRST CLASS. (a) Present number with pay, total per year......(b) With total increased pay per year...... \$7, 260 10, 690
 - (c) Total increase per year_____ 3, 430
 - Total increased expense for entire corps____ 37, 850

NOTE.—This does not represent any increase over the other enlisted personnel, but merely places all on an equality of footing. BENEFITS FROM PROPOSED REMEDY.

1. To the service—
(a) Allay serious dissatisfaction among the members of the Hospital

(a) Allay serious dissatisfaction among the members of the Propher Corps.

(b) Will stimulate reenlistments and offer inducements to a class of men (trained nurses) now impossible to induce to enter the service.

(c) Will insure an efficient nursing staff for the service and an intelligent, efficient organization for those important duties of assistant to the surgeon in operations and preventive medicine. The Hospital Corps must be relied upon for all the medical and surgical nursing aboard our battle ships and cruisers; they must be competent to assist in surgical operations and with the technique of antiseptic work whether aboard ship or on shore. As these men are trained, so will our success be in saving life in and after battle. Besides, in preventive medicine, especially in the Tropics, the trained men are invaluable in keeping the personnel in good condition.

Mr. MACON. Mr. Chairman, since I have been somewhat complained of for raising this point of order, I desire recogni-

complained of for raising this point of order, I desire recogni-tion for a few moments. I am not making captious objections to the provisions of this bill, and did not make a captious objection a moment ago when I objected to a provision that was stricken out on a point of order. I have made many other points of order against provisions of this character since I have points of order against provisions of this character since I have been a Member of this House, where office-making legislation was sought to be had upon appropriation bills. Sir, there are many interests in this country that are needing attention at the hands of Representatives upon this floor besides

the Army and Navy office-creating interest, but they can not be heard on an appropriation bill. The rule strictly forbids any such proceeding, and hence other interests must bide their time, be that time until doomsday, and many of them will have to wait that long for a hearing, I am afraid. I am sure they will have to wait that long if they are really in the interests of the masses and the present party remains in power.

I am opposed, Mr. Chairman, to legislating in this way unless the rule can be so amended as to allow legislation for all classes and conditions of people upon appropriation bills. is done I will continue to raise points of order against special-interest legislation on appropriation bills. Upon nearly all of the appropriation bills presented in the House we find one pro-vision after another creating offices. The proposition that went out on a point of order a moment ago proposed to create thirty new officers to go on the regular pay roll, to remain on it for all time, and perhaps for a part of eternity, for where a Government officer gets in it takes eternal ages to get him out. In the paragraph before me it is proposed to create fifty officers to go on the pay roll for the toiling masses of the country to be taxed to pay all the rest of their days. Then, sir, we turn over one page and we find another provision, which reads:

That the Secretary of the Navy is hereby empowered to enlist, or cause to be enlisted, as many chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class, (nd hospital apprentices as in his judgment may be necessary, and to fix the number and to make such regulations as may be required for their enlistment and government.

and government.

That paragraph proposes creating positions for persons without number, no limit to them at all. Enact that paragraph into law, and we would virtually say to the Secretary of the Navy: "You can appoint as many of your friends and your friends' friends to office as you want," and we know that importunity on the part of this friend or that friend, especially if he had a political "pull," would cause the Secretary of the Navy, or anyone else at the head of a Department, to yield here and there until he had overtaxed reason and everything else in the matter of making appointments under it. Secretaries of the Navy are human, as well as other folks. Mr. Chairman, knowing that if this horde of officers once get upon the pay roll of the Government they will be there for all time and that they will be paid with money much of which will be fairly wrung from the sweat of the toilers of this country, I can not consistently sit by as a Representative of the plain American people and see such things go on when my humble voice can prevent it. [Applause.]

Mr. ROBERTS. Will the gentleman permit an interruption

for a moment?

Mr. MACON. Yes; with pleasure.

Mr. ROBERTS. I should like to call the gentleman's attention to this fact, that the act establishing the hospital in 1898 provides that the Secretary of the Navy is empowered to appoint twenty-five pharmacists, with the rank, pay, and privileges of warrant officers, removable in the discretion of the Secretary, and to enlist or cause to be enlisted as many hospital stewards, hospital apprentices, first class, and hospital apprentices as, in his judgment, may be necessary, the same provision exactly being in the existing law that the gentleman is criticising before the House.

Mr. MACON. My answer to that is that if I had been here at that time I would have raised the same objection to it that I am raising here; but I was not here then and did not have the opportunity. Mr. Chairman, I have a duty to perform as a Member of this House and I try to do it conscientiously, and hence when I believe any kind of legislation is being attempted here that is inconsistent with the rules of the House and not for the best interests of the country, it becomes my privilege and my duty to object, and I very respectfully do it. I now insist on the point of order.

The CHAIRMAN. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Barchfeld having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

8. 7163. An act to correct the naval record of Alfred Burgess;

S. 7163. An act to correct the naval record of Alfred Burgess; S. 2400. An act to correct the naval record of Peter H. Brodle,

alias Patrick Torbett;

S. 7188. An act to remove the charge of desertion from the military record of Martin All;
S. 5456. An act granting an increase of pension to Marcellus

Cash;

S. 7862. An act granting an increase of pension to Elias Laughner;

S. 7871. An act granting a pension to Catharine Hayes;

S. 2729. An act granting an increase of pension to Robert J. Henry;

S. 7222. An act granting an increase of pension to Sylvester Byrne;

S. 4028. An act granting an increase of pension to Ann H. Barnes;
S. 5002. An act granting an increase of pension to Franklin

S. 5992: An act granting an increase of pension to Franklin Craig;
S. 3435. An act granting an increase of pension to Rowland

Saunders; 8. 5423. An act granting an increase of pension to William M.

Tinsley; S. 6955. An act granting an increase of pension to Abram W.

Vandel; S. 7373. An act granting an increase of pension to Jeremiah

Thomas; S. 4562. An act granting an increase of pension to Henry Steg-

man; S. 7606. An act granting an increase of pension to Samuel

Reeves; S. 7532. An act granting an increase of pension to Joseph

Kiichli; S. 8107. An act granting an increase of pension to Leonidas Obenshain:

S. 6609. An act granting an increase of pension to John Shank; S. 7483. An act granting an increase of pension to Marinda B.

S. 7483. An act granting an increase of pension to Marinda B Beery;

S. 7480. An act granting an increase of pension to John Bowen; S. 7485. An act granting an increase of pension to Lester M. P.

Griswold; S. 4461. An act granting an increase of pension to Thomas S.

S. 4461. An act granting an increase of pension to Thomas S. Elsberry;

S. 7420. An act granting a pension to Eleanor N. Sherman; S. 5361. An act granting an increase of pension to John H.

S. 7244. An act granting an increase of pension to Bessie Sharp Pettit;

S. 7341. An act granting an increase of pension to Menzo S. Bishop;

S.7481. An act granting an increase of pension to Alanson W. Edwards;

S. 7305. An act granting an increase of pension to Robert K. Leech;

S. 7842. An act granting an increase of pension to Evarts C. Stevens;

S. 8024. An act granting a pension to Susan J. Rogers;

S. 7764. An act granting an increase of pension to Davis Gilborne;

S. 7763. An act granting an increase of pension to Jacob S. Hawkins;

S. 6610. An act granting an increase of pension to Isaac Johnson;

S. 8207. An act granting an increase of pension to Peter Wedeman;

S. 8120. An act granting an increase of pension to Benjamin T. Woods;

S. 7708. An act granting an increase of pension to Sue A. Brockway;

S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers;

S. 6380. An act granting an increase of pension to Josiah B. Kinsman; S. 7334. An act granting an increase of pension to Joshua T.

S. 7334. An act granting an increase of pension to Joshua T. Jellison;
S. 7831. An act granting an increase of pension to William H.

Grandaw; S. 913. An act granting an increase of pension to Charles E.

Foster; S. 6911. An act granting an increase of pension to George A.

Boyle; S. 7039. An act granting an increase of pension to Robert

Hamilton; S. 570. An act granting an increase of pension to John W.

S. 7912. An act granting an increase of pension to Eleanor P. Bigler; S. 3852. An act granting an increase of pension to Levi W.

Curtis; S. 8215. An act granting an increase of pension to James W.

Lendsay; S. 7915. An act granting an increase of pension to Mary M. Howell;

S. 8237. An act granting an increase of pension to Lydia Irvine:

S. 7696. An act granting an increase of pension to Zadok K. Judd; S. 7572. An act granting an increase of pension to Warren M.

S. 7572. An act granting an increase of pension to Warren M. Fales;

S. 6702. An act granting an increase of pension to Charles E. Du Bois;

S. 8005. An act granting an increase of pension to Garrett F.
 Cowan;
 S. 8021. An act granting an increase of pension to John F.

Martine; S. 7004. An act granting an increase of pension to Edward G.

Burnet; S. 7470. An act granting an increase of pension to William F. Burnett;

S. 7154. An act granting an increase of pension to Samuel A. Miller:

S. 3997. An act granting an increase of pension to Jacob Berry; S. 7473. An act granting an increase of pension to John M.

Gilliland; S. 6531. An act granting an increase of pension to Francis A.

Dory;
S \$017 An act granting an increase of pension to Francis A.

S. 8017. An act granting an increase of pension to Watson L. Corner;

S. 1520. An act granting an increase of pension to Laura M. Freeman; S. 1515. An act granting an increase of pension to Elizabeth

S. 1515. An act granting an increase of pension to Elizabeti Strong;

8.3672. An act granting an increase of pension to Daniel R. Emery;

S. 1136. An act granting an increase of pension to Warren W.
 Whipple;
 S. 8105. An act granting an increase of pension to Anna

8.8105. An act granting an increase of pension to Ar Arnold;

S. 4762. An act granting a pension to Mary A. Brady; S. 5813. An act granting an increase of pension to Marshall T. Kennan;

S. 7772. An act granting a pension to Ellen Dougherty;

S. 7722. An act granting an increase of pension to Henderson Stanley

S. 7803. An act granting an increase of pension to William H. Long;

S. 7825. An act granting an increase of pension to Garret P.

Rockwell; S. 6910. An act granting an increase of pension to George F.

S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave;

S. 7877. An act granting an increase of pension to Thomas D.

S. 7938. An act granting an increase of pension to John W. Messick

S. 8034. An act granting an increase of pension to Jacob M. F. S. 7830. An act granting an increase of pension to Wilbur A.

S. 7628. An act granting an increase of pension to John P.

Wildman; S. 7923. An act granting an increase of pension to William H. Brady;

S. 7553. An act granting an increase of pension to Adolphus P. Clark:

S. 2971. An act granting an increase of pension to Henry O.

Bennum; S. 7555. An act granting an increase of pension to James T.

S. 6245. An act granting an increase of pension to Susan Mahany;

S. 7231. An act granting an increase of pension to Oscar F. Richards;

S. 8081. An act granting an increase of pension to William H. Cochran:

S. 8084. An act granting an increase of pension to John

S. 8079. An act granting an increase of pension to Joseph Ickstadt:

S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.;

S. 7872. An act granting an increase of pension to Gilbert H. Keck:

S. 7636. An act granting an increase of pension to Samuel M. Breckenridge;

S. 6103. An act granting an increase of pension to William P. Visgar;

S. 7786. An act granting an increase of pension to Chauncey M. Snow;

S. 7785. An act granting an increase of pension to Carlo J. Emerson:

S. 7168. An act granting an increase of pension to Edward B. Shepherd;

S. 7194. An act granting an increase of pension to Lawrence

S. 5558. An act granting an increase of pension to George Payne;

S. 8235. An act granting a pension to James H. Huntington;

S. 5621. An act granting an increase of pension to Frederick Buehrle:

S. 4531. An act granting an increase of pension to Levi M. Stephenson: S. 8259. An act granting an increase of pension to Henry B.

S. 5756. An act granting an increase of pension to Charles A.

Bell: S. 3552. An act granting an increase of pension to Joseph P.

Wilcox; S. 1350. An act granting an increase of pension to Michael

Cullen: S. 6140. An act granting an increase of pension to Julia A.

S. 8195. An act granting an increase of pension to Asa E.

Swasey; S. 6672. An act granting an increase of pension to Hannah

Peavey S. 7068. An act granting an increase of pension to Richard B.

Hall;

S. 7138. An act granting an increase of pension to George H.

S. 7038. An act granting an increase of pension to William Curran:

S. 6093. An act granting a pension to Hester A. Coller; S. 6319. An act granting an increase of pension to Angus

S. 2109. An act granting an increase of pension to Elisha T. Arnold:

S. 4208. An act granting an increase of pension to Charles V. Nash;

S. 5752. An act granting an increase of pension to Ruth M. Hoag;

S. 6078. An act granting an increase of pension to Elijah B.

S. 5718. An act granting an increase of pension to William D. Hoff;

S. 6774. An act granting an increase of pension to James B. Hackett:

S. 1980. An act granting an increase of pension to Mary O. Foster;

S. 8197. An act granting an increase of pension to Arabella J. Farrell;

S. 8104. An act granting an increase of pension to Henry Shelley:

S. 7698. An act granting a pension to Fannie S. Grant; S. 2502. An act granting an increase of pension to Stephen M.

S. 1935. An act granting an increase of pension to Charles Church:

S. 7129. An act granting a pension to Susan J. Chandler; S. 6952. An act granting an increase of pension to Martin A.

S. 161. An act granting an increase of pension to Ruth E.

S. 8056. An act granting an increase of pension to William H.

Fountain; S. 6768. An act granting an increase of pension to John E.

S. 7476. An act granting an increase of pension to Oliver S.

Boggs; S. 7616. An act granting an increase of pension to Ezekiel C.

S. 883. An act granting an increase of pension to Thomas A. Willson;

S. 2336. An act granting an increase of pension to Annie E. Smith:

S. 6724. An act granting a pension to Mary W. Granniss; S. 435. An act granting an increase of pension to Luther H.

Canfield: S. 496. An act granting an increase of pension to Lewis

Young; S. 8278. An act granting an increase of pension to Calvin

Herring: S. 7968. An act granting an increase of pension to James

Slater; S. 7878. An act granting an increase of pension to Richard J. Gibbs :

S. 6281. An act granting an increase of pension to Joseph C. Bowker

S. 7947. An act granting an increase of pension to Charles G.

S. 8302. An act granting a pension to Ella B. Morrow

S. 8201. An act granting an increase of pension to Clara A. Keeting S. 3197. An act granting an increase of pension to Hiram

Focht: S. 8397. An act granting an increase of pension to Martin

Peacock S. 8147. An act granting an increase of pension to Ann E.

Macy; S. 7429. An act granting a pension to Caroline A. Gilmore; S. 7429. An act granting an increase of pension to Michael

S. 8196. An act granting an increase of pension to Michael J.

S. 7670. An act granting a pension to Sarah E. Lungren;

S. 8212. An act granting a pension to Azelia Mittag; S. 8144. An act granting an increase of pension to Elizabeth A. Bonner :

S. 7622. An act granting an increase of pension to George K. Taylor;

S. 7936. An act granting an increase of pension to Liberty W. Foskett:

S. 2387. An act granting an increase of pension to Harvey Smith:

S. 8378. An act granting an increase of pension to Eli B. Woodard;

S. 7478. An act granting an increase of pension to William H. Brown; S. 4008. An act granting an increase of pension to Charles B.

Saunders: S. 8023. An act granting an increase of pension to Harvey N. Medbury;

S, 2285. An act granting an increase of pension to William W. Herrick :

S. 8049. An act granting an increase of pension to Daniel C.

S. 5144. An act granting an increase of pension to Morgan H.

S. 7655. An act granting an increase of pension to Francis G. Brown

S. 8407. An act granting an increase of pension to Reuben C. Webb:

S. 8258. An act granting a pension to Mary B. Yerington; S, 7838. An act granting an increase of pension to Ole Gun-

derson; S. 8390. An act granting an increase of pension to Joseph H.

Kinsman: S. 2181. An act granting an increase of pension to Mary G.

Potter; S. 7930. An act granting an increase of pension to Joseph

Hare, jr.; 8,7657. An act granting an increase of pension to Harman

S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein;

S. 8379. An act granting an increase of pension to Bertha

Maria Johnson; S. 8345. An act granting an increase of pension to Frank

Holderby, alias Frank Giles; S. 6518. An act granting an increase of pension to William

H. Stiles: S. 3432. An act granting an increase of pension to Samuel

Ellis S. 5420. An act granting an increase of pension to Thomas

W. Gilpatrick; S. 6616. An act granting an increase of pension to Jacob P.

Crooker; S. 8263. An act granting an increase of pension to Martha

L. Bohannan: S. 7344. An act granting an increase of pension to Clara P.

Coleman;

S. 3495. An act granting a pension to Joseph H. Boucher; S. 7679. An act granting an increase of pension to George

M. Shaffer: S. 6177. An act granting an increase of pension to Louisa

Anne Morton: S. 8125. An act granting an increase of pension to Mary O.

S. 3691. An act granting a pension to Rollin S. Belknap:

S. 8006. An act granting an increase of pension to Epaminondas P. Thurston:

S. 4580. An act granting an increase of pension to William Hale:

S. 8153. An act granting an increase of pension to Henry B. Johnson:

S. 1896. An act granting a pension to Smith Bledsoe;

S. 5724. An act granting an increase of pension to George C. Saul:

S. 990. An act granting an increase of pension to Relf Bledsoe:

S. 3652. An act granting an increase of pension to Sallie

S. 2792. An act granting an increase of pension to John W.

Ogan; S. 8064. An act granting an increase of pension to Carloss Trowbridge;

S. 8161. An act in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois; S. 8347. An act granting an increase of pension to Ervin F.

Mann: S. 8090. An act granting an increase of pension to Inger A. Steensrud:

S. 8089. An act granting an increase of pension to Mary E.

S. 8349. An act granting a pension to Mary Ellen Van Am-

S. 8348. An act granting an increase of pension to Cornelius E. Bliss

S. 6818. An act granting an increase of pension to John E. Anthony;

S. 6277. An act granting an increase of pension to Marie J.

S. 8435. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs: and

8.7512. An act to provide for an additional land district in the State of Montana, to be known as the Glasgow land district.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 20605. An act granting a pension to Mary E. P. Barr; H. R. 21529. An act granting an increase of pension to Charlotte Game:

H. R. 21808. An act granting an increase of pension to Levi Mitchell .

H. R. 22264. An act granting an increase of pension to Sibby Barnhill:

H. R. 17334. An act granting an increase of pension to Henry Power

H. R. 23870. An act granting an increase of pension to America J. Austin;

H. R. 24323. An act granting an increase of pension to Talcott M. Brown :

H. R. 21175. An act granting a pension to Martin J. Flagstad; H. R. 22101. An act granting a pension to Mack Rittenberry

H. R. 22282. An act granting an increase of pension to Edward H. Lunn;

H. R. 15434. An act to regulate appeals in criminal prosecutions

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.;

H. R. 4678. An act granting an increase of pension to John

F. Casper; and H. R. 22443. An act granting an increase of pension to Lyman S. Strickland.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16886. An act granting an increase of pension to Elizabeth A. Murrey

H. R. 16506. An act granting an increase of pension to Kate S. Church

H. R. 16487. An act granting an increase of pension to Martha Lavender

H. R. 16340. An act granting an increase of pension to William M. Harris; H. R. 16283. An act granting an increase of pension to Archi-

bald H. R. Calvin; H. R. 16181. An act granting an increase of pension to Ann

Rafferty

H. R. 15965. An act granting an increase of pension to Stephen Gangwer

H. R. 17634. An act granting an increase of pension to John S. Cochran

H. R. 17620. An act granting an increase of pension to Michael Pendergast, alias Michael Blake: H. R. 17581. An act granting an increase of pension to Aquilla

H. R. 17483. An act granting an increase of pension to Wil-

liam H. Loyd; H. R. 17369. An act granting an increase of pension to Minor

B. Monaghan; H. R. 17335. An act granting an increase of pension to Lewis

F. Belden; H. R. 17331. An act granting an increase of pension to Doug-

las V. Donnelly: H. R. 17330. An act granting an increase of pension to Wil-

liam Tuders H. R. 17204. An act granting a pension to Sarah E. Robey

H. R. 17058. An act granting an increase of pension to James H. O'Brien

H. R. 16813. An act granting an increase of pension to Charles Brumm H. R. 16698. An act granting an increase of pension to Henry

H. Davis H. R. 16458. An act granting an increase of pension to Daniel

W. Gillam H. R. 18681. An act granting an increase of pension to William E. Gray;

H. R. 18383. An act granting an increase of pension to Fred-

erick Shinaman; H. R. 18323. An act granting an increase of pension to Richard

B. Rankin: H. R. 18322. An act granting an increase of pension to Heze-

kiah James H. R. 18042. An act granting an increase of pension to James

H. Sinclair H. R. 18014. An act granting an increase of pension to El-

bridge P. Boyden;
H. R. 17817. An act granting an increase of pension to John

H. R. 17712. An act granting an increase of pension to Frank

H. R. 17642. An act granting an increase of pension to Roland M. Johnson:

H. R. 20973. An act granting an increase of pension to Henry Lufft

H. R. 20862. An act granting an increase of pension to August Weber

H. R. 20731. An act granting an increase of pension to Peter Buchmann

H. R. 20730. An act granting an increase of pension to John Carpenter ;

H. R. 20729. An act granting an increase of pension to Benjamin Lyons;

H. R. 20728. An act granting an increase of pension to Ira

D. Hill; H. R. 20967. An act granting an increase of pension to Samuel W. Hines

H. R. 20966. An act granting an increase of pension to Thomas Jones

H. R. 20960. An act granting an increase of pension to Sarah M. Bickford :

H. R. 20931. An act granting an increase of pension to John

H. R. 20930. An act granting an increase of pension to Joseph Rouge

H. R. 20929. An act granting an increase of pension to Thomas D. King

H. R. 20887. An act granting an increase of pension to Emma Walters:

H. R. 20882. An act granting an increase of pension to Luther W. Harris

H. R. 20860. An act granting an increase of pension to Charles T. Chapman ;

H. R. 20859. An act granting an increase of pension to Henry

C. Hughes; H. R. 20856. An act granting an increase of pension to Catha-

rine A. Greene; H. R. 20855. An act granting an increase of pension to George

Hierl, alias George Hill: H. R. 20854. An act granting an increase of pension to Thomas

Welch:

H. R. 20842. An act granting an increase of pension to Henry Joyce;

H. R. 20834. An act granting an increase of pension to Franklin Comstock;

H. R. 20831. An act granting an increase of pension to James R. Dunlan:

H. R. 20822. An act granting an increase of pension to Milton L. Howard :

H. R. 20821. An act granting an increase of pension to John

L. Newman;
H. R. 20737. An act granting an increase of pension to William G. Whitney;

H. R. 20881. An act granting an increase of pension to Martha J. Weaverling

H. R. 20861. An act granting an increase of pension to Catharine Weigert:

H. R. 20719. An act granting an increase of pension to James C. Price

H. R. 20689. An act granting an increase of pension to Francis

Doughty; H. R. 20686. An act granting an increase of pension to Joshua S. Jayne;

H. R. 20685. An act granting an increase of pension to Joseph

R. Benham; H. R. 20654. An act granting an increase of pension to William A. Nichols :

H. R. 20647. An act granting an increase of pension to Dominick Garvey

H. R. 20618. An act granting an increase of pension to George W. Brinton

H. R. 20568. An act granting an increase of pension to Chester R. Pitt :

H. R. 20558. An act granting an increase of pension to Mark W. Terrill;

H. R. 20557. An act granting an increase of pension to Webster Miller;

H. R. 20356. An act granting an increase of pension to Mary T. Mathis;

H. R. 20291. An act granting an increase of pension to Emma F. Buchanan ;

H. R. 20734. An act granting an increase of pension to Amos Kellner:

H. R. 20733. An act granting an increase of pension to Oscar Andrew

H. R. 20970. An act granting an increase of pension to Edgar Weaver

H. R. 20244. An act granting an increase of pension to Alfred

Hayward; H. R. 20236. An act granting an increase of pension to William E. Richards;

H. R. 20224. An act granting an increase of pension to Philip Hamman:

H. R. 20212. An act granting an increase of pension to George W. Green :

H. R. 20201. An act granting an increase of pension to Charles

W. Airey; H. R. 20180. An act granting an increase of pension to

Thomas W. Daniels; H. R. 20188. An act granting an increase of pension to John H. McCain, alias John Croft;

H. R. 20091. An act granting an increase of pension to John A. Smith:

H. R. 20079. An act granting an increase of pension to Richard F. Barret;

H. R. 20036. An act granting an increase of pension to Oliver T. Westmoreland;

H. R. 20000. An act granting an increase of pension to Thomas R. Elliott;

H. R. 19994. An act granting a pension to Ritty M. Lane; H. R. 19976. An act granting a pension to Nelson Isbill;

H. R. 19969. An act granting an increase of pension to Henry K. Burger:

H. R. 19043. An act granting an increase of pension to Edward La Coste ; H. R. 19869. An act granting an increase of pension to John

E. Bowles; H. R. 19863. An act granting an increase of pension to Walter

B. Swain; H. R. 19832. An act granting an increase of pension to George

W. Smith; H. R. 19770. An act granting an increase of pension to James

G. Van Dewalker: H. R. 19706. An act granting an increase of pension to Almon

Wood; H. R. 19628. An act granting an increase of pension to Eliza-

beth Mooney: H. R. 19526. An act granting an increase of pension to Judson

H. Holcomb; H. R. 19401. An act granting an increase of pension to Camp-

hell Cowan : H. R. 19400. An act granting an increase of pension to Wash-

ington M. Brown; H. R. 19384. An act granting an increase of pension to Susan E. Hernandez;

H. R. 19294. An act granting an increase of pension to Francis M. Hatten;

H. R. 19263. An act granting an increase of pension to John

Ingram; H. R. 19133. An act granting an increase of pension to Fergus

P. McMillan; H. R. 18969. An act granting an increase of pension to Herman Hagemiller:

H. R. 18881. An act granting an increase of pension to Alexander B. Mott:

H. R. 18723. An act granting an increase of pension to William E. Hanigan;

H. R. 20215. An act granting an increase of pension to Riley J. Berkley

H. R. 21612. An act granting an increase of pension to James S. Hart;

H. R. 21606. An act granting an increase of pension to Felix G. Morrison;

H. R. 21603. An act granting an increase of pension to Calvin S. Mullins : H. R. 21564. An act granting an increase of pension to Daniel

French; H. R. 21551. An act granting an increase of pension to Alfred

E. Lucas; H. R. 21542. An act granting an increase of pension to Erastus

A. Thomas: H. R. 21535. An act granting an increase of pension to William E. Feeley

H. R. 21534. An act granting an increase of pension to Henry Reed:

H. R. 21532. An act granting an increase of pension to William Dobson;

H. R. 21347. An act granting an increase of pension to Jeannette M. Guiney;

H. R. 21497. An act granting an increase of pension to Mary E. Hobbs;

H. R. 21483. An act granting an increase of pension to George S. Woods

H. R. 21481. An act granting an increase of pension to Lucy Cole:

H. R. 21472. An act granting an increase of pension to Wiley H. Jackson;

H. R. 21471. An act granting an increase of pension to Adaline

H. R. 21448. An act granting an increase of pension to Jesse Jackman:

H. R. 21446. An act granting an increase of pension to William A. Crum:

H. R. 21432. An act granting an increase of pension to Benjamin Bragg;

H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence;

H. R. 21427. An act granting an increase of pension to Thomas

L. Moody; H. R. 21376. An act granting an increase of pension to John

W. Stichter; H. R. 21375. An act granting an increase of pension to John S. Cornwell:

H. R. 21355. An act granting an increase of pension to John

H. R. 21543. An act granting an increase of pension to Addison Thompson

H. R. 21524. An act granting an increase of pension to Elison Gatewood:

H. R. 21499. An act granting an increase of pension to Henry A. Weiand;

H. R. 21496. An act granting an increase of pension to Samuel B. Davis :

H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll;

H. R. 21354. An act granting a pension to Mary Shutler;

H. R. 21343. An act granting an increase of pension to James C. Murray

H. R. 21335. An act granting an increase of pension to Harvey S. Nettleton:

H. R. 21332. An act granting an increase of pension to John R. Smith;

H. R. 21331. An act granting an increase of pension to Robert O. Bradley H. R. 21325. An act granting an increase of pension to George

O. Tibbitts ; H. R. 21322. An act granting an increase of pension to Eliza-

beth Wilson; H. R. 21320. An act granting an increase of pension to Ma-

linda H. Hitchcock; H. R. 21122. An act granting an increase of pension to Nathan

Small: H. R. 21113. An act granting an increase of pension to Emma

M. Chamberlin H. R. 21079. An act granting an increase of pension to Pat-

rick Kinney : H. R. 21078. An act granting an increase of pension to Henry

H. R. 21077. An act granting an increase of pension to An-

drew M. Dunn H. R. 21061. An act granting an increase of pension to James

Collins: H. R. 21060. An act granting an increase of pension to Gott-

lieb Kirchner; H. R. 21047. An act granting an increase of pension to Jesse J. Melton:

H. R. 21046. An act granting a pension to Jesse Harral;

H. R. 21002. An act granting an increase of pension to William Wiggins:

H. R. 21000. An act granting an increase of pension to Mary Evans:

H. R. 21277. An act granting an increase of pension to Robert Martin; H. R. 21274. An act granting an increase of pension to Jere-

miah Buffington;

H. R. 21270. An act granting an increase of pension to Ellen Sullivan

H. R. 21264. An act granting an increase of pension to David J. Wise:

H. R. 21258. An act granting an increase of pension to James Dopp;

H. R. 21256. An act granting an increase of pension to William Foster;

H. R. 21255. An act granting an increase of pension to Thomas McDowell;

H. R. 21227. An act granting an increase of pension to Parthena Lasley

H. R. 21161. An act granting an increase of pension to Henry J. Rhodes

H. R. 21157. An act granting an increase of pension to George

H. R. 21123. An act granting an increase of pension to Lawrence McHugh;

H. R. 21303. An act granting an increase of pension to James Edward Bristol:

H. R. 21283. An act granting an increase of pension to Frederick De Planque;

H. R. 21281. An act granting an increase of pension to Catharine Ludwig;

H. R. 21280. An act granting an increase of pension to Isaac Cain:

H. R. 21279. An act granting an increase of pension to Martin Heiler: H. R. 21906. An act granting an increase of pension to John

M. Bruder H. R. 21896. An act granting an increase of pension to George

H. Field H. R. 21888. An act granting an increase of pension to Andrew Canova

H. R. 21887. An act granting an increase of pension to James

H. R. 21886. An act granting an increase of pension to John

H. R. 21882. An act granting an increase of pension to Frank Breazeale

H. R. 21852. An act granting an increase of pension to James M. Eaman

H. R. 21843. An act granting an increase of pension to Robert H. Delaney H. R. 21836. An act granting an increase of pension to Mary

C. Hall: H. R. 21837. An act granting an increase of pension to James

W. Kasson H. R. 21819. An act granting an increase of pension to Joseph

Peach H. R. 21761. An act granting an increase of pension to John

Tims H. R. 21724. An act granting an increase of pension to John D. Martin :

H. R. 21667. An act granting an increase of pension to John

H. R. 21651. An act granting an increase of pension to Jacob B. Butts H. R. 21648. An act granting an increase of pension to Michael

Gans H. R. 21644. An act granting an increase of pension to Sheldon

Hess H. R. 21636. An act granting an increase of pension to Elias Miller:

H. R. 21634. An act granting an increase of pension to Emma Sickler:

H. R. 21881. An act granting an increase of pension to Mahala M. Jones

H. R. 21856. An act granting an increase of pension to John G. Viall:

H. R. 21848. An act granting an increase of pension to Charles W. Arthur : H. R. 21798. An act granting an increase of pension to Andrew

Spencer H. R. 21767. An act granting an increase of pension to George

H. R. 21630. An act granting an increase of pension to John F.

H. R. 21626. An act granting an increase of pension to Calvin Barker

H. R. 21624. An act granting an increase of pension to William H. Willey

H. R. 21617. An act granting an increase of pension to William Miller;

H. R. 21615. An act granting an increase of pension to David Yoder; H. R. 20727. An act granting an increase of pension to William

Conwell: H. R. 23051. An act granting an increase of pension to Volna S. Topping;

H. R. 22827. An act granting an increase of pension to Mary Kirk

H. R. 22771. An act granting an increase of pension to William J. Courter

H. R. 22766. An act granting an increase of pension to Soren

H. R. 22941. An act granting an increase of pension to Lucinda Davidson;

H. R. 22881. An act granting an increase of pension to Thomas L. Williams

H. R. 22858. An act granting an increase of pension to John A.

Henry H. R. 22829. An act granting an increase of pension to George

H. R. 22015. An act granting an increase of pension to William

H. R. 23122. An act granting an increase of pension to Melissa D. Whitman

H. R. 23133. An act granting an increase of pension to John

H. R. 23166. An act granting an increase of pension to William S. Voris

H, R, 23171. An act granting an increase of pension to Har-

mon Veatch; H. R. 23263. An act granting an increase of pension to Michael

H. R. 18433. An act granting an increase of pension to William

H. R. 19385. An act granting an increase of pension to Agnes E. Calvert :

H. R. 22757. An act granting an increase of pension to Joshua E. Hvatt:

H. R. 22926. An act granting a pension to Louisa Bartlett;

H. R. 22976. An act granting an increase of pension to Milton

H. R. 22903. An act granting an increase of pension to Emily Hibernia Trabue

H. R. 22994. An act granting an increase of pension to Lucinda C. Musgrove

H. R. 22995. An act granting an increase of pension to Nathaniel Y. Buck

H. R. 23036. An act granting an increase of pension to John

H. R. 22092. An act granting an increase of pension to Simon McAteer

H. R. 22088. An act granting an increase of pension to Gottlieb Schweizer

H. R. 22085. An act granting an increase of pension to Ran-H. R. 22073. An act granting an increase of pension to Eliza

H. R. 22065. An act granting an increase of pension to Henry

Utter H. R. 21960. An act granting an increase of pension to Sarah

Betts H. R. 21915. An act granting an increase of pension to John A.

Smith; H. R. 21909. An act granting an increase of pension to George

W. W. Tanner H. R. 21913. An act granting an increase of pension to Henry

II. R. 22243. An act granting an increase of pension to James W. Campbell:

H. R. 22241. An act granting an increase of pension to Stephen

H. R. 22238. An act granting an increase of pension to James

H. R. 22237. An act granting an increase of pension to Nathan Lawson

H. R. 22217. An act granting an increase of pension to George W. Boughner;

H. R. 22214. An act granting an increase of pension to Thomas

J. Prouty; H. R. 22203. An act granting an increase of pension to Oliver J. Burns

H. R. 22155. An act granting an increase of pension to Andrew J. Armstrong

H. R. 22103. An act granting an increase of pension to Warren

H. R. 22102. An act granting an increase of pension to Barre

H. R. 22094. An act granting an increase of pension to Albert J. Hamre

H. R. 22090. An act granting an increase of pension to Severt Larson:

H. R. 22069. An act granting an increase of pension to Caroline W. Congdon;

H. R. 22067. An act granting an increase of pension to Levi E. Miller:

H. R. 22048. An act granting an increase of pension to Orrin Freeman

H. R. 22047. An act granting an increase of-pension to George Tinkham;

H. R. 22039. An act granting a pension to Alethia White;

H. R. 22024. An act granting an increase of pension to Eldridge Underwood;

H. R. 22003. An act granting an increase of pension to Alexander Matchett

H. R. 21991. An act granting an increase of pension to Redmond Roche;

H. R. 21961. An act granting an increase of pension to Harvey

H. R. 21643. An act granting an increase of pension to Edward Ford

H. R. 20187. An act granting an increase of pension to John J. Duff: H. R. 19067. An act granting an increase of pension to Thomas

J. Smith: H. R. 22500. An act granting an increase of pension to Minor

Cleavenger H. R. 22452. An act granting an increase of pension to William

A. Narrin H. R. 22451. An act granting an increase of pension to John

H. R. 22448. An act granting a pension to F. Medora Johnson;H. R. 22447. An act granting an increase of pension to Frank Schadler

H. R. 22266. An act granting an increase of pension to Delphie Thorne

H. R. 22270. An act granting an increase of pension to Michael Hogan; H. R. 22272. An act granting an increase of pension to George

W. Rodefer : H. R. 22288. An act granting an increase of pension to Samuel

L. Davis: H. R. 22306. An act granting an increase of pension to Louisa

H. R. 22310. An act granting an increase of pension to Mary

A. Kerr H. R. 22376. An act granting an increase of pension to Wil-

liam M. Colby H. R. 22409. An act granting an increase of pension to Marga-

ret A. McAdoo; H. R. 22420. An act granting an increase of pension to Edward Wesley Ward;

H. R. 22422. An act granting an increase of pension to William J. Johnson;

H. R. 22431. An act granting an increase of pension to Alden Youngman;

H. R. 22442. An act granting an increase of pension to John Clark :

H. R. 22444. An act granting an increase of pension to William Oliver Anderson;

H. R. 22756. An act granting an increase of pension to Levi E. Curtis

H. R. 22749. An act granting an increase of pension to Della S. Easton:

H. R. 22748. An act granting an increase of pension to Willard P. Fisher;

H. R. 22734. An act granting an increase of pension to Michael Maier H. R. 22718. An act granting an increase of pension to Wil-

liam Dean H. R. 22711. An act granting an increase of pension to Jacob

Kures H. R. 22710. An act granting an increase of pension to Nelson

Cornell; H. R. 22706. An act granting an increase of pension to Wil-

liam Smoker H. R. 22651. An act granting an increase of pension to Sarah

E. Cadmus

H. R. 22624. An act granting an increase of pension to Louisa M. Carothers H. R. 22605. An act granting an increase of pension to John

H. R. 22602. An act granting an increase of pension to John H. Passon

H. R. 22551. An act granting an increase of pension to Wilson Siddell;

H. R. 22528. An act granting an increase of pension to Daniel

Fuller; H. R. 22506, An act granting an increase of pension to James F. Smith:

H. R. 22502. An act granting an increase of pension to Oren D. Haskell;

H. R. 22501. An act granting an increase of pension to Austin

H. R. 17618. An act granting an increase of pension to Anna F. Burlingame;

H. R. 19537. An act granting an increase of pension to Edward S. E. Newbury

H. R. 19499. An act granting an increase of pension to Thomas Milson:

H. R. 19498. An act granting an increase of pension to Sarah

H. R. 19450. An act granting an increase of pension to Henry C. Eastep

H. R. 19369. An act granting an increase of pension to John

F. G. Cliborne; H. R. 19175. An act granting an increase of pension to Josiah B. Arnott

H. R. 19131. An act granting an increase of pension to Edward

H. R. 19042. An act granting a pension to Georgetta K. Col-

H. R. 18968. An act granting a pension to Vance Perkins;

H. R. 18602. An act granting an increase of pension to James E. Netser

H. R. 18450. An act granting an increase of pension to Eliza Howell:

H. R. 18344. An act granting an increase of pension to William

H. R. 18245. An act granting an increase of pension to Samuel D. McCurdy

H. R. 18213. An act granting an increase of pension to William Ingram :

H. R. 17831. An act granting an increase of pension to James Bowman :

H. R. 17783. An act granting an increase of pension to James

H. R. 17750. An act granting an increase of pension to John

Gustus; H. R. 17061. An act granting an increase of pension to Iva O. Shepardson:

H. R. 16978. An act granting an increase of pension to Max Mueller

H. R. 16907. An act granting an increase of pension to Clarke

H. R. 16855. An act granting an increase of pension to Milton

H. R. 16391. An act granting an increase of pension to William Jackson

H. R. 16046. An act granting an increase of pension to David Province

H. R. 16322. An act granting an increase of pension to George C. Limpert

H. R. 16020. An act granting an increase of pension to Andrew Brink:

H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 15353. An act granting an increase of pension to Abbie J. Bryant;

H. R. 15189. An act granting an increase of pension to Sidney S. Skinner

H. R. 15136. An act granting an increase of pension to George H. Justin

H. R. 15012. An act granting an increase of pension to Oliver

H. R. 14777. An act granting a pension to Mary A. Clark;

H. R. 13960. An act granting an increase of pension to Thomas B. Manning

H. R. 13920. An act granting an increase of pension to Oren D. Curtis:

H. R. 13835. An act granting an increase of pension to William Crane;

H. R. 13769. An act granting an increase of pension to David Angel:

H. R. 3204. An act granting an increase of pension to Charles

H. Anthony; H. R. 3002. An act granting an increase of pension to David C. Johnston:

H. R. 2878. An act granting an increase of pension to John

M. Cheevers;
H. R. 2781. An act granting an increase of pension to Martin

V. B. Wyman; H. R. 21832. An act granting an increase of pension to John

H. R. 21026. An act granting a pension to Delia S. Humphrey; H. R. 2777. An act granting an increase of pension to Albert F. Durgin

H. R. 2246. An act granting an increase of pension to Henry Damm:

H. R. 2049. An act granting an increase of pension to Henry Arev

H. R. 1778. An act granting a pension to Jefferson L. Jennings; H. R. 1373. An act granting an increase of pension to Florence Bacon;

H. R. 1233. An act granting an increase of pension to Lucretia Davis

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless

H. R. 830. An act granting an increase of pension to Hezekiah Dezarn :

H. R. 529. An act granting an increase of pension to Francis Arnold:

H. R. 8718. An act granting an increase of pension to William T. Rowe;

H. R. 8673. An act granting an increase of pension to Marcena C. S. Gray

H. R. 8586. An act granting an increase of pension to Milton

H. R. 8164. An act granting an increase of pension to Jackson Mays

H. R. 7918. An act granting an increase of pension to John M.

Buxton;
H. R. 7538. An act granting an increase of pension to Thompson H. Hudson;

H. R. 7416. An act granting an increase of pension to Joseph R. Boger

H. R. 7415. An act granting an increase of pension to George W. Brawner; H. R. 6943. An act granting an increase of pension to Linas

Van Steenburg H. R. 6887. An act granting an increase of pension to James

E. Taylor ; H. R. 6880. An act granting an increase of pension to Marine

D. Tackett; H. R. 6589. An act granting an increase of pension to Manoah

W. Dunkin; H. R. 6575. An act granting an increase of pension to Raw-

leigh M. Monin; H. R. 6491. An act granting an increase of pension to Albert

Riley H. R. 6161. An act granting an increase of pension to Horatio

H. R. 5856. An act granting an increase of pension to Martin Offinger

H. R. 5854. An act granting an increase of pension to Jonas Gurnee

H. R. 3977. An act granting an increase of pension to John Vorous;

H. R. 3352. An act granting an increase of pension to George R. Roraback;

H. R. 5709. An act granting an increase of pension to Mary H. Patterson:

H. R. 12496. An act granting an increase of pension to Hurlbutt L. Farnsworth;

H. R. 12458. An act granting an increase of pension to Thomas

Saylor; H. R. 12355. An act granting an increase of pension to Thomas B Thompson:

H. R. 12250. An act granting an increase of pension to Samuel Nans

H. R. 19578. An act granting an increase of pension to Mary A. Rogers

H. R. 12154. An act granting an increase of pension to Henry E. Collins ;

H. R. 12095. An act granting an increase of pension to Atticus Lewis H. R. 12033. An act granting an increase of pension to George

W. Irwin ; H. R. 11994. An act granting an increase of pension to Martha

W. Wright: H. R. 11980. An act granting an increase of pension to William H. Boulton:

H. R. 11754. An act granting an increase of pension to Charles W. Helvey

H. R. 11740. An act granting an increase of pension to Robert R. Dill ;

H. R. 11693. An act granting an increase of pension to James H. Davison:

H. R. 11535. An act granting an increase of pension to Margarette R. Bacon;

H. R. 11523. An act granting an increase of pension to Robert

H. R. 11098. An act granting an increase of pension to Joseph A. Robinson;

H. R. 10874. An act granting an increase of pension to Frederick Pfahl:

H. R. 10598. An act granting an increase of pension to Robert W. Mills

H. R. 10188. An act granting an increase of pension to James L. Conn

H. R. 9655. An act granting an increase of pension to William

H. R. 9576. An act granting an increase of pension to Henry

H. R. 9450. An act granting an increase of pension to Alexander Brown

H. R. 9073. An act granting an increase of pension to Melissa McCracken

H. R. 20616. An act granting an increase of pension to Isaac Fornwalt:

H. R. 19592. An act granting an increase of pension to William B. Corley

H. R. 19613. An act granting an increase of pension to James A. Pryce

H. R. 19775. An act granting an increase of pension to Greenup Meece

H. R. 20008. An act granting an increase of pension to Caroline A. Smith;

H. R. 20125. An act granting an increase of pension to Mary Küchler

H. R. 20126. An act granting an increase of pension to Margaret Pint

H. R. 20243. An act granting an increase of pension to Anton Heinzen:

H. R. 20261. An act granting an increase of pension to Burris Subers

H. R. 20283. An act granting an increase of pension to Henry

D. Bole; H. R. 20413. An act granting a pension to Eva Louise Eberlin; H. R. 20446. An act granting an increase of pension to Andrew

H. R. 20455. An act granting an increase of pension to Harvey McCallin:

H. R. 20493. An act granting an increase of pension to Charles

H. R. 20577. An act granting a pension to Mary Kaisted :

H. R. 22079. An act granting an increase of pension to James D. Grayson

H. R. 21740. An act granting an increase of pension to Maria R. Klindt

H. R. 21764. An act granting an increase of pension to Ment Stannah:

H. R. 22367. An act for the relief of Patrick Conlin

H. R. 21769. An act granting a pension to Emma C. Aiken; H. R. 21782. An act granting an increase of pension to Ander-

son Graham : H. R. 21787. An act granting an increase of pension to Alex-

ander Porter H. R. 21838. An act granting an increase of pension to Fannie

J. Terry H. R. 21853. An act granting an increase of pension to Wil-

liam A. Whitaker; H. R. 21894. An act granting an increase of pension to Jacob

W. Pierce H. R. 21923. An act granting an increase of pension to Sebas-

tian Fuchs

H. R. 21962. An act granting an increase of pension to Henry Osterheld:

H. R. 21988. An act granting a pension to Philip Dieter;

H. R. 22002. An act granting an increase of pension to John W. Hall:

H. R. 22007. An act granting an increase of pension to Sanford D. Paine;

H. R. 22017. An act granting an increase of pension to Adolphus Cooley

H. R. 22018. An act granting an increase of pension to Charles Sells;

H. R. 22020. An act granting an increase of pension to Samuel Keller

H. R. 22025. An act granting an increase of pension to Thomas H. Cook ;

H. R. 22034. An act granting an increase of pension to James A. Wonder

H. R. 22035. An act granting an increase of pension to Beniamin Swavze

H. R. 22050. An act granting an increase of pension to John W. Frost

H. R. 22068. An act granting an increase of pension to John P. Macy

H. R. 22297. An act granting an increase of pension to Hugh L. Diens

H. R. 22285. An act granting an increase of pension to Dennis Remington, alias John Baker:

H. R. 22284. An act granting an increase of pension to George Ruble:

H. R. 22279. An act granting an increase of pension to Thomas M. Griffith

H. R. 22276. An act granting an increase of pension to Warren A. Sherwood :

H. R. 22269. An act granting an increase of pension to John L.

H. R. 22262. An act granting a pension to Elizabeth S. Os-

H. R. 22252. An act granting an increase of pension to William W. Tyson;

H. R. 22240. An act granting a pension to James M. Ping

H. R. 22239. An act granting an increase of pension to Elizabeth T Hays

H. R. 22223. An act granting an increase of pension to Uriah Kitchen:

H. R. 22222. An act granting an increase of pension to John W. Booth;

H. R. 22215. An act granting an increase of pension to Eliza A. Hughes:

H. R. 22187. An act granting a pension to Hiram C. Jett:

H. R. 22153. An act granting a pension to Antonio Archuleta; H. R. 22099. An act granting an increase of pension to Libbie D. Lowry

H. R. 22089. An act granting an increase of pension to Adaline

H. R. 21506. An act granting an increase of pension to Jacob Howe

H. R. 21508. An act granting an increase of pension to Samuel Barber H. R. 21515. An act granting an increase of pension to Joseph

Wheeler H. R. 21516. An act granting an increase of pension to James

Murtha II. R. 21540. An act granting an increase of pension to John L.

Wilson H. R. 21563. An act granting an increase of pension to Merritt

M. Smart H. R. 21588. An act granting an increase of pension to Robert Medworth

H. R. 21604. An act granting an increase of pension to William Girdler

H. R. 21618. An act granting an increase of pension to Leonidas W. Reavis

H. R. 21621. An act granting an increase of pension to Minerva A. Mayes;

H. R. 21718. An act granting an increase of pension to Franz Z. F. W. Jensen;

H. R. 21268, An act granting a pension to Rollin S. Belknap; H. R. 21276. An act granting an increase of pension to Christian Roessler

H. R. 21289. An act granting an increase of pension to Jesse Lewis

H. R. 21298. An act granting an increase of pension to John A. Pence

H. R. 21301. An act granting an increase of pension to John R.

H. R. 21312. An act granting an increase of pension to Ernst Boger

H. R. 21316. An act granting an increase of pension to Samuel Rhodes

H. R. 21356. An act granting an increase of pension to Edward

H. R. 21374. An act granting an increase of pension to Charles H. Homan

H. R. 21410. An act granting an increase of pension to Blanche M. Kell:

H. R. 21423. An act granting an increase of pension to Martha

E. Wood; H. R. 21425. An act granting an increase of pension to Jasper N. Brown

H. R. 21426. An act granting an increase of pension to John J. Ross

H. R. 21433. An act granting an increase of pension to George

H. R. 21461. An act granting an increase of pension to Henry Huff:

H. R. 21462. An act granting an increase of pension to William H. Wickham:

H. R. 21473. An act granting an increase of pension to James B. Wood:

H. R. 22642. An act granting an increase of pension to John Gregory; H. R. 22635. An act granting an increase of pension to Catha-

rine Williams;

H. R. 22634. An act granting an increase of pension to Helon Wilson; H. R. 22623. An act granting an increase of pension to George

W. Willison; H. R. 22620. An act granting an increase of pension to Charles

S. Abbott; H. R. 22609. An act granting an increase of pension to Thomas

Bayley

H. R. 22601. An act granting an increase of pension to John J. Clark

H. R. 22550. An act granting an increase of pension to Jonathan B. Reber;

H. R. 22542. An act granting an increase of pension to Charlotte S. O'Neall; H. R. 22522. An act granting an increase of pension to Susan

Harroun:

H. R. 22462. An act granting an increase of pension to Aaron Chamberlain:

H. R. 22440. An act granting an increase of pension to Daniel

H. R. 22434. An act granting an increase of pension to Peter McCormick; H. R. 22428. An act granting an increase of pension to Dora

T. Bristol;

H. R. 22425. An act granting an increase of pension to Thomas Sires

H. R. 22408. An act granting an increase of pension to Aaron Preston: H. R. 22388. An act granting an increase of pension to Daniel

A. Peabody; H. R. 22359. An act granting an increase of pension to Louisa

L. Wood : H. R. 22322. An act granting an increase of pension to Maria

Cross H. R. 22318. An act granting an increase of pension to James

H. R. 20688. An act granting an increase of pension to Joseph

M. Storey H. R. 20732. An act granting an increase of pension to Le Roy

Benson;
H. R. 20738. An act granting a pension to Sarah A. Hawkes;

H. R. 20740. An act granting an increase of pension to Guthridge L. Phillips;
H. R. 20823. An act granting an increase of pension to Wil-

liam H. Webb; H. R. 20858. An act granting an increase of pension to Wil-

liam C. Thompson; H. R. 20953. An act granting an increase of pension to James

D. Walker H. R. 20957. An act granting an increase of pension to Wil-

liam Chagnon: H. R. 21121. An act granting an increase of pension to Marcus

Wood H. R. 21133. An act granting an increase of pension to James

W. Cosgrove H. R. 21022. An act granting an increase of pension to

Thomas N. Gootee. H. R. 21025. An act granting an increase of pension to Enoch

H. R. 21039. An act granting an increase of pension to Nelson J. Weller

H. R. 21087. An act granting an increase of pension to Albert Manice:

H. R. 21097. An act granting an increase of pension to Henry W. Martin;

H. R. 21103. An act granting an increase of pension to Jacob Palmer:

H. R. 21111. An act granting an increase of pension to Arthur Graham

H. R. 21115. An act granting an increase of pension to Sylvester Bickford;

H. R. 21118. An act granting an increase of pension to Jacob Hartman

H. R. 21120. An act granting an increase of pension to John Lynch:

H. R. 21249. An act granting a pension to Minnie Scheele; H. R. 21238. An act granting an increase of pension to John W. Gahan :

H. R. 21134. An act granting an increase of pension to Frederick Kriner;

H. R. 20687. An act granting an increase of pension to John M. Dixon:

H. R. 20684. An act granting an increase of pension to William M. Neal:

H. R. 20713. An act granting an increase of pension to Timothy Quinn;

H. R. 21257. An act granting an increase of pension to Thomas

Morris; H. R. 23686. An act granting an increase of pension to William H. Kehlbeck

H. R. 23684. An act granting an increase of pension to Harry C. Cadwell;

H. R. 23683. An act granting an increase of pension to Thomas

Phillips; H. R. 23656. An act granting an increase of pension to John Kilnatrick:

H. R. 23653. An act granting an increase of pension to Dewitt C. Chapman ;

H. R. 23652. An act granting an increase of pension to William H. Zimmerman;

H. R. 23651. An act granting an increase of pension to John W. Wilson;

H. R. 23645. An act granting an increase of pension to Isaac L. Griswold; H. R. 23644. An act granting an increase of pension to Charles

J. Schreiner H. R. 23624. An act granting an increase of pension to Albina

M. Williams H. R. 23622. An act granting an increase of pension to Benjamin Maple;

H. R. 23608. An act granting an increase of pension to John Manley

H. R. 23599. An act granting an increase of pension to Alfred B. Stansil;

H. R. 23593. An act granting an increase of pension to Charles M. Buck :

H. R. 23550. An act granting an increase of pension to Elizabeth C. Smith;
H. R. 23549. An act granting an increase of pension to Isaiah

Carter:

H. R. 23528. An act granting an increase of pension to John Smith;

H. R. 23527. An act granting an increase of pension to Joseph Knighten

H. R. 23526. An act granting an increase of pension to Stephen D Jordan :

H. R. 23522. An act granting an increase of pension to George W. Shacklett: H. R. 23495. An act granting an increase of pension to Adam

H. R. 23481. An act granting an increase of pension to John

G. Price H. R. 23477. An act granting an increase of pension to Caroline Vick

H. R. 23475. An act granting an increase of pension to Thomas J. Green

H. R. 23468. An act granting an increase of pension to Martin Becker

H. R. 23458. An act granting an increase of pension to Edgar D. Ellis

H. R. 23423. An act granting an increase of pension to Elbridge Simpson;

H. R. 23371. An act granting an increase of pension to Clark Crecelius:

H. R. 23365. An act granting an increase of pension to William Seitz:

H. R. 23357. An act granting an increase of pension to James M. Houston

H. R. 20107. An act granting an increase of pension to William A. Brown

H. R. 24017. An act granting an increase of pension to Timothy Hanlon:

H. R. 23984. An act granting an increase of pension to Jacob Miller

H. R. 23981. An act granting an increase of pension to Sarah Elizabeth Fuller:

H. R. 23973. An act granting an increase of pension to Henry

Loor Reger; H. R. 23969. An act granting an increase of pension to William Morson:

H. R. 23958. An act granting an increase of pension to Thomas W. Parsons;

H. R. 23957. An act granting an increase of pension to John Heinrichs;

H. R. 23915. An act granting a pension to William Stegal; H. R. 23899. An act granting an increase of pension to James P. Hanna

H. R. 19650. An act granting an increase of pension to Alexander W. Taylor;

H. R. 20615. An act granting an increase of pension to Julia T. Baldwin;

H. R. 22853. An act granting an increase of pension to Burden H. Barrett;

H. R. 21294. An act granting an increase of pension to Lissie

D. Allen; H. R. 23339. An act granting an increase of pension to Martha L. Burnham :

H. R. 16389. An act granting a pension to Jefferson Wilcox; H. R. 23281. An act granting an increase of pension to William T. Fisher;

H. R. 23279. An act granting an increase of pension to David H. Moore;

H. R. 23278. An act granting an increase of pension to James M. Morris;

H. R. 23265. An act granting an increase of pension to Henry

Helton; H. R. 23250. An act granting a pension to George A. Mercer; H. R. 23234. An act granting an increase of pension to James W. Walsh, alias James Powers;

H. R. 23195. An act granting an increase of pension to Aurora Garwood Ellis:

H. R. 23182. An act granting an increase of pension to Martha Ella Wrenn

H. R. 22842. An act granting an increase of pension to William C. Hodges

H. R. 22838. An act granting an increase of pension to W. Ira Templeton:

H. R. 22820. An act granting an increase of pension to George S. Schmutz:

H. R. 22772. An act granting an increase of pension to Mary S. Sanders

H. R. 22764. An act granting an increase of pension to Samuel V. Carr H. R. 22762. An act granting an increase of pension to John

M. Gilbert : H. R. 22750. An act granting an increase of pension to William

Jenkins; H. R. 22747. An act granting a pension to Celestia E. Outlaw;

H. R. 22746. An act granting an increase of pension to Felix G. Cobb: H. R. 22715. An act granting an increase of pension to Ter-

rance Dovle H. R. 23327. An act granting an increase of pension to Paul

Sheets: H. R. 23299. An act granting an increase of pension to Henry

Goodlander H. R. 23247. An act granting an increase of pension to George

H. R. 23241. An act granting an increase of pension to Mary

Loomis H. R. 23197. An act granting an increase of pension to Agnes

E. Brown H. R. 23187. An act granting a pension to Jennie E. Lucken-

H. R. 23153. An act granting an increase of pension to George

H. R. 23143. An act granting an increase of pension to John H.

Robbins : H. R. 23136. An act granting an increase of pension to Syl-

H. R. 23121. An act granting an increase of pension to Frank

H. R. 23096. An act granting an increase of pension to James L. Colding

H. R. 23057. An act granting an increase of pension to James M. Davidson;

H. R. 22990. An act granting an increase of pension to Francis A. Lander

H. R. 22985. An act granting an increase of pension to Henry Bauerlin ;

H. R. 22978. An act granting an increase of pension to Thomas Adams

H. R. 22951. An act granting an increase of pension to Alice E. Ragan;

H. R. 22929. An act granting an increase of pension to John O. McNabb:

H. R. 22927. An act granting an increase of pension to William A. Leach;

H. R. 22846. An act granting an increase of pension to Martin Holmes, alias George Langin;

H. R. 3720. An act granting an increase of pension to Joseph

McNulty; H. R. 13706. An act granting an increase of pension to Albert

H. R. 8816. An act granting a pension to Mary Schoske; H. R. 22022. An act granting an increase of pension to Josiah H. Shaver;

H. R. 22036. An act granting a pension to Emma A. Hawkes; H. R. 23877. An act granting an increase of pension to Mary A. Edwards :

H. R. 23874. An act granting an increase of pension to William R. Horn;

H. R. 23872. An act granting an increase of pension to Charles Blacker

H. R. 23858. An act granting an increase of pension to Hugh M. Cox

H. R. 23846. An act granting an increase of pension to Sarah Ann Kendig

H. R. 23845. An act granting an increase of pension to George W. Cassle:

H. R. 23812. An act granting an increase of pension to Joseph Dewhurst:

H. R. 23811. An act granting an increase of pension to Theron

H. R. 23810. An act granting an increase of pension to Ira J.

H. R. 23805. An act granting an increase of pension to Thomas Hamilton: H. R. 23804. An act granting an increase of pension to Phoebe

E. Sparkman; H. R. 23803. An act granting an increase of pension to David

C. Jones H. R. 23795. An act granting an increase of pension to Patrick McMahon:

H. R. 23792. An act granting an increase of pension to Zeurial McCullock:

H. R. 23783. An act granting an increase of pension to George W. Buzzell;

H. R. 23781. An act granting an increase of pension to Honora Higgins

H. R. 23778. An act granting an increase of pension to Henry Clapper;

H. R. 23777. An act granting an increase of pension to James Marshall: H. R. 23774. An act granting an increase of pension to James

Kelley H. R. 23772. An act granting an increase of pension to Tem-

perance Davis H. R. 23770. An act granting an increase of pension to Henry D. Combs:

H. R. 23764. An act granting an increase of pension to Joseph C. Fisher;

H. R. 23762. An act granting an increase of pension to Adeliade Wagner:

H. R. 23739. An act granting an increase of pension to Elizabeth Pillow;

H. R. 23705. An act granting an increase of pension to Frederick P. Gaudineer; H. R. 23703. An act granting an increase of pension to Clar-

H. R. 23699. An act granting an increase of pension to Joseph Countryman;

H. R. 23687. An act granting a pension to Blanche C. Polk; H. R. 23135. An act granting a pension to Roseanna King;

H. R. 21373. An act granting an increase of pension to Carrie E. Cosgrove;

H. R. 1887. An act granting a pension to Joseph Brooks; H. R. 19581. An act granting an increase of pension to Mary E. Bookhammer:

H. R. 22776. An act granting an increase of pension to James

H. R. 21246. An act granting a pension to Margaret Guilroy H. R. 21139. An act granting an increase of pension to Willa

H. R. 21793. An act granting an increase of pension to Charles H. Pratt

H. R. 17251. An act granting an increase of pension to John J. Higgins :

H. R. 24671. An act granting an increase of pension to Augustine Sorrell

H. R. 21660. An act granting an increase of pension to Emma

H. R. 5913. An act granting a pension to Helen Goll:

H. R. 19271. An act granting an increase of pension to Joseph J. Branvan :

H. R. 24513. An act granting an increase of pension to Bowman H. Buck;

H. R. 24418. An act granting an increase of pension to Kate

H. R. 24415. An act granting an increase of pension to Laura G. Hight:

H. R. 24383. An act granting an increase of pension to Shadrack H. J. Alley

H. R. 24380. An act granting an increase of pension to Charles

Woodruff Woolley H. R. 24360. An act granting an increase of pension to Jere-

miah F. Pittman ; H. R. 24268. An act granting an increase of pension to Louisa

Olin H. R. 24231. An act granting an increase of pension to Ab-

salom Sivley H. R. 24214. An act granting an increase of pension to Eliza-

beth Hodge: H. R. 24208. An act granting an increase of pension to Albert

H. R. 24192. An act granting an increase of pension to Charles

H. R. 24188. An act granting an increase of pension to Samuel

Moore: H. R. 24187. An act granting an increase of pension to Nancy

G. Reid H. R. 24185. An act granting an increase of pension to William

H. R. 24620. An act granting an increase of pension to Elizabeth Balew

H. R. 24616. An act granting an increase of pension to Mathias

H. R. 24479. An act granting an increase of pension to Simeon D. Pope

H. R. 24321. An act granting an increase of pension to Belah H. Wilcox; H. R. 24303. An act granting an increase of pension to Gil-

lam M. Ezell; H. R. 24259. An act granting an increase of pension to Hanni-

bal A. Johnson : H. R. 24182. An act granting an increase of pension to John

Delaney H. R. 24155. An act granting an increase of pension to Richard

N. Porter H. R. 24099. An act granting an increase of pension to Ben-

jamin J. Puckett; H. R. 24096. An act granting an increase of pension to Oscar

F. Pencock H. R. 24078. An act granting an increase of pension to War-

H. R. 24064. An act granting a pension to Mary Murray;

H. R. 24056. An act granting an increase of pension to Reuben

H. R. 24023. An act granting an increase of pension to Joseph H. Clark

H. R. 24019. An act granting an increase of pension to John Brown

H. R. 24018. An act granting an increase of pension to John Adams Miller; and

H. R. 24103. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes.

A further message from the Senate, by Mr. Parkinson, announced that the Senate had passed bill, of the following title: in which the concurrence of the House of Representatives was requested:

S. 2011. An act granting an increase of pension to Lucinda L. McCorkle.

The message also announced that the Senate had passed the following resolutions

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 5854) granting an increase of pension to John W. McWilliams, the beneficiary being dead.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7163. An act to correct the naval record of Alfred Burgess-

to the Committee on Naval Affairs.

S. 2400. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett-to the Committee on Naval Affairs.

S. 5456. An act granting an increase of pension to Marcellus Cash—to the Committee on Invalid Pensions.

S. 7862. An act granting an increase of pension to Elias Laughner—to the Committee on Invalid Pensions.

S. 7871. An act granting a pension to Catharine Hayes—to the Committee on Invalid Pensions.

S. 2729. An act granting an increase of pension to Robert J. -to the Committee on Invalid Pensions.

S. 7222. An act granting an increase of pension to Sylvester

Byrne—to the Committee on Invalid Pensions.

S.7188. An act to remove the charge of desertion from the military record of Martin All—to the Committee on Military Affairs

S. 5092. An act granting an increase of pension to Franklin Craig-to the Committee on Invalid Pensions.

S. 3435. An act granting an increase of pension to Rowland Saunders-to the Committee on Invalid Pensions.

S. 5423. An act granting an increase of pension to William M. -to the Committee on Invalid Pensions.

S. 6955. An act granting an increase of pension to Abram W. Vandel—to the Committee on Invalid Pensions.

S. 7373. An act granting an increase of pension to Jeremiah Thomas—to the Committee on Invalid Pensions.

S. 4562. An act granting an increase of pension to Henry Stegman—to the Committee on Invalid Pensions.

S. 7606. An act granting an increase of pension to Samuel

Reeves—to the Committee on Invalid Pensions. S. 7532. An act granting an increase of pension to Joseph Kiichli—to the Committee on Invalid Pensions.
S. 8107. An act granting an increase of pension to Leonidas

Obenshain—to the Committee on Invalid Pensions

S. 6609. An act granting an increase of pension to John to the Committee on Invalid Pensions Shank-

S. 7483. An act granting an increase of pension to Marinda B. -to the Committee on Invalid Pensions.

8.7480. An act granting an increase of pension to John Bowen—to the Committee on Invalid Pensions.

S. 7485. An act granting an increase of pension to Lester M. P. Griswold—to the Committee on Invalid Pensions.

S. 4461. An act granting an increase of pension to Thomas S. Elsberry—to the Committee on Invalid Pensions.

S. 7420. An act granting a pension to Eleanor N. Shermanto the Committee on Invalid Pensions.

S. 5361. An act granting an increase of pension to John H. Peters—to the Committee on Invalid Pensions.

S. 7244. An act granting an increase of pension to Bessie Sharp Pettit-to the Committee on Pensions. S. 7341. An act granting an increase of pension to Menzo S.

Bishop—to the Committee on Invalid Pensions. S. 7481. An act granting an increase of pension to Alanson W.

Edwards—to the Committee on Invalid Pensions

S. 7305. An act granting an increase of pension to Robert K. Leech—to the Committee on Invalid Pensions.

S. 7842. An act granting an increase of pension to Evarts C. Stevens—to the Committee on Invalid Pensions.

S. 8024. An act granting a pension to Susan J. Rogers-to the Committee on Invalid Pensions.

S. 7764. An act granting an increase of pension to Davis Gilborne—to the Committee on Invalid Pensions. S. 7763. An act granting an increase of pension to Jacob S.

Hawkins—to the Committee on Invalid Pensions. S. 6610. An act granting an increase of pension to Isaac John-

son—to the Committee on Invalid Pensions. S. 8207. An act granting an increase of pension to Peter Wedeman—to the Committee on Invalid Pensions.

S. 8120. An act granting an increase of pension to Benjamin T. Woods-to the Committee on Invalid Pensions.

7708. An act granting an increase of pension to Sue A. Brockway-to the Committee on Invalid Pensions.

S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers-to the Committee on Invalid Pensions.

S. 6380. An act granting an increase of pension to Josiah B. Kinsman-to the Committee on Invalid Pensions.

S. 7334. An act granting an increase of pension to Joshua T. Jellison-to the Committee on Invalid Pensions.

S. 7831. An act granting an increase of pension to William H. Grandaw-to the Committee on Invalid Pensions.

S. 913. An act granting an increase of pension to Charles E. Foster-to the Committee on Invalid Pensions.

S. 6011. An act granting an increase of pension to George A. Boyle—to the Committee on Invalid Pensions.

S. 7039. An act granting an increase of pension to Robert Hamilton-to the Committee on Invalid Pensions.

S. 570. An act granting an increase of pension to John W. Crane—to the Committee on Invalid Pensions.

S. 7912. An act granting an increase of pension to Eleaner P.

Bigler-to the Committee on Pensions. S. 3852. An act granting an increase of pension to Levi W.

Curtis-to the Committee on Invalid Pensions. S. 8215. An act granting an increase of pension to James W.

to the Committee on Invalid Pensions. S. 7915. An act granting an increase of pension to Mary M.

Howell—to the Committee on Invalid Pensions. S. 8237. An act granting an increase of pension to Lydia Ir-

vine—to the Committee on Pensions, S. 7696. An act granting an increase of pension to Zadok K.

Judd—to the Committee on Pensions. S. 7572. An act granting an increase of pension to Warren

M. Fales—to the Committee on Invalid Pensions.

S. 6702. An act granting an increase of pension to Charles E. Du Bois-to the Committee on Invalid Pensions.

S. 8005. An act granting an increase of pension to Garrett F. Cowan-to the Committee on Invalid Pensions.

S. 8021. An act granting an increase of pension to John F.

Martine-to the Committee on Invalid Pensions. 7004. An act granting an increase of pension to Edward

G. Burnet-to the Committee on Invalid Pensions. S. 7470. An act granting an increase of pension to William

F. Burnett-to the Committee on Invalid Pensions. S. 7154. An act granting an increase of pension to Samuel A.

Miller—to the Committee on Invalid Pensions. S. 3997. An act granting an increase of pension to Jacob

Berry-to the Committee on Invalid Pensions. S. 7473. An act granting an increase of pension to John M.

to the Committee on Invalid Pensions. S. 6531. An act granting an increase of pension to Francis A. Dory-to the Committee on Invalid Pensions.

S. 8017. An act granting an increase of pension to Watson L. Corner—to the Committee on Invalid Pensions.

S. 1520. An act granting an increase of pension to Laura M. Freeman—to the Committee on Invalid Pensions.

S. 1515. An act granting an increase of pension to Elizabeth Strong-to the Committee on Invalid Pensions.

S. 3672. An act granting an increase of pension to Daniel R. Emery-to the Committee on Invalid Pensions.

S. 1136. An act granting an increase of pension to Warren W. Whipple—to the Committee on Invalid Pensions.

S. 8105. An act granting an increase of pension to Anna Arnold-to the Committee on Invalid Pensions. S. 4762. An act granting a pension to Mary A. Brady-to the

Committee on Pensions. S. 5813. An act granting an increase of pension to Marshall T.

Kennan—to the Committee on Invalid Pensions S. 7772. An act granting a pension to Ellen Dougherty—to the

Committee on Invalid Pensions. S. 7722. An act granting an increase of pension to Henderson

Stanley-to the Committee on Pensions.

S. 7803. An act granting an increase of pension to William H. Long-to the Committee on Pensions.

S. 7825. An act granting an increase of pension to Garret P. Rockwell—to the Committee on Invalid Pensions.

S. 6910. An act granting an increase of pension to George F. Chamberlin—to the Committee on Invalid Pensions.

S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave-to the Committee on Pensions.

S. 7877. An act granting an increase of pension to Thomas D. -to the Committee on Invalid Pensions.

S. 7938. An act granting an increase of pension to John W. Messick-to the Committee on Invalid Pensions.

S. 8034. An act granting an increase of pension to Jacob M. F. Roberts-to the Committee on Invalid Pensions.

S. 7830. An act granting an increase of pension to Wilbur A. Stiles—to the Committee on Invalid Pensions.

S. 7628. An act granting an increase of pension to John P. Wildman-to the Committee on Invalid Pensions.

S. 7923. An act granting an increase of pension to William H. Brady—to the Committee on Invalid Pensions.

S. 7553. An act granting an increase of pension to Adolphus P. Clark—to the Committee on Invalid Pensions.

S. 2971. An act granting an increase of pension to Henry O. Bennum-to the Committee on Invalid Pensions.

S. 7555. An act granting an increase of pension to James T. Piggott—to the Committee on Invalid Pensions.

S. 6245. An act granting an increase of pension to Susan Mahany—to the Committee on Invalid Pensions.

S. 7231. An act granting an increase of pension to Oscar F. Richards—to the Committee on Invalid Pensions.

S. 8081. An act granting an increase of pension to William H. Cochran—to the Committee on Invalid Pensions.

S. 8084. An act granting an increase of pension to John Hazen—to the Committee on Invalid Pensions.

S. 8079. An act granting an increase of pension to Joseph Ickstadt-to the Committee on Invalid Pensions.

S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr .- to the Committee on Invalid Pensions.

S. 7872. An act granting an increase of pension to Gilbert H. Keck-to the Committee on Invalid Pensions.

An act granting an increase of pension to Samuel M. Breckenridge—to the Committee on Invalid Pensions

S. 6103. An act granting an increase of pension to William P. Visgar—to the Committee on Invalid Pensions.

7786. An act granting an increase of pension to Chauncey M. Snow—to the Committee on Invalid Pensions. S. 7785. An act granting an increase of pension to Carlo J.

Emerson—to the Committee on Invalid Pensions, S. 7168. An act granting an increase of pension to Edward B.

Shepherd—to the Committee on Invalid Pensions.

S. 7194. An act granting an increase of pension to Lawrence to the Committee on Invalid Pensions.

S. 5558. An act granting an increase of pension to George Payne—to the Committee on Invalid Pensions.

S. 8235. An act granting a pension to James H. Huntingtonto the Committee on Invalid Pensions.

S. 5621. An act granting an increase of pension to Frederick Buehrle—to the Committee on Invalid Pensions. S. 4531. An act granting an increase of pension to Levi M.

Stephenson—to the Committee on Invalid Pensions. S. 8259. An act granting an increase of pension to Henry B.

Love—to the Committee on Invalid Pensions. S. 5756. An act granting an increase of pension to Charles A.

Bell—to the Committee on Invalid Pensions. S. 3552. An act granting an increase of pension to Joseph P.

Wilcox—to the Committee on Invalid Pensions. S. 1350. An act granting an increase of pension to Michael

Cullen-to the Committee on Invalid Pensions. S. 6140. An act granting an increase of pension to Julia A.

Birge—to the Committee on Invalid Pensions. S. 8195. An act granting an increase of pension to Asa E.

Swasey-to the Committee on Invalid Pensions. S. 6672. An act granting an increase of pension to Hannah Peavey-to the Committee on Invalid Pensions.

S 7068. An act granting an increase of pension to Richard B. Hall-to the Committee on Invalid Pensions.

S. 7138. An act granting an increase of pension to George H. to the Committee on Invalid Pensions.

S. 7038. An act granting an increase of pension to William Curran-to the Committee on Invalid Pensions,

S. 6093. An act granting a pension to Hester A. Coller-to the Committee on Invalid Pensions.

S. 6319. An act granting an increase of pension to Angus

Fraser—to the Committee on Invalid Pensions. 2109. An act granting an increase of pension to Elisha T.

Arnold—to the Committee on Pensions. S. 4208. An act granting an increase of pension to Charles V.

Nash-to the Committee on Invalid Pensions. S. 5752. An act granting an increase of pension to Ruth M.

Hoag—to the Committee on Invalid Pensions. S. 6078. An act granting an increase of pension to Elijah B.

Hudson-to the Committee on Invalid Pensions. S. 5718. An act granting an increase of pension to William D. Hoff-to the Committee on Invalid Pensions,

S. 6774. An act granting an increase of pension to James. B. Hackett-to the Committee on Invalid Pensions.

S. 1980. An act granting an increase of pension to Mary O. Foster—to the Committee on Pensions.

S. 8197. An act granting an increase of pension to Arabella J. Farrell—to the Committee on Pensions.

S. 8104. An act granting an increase of pension to Henry Shelley—to the Committee on Invalid Pensions.

8, 7698. An act granting a pension to Fannie S. Grant—to the Committee on Invalid Pensions.

S. 2502. An act granting an increase of pension to Stephen M. Fitzwater—to the Committee on Invalid Pensions.

S. 1935. An act granting an increase of pension to Charles Church—to the Committee on Invalid Pensions.

S. 7129. An act granting a pension to Susan J. Chandler—to the Committee on Invalid Pensions.

S. 6952. An act granting an increase of pension to Martin A. Rubert—to the Committee on Invalid Pensions.

S. 161. An act granting an increase of pension to Ruth E. Rogers—to the Committee on Invalid Pensions.

S. 8056. An act granting an increase of pension to William H. Fountain—to the Committee on Invalid Pensions.

S. 6768. An act granting an increase of pension to John E. Haves—to the Committee on Invalid Pensions.

8. 7476. An act granting an increase of pension to Oliver S. Boggs—to the Committee on Invalid Pensions.

8.7616. An act granting an increase of pension to Ezekiel C. Ford—to the Committee on Invalid Pensions.

S. 883. An act granting an increase of pension to Thomas A. Willson—to the Committee on Invalid Pensions.

S. 2336. An act granting an increase of pension to Annie E. Smith—to the Committee on Invalid Pensions.

S. 6724. An act granting a pension to Mary W. Granniss—to the Committee on Invalid Pensions.

S. 435. An act granting a pension to Luther H. Canfield—to the Committee on Invalid Pensions:

S. 496. An act granting an increase of pension to Lewis Young—to the Committee on Invalid Pensions.

S. 8278. An act granting an increase of pension to Calvin Her-

ring—to the Committee on Invalid Pensions.
S. 7968. An act granting an increase of pension to James Slater, the Committee on Invalid Pensions.

ter—to the Committee on Invalid Pensions. S. 7878. An act granting an increase of pension to Richard J.

Gibbs—to the Committee on Invalid Pensions. S. 6281. An act granting an increase of pension to Joseph C.

Bowker—to the Committee on Invalid Pensions.

8, 7947. An act granting an increase of pension to Charles G.

Sweet—to the Committee on Invalid Pensions. S. 8302. An act granting a pension to Ella B. Morrow—to the

S. 8302. An act granting a pension to Ella B. Morrow—to the Committee on Invalid Pensions.

S. 8201. An act granting an increase of pension to Clara A.
 Keeting—to the Committee on Invalid Pensions.
 S. 3197. An act granting an increase of pension to Hiram

Focht—to the Committee on Invalid Pensions. S. 8397. An act granting an increase of pension to Martin

Peacock—to the Committee on Invalid Pensions.
S. 8147. An act granting an increase of pension to Ann E.

Macy—to the Committee on Pensions. 8,7429. An act granting a pension to Caroline A. Gilmore—to

the Committee on Invalid Pensions.
S. 8196. An act granting an increase of pension to Michael J.

Geary—to the Committee on Invalid Pensions.
S. 7670. An act granting a pension to Sarah E. Lungren—to the Committee on Invalid Pensions.

S. 8212. An act granting a pension to Azelia Mittag—to the Committee on Pensions.

S. 8144. An act granting an increase of pension to Elizabeth A. Bonner—to the Committee on Pensions.

S. 7622. An act granting an increase of pension to George K. Taylor—to the Committee on Invalid Pensions.

8, 7036. An act granting an increase of pension to Liberty W. Foskett—to the Committee on Invalid Pensions.

S. 2387. An act granting an increase of pension to Harvey Smith—to the Committee on Invalid Pensions.

Smith—to the Committee on Invalid Pensions.

S. 8378. An act granting an increase of pension to Eli B. Woodard—to the Committee on Invalid Pensions.

S. 7478. An act granting an increase of pension to William H. Brown—to the Committee on Invalid Pensions

H. Brown—to the Committee on Invalid Pensions,
 S. 4008. An act granting an increase of pension to Charles B.
 Saunders—to the Committee on Invalid Pensions.

S. 8023. An act granting an increase of pension to Harvey N.

Medbury—to the Committee on Invalid Pensions.
S. 2285. An act granting an increase of pension to William W.

Herrick—to the Committee on Invalid Pensions. S. 8049. An act granting an increase of pension to Daniel C. Swartz—to the Committee on Invalid Pensions. S. 5144. An act granting an increase of pension to Morgan H. Weeks—to the Committee on Invalid Pensions.

S. 7655. An act granting an increase of pension to Francis G. Brown—to the Committee on Invalid Pensions.

S. 8407. An act granting an increase of pension to Reuben C. Webb—to the Committee on Invalid Pensions.

S. 8258. An act granting a pension to Mary B. Yerington—to the Committee on Invalid Pensions.

S. 7838. An act granting an increase of pension to Ole Gunderson—to the Committee on Invalid Pensions.

S. 8390. An act granting an increase of pension to Joseph H. Kinsman—to the Committee on Invalid Pensions.

S. 2181. An act granting an increase of pension to Mary G. Potter—to the Committee on Invalid Pensions.

S. 7930. An act granting an increase of pension to Joseph Hare, jr.—to the Committee on Invalid Pensions.

S. 7657. An act granting an increase of pension to Harman Grass—to the Committee on Invalid Pensions.

S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein—to the Committee on Invalid Pensions.

S. 8379. An act granting an increase of pension to Bertha Maria Johnson—to the Committee on Invalid Pensions.

S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles—to the Committee on Invalid Pensions. S. 6518. An act granting an increase of pension to William II. Stiles—to the Committee on Invalid Pensions.

S. 3432. An act granting an increase of pension to Samuel Ellis—to the Committee on Pensions.

S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick—to the Committee on Invalid Pensions.

S. 6616. An act granting an increase of pension to Jacob P. Crooker—to the Committee on Invalid Pensions.

S. 8263. An act granting an increase of pension to Martha L. Bohannan—to the Committee on Pensions.

S. 7344. An act granting an increase of pension to Clara P. Coleman—to the Committee on Invalid Pensions.

S. 3495. An act granting a pension to Joseph H. Boucker—to the Committee on Invalid Pensions.

S. 7679. An act granting an increase of pension to George M. Shaffer—to the Committee on Invalid Pensions.
S. 6177. An act granting an increase of pension to Louisa

S. 6177. An act granting an increase of pension to Louisa Anne Morton—to the Committee on Pensions. S. 8125. An act granting an increase of pension to Mary O.

Cherry—to the Committee on Invalid Pensions, S: 3691. An act granting a pension to Rollin S. Belknap—to

S: 3691. An act granting a pension to Rollin S. Belknap—to the Committee on Pensions.

S. 8006. An act granting an increase of pension to Epaminondas P. Thurston—to*the Committee on Invalid Pensions.

S. 4580. An act granting an increase of pension to William Hale—to the Committee on Invalid Pensions.
S. 8153. An act granting an increase of pension to Henry B.

Johnson—to the Committee on Invalid Pensions. S. 1896. An act granting a pension to Smith Bledsoe—to the

Committee on Pensions. S. 5724. An act granting an increase of pension to George C.

Saul—to the Committee on Invalid Pensions. S. 990. An act granting an increase of pension to Relf Bledsoe—to the Committee on Pensions.

soe—to the Committee on Pensions.

S. 3652. An act granting an increase of pension to Sallie Noble—to the Committee on Invalid Pensions.

Noble—to the Committee on Invalid Pensions. 8, 2792. An act granting an increase of pension to John W.

Ogan—to the Committee on Invalid Pensions. S. 8064. An act granting an increase of pension to Carloss Trowbridge—to the Committee on Invalid Pensions.

S. 8161. An act in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois—

to the Committee on the Judiciary. S. 8347. An act granting an increase of pension to Ervin F. Mann—to the Committee on Invalid Pensions.

S. 8000. An act granting an increase of pension to Inger A. Steensrud—to the Committee on Invalid Pensions.

S. 8089. An act granting an increase of pension to Mary E. Jacobs—to the Committee on Invalid Pensions.

S. 8349. An act granting a pension to Mary Ellen Van Amringe—to the Committee on Invalid Pensions.

S. 8348. An act granting an increase of pension to Cornelius E. Bliss—to the Committee on Invalid Pensions.

S. 6818. An act granting an increase of pension to John E. Anthony—to the Committee on Invalid Pensions.

S. 6277. An act granting an increase of pension to Marie J. Blaisdell—to the Committee on Invalid Pensions.
S. 8435. An act granting to the city of Durango, in the State

of Colorado, certain lands therein described for water reservoirs-to the Committee on the Public Lands.

8, 7512. An act to provide for an additional land district in the State of Montana, to be known as the Glasgow land district-to the Committee on the Public Lands.

S. 6704. An act to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905—to the Committee on the Public

S. 4028. An act granting an increase of pension to Ann H. Barnes—to the Committee on Pensions.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Transportation of remains: To enable the Secretary of the Navy, in his discretion, to cause to be transferred to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees who die outside of the continental limits of the United States, \$10,000: Provided, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898, and shall be available until used, and applicable to past as well as future obligations.

Mr. MANN. Mr. Chairman, I. make the point of order on

Mr. MANN. Mr. Chairman, I make the point of order on lines 22 and 23, unless the chairman of the committee wishes me to reserve it.

Mr. FOSS. I will say to the gentleman that this proviso is always in the appropriation bill every year. What is the gentleman's objection?

Mr. MANN. Mr. Chairman, I will reserve the point of order. You have carried the same item each year, and you say each time that it shall remain available until used. Now, I do not see the necessity of putting a lot of items in the Treasury Department which are available until used, and then make the same appropriations every year. It is easy to calculate what it will be, and under this method you very much discommode the bookkeeping of the Treasury Department of the Government. Can the gentleman tell us what the unexpended balance is of prior appropriations?

Mr. FOSS. I do not know what the unexpended balance is. The Chief of the Bureau said that this appropriation was necessary for this year. We tried to reduce it, but he advised us not to do so because it was running very close.

If that is the case then it does not need to be made available until used, because it will hold over for two

Mr. FOSS. But it takes some time to get these matters back.

I think the gentleman had better leave it as it is.

Mr. MANN. I insist on the point of order.

Mr. MANN. I insist on the point of order.
The CHAIRMAN (Mr. Perkins). The point of order is sustained.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Bureau of supplies and accounts.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, and chief boatswains, chief gunners, chief sallmakers, chief carpenters), and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-supply fund; one chemist, at \$2.500 per annum, and two chemists, at \$2.000 each per annum, 100,000 United States Army emergency rations, \$5.542,000 : Provided, That pay department stores may be sold to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe: Provided further, That section 1581 of the Revised Statutes, as amended by act of June 20, 1906, be, and it is hereby, further amended by adding thereto a paragraph as follows:

"Any article comprised in the Navy ration may be issued in excess of the authorized quantity, provided there be an underissue of the same value in some other article or articles."

Mr. MANN. Mr. Chairman, I reserve a point of order. I

Mr. MANN. Mr. Chairman, I reserve a point of order. I want to refer to this provision: "Any article comprised in the Navy ration may be issued in excess of the authorized quantity, provided there be an underissue of the same value of some other article or articles.

Mr. FOSS. That contemplates simply a change in the component parts of the rations, and may be necessary when our men or officers are over in the Philippines, or something of that It provides that the value shall not be any more than heretofore

Mr. MANN. I can see what it contemplates, and what it contemplates is for the good of the service. What the effect

of it will be is a different proposition. It would authorize the Department, in the Philippines or some other place, to issue a smaller portion of that which is prescribed by issuing an excess of other articles. That might be done in many cases. I simply

call this to the attention of the committee.

Mr. FOSS. I have a letter from the Department, which I will put into the Record. They want to give them more meat in the

high latitudes

Mr. MANN. It might have the effect of giving them less Oh, no; there is no disposition on the part of the Mr. FOSS.

Department to cut down the rations of the men.

Mr. MANN.' I have heard a good many men who served in the Navy tell me there was a disposition to give them bad food, notwithstanding the regulations.

Mr. FOSS. The testimony I have heard is that the United States Navy has the best rations of any navy in the world.

Mr. MANN. I have never served in any of them, and so I can not say, but the gentleman can find plenty of testimony from boys and men who have served in the Navy that the Navy ration is far from satisfactory food. In many cases, and I have no doubt on most ships, it is good.

Mr. FITZGERALD. Mr. Chairman, I desire to ask the gen-

tleman a question. The Revised Statutes provide that certain food shall be issued as rations to the men. Does this contemplate a discretion on the part of the senior officer present as to whether a less amount of certain articles of food shall be issued than is required by law?

Mr. FOSS. In higher latitudes they desire to give the men more meat, whereas in lower latitudes they give them more

fresh vegetables. This contemplates allowing them a little discretion in making up the menu, so to speak.

Mr. FITZGERALD. Will this not permit somebody—probably the senior officer present, because that is what section 1581 provides—will this not permit him practically to determine what the rations shall be? The statute is so framed that there must be a certain amount of certain articles of food issued to the men, and that is provided by statute in order that they shall get the necessary quantity of different kinds of food. Will not this permit the senior officer present to determine just what the rations shall be?

Mr. MANN. Would the gentleman be willing to accept an amendment providing that after the word "may," in line 13, the words shall be inserted "on request of the officers or men" or whatever the proper term is?

Mr. FOSS. I have no objection to that.

Would that cover the case? Are rations issued Mr. MANN. to officers at all?

Mr. FOSS. The only trouble is that the men might not altogether know what is best for them. For instance, they would have to consult the surgeon or the doctor.

Mr. MANN. This is "may;" it is not "shall."

Mr. FOSS. I have no objection, only that this

I have no objection, only that this provision is similar to the Army provision, and so we put it in in this form. was sent to us in this form.

Mr. FITZGERALD. If the gentleman from Illinois will add that part of section 1581 that applies to the other—"Provided, That the same shall be satisfactory to the men Mr. FOSS. I have no objection to that.
Mr. MANN. Then I withdraw the point of or

Then I withdraw the point of order.

Mr. FITZGERALD. I offer the amendment.
The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 16, page 51, after the word "articles," insert: "Provided, That the same shall be acceptable to the mcn."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. VREELAND. Mr. Chairman, is it too late to renew the point of order

The CHAIRMAN. The Chair thinks it is too late.

Mr. VREELAND. I desire to renew it if it is not too late.

I would rather have it go out than see it go in in this form.

The CHAIRMAN. The Chair thinks it is too late after the amendment has been offered and discussed. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 7, noes 32.

So the amendment was rejected.

Mr. FOSS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 16, insert after the word "articles:"
"And provided further, That the unexpended balances under appropriations 'Provisions, Navy, for the fiscal year ending June 30, 1905, and 1906, are hereby reapportioned for 'Provisions, Navy, for fiscal year ending June 30, 1908."

Mr. FITZGERALD. Mr. Chairman, I make the point of

order that that is a deficiency appropriation.

Mr. FOSS. Mr. Chairman, I want to say to the gentleman from New York that on account of the rise in price of food they are unable to supply these rations with the amount mentioned in this appropriation.

Mr. FITZGERALD. But this is clearly a deficiency appropriation and belongs on the deficiency bill and should go

there.

Mr. FOSS. That may or may not be true, but we have unexpended appropriations for the last two years which we did not use by reason of the fact that we were unable to secure the enlisted men for the Navy to the number provided in the quota, and by allowing this reappropriation the Chief of the Bureau of Supplies and Accounts will be able to supply this ration at its increased amount.

Mr. FITZGERALD. The Department can get every dollar it needs by going to the proper committee. That is a deficiency appropriation, and the gentleman's committee has no jurisdic-

tion of it.

Mr. LOUDENSLAGER. But this is not a deficiency.

Mr. FITZGERALD. It is a reappropriation.

Mr. LOUDENSLAGER. It is a reappropriation for the next fiscal year on this item, instead of raising the amount in this bill to an increased amount. It simply reappropriates the amount that has not been expended. There is no deficiency.

Mr. FITZGERALD. How much is the unexpended balance?

Mr. LOUDENSLAGER. About \$500,000.

Mr. FITZGERALD. That will revert to the Treasury.
Mr. LOUDENSLAGER. But it is not a deficiency and, in

my judgment, is not subject to the point of order.

Mr. Chairman, I would like a ruling on the point Mr. FOSS. This, it seems to me, is not subject to the point of order. These appropriations were made last year and the year before, and for the very same objects mentioned in this provision, and all that this amendment seeks to do is simply to reappropriate those moneys. There will be no question as to the right to increase the appropriation.

Mr. FITZGERALD. Mr. Chairman, it clearly changes exist-

ing law. The money was appropriated for a specific purpose.

The CHAIRMAN. Does the gentleman from Illinois yield to

the gentleman from New York?

Mr. FOSS. Certainly. Mr. FITZGERALD. I thought the gentleman had finished. This amendment proposes to appropriate money which under the existing law has been appropriated for a specific purpose for a specific year. This is a change of law under which the appropriation is made, and therefore is a violation of the rule. The CHAIRMAN (Mr. Perkins). The Chair would like to

ask the gentleman from Illinois one question in reference to this amendment. The amendment proposes to reappropriate certain unexpended balances which have been made for the purposes of the Navy. Does the Chair understand that these appropriations were made for objects which had been authorized by law when they were made?

Mr. FOSS. I do not hear the Chair. The CHAIRMAN. The Chair asks whether these appropria-

tions were made for objects which had been authorized by law?
Mr. FOSS. Yes; they have.
Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to the language of the law itself. These appropriations were made for provisions and commuted rations of men for the fiscal years named in the respective appropriation bills as stated in the amendment. The money was appropriated to purchase provisions in those specific years. The law requires that it be expended in those years, and under the statute if it be not expended within a definite time it reverts back into the Treasury. This endeavors to take these appropriations outside of the general statute which makes them revert into the Treasury if unexpended at the expiration of two years. It is a change of the law. These appropriations are made and can only be made, under the Constitution, for the support of the Navy for two years. This is a reappropriation of an amount which would be unavailable at a specified time.

The Chair is of opinion that the question The CHAIRMAN. that has been raised has been covered by previous decisions of those occupying the chair, and in a moment the Chair will call the attention of the gentleman from New York to two decisions which he finds. In one of these decisions it was held:

That a reappropriation of an unexpended balance for an object authorized by law may be made on an appropriation bill.

Now, in answer to the position stated by the gentleman from New York a moment ago, a second decision held-

That a reappropriation of a sum required by law to be covered into the Treasury was not a change of law.

It seems to the Chair that these two decisions precisely cover the questions presented. Money has been appropriated for an object authorized by law and is now reappropriated for a similar object. That is the decision made by predecessors in the chair, and it has been held not to be a change of law and a thing that could properly be done upon an appropriation bill, and the Chair therefore overrules the point of order.

Mr. FOSS. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Contingent, Bureau of Supplies and Accounts: For expressage, fuel, books and blanks, stationery, advertising, furniture and interior fittings for general storehouses and pay offices in navy-yards; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores; safes, newspapers, ice, and other incidental expenses, \$165,090: Provided, That the sum of \$10,000 from the unexpended balance under appropriation "Contingent, Bureau of Supplies and Accounts," for the fiscal year ending June 30, 1907; is hereby reappropriated for "Contingent, Bureau of Supplies and Accounts," for the fiscal year ending June 30, 1908: Provided further, That hereafter the purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed \$500, and when, in the opinion of the proper administrative officers, equally or more advantageous terms can thereby be secured.

Mr. MANN. Mr. Chairman, I reserve the point of order upon

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the

point of order.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment.
In line 3 I move to strike out the word "seven" and insert in lieu thereof the word "six;" so it will read "1906."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 3, strike out the word "seven" and insert "six."

Mr. MANN. Of course, Mr. Chairman, that amendment can not be offered at this moment-

The CHAIRMAN. The amendment can not be considered until the point of order is disposed of.

Mr. MANN. I have no objection to the gentleman asking unanimous consent to perfect the paragraph without affecting the right of the point of order.

Mr. FOSS. I did not expect the gentleman would raise the point of order upon the first proviso, because the Chair has just expressly ruled that a reappropriation is in order, and this only applies to the first proviso.

Mr. MANN. I am not making a point of order to that part of

the paragraph, but still he might withhold the amendment until the point of order is disposed of.

The CHAIRMAN. To what portion of the section does the

gentleman make the point of order?

Mr. MANN. I made the point of order upon the whole paragraph. Of course the part to which I have special reference is the part commencing in line 5, but the point of order is reserved on the whole paragraph. What is the reason, may I ask my colleague, for this, and what will be the effect?

Mr. FOSS. This allows the Department to purchase supplies, when the aggregate amount does not exceed \$500, without formal contract or bond. This provision is similar to the Army provision which I have here. In the Army they are allowed to purchase to an extent of \$500 without formal contract or bond. The Chief of the Bureau of Supplies and Accounts has not permission to purchase a single dollar's worth, and the other day he brought me a list of papers that high [indicating] relating to the purchase of an article costing \$117, and he said there was so much red tape in connection with these small purchases that he thought it would mean a great deal toward the economical administration of his department if he could be placed in the same position as the Army is in relation to this matter.

Mr. FITZGERALD. Is he not in that position now? Mr. FOSS. No; he is not. He can not purchase a dollar's worth.

Mr. FITZGERALD. Section 3709 of the Revised Statutes provides:

All purchases and contracts for supplies or services is any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals.

Under that provision, which applies to all of the Departments, can be not obtain anything that is required in anything

ments, can be not obtain anything that is required in an

emergency?

Mr. MANN. I may say to my colleague [Mr. Foss] that I am in sympathy with the purpose of the proposition, so far as that is concerned, if it can be done without throwing open the public service to grave danger of fraud. I am told that last year there were over 13,000 cases that will be covered by this provision in the Navy Department. Now, it is perfectly manifest. I take it, that in the ordinary purchase of a lead pencil or a case of screws or nails, or something of that sort, it seems not desirable to require a form of contract and bond to be entered into, as is now required, unless the naval officers certify that they have to have the goods within five days' time

Mr. FOSS. They have to certify to an emergency, which they will not certify to. As it is now, you can not buy 50 cents' worth of stuff without going through a whole lot of red tape which will cost the Government ten times the value of the

article purchased.

Mr. MANN. My understanding is that you can not purchase anything, not even a lead pencil?

Mr. FOSS. You can not do anything. Mr. MANN. Without making a contra Without making a contract and bond, unless it is certified that it is a case of emergency?

Mr. FOSS. That is it. Mr. MANN. And the Mr. MANN. And the Department has decided that it takes five days to make a contract and bond, that being the average experience?

Mr. FOSS. The gentleman is right.

Mr. MANN. And the Comptroller holds that unless the goods are needed within five days' time as an emergency they must enter into a contract and bond. Now, that is that side of the case. On the other hand, there are, as I know, a number of cases in the country where under a provision of this kind the officer immediately proceeds to advertise for fifty different bids on the same thing precisely, each for \$499. What is to prevent him from doing that under this provision? Suppose an officer over here determines to purchase \$25,000 worth of stuff, and he buys it in \$499 lots-what is to prevent it as a matter of law?

Mr. FOSS. Oh, I presume he might do it if he wanted to

get around the law.

Mr. MANN. Well, the gentleman and I come from the same

Mr. FOSS. If he wants to take his chance; but where the thing was plain that he was trying to break the law, I do not

think he would do it.

Mr. MANN. The gentleman and I come from the same city, where the law provides that the officers of the city can enter into no contract exceeding \$500 without publishing advertisements and bids, and yet it is the common practice in that city to pay streets to lay sidewalks and I may say to my friend. to pave streets, to lay sidewalks, and, I may say to my friend from Michigan [Mr. Loud], it is a practice not confined to Chicago to let different contracts, each for less than \$500, because the law does not govern that and cover the whole amount, amounting to thousands of dollars, by disobeying the spirit of The CHAIRMAN. The time of the gentleman from Illinois [Mr. Mann] has expired.

Mr. FOSS. I call for a vote, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Illinois insist

upon his point of order?

Mr. MANN. Mr. Chairman, if there is any way of modifying this, I am extremely anxious to give the Navy Department proper regulations.

The CHAIRMAN. All the Chair desires to know is if the

gentleman insists on the point of order?

Mr. MANN. At present I wanted to reserve the point of order, if I might, and get the assistance of the Committee on Naval Affairs in perfecting the paragraph.

Mr. FOSS. I would say to the gentleman from Illinois that this provision is similar to the Army provision, and if it does not suit him I suggest that he insist upon his point of order. It is recommended by the Department, and the language, almost word for word, is that used in the Army provision.

Mr. FITZGERALD. Mr. Chairman, may I ask the gentleman from Illinois [Mr. Foss] a question?

Would it not be proper if this condition exists to so amend

this provision of the Revised Statutes that all of the Departments would be relieved of this embarrassment, so that every committee would not come in with patchwork amendments of the Revised Statutes?

Mr. FOSS. I should think the best way to fix any amendment would be by including all the Departments in a separate bill. But this provision relates to the Navy, and all we ask is that we

should be put on the same basis as the Army.

Mr. MANN. This is a very different provision, the gentleman from Illinois knows, from the Army provision.

Mr. FOSS. Substantially the same.

I should say substantially very different.

The CHAIRMAN (Mr. Perkins). Does the gentleman from Illinois insist upon the point of order? The Chair understands the point of order is made against the whole paragraph.

Mr. MANN. I made the point of order against that part of

the paragraph beginning with "Provided further," on line 5, and

going to the end of the paragraph.

The CHAIRMAN. The point of order is sustained, beginning with the words "Provided further," in line 5, down to and including line 13. The question is on the amendment offered by the gentleman from Illinois.

Mr. FOSS. Mr. Chairman, I offered an amendment in line 3. The CHAIRMAN. Precisely.
Mr. FOSS. Striking out "seven" and inserting "six."
The CHAIRMAN. The question is on that amendment.
The question was taken; and the amendment was agreed to.

The Clerk read as follows

Navy-yard, Mare Island, Cal.: In general storehouse: Two book-keepers, at \$1,200 each; two assistant bookkeepers, at \$720 each; one receiving clerk, at \$1,000; one shipping clerk, at \$1,000; one bill clerk, at \$1,000; one clerk, at \$1,000. In yard pay office: One writer, at \$1,017.25; in all, \$9,857.25.

Mr. KNOWLAND. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amend, on page 55, by striking out all of paragraph, beginning with line 14, and insert in lieu thereof:
"Navy-yard, Mare Island, Cal.: In general storchouse: Two book-keepers, at \$1,400 each; two assistant bookkeepers, at \$900 each; one receiving clerk, at \$1,200; one shipping clerk, at \$1,200; one bill clerk, at \$1,200; one clerk, at \$1,200. In yard pay office, one writer, at \$1,200; in all, \$11,800."

Mr. Chairman, I make the point of order against that amendment. I will reserve the point of order if the gen-tleman desires to say anything about it.

Mr. KNOWLAND. Mr. Chairman, in offering this amendment which if adopted would make an annual increase of \$2,000 to be distributed among ten employees in the general store-house at Mare Island, Cal., I do so as a matter of common jus-tice and in view of certain facts affecting these particular clerks. Let me explain that there are two classes of clerks employed

at navy-yards-per diem clerks, whose salaries are fixed by the Secretary of the Navy, and those coming under "civil establishment," who are paid per annum salaries, and whose pay is fixed by Congress. The Secretary of the Navy has very properly, in view of the abnormal conditions existing in California at the present time, raised the salaries of the per diem clerks in the offices of the general storekeeper and paymaster of the yard. The result is that clerks working side by side, with duties that are practically identical, are in some instances favored because they happen to be per diem employees, while others who are obliged to come to Congress are denied justice. This is a condition that should not exist. Some of these men receive but \$720 per annum, and this Government should not expect any man to support a family upon such a pittance. Conditions in California at the present time are unusual. Since the great fire the price of labor has advanced in all lines. Many private individuals and corporations have been obliged to meet these conditions. The cost of living has increased to an extent alarming to the man with a small salary.

Within the past eighteen months twenty clerks in the office of the general storekeeper have either resigned or been transferred to other departments because they could not exist upon the meager salary. It is impossible to obtain competent men at the salaries paid, and unless conditions are remedied the efficiency of the force will be greatly impaired. The volume of business done by the general storekeeper and the paymaster of the yard is approximately nine millions a year. The expense of the office and laboring forces of these two departments is only about one-

tenth of 1 per cent of that amount.

In view of all these facts, and in justice to these men, I hope the chairman of the Naval Committee will not insist upon his point of order.

Mr. FOSS. Mr. Chairman, I want to say just one word, and that is this: I believe that when we increase the salaries of clerks we can increase them for all the navy-yards instead of the navy-yards on the Pacific coast. Therefore I insist upon the point of order.

Mr. KNOWLAND. Will the chairman of the committee yield for a question?

Mr. FOSS. Certainly.

Mr. KNOWLAND. Is it not a fact that the Secretary of the Navy has made the increases mentioned?

Mr. FOSS. I do not know that to be the fact; but it has never come to the Naval Committee.

Mr. KNOWLAND. I know it to be the fact.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order? If not, the point of order is

The Clerk read as follows:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels affoat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy-yards, inspectors' offices, such as advertising, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, \$7,900,000: Provided, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: Provided further, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material:

Mr. FOSS. Mr. Chairman, I desire to offer an amendment in line 1, page 58, after the word "dollars." Instead of those two provisos I offer this amendment, which has been prepared by the Secretary of the Navy. It is substantially the same as the provisos in the bill on page 58.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in lieu of the provisos appearing in lines 1 to 12, inclusive, on

Insert in lieu of the provisos appearing in lines 1 to 12, inclusive, on page 58:

"Provided, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

"That hereafter, except by special authorization of Congress, repairs or alterations to iron or steel ships will not be undertaken when the estimated cost of such repairs or alterations, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost appraised in like manner, of a new ship of the same size and like material.

"Provided. That nothing herein contained shall denotes the Secretary

"Provided, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas so far as may be necessary to bring them home."

Mr. MANN. I reserve the point of order.

Mr. FOSS. Mr. Chairman, the only difference between the provision as recommended here in this bill and the provision as sent to us by the Secretary of the Navy in his letter, which I have just offered, is that the second proviso is made permanent law, the word "hereafter" is inserted, and also the proviso at the end of the paragraph, providing that for vessels damaged in foreign waters or on the high seas there shall be no limitation on the amount of repairs necessary for the purpose of bringing our vessels back home.

Mr. CRUMPACKER. I want to know about the policy of limiting the using of the appropriation in the repair of wooden ships—for instance, repairs that cost to exceed 10 per cent of the value of a new ship. Suppose a wooden ship that is prac-tically new is damaged to such an extent that the repairs will cost more than 10 per cent. What provision is there in the law for the repair of that kind of a ship? Is there any?

Where it would exceed 10 per cent there is no Mr. FOSS.

provision of law.

Mr. CRUMPACKER. What is the policy of the Government in disposing of hulks or ships where it might cost, perhaps, 15 per cent of the value of a new ship to make the repairs?

the Government abandon that class of ships?

Mr. FOSS. We have practically abandoned wooden ships.

They are obsolete in all navies. We have a few old hulks left.

Mr. CRUMPACKER. Take the iron ships, where the repairs are of such a nature that they will cost more than 20 per cent of the cost of a new vessel. A ship may be in substantially good condition, but may meet with some accident which will take 25 per cent of the cost of a new vessel to put it in repair. Have you any policy now of reclaiming or repairing that kind of an iron ship?

If the repairs exceed 20 per cent, the Depart-Mr. FOSS. ment must submit the matter to Congress under this proposed amendment, and let Congress decide whether the repairs shall

Mr. CRUMPACKER. So that it is not the policy of the Government to abandon iron or steel vessels that have been disabled? Mr. FOSS. Oh, no; simply if the repairs exceed 20 per cent

of the cost of a new vessel that the estimate must be submitted to Congress for its approval.

Mr. CRUMPACKER. Now, this amendment which the gentleman offers makes this permanent law?

Mr. FOSS. This will make it permanent law.

Mr. CRUMPACKER. This provision has been carried in the bill for many years.

Mr. FOSS. Yes; for wooden ships, but not for iron or steel

ships. Mr. CRUMPACKER. Have not naval appropriation bills

heretofore carried the same provision? Mr. FOSS. Yes; as to wooden ships, but not the second pro-

Mr. TAWNEY. Will the gentleman allow me to make a suggestion?

Mr. FOSS.

Mr. FOSS. Yes. Mr. TAWNEY. I will state to the gentleman from Indiana that when the naval bill was under consideration in the last session of Congress, I offered an amendment limiting the amount to be expended in the making of repairs to 10 per cent of the cost of the vessel, which amendment was resisted by the gentleman in charge of the bill and finally after discussion was voted down, and no provision was put in at all. The naval appropriation bill has never carried any provision limiting the amount to be expended to repair a ship.

Mr. LOUDENSLAGER. I beg the gentleman's pardon, but

it has in wooden ships.

Mr. TAWNEY. I mean steel and iron vessels. Under the policy and under the practice it has got to this point where the Navy Department has reconstructed vessels out of general appropriations, as was demonstrated in the last session, by expending as much as a million dollars under the head of "repairs," and, in fact, reconstructing everything except the hull. Now, 20 per cent is, in my judgment, altogether too large. In the first place, the Secretary of the Navy determines the necessity for the expenditure and makes the expenditure and reports to nobody.

The amount to be expended should be limited to repairs and not to reconstruction. On a battle ship, costing \$5,000,000, there can be expended under this provision a million dollars under the head of "repairs," whereas that would involve new armament and new machinery. They could reconstruct a whole

vessel.

Mr. MANN. Suppose we should be so unfortunate as to have a war and one of our battle ships should be injured, would the gentleman say it should not be the policy of the Government to repair the damaged vessel? Or suppose what happens every few days, a naval vessels runs on a rock?

Mr. ROBERTS. Oh, I object; it doesn't happen every few

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CRUMPACKER. I move, Mr. Chairman, to strike out the last word.

Mr. MANN. That amendment is not in order; I have a point of order pending

The amendment of the gentleman from The CHAIRMAN. Indiana is not in order.

Mr. CRUMPACKER. If the point of order is pending, I do

not understand that the five-minute rule applies,

Mr. MANN. Discussion is proceeding by unanimous consent. The CHAIRMAN. All of this debate is by unanimous consent. Mr. TAWNEY. I ask, Mr. Chairman, that I may have the floor for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. MANN. Does the gentleman from Minnesota think that if an accident happens and damages result to a vessel of the Navy, it should not be repaired?

Mr. TAWNEY. Not at all; but I do say that the present policy of the Navy Department should be limited. That policy is that under the head of repairs they are practically reconstructing naval vessels.

Mr. MANN. I quite agree with the gentleman from Minnesota, but here is a proposition of the Navy itself to get rid of repairing old vessels so that they can have all new vessels.

Mr. TAWNEY. Oh, I do not think there is any intention of that kind at all. This matter was first brought to the attention of the Navy Department and to the attention of Congress at the last session, when it was proposed to limit the amount that could be expended to 10 per cent, and the discussion developed the fact that the present policy is to increase or practically make these expenditures without regard to whether they were repairs or new construction. That is what they are doing. For example, if an admiral is ordered to take a squadron out on a cruise and he wants a battle ship in the navy-yard, he can make any repairs he wants to, provided he can get the approval of the Secretary of the Navy.

Mr. MANN. And provided the appropriation made for the purpose warrants it.

Mr. TAWNEY. Notwithstanding the appropriation made during the last session of Congress, there was a deficit of \$2,000,000 as the result of the present policy.

Mr. MANN. If the gentleman's committee had refused to appropriate that deficiency-

Mr. TAWNEY. Which the committee did—
Mr. MANN. Which the committee did—that policy would stop to that extent.

Mr. FITZGERALD. I beg the pardon of the gentleman from Minnesota, but I think the deficiency was only \$1,000,000.

Mr. TAWNEY. My recollection is that it was two million,

but possibly it was only one million. I think this limitation on the power of the Secretary to authorize the expenditure of money under the head of repairs is a good one, but I think the limitation is too large—that is, the percentage is too large, because on a \$13,000,000 battle ship, such as we propose now, he could spend as much as a new battle ship cost some years ago.

Mr. MANN. Does the gentleman think we ought to apply the same kind of limitation to vessels in the Light-House

Service and the Revenue-Cutter Service?

Mr. TAWNEY. No; I do not think there has been any attempt in that direction. I think it would be good policy if the same conditions existed in the Light-House Service and the Revenue-Cutter Service, because I do not believe it tends to good administration to give to any one man the power to de-termine the necessity of the expenditure of one or two million dollars, and then make the expenditure and report to nobody.

Mr. MANN. Well—"report to nobody"—they report to Con-

gres

Mr. TAWNEY.

Y. No; they do not.
All the expenditures. I say to the gentleman Mr. MANN. that, in my judgment, if the rule was applied to the light-house service we would have to appropriate for practically more than one-half of the present light-house service within the next two or three years.

Mr. TAWNEY. Not at all; it would not increase the appropriation. The amount to be appropriated for new vessels is

always in the discretion of Congress,

Mr. MANN. It would put out of service a large number of the present large light-house tenders and revenue cutters, because these vessels constantly come to a place where they must expend more than 20 per cent in repairs or go out of service.

Mr. TAWNEY. Yes; but they always come to Congress to get the money to make these repairs. In this case the Navy Department does not come to Congress and secure the appropriation for the extraordinary repairs or the new construction. That is the reason why this limitation ought to go on, and I hope the gentleman from Illinois will not insist on the point of order. I think the provision is a good one.

The CHAIRMAN. The time of the gentleman from Minne-

sota has expired.

Mr. PADGETT. Mr. Chairman, in reference to the point of order, I want to suggest that the gentleman from Illinois [Mr. Foss], the chairman of the committee, had offered his amendment and the reading of it was about completed before the gen-tleman from Illinois [Mr. Mann] reserved the point of order, and the original provision in the bill being subject to a point of order, it is permissible to amend that by this, and the point

of order is not good.

Mr. MANN. Mr. Chairman, the original provision in the bill was not subject to the point of order, but the amendment is subject to the point of order, and I insist upon the point of

The CHAIRMAN. The point of order being insisted upon, the Chair sustains the point of order.

Mr. FOSS. Mr. Chairman, I offer then the proviso recom-mended by the committee in the bill.

Mr. MANN. That is already in.
Mr. FOSS. Do I understand that the provisos recommended by the committee remain in the bill?

The CHAIRMAN. The Chair understood the gentleman from

Illinois to raise the point of order to the whole amendment.

Mr. MANN. To the whole amendment, not to the provision in the bill.

The CHAIRMAN. Only to the amendment, certainly.
Mr. FOSS. Then I offer the last proviso, relating to ships in foreign waters.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 58, line 12, after the word "material," insert:
"Provided, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Construction plant, naval station, Charleston, S. C.: Repairs to, and improvement of, plant at naval station, Charleston, S. C., \$20,000.

Mr. MANN. Mr. Chairman, I reserve the point of order to the paragraph from line 16 to line 18 on page 59. Is there any plant at this place now? Mr. FOSS. There is.

Mr. FINLEY. I would like the gentleman to state what his point of order is.

The point of order is that it provides for the im-Mr. MANN. provement of the plant, and there is no authority to improve it, Mr. LEGARE. There is a plant there now.

Mr. FINLEY. The Port Royal plant was moved to Charleston

some years ago.

This item has never been in the bill before. Mr. MANN.

Mr. FINLEY. I do not think that makes any difference.
Mr. MANN. It may not make any difference on the point of Of course, I think the provision is subject to the point of order, but I do not care to make it if it is really for the purpose of taking the place of the Port Royal appropriation.

Mr. FITZGERALD. Is this appropriation for repairs?

Mr. LEGARE. An increase. Mr. FITZGERALD. Is this appropriation for repairs to a plant?

Mr. LEGARE. No; it increases the size of the plant. Mr. FITZGERALD. There has been no work done yet at the Charleston yard in the construction department.

Mr. LEGARE. How does the gentleman mean?
Mr. FITZGERALD. I mean there have been no repairs to ships by the construction bureau of the Navy at the Charleston yard. According to the statement of the Chief of the Bureau it will not be ready to do any work for eighteen months. Why should there be an appropriation to repair a plant that will not be doing any work for eighteen months?

Mr. LEGARE. Why, Mr. Chairman, the gentleman is mis-

taken.

Mr. FITZGERALD. I am not. I have the testimony before me.

Mr. LEGARE. I do not care where the gentleman got his testimony or from whom he got it or when he got it. been there and seen with my own eyes that they are doing re-

pair work there at this time on a small scale.

Mr. FITZGERALD. But Admiral Capps, the Chief of the Bureau of Construction, differs with the gentleman, and although the gentleman from South Carolina may have been at the yard, I am inclined to believe that the head of the Bureau of Construction and Repair is better informed as to whether his Bureau is doing any work at that yard than is the gentleman from South Carolina.

Mr. MANN. I should say the gentleman from South Carolina was a better judge of naval affairs than the constructor.

Mr. LEGARE. Well, I do not agree with either gentlemen, Mr. Chairman, but I know; I have been there and seen the work done

Mr. FITZGERALD. Admiral Capps said:

We have had no appropriation made for that yard, and the yard may saibly be ready for operation in the next eighteen months.

Mr. LEGARE. Admiral Rousseau, Chief of the Bureau of possibly

Yards and Docks, is prepared to have it ready for service within a year. I read his letter to this House on yesterday to that effect.

Mr. FITZGERALD. He has nothing to do with the construc-

tion plant.

Mr. LEGARE. But he has been down there only within the last month and went over everything thoroughly, and he wrote me a letter to that effect, that he proposed to have the yard ready for use within a year.

Mr. FITZGERALD. Admiral Capps said further: "My recommendation would be not to do any work there until the yard is properly prepared for such work, including the dock." Of course, if it be necessary to repair the plant which has never been used, if the committee insists that \$20,000 is needed for that purpose, I have not the slightest doubt the House will approve, and I shall not attempt to strike it out.

The CHAIRMAN. Does the gentleman from Illinois insist

upon his point of order?

Mr. MANN. No; I do not insist.

The Clerk read as follows:

One professor of mathematics, one of mechanical drawing, one of English, one of French, and one of Spanish, at \$2,500 each.

Mr. MANN. Mr. Chairman, I reserve the point of order

upon the paragraph just read, lines 20 to 22, and I would like to ask my distinguished friend now in charge of the bill, whose great ability enables him to answer questions at all times, what is the reason for inserting a professor of mechanical drawing, instead of a professor of chemistry?

Mr. LOUDENSLAGER. I can only say, in the hearings be-fore the committee by Admiral Sands and Professor Dodge, they said it came more in conformity with the work of the professor, and they desired that change.

Mr. MANN. Well, Mr. Chairman, in view of the clear and succinct statement of the gentleman in charge of the bill, I will withdraw the point of order.

Mr. LOUDENSLAGER. I thought so, and I hope the Clerk will please read.

The Clerk read as follows:

Provided, That the Naval Academy Band shall consist of one leader, who shall have the rank, pay, and allowance of a second lieutenant in the Marine Corps; one second leader, with pay at the rate of \$50 per month; thirty-three musicians, first class, and eleven musicians, second class: Provided further, That all members of the Naval Academy Band shall be regularly enlisted for four years in the Navy for special service at the Naval Academy; And provided further, That the laws relating to pay and retirements of enlisted men of the Navy be, and the same are hereby, made to apply to members of the Naval Academy Band: And provided further, That all members of the band shall be credited with all prior service of whatever nature in said band, as shown by the records of the Naval Academy and pay rolls of the ships attached to the academy.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that paragraph; I think I shall have to make the point of

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard?

Mr. LOUDENSLAGER. I do not desire to be heard, Mr. Chairman, in opposition to the point of order, because I am of the opinion that the point of order is good.

Mr. MANN. It is clearly subject to the point of order, but I thought possibly the gentleman was willing to make a noise because it is about a band.

Mr. LOUDENSLAGER. The effort is to get a little better noise at the academy. Admiral Sands, superintendent of the academy, desired to have the band upon a different and better basis, so as to employ men and raise the tone and dignity of it, as well as the quality of the music.

Mr. MANN. Then you are going to put the music on a higher

tone?

Mr. LOUDENSLAGER. The estimated amount of increase of cost between the present status of the band and the one which is proposed is about \$2,000. The committee considered the matter and rather desired to comply with the superintendent's request, but we also recognized it is subject to the point of order.

Mr. MANN. As it is said in the humorous cartoons, while the gentleman might make a noise like a band-

Mr. LOUDENSLAGER. I may say further in line with the suggestion made to me by the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN], this practically makes the Naval Academy band upon the same basis as the one at West Point.

Mr. MANN. Of course that is the object, and if it does not happen to be exactly on the same, if there is half a thousandth part of a hair's difference between the two in favor of the Naval Academy, next year the Military Academy bill will contain a provision to remedy that and to lift up the material of their band.

Mr. LOUDENSLAGER. I can not say that would be the case, but I can say frankly if that should be the case, I believe there will be made an effort in the bill to do so.

Mr. MANN. Does the gentleman believe it will ever be possible to make the bread and molasses come out even between

the naval and military establishments?

Mr. LOUDENSLAGER. I think this will bring it about as near as possible; much nearer than if the point of order is made and sustained.

Mr. OLMSTED. Will you allow me to ask you a question?

Mr. LOUDENSLAGER. Certainly.

Mr. OLMSTED. This gives the leader of the band the pay of a second lieutenant of the Marine Corps. Can you inform

me what that pay is?

Mr. LOUDENSLAGER. I think it is about seventeen or eighteen hundred dollars.

Mr. BUTLER of Pennsylvania. It is \$1,400, same as in the

LOUDENSLAGER. I thought it was higher than that.

I call for a ruling, Mr. Chairman, on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Pay of watchmen, mechanics, and others, Naval Academy: Captain of the watch, and weigher, at \$2.50 per diem; second captain of the watch, at \$2.24 per diem; twenty-two watchmen, at \$2 per diem each; foreman of steam-heating works of the academy, at \$5 per diem; labor at power house for masons, carpenters, and other mechanics, laborers, and attendants; and for care of buildings and grounds, wharves, and boats; in all, \$100,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph in order that I may ask the gentleman in charge of the bill a question. We have been very successful in clu-cidating information from the gentleman, and I have even noticed how particular the Committee on Naval Affairs has been in making appropriations and in reference to expenditures, but this is the first time I ever saw in any committee where they brought in a matter of \$2.24. Is this on the bargain-counter theory

Mr. BUTLER of Pennsylvania. That could not be helped

Mr. MANN. The captain of the watch is a new proposition, subject to the point of order, and the second captain of the watch is at \$2.24 per diem. What great principle of state actuated the committee in cutting this proposition down from \$2.25 to \$2.24?

Mr. LOUDENSLAGER. I do not know that I can give the

gentleman any great amount of information upon that. sume it was rated at about so much per hour for an eight-hour day's work. But that is a presumption on my part. It was a recommendation from the commandant of that building, and I presume it is about 20 cents an hour, if the gentleman will figure

I withdraw the point of order.

Mr. FITZGERALD. Why are the twenty-two watchmen authorized instead of seven?

Mr. LOUDENSLAGER. In reply I will say to that, as the gentleman from New York very well knows, in recent years we have been making quite a large appropriation at the academy These new buildings are now being comfor new buildings. pleted and occupied, and they require a great deal larger service in the line of watchmen, and the admiral was very clear and specific when he told us that the watchmen he had on there were insufficient.

Mr. MANN. They had seven last year. Would not fourteen be enough for another year?

Mr. LOUDENSLAGER. No. They were not even half enough for last year, and there are an extra number of new buildings that will come into use and occupancy and have to be watched during the next fiscal year.

Mr. FITZGERALD. If the gentleman feels that they ought to have these watchmen, I will not interfere. It seems to me to

be an extraordinary increase.

Mr. LOUDENSLAGER. I am confident that it will be of. service to the academy.

Mr. FITZGERALD. Are these men on watch during the daytime or nighttime?

Mr. LOUDENSLAGER. Both. They are divided off into different watches.

Mr. MANN. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

In all, Naval Academy, \$428,188.36.

Mr. SOUTHARD. Mr. Chairman, I would like to return

I want to ask the gentleman from Ohio [Mr. SOUTHARD] if he will not permit us to read through the Marine Corps and get up to the increase of the Navy before he takes up

the proposition which he intends to take up.

Mr. SOUTHARD. Mr. Chairman, personally I have no objection, but there are reasons why it should perhaps be called up now instead of waiting until we get further along.

The CHAIRMAN. Without objection, the Clerk will report the amendment on page 33.

The Clerk read as follows:

On page 33, after the word "dollars," in line 15, insert: "For an addition to brass and iron foundry, to cost \$300,000, \$100,000."

The CHAIRMAN. To that a point of order has been raised by the gentleman from Pennsylvania. That point of order is pending. Does the gentleman from Ohio wish to discuss the merits of the proposition or the point of order?

Mr. SOUTHARD. I understand the point of order has been raised to the amendment as it now is.

The CHAIRMAN. The point of order has been raised and is

Mr. SOUTHARD. I desire to say a word further on the point of order. At this time, Mr. Chairman, I will not attempt to discuss the merits of this proposition. I find no affirmative act, what we usually term an "organic act," establishing a naval

gun factory at the Washington Navy-Yard. This term "naval gun factory" is an evolution. Away back in the fifties or six-ties we made appropriations for a gun foundry at the Washington Navy-Yard. So I take it that at that early date we had in existence in the navy-yard what is known as a "gun foundry." Afterwards appropriations were made for what was termed a "gun plant," and the words "gun factory" were used first in legislation, so far as I have been able to discover, in the act of 1889; and on June 30, 1890, an appropriation was made in terms for the "Naval Gun Factory" at the Washington Navy-Yard. By the naval act approved March 3, 1883, the President is authorized to select an ordnance board, and by the act of March 3, 1889, an appropriation was made to complete the gun plant and other buildings at the Naval Gun Factory. That appropriation is in the following words:

To complete the construction and equipment of ordnance shops, offices, and gun plant at Washington Navy-Yard, to be made immediately available, \$625,000.

I will say, Mr. Chairman, that this building, which is now known as the "foundry" was built in 1867, and was then a part of the Steam Engineering Bureau. By Executive order No. 354, made August 14, 1886, the building was turned over to the Ordnance Department, establishing what is now called the "Naval Gun Factory." Changes and alterations have been made since that date and numerous appropriations for buildings at the gun factory have been made. These buildings have been erected and appropriations for equipment have been made until now we have a plant there which has involved an expenditure of millions of dollars.

Now, the question is, and, as I understand it, the only ques-tion is, Is this a public work or object which is now in progress? I confess, Mr. Chairman, that I can see but one side to this question. If it is not a public work or public object already in progress, what is it? What would be a public work or object already in progress? It is something we have been appropriating for annually for many years. This appropria-tion seeks an enlargement of a part of this factory already in existence. It seems to me, Mr. Chairman, that there is no chance for argument on the other side. I think that is all I have to say at this time.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard upon the point of order?

Mr. BUTLER of Pennsylvania. Mr. Chairman, I submit to the Chair that this is legislation obnoxious to the rule, and therefore the point of order should be sustained. guage which the Chair has before it is this: "For an addition to brass and iron factory, to cost \$300,000, \$100,000." I submit to the Chair that is a plain legislative provision, obnoxious to the rule, and subject to the point of order.

The CHAIRMAN. The Chair assumes that this is a public work in progress there can not be any doubt about. And the appropriation to give to it the addition the gentleman from Ohio refers to in the opinion of the Chair is not a limitation upon the cost. The act says "complete." It has over and It has over and again been held prior to and during this Congress that to limit the cost is a legislative provision and can not be incorporated in an appropriation bill; and this amendment is clearly an at-tempt, by this appropriation, to limit the cost, and therefore it is obnoxious to the rules; and the Chair sustains the point of order.

Mr. SOUTHARD. The Chair has reference to the limitation to \$300,000

The CHAIRMAN. Most certainly; and the point of order is

Mr. SOUTHARD. Then I offer the amendment with that part of it stricken out.

The CHAIRMAN. The gentleman offers the following amendment.

The Clerk read as follows:

Page 33, after the word "dollars," in line 15, insert: "For addition to brass and iron foundry, \$100,000."

Mr. MANN. I make the point of order on that.

The CHAIRMAN. What is the gentleman's point of order? Mr. MANN. Mr. Chairman, I understand that the law for this brass foundry—the statute or appropriation—has in it a provision for the completion of the foundry. If that is the case,

this is not a public work in progress.

The CHAIRMAN. The Chair thinks that that was descriptive of the appropriation, and was not and could not fairly be construed as a definite limitation upon the limit of cost; and the Chair thinks that it is within the power of the committee to make an appropriation without now providing any limitation for an addition to that plant which is now in operation, for a new building or an addition to the building now in operation.

Mr. MANN. This is a very important ruling, because it has

been the practice in the appropriation bills providing for the commencement of a public work, for the continuation of a public work, or for the completion of a public work; and it has been certainly understood generally that where you provide for the commencement of this work in progress, where you provide for the continuation of the work in progress, and where you provide for the completion, that is a limitation on the cost of the public work, not a matter of description. It is carried on many of the appropriation bills, especially in the sundry civil appropriation bill in reference to various items provided for in the bill. If the law separately provides in a given case a limitation of cost, that fixes it; but where there is no separate law providing a limitation of cost, I think it has been generally understood that the provision for completion fixed the limit of cost so far as that work in progress was concerned. Now, that was the case with reference to this foundry. The last appropriation provided, as we find, for the completion of the work, and they could only use that.

The Comptroller has held in cases of that kind that they could only do that if they can complete the work. Now, for instance, in the river and harbor bill we provide items for the completion of public works, and in order that it shall not forbid the carrying on of the work if the amount is not sufficient to complete the work, they always add a section authorizing the Department to proceed with the work if the amount provided is not sufficient to complete it, because without that separate section of the bill authority to complete the work for a certain amount of money would not authorize them, under the holding of the Comptroller, to expend a dollar of it unless it could be completed.

Mr. SOUTHARD. Is the gentleman referring now to the language in the amendment offered?

Mr. BUTLER of Pennsylvania. Oh, no; he is referring to the

original appropriation.

Mr. SOUTHARD. Then, I want to say that this building which we are now appropriating to enlarge was built and completed before the appropriation referred to was made. It does not refer to this additional building at all.

The language is:

To complete the construction and equipment of the ordnance shops, offices, and gun plant at the Washington Navy-Yard, to be immediately available, \$625,000.

As I stated, this building, now used as a foundry, was built, as I understand, before that time for the Bureau of Steam Engineering, and by an Executive order was transferred to the Ordnance Bureau and made a naval gun factory, or a part of the Naval Gun Factory. The language refers not to this building, but to a number of buildings that were then under construction and nearing completion.

Mr. MANN. Mr. Chairman, whatever may be the fact about that, here is an act of Congress stating-

To complete the construction and equipment of the ordnance shops, offices, and gun plant at the Washington Navy-Yard-

That covers the completion of the whole So much money. plant so far as building is concerned, and under that direction the completion of the plant and the buildings must be made within the amount provided in that law, so far as authorization is concerned, because this is a part of the gun plant and a part of the ordnance shops.

Mr. SOUTHARD. Is the gentleman aware that this public object or work has been progressing from that time to this, and that hundreds of thousands of dollars have since been appro-

priated for it?

Mr. MANN. Oh, I am aware that the point of order is often not made when an item is subject to a point of order. provide by law that a building shall cost not to exceed \$200,000 that does not prevent Congress making an appropriation of \$100,000 additional, but if the item comes in it is subject to a point of order just the same.

Mr. SOUTHARD. Let me ask the gentleman another question. Take a plain proposition. We will suppose that a million dollars is appropriated for the completion of a dry dock. It would then become a public work or object. Supposing that dry dock were found to be too small. Will the gentleman say that it would be necessary to obtain another authorization before you could appropriate \$100,000 to complete it?

Mr. MANN, You could repair a dry dock. Of course, repairs for a public building can be made, but if you make a provision to complete a dry dock at a cost of a million dollars you could not appropriate one cent against a point of order above that sum of money for the completion of the dry dock, without changing the law.

The CHAIRMAN. The Chair thinks that the words "to complete" do not definitely fix a limit of cost in the mind of the lawmaking power. It does not say that the lawmaking

power, in making that statement, intends to definitely limit the total cost of that work to that amount for all time. statement is made, as was made in the amendment as originally With that understanding, that there has heretofore been no definite declaration of Congress limiting the cost of this

general work, the Chair overrules the point of order.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move to amend the amendment of the gentleman from Ohio by striking out "one hundred" and substituting therefor "twenty;" so that it will read \$20,000 instead of \$100,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "one hundred" and insert "twenty;" so that it will read \$20,000."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. SULZER. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the amendment?

Mr. SOUTHARD. I desire to be heard.

The CHAIRMAN. The Chair then first will recognize the gentleman from Ohio.

Mr. SOUTHARD. Mr. Chairman, the improvement provided for in this amendment is one which is necessary, absolutely necessary, to the reasonably economical administration of this gun factory. It has been recommended by almost everybody in authority. Everybody who has had any connection with the management of this gun factory has recommended it, and it seems to me it is practically beyond dispute that some appropriation should be made looking to better facilities for a foundry at the Government navy-yard.

Three years ago the estimates which came in to the Chief of the Bureau of Yards and Docks for things desired at the different navy-yards amounted to \$42,000,000. They came to the Chief of the Bureau of Yards and Docks, and by him they were scaled down to something like \$15,000,000. They then went to the Secretary of the Navy and by him they were sifted again, and the amount of appropriation for this purpose recommended by

him to the Naval Affairs Committee was something like \$9,000.

This proposed appropriation for a new foundry at the navyyard was retained as one of the most meritorious, and this same thing has happened year after year for three years. It has been recommended in that way by the Secretary of the Navy; by Admiral Endicott, Chief of the Bureau of Yards and Docks; by Admiral Mason, Chief of the Bureau of Ordnance; by the commandant, Leutze, in charge of the navy-yard; by Mr. Pendleton, the general manager, as you might call him; by Mr. Lynch and Mr. Robertson, who are also superintendents in charge, as superintendents at the navy-yard under Mr. Pendleton, It has been upward by the many-yard under Mr. Pendleton. It has been urged by the men employed there, and by everybody, as I have already said, who has had anything to do with the conduct of this foundry

Now, I will read from what Admiral Mason said when before the Naval Affairs Committee last December:

The reasons for requiring this item have been so fully stated they can only be reiterated. A new foundry is indispensable for the economy of the gun factory. It is the most needed of all the improvements that could be recommended.

Now, I submit, he could not have used stronger language in relation to this matter.

The present foundry is antiquated and inadequate in size and unsuitable as a foundry for an institution like the Naval Gun Factory. On account of its unsanitary condition it is a menace to the health of the employees and officers of the yard in its present situation.

I want to suggest that that is a matter that ought to be taken into consideration by the Members of this House.

The Government losses every year by not having better facilities would soon equal the amount requested to properly provide for all the requirements of this portion of the plant, and its increased product would materially add to the production of armament by this factory, saving in both time and expense. At the present time the yard foundry is working up to its extreme capacity, and in case of war the emergency conditions could not be met. We are now practically at a standstill on account of our inability to obtain castings due on existing requisitions. The reasons for this foundry were fully set forth in my hearing before the House Naval Committee last year. (No. 38, January 11, 1906.)

Mr. BUTLER. It is the beginning of a factory that will ultimately cost \$84.000.000?

ary 11, 1906.)
Mr. Butler. It is the beginning of a factory that will ultimately cost \$4,000,000?

Now, what is there to lead anybody to reach that conclusion? All we are asking for, all we have been asking for years, is a limited amount for the construction of the foundry. There is no

reason in the world to apprehend that this is what we call an "entering wedge" for a larger appropriation. There is no necessary connection between this foundry and what the gentleman from Pennsylvania seems to anticipate they are after, and that is a forging plant. My friend from Pennsylvania [Mr. BUTLER] says it is a step toward an appropriation for this large amount. He means that what they desire is a forging plant. I want to say again that there is no necessary connection between this plant and the forging plant referred to. They are separate and distinct propositions—as separate and distinct as they can One is a foundry for making castings purely, and the other is a forging plant for the preparation of large forgings of steel used in armor plate and the manufacture of large guns.

The CHAIRMAN. The time of the gentleman from Ohio has

expired.

Mr. SOUTHARD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SOUTHARD. Mr. Chairman, I will read just a word or two further of the statement of Admiral Mason:

Mr. ROBERTS. These castings you propose to make here are the small

castings?

Admiral Mason. Small castings and type large castings. The castings people are so busy now that unless we give them a big order they will not touch it. When we start in on a new design we will say, "Here are certain improvements we will put in," and we do not want to send out and get castings for 100 mounts until we try 1 mount. We try to get castings for a type mount, and they will not touch it. One firm said, "We will not stop work just to help the Government for that."

There is no necessary connection between this proposed foundry and a forging plant, and I want that distinctly understood; and I also wish it understood that what we are asking for in this appropriation is a foundry. A few years ago—I think the report was made in May, 1905—Secretary Morton employed an expert, a Mr. Nelson, from the city of Chicago, to go through this plant, and he made an extended report, and among other things he reported on this iron and brass foundry. I had the report here a few moments ago, but in some way it has disappeared. I will be able to refer, perhaps, to the Cox-GRESSIONAL RECORD, however, of last year, and I wish to say, in passing, that he recommends in the strongest possible terms an appropriation for a new foundry to take the place of the foundry which now exists in the Naval Gun Factory.

Mr. LOUDENSLAGER. Will the gentleman permit an inquiry?

Mr. SOUTHARD. Yes. Mr. LOUDENSLAGER. Is that the purpose of the gentleman's amendment, to conform to his report, to build a new build-

Mr. SOUTHARD. The purpose of my amendment is to increase the facilities of the foundry plant at the Naval Gun Factory

Mr. LOUDENSLAGER. By what means?

Mr. SOUTHARD. By any means that it can be accomplished by the expenditure of money provided for in this appro-

Mr. LOUDENSLAGER. By building an addition to the present building

Mr. SOUTHARD. I don't care whether they build a new building or whether they build an addition to the building they now have. The purpose of this amendment is to provide better facilities in this foundry at the Government Gun Factory

Mr. WILLIAMS. Will the gentleman yield? Mr. SOUTHARD. I will be very glad to.

Mr. WILLIAMS. Is it not a fact that these things can be

manufactured more cheaply there than they can be bought?

Mr. SOUTHARD. I wish to refer to that subject and to read from the report of this gentleman, Mr. S. T. Nelson, who says this in regard to that matter that there is abundant competition in the furnishing of castings throughout the country, and he does not complain that castings furnished to the Government have been furnished at exorbitant prices, but he does say that the delays, practically what Admiral Mason says, occasioned in the gun plant as a whole by reason of the failure to furnish these castings within a reasonable time after they are called for is a great source of loss to the Government and a great obstruction to the proper administration of this foundry.

Mr. DAWSON. If the gentleman from Ohio [Mr. SOUTHARD] will permit me, in answer to the gentleman from Mississippi [Mr. Williams], I would say that I quoted from this Nelson report a year ago on this floor, and included in the record of that date a table submitted by Mr. Nelson in which it was pointed out that they could and did manufacture these things here cheaper than they bought them by contract.

Mr. WILLIAMS. I asked that question because that seems

to me to be the business side of this proposition.

Mr. SOUTHARD. I will say that I have found something bearing on that question, and I will read from the Congres-SIONAL RECORD of a year ago. It is from the report of Mr.

FORGE SHOP.

The greatest trouble at the present time is the slow filling of orders. The Department takes so long in first advertising for bids, then letting the contract, and then getting the forgings; during all this time the other parts of the guns, or whatever it may be, are lying around the shops taking up valuable room, while they are waiting for the forgings to come in from outside forges. When the forgings do come in, and are found to be defective, the inspector condemns them; this in turn must be reported to the superintendent; the superintendent reports this to a board that condemns them officially; then it is referred to the superintendent reports. purchasing department.

They have to be condemned and then to wait and go through a long process of "red tape," and frequently it is said that six months or many months are taken to replace a casting that has been declared unfit for the purpose for which it was ordered.

In order to get replaces promptly is one of the greatest arguments in favor of increasing the steel plant and making a greater number of steel castings than it now makes. When a steel casting is condemned it has to go through the same routine as mentioned in connection with the condemning of forgings, and it will require from six to ten weeks to get a defective steel casting replaced which, if made in your own shops, could be replaced in the length of time that is required to mold it and anneal it, which is about two weeks or less; so that, for the sake of prompt deliveries and prompt replacing of condemned castings, this steel plant ought to be increased to several times its present size—

The CHAIRMAN. The time of the gentleman has oxygined.

The CHAIRMAN. The time of the gentleman has expired.
Mr. VREELAND. Mr. Chairman, I want to say to the committee that this proposition is one which has become very familiar to the members of the Naval Committee; it is an old friend of ours. Some five or six years ago the then commandant of the Washington Navy-Yard or Gun Factory, Captain Pendleton, appeared before our committee and advocated this proposition. The first thing we want to know is, What will it cost? withstanding the assurances that have been given to my friend from Ohio [Mr. SOUTHARD], the gentlemen on the Naval Committee know very well that it is the intention and hope of the men who advocate this new gun factory to start there a plant for making gun forgings. My friend from New Jersey [Mr. LOUDENSLAGER] will, I hope, present to the committee tables which were presented to our committee by the Navy Department, showing that this plant will cost from five to six millions of dollars before it is completed.

Mr. BUTLER. And that without machinery.

Mr. VREELAND. The gentleman says there is no connection between this foundry and the balance of the plant, but I say they are building a foundry there totally unnecessary in size, cost, and magnitude, unless it is intended to complete it along the lines which I have outlined here. I say to the committee that we are embarking on an enterprise which will cost us six or seven millions of dollars before it is completed.

Why do they come in with a modest appropriation this year? Because for the last three or four years the larger scheme has been defeated before the committee, and they come hoping to make this the entering wedge for this larger plan. Now, Mr. Chairman, what is the reason that we should build a great Chairman, what is the reason that we should gentlemen plant down here for manufacturing guns? Will gentlemen plant out mon what line of policy we are entering? Is it upon the ground of economy, or is it upon the ground of some great

public policy?

Mr. Chairman, I voted in this committee within the last two days in favor of carrying coal to the Philippine Islands, in favor of carrying supplies for our Army and Navy to the Philippine Islands in our our own ships, although it directly cost more, because it is a matter of great public policy; it is a matter which would be humiliating to this country if we must depend upon foreign bottoms to carry our military supplies to our own possession. But here we have no such grounds of public policy. Here it must rest upon the ground of economy. I call the attention of every man of this committee who has served here long enough to become at all familiar with the public service to the fact that no man has ever been able to name a single province in which the Government has entered into manufacture where it has not cost more-frequently twice or three times as much-to make the same thing as by private manufac-

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

Mr. VREELAND. Very well.

Mr. CLARK of Missouri. Do you not think it would be well for the United States Government to put itself in a position where, if necessary, it could make everything we need in the way of armament for soldiers or sailors in time of war?

Mr. VREELAND. I will reach that proposition if I have the

time, and I was about to ask this committee whether we are going to take up the suggestion made by the gentleman from Missouri and manufacture for ourselves all the things which are needed by our Army and Navy. But why stop there? make all the things needed in every department of the Govern-

Mr. CLARK of Missouri. Will the gentleman permit a suggestion?

Mr. VREELAND. Yes. Mr. CLARK of Missouri. I did not say to make them all. say to put itself in the position so you can make them yourself

if the outsiders undertook to gouge us.

Why, Mr. Chairman, let me say to my Mr. VREELAND. friend from Missouri we have put ourselves in shape down at the Brooklyn Navy-Yard to make a ship. It was urged on this floor year after year that we were being cheated by the great shipbuilding yards in the building of our ships and that we could build them much cheaper. We built a great plant in Brooklyn for building a battle ship complete and put in there I do not know how many millions of dollars in the investment. We have just finished building the first ship in competition with a sister What is the result? ship built in a private yard. The result is it has cost this Government about half a million dollars more to build that ship in that plant than it cost to build the same ship in a private plant.

Mr. FITZGERALD. Mr. Chairman-

Mr. VREELAND. Let me finish this and then I will yield to an interruption. I am in favor of having one navy-yard where we can build complete a battle ship; perhaps it will save us from the formation of a trust by the private yards of the country; but in the face of the experience we have had, is there any gentleman here who would seek to equip all of our navy yards so that we may attempt to turn out all the ships which are needed for our Navy? Why, I say, Mr. Chairman, there is no department of the Government, as every man on this floor knows, where it does not cost more to make for ourselves than we pay in the market. Why do we not make the engines for our ships, the clothes and shoes? Why do we not make the canned goods, the meat and corn, the supplies for our Army and Navy? If we are going to enter into this enterprise of manufacturing for ourselves, where will you stop? What reason of public policy is there for equipping down here a plant for making gun forgings? Is it urged that there is any trust in this line? Not at all. Is it urged there is lack in competition in the country in the forgings? Not at all. I assert, as a matter of public policy

The CHAIRMAN. The time of the gentleman has expired.
Mr. VREELAND. I will ask for one or two minutes more.
The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objective.

[After a pause.] The Chair hears none.

Mr. VREELAND. I assert as a matter of public knowledge, as every man knows who is familiar with the public service, that there is not a single Department of the Government where the Government can compete on the ground of economy with private enterprise.

Mr. SOUTHARD rose

The CHAIRMAN. Will the gentleman from New York yield

to the gentleman from Ohio?

Mr. VREELAND. In just a moment, when I get through. Why, gentlemen, take the administration of this building itself, right here under the eyes of the legislators of this country, and while the work is performed well, will anyone assert that such care and attention is given to it that it is bringing about economy here in the Capitol? Go down to the Post-Office Department. Why, Mr. Chairman, any business man knows that one of the great business men of the United States could take the Post-Office Department and could give the people better service and run it for three-quarters of the expense that it now costs. A few days ago we had the question of making chains and anchors before this committee, articles that are now made in the Boston Navy-Yard. There was a discussion on this floor at the last session, during which it was shown that anchors and chains manufactured in the Boston Navy-Yard cost twice what they can be bought for in the open market.

Why, Mr. Chairman, I remember the first time this proposition was brought before the Naval Committee. One Captain Pendleton, then commandant of the navy-yard, came before the committee, not by the direction of the Secretary of the Navy, but by permission given to him by the committee, and we asked the captain about a certain item that was in the appropriation bill, namely, an item of \$100,000 to pay for holidays for the employees of the yard. We asked him why that \$100,000 should not go in with the rest of the appropriation made for the salaries of the employees down there. He said he wanted a separate

appropriation made of that sum so that it would not be carried against the cost of the manufacture of the guns that they turned

Mr. Chairman, I ask the question, What ground of public policy is there which calls for the building of a great plant down there capable of making forgings? If we get that after a while, if we buy the steel ingots out of which to make forgings, why should we not put in a blast furnace, and what logical reason is there why we should not complete the steel plant and be able to completely make all the great guns that are used in the Navy from iron ore?

Mr. Chairman, it seems to me it is better as a ground of public policy, as a ground of supplying our needs in time of war, that we should encourage the private plants of the country—the great steel plants of the country—to put in machinery and equipment for supplying the Army and Navy with these great guns. At any time the Government can make this appropriation, at any time the Government under stress of danger of war can fit up these plants. We should have an addition there to all the private plants that are willing to embark into this line of enterprise, ready and equipped to furnish the people of the United States with these necessary implements of war.

Mr. McCALL. Will the gentleman permit a question?

Mr. VREELAND. Yes, sir.

Mr. McCALL. And right in line with the gentleman's argument, could not the Government seize these plants in time of war-every private plant in the country-and take possession of them?

Mr. VREELAND. I thank the gentleman for the suggestion. Every plant that is equipped to make these guns in time of need could be seized by the Government and turned into chan-

nels for manufacturing our war supplies.

Why, gentlemen, did any of you ever go down to the navy-Have any of you been through these institutions? Any man familiar with the work of men in factories need only to walk through those yards and see how the guns are built there to realize that, while they may be well built, they are built at a high expense. Every three years at the navy-yard there the officer in charge is changed. What kind of management is that from which to obtain economical results, that of men in charge being constantly changed and assigned to other duty?

Mr. SOUTHARD. Is not the gentleman aware that every gun built at the gun factory is built in competition with bids

received from other sources?

Mr. VREELAND. I do not know any such thing, Mr. Chair-

I have never received such information.

Mr. SOUTHARD. They are required to bid on these guns in

competition.

Mr. VREELAND. I do not think that correct. I know every gun built by a private concern is subject to strict inspection by the officers of the Navy. If there is any defect in it, it is rejected. If, as often happens, these castings are defective cast--castings which cost \$10,000-that falls upon the concern that builds them, and it is their loss. But what becomes of that loss which takes place down in our own plant? Who is it that inspects the work turned out by this commandant and pronounces it good or bad? Why, Mr. Chairman, the Government can not manufacture these things. It is contrary to the very nature of things to expect them to do it cheaply. I have alluded to the fact that the management of it changes every two or three years, and a new man comes in-one who is totally unfamiliar with the business, perhaps knowing nothing except what he learned twenty years before at the Naval Academy.

The officers of our Navy are not business men. educated to be business men. They have no training in the value of money. We do not want them to be business men. believe that when they are on board ship, performing the duties for which we educated them, that there are no men in any navy in the world who render better service than the naval officers who sail under our flag. [Loud applause.] But, gentlemen, when we put them in charge of a great manufacturing plant they are out of place. They are in an unfamiliar field, and the results you obtain will be at a great expense to the Government. They are educated to build for all the ages. If you want to dig a hole, you go and get a contractor, and he digs the hole, and will do so cheaper than can any naval officer. Why? He will dig the hole, but he will go down for all time. He will dig a hole that will carry his name down the waves of the future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Pennsylvania and hope that it will be defeated. I am in favor of the amendment offered by the gentleman from Ohio [Mr. SOUTHARD] and hope it will be adopted by an overwhelming vote.

The gentleman from New York [Mr. VREELAND] in his re-

marks assumed to know it all, and seemed to speak as one with authority. He doubted if anyone here knew anything about the subject. I beg to inform him I have been to the Washington Navy-Yard a great many times, and have visited several of the gun factories of the United States. The Washington Gun Factory is the greatest of them all, and its equipment should be maintained at the highest standard by the Government.

Now, Mr. Chairman, I want to read from a special report made to Secretary Paul Morton on May 18, 1905, then the Secretary of the Navy, by a great expert, Mr. Nelson, that Mr. Morton brought here from Chicago to investigate this whole question. This report speaks for itself and absolutely refutes every state-ment the gentleman from New York has made. Reporting to the Secretary of the Navy, this great expert in whom Mr. Morton had so much confidence that he brought him all the way from Chicago to make this investigation and this report, Mr. Nelson

The greatest trouble at the present time is the slow filling of orders. The Department takes so long in first advertising for bids, then letting the contract, and then getting the forgings; during all this time the other parts of the guns, or whatever it may be, are lying around the shops taking up the valuable room, while they are waiting for the forgings to come in from outside forges. When the forgings do come in and are found to be defective the inspector condemns them; this in turn must be reported to the superintendent; the superintendent reports this to a board that condemns them officially; then it is referred to the purchasing department, and from there to where the forging was made; so you can readily see the ridiculous loss of time in such cases. When they make their owns castings and forgings they can get them when they want them and as they want them. If a forging is condemned by the inspector, the forge department is immediately notified and another made in its place, and the work that the forging is a part of can go along and become finished; whereas if it is bought outside everything has to lie around and wait for the roundabout way of getting it in the first place, getting it officially condemned, as they call it, and then replaced by the concern that made it. These replace orders get very scanty attention from all concerns, especially in busy times, and especially so with the Government, where there is no one in particular to keep prodding at them all the time to fill these orders.

Now, sir, the gentleman from New York [Mr. VREELAND] ar-

Now, sir, the gentleman from New York [Mr. VREELAND] argued at length that it cost the Government more to do its own work than it did to buy from outside concerns. Now, here is what the expert, Mr. Nelson, reported to Secretary Paul Morton, and I will now read what he says in regard to that:

In this connection will say that I investigated the prices that they are now paying for forgings from the outside concerns, and for the large guns they are charging from 30 to 35 cents per pound; for the smaller guns from 40 to 45 cents per pound. I was also informed that the Bethlehem Steel Company—

And here is the whole thing, gentlemen, in a nutshell—the real milk in the cocoanut. There are only two competitors in the United States for these forgings—one is the Bethlehem Steel Company and the other the Midvale Steel Company-and these are the only two bidders for this work, and they always bid just the same price-no doubt by agreement. But I will continue to read what Expert Nelson said to Secretary Morton:

I was also informed that the Bethlehem Steel Company and the Midvale Steel Company, in Philadelphia, are both quoting the same figures. These are about the only two concerns in the country that are large enough to handle the heavy gun forgings, and I consider that this price is exorbitant.

I think this report answers my colleague from New York and completely demolishes his contentions.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. SULZER. I ask five minutes more time.

The CHAIRMAN (Mr. OLMSTED). The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER (reading):

They used to charge 20 cents per pound for these gun forgings, and there ought to be a fortune in that business at that figure.

They used to charge, says Mr. Nelson, the expert, 20 cents per pound for these gun forgings, and at that price, says this great expert from Chicago, there ought to be a fortune in it. They may charge from 40 to 45 cents a pound if the forging capacity is not increased. Listen to this; and I read from the report :

If the forge capacity of the Government gun shops in the Washington Navy-Yard is not increased so as to produce competition with the above-named concerns, they will probably raise their prices still higher.

What has my friend from New York [Mr. VREELAND] to say to this? Where is his argument now? He assumed to know it all, but I doubt not any man who can distinguish the difference between a hawk and a handsaw will take the judgment on this subject of Mr. Nelson, the disinterested expert from Chlcago, to the prejudiced opinion of the gentleman from New York.

Now, gentlemen, if you want to turn over to a private concern in the nature of a monopoly this important business of the Government, all right, go ahead, and go on crippling the foundry of the gun factory at the navy-yard; but if you are with the Government and you do not want the Government to be robbed

by a confederated monopoly; if you want the Government to get what is fair and just and right in competition with these outside concerns that have an understanding and an agreement to raise the price when the foundry and the forges can no longer compete with them, then you will vote for the \$100,000 in favor of the Government increasing the capacity of this foundry plant.

Gentlemen, the recommendations of the Secretary of the Navy of the admirals who speak for the good of the Government, and the official report—a report that Mr. Morton had made especially for his own guidance and information—all recommend the enlargement of the foundry at the navy-yard as one of the most important matters that the Government can enter upon at the present time. The Government can not afford to be at the mercy of outside concerns. It can not allow itself to be held

up and robbed.

This confederated monopoly has gone on charging the Government from 20 cents up to 45 cents a pound for castings, and if we do not have some check on it, if we have no way of making these things ourselves, it will ere long take advantage of our helplessness and incapacity and charge the Government 50 to 75 cents a pound. Let me show you how easily it is done. I recall a special instance concerning a forging for a large gun. The weight of the piece in the rough was about 6,000 pounds. The Government asked for outside bids, and the Bethlehem Steel Company and the Midvale Steel Company quoted the Government the same price of 76 cents a pound. The Secretary of the Navy told these two companies—and no doubt they were in collusion—that the Washington Gun Factory could make the forgings and would do so before the Government would pay such an exorbitant price.

When the Government threatened to do this work itself the Bethlehem and Midvale companies immediately cut the price to 53 cents a pound, and then they made at least 50 per cent profit. These are the facts, and they can not be denied or disputed, and if there is a man here who is a friend of the Government he will stand by this proposition recommended by the Secretary of the Navy, recommended by this great expert, in the interest of economy and in the interest of the Government making and controlling its own forgings. And another thing. The Government will save a great deal of money by the fact that all the shavings, chippings, and everything of that kind can be saved and used for other purposes. I declare that it is my deliberate opinion that this enlargement of the foundry at its gun factory will mean a saving of 50 per cent a year, and that will mean a saving of hundreds and hundreds of thousands of dollars a year to the

Government

Mr. CHARLES B. LANDIS. What do these contracts aggre-

gate a year?

Mr. SULZER. I don't know. The gentleman can get that information very quickly by stepping outside and telephoning the Secretary of the Navy. He will tell the gentleman what they aggregate; and he will also tell him that his recommendation to the Congress of the United States in favor of increasing the facilities of the foundry is based on this report of Mr. Nelson, which I have in my hand.

Mr. Chairman, the question in its last analysis narrows down to this: Will you stand by the Government or stand by this confederated monopoly? If you are in favor of the trusts, vote down this appropriation of \$100,000. If you are in favor of the Government, vote for the appropriation—and all of it—the entire \$100,000. [Applause.]

The CHAIRMAN. The time of the gentleman from New

York has again expired.

Mr. GREGG. Mr. Chairman, my friend from New York and my colleague on this committee [Mr. Vreeland] states that if this appropriation is made it will eventually cost five or six million dollars. Now, do not be stampeded by that statement, because the fact is that the highest estimate for everything that anybody has ever asked for in connection with this foundry is \$300,000

Mr. CHARLES B. LANDIS. Does the gentleman mean to

say that is the aggregate of all the contracts?

Mr. GREGG. No; all that is asked for in connection with this iron and brass foundry

Mr. CHARLES B. LANDIS. I was trying to get at the total

Mr. GREGG. My recollection is that the expert, Mr. Nelson, appointed by Secretary Morton, recommended entire improvements aggregating about \$3,000,000, instead of five or This, however, is only one part, and I ask why is this House bound to go further than what is now before us? This foundry is separate and distinct from all the other improvements, and it can be built without in any way binding us to make the other improvements.

Mr. THOMAS of Ohio. May I ask the gentleman a question? Do I understand that these forgings are to be made in the proposed new foundry?

Mr. GREGG. We are not making the large forgings.
Mr. THOMAS of Ohio. No forgings at all?
Mr. GREGG. Simply the iron and brass castings.
Mr. THOMAS of Ohio. The gentleman from New York [Mr. Sulzer] was talking about forgings to be made in the proposed new foundry.

Mr. GREGG. I am not talking about that. I am talking about the iron and brass castings.

Mr. THOMAS of Ohio. I should like to know the connection between the forgings and the castings.

Mr. GREGG. As I understand, there is no connection. Mr. THOMAS of Ohio. Does the Bethlehem Steel Company furnish iron castings?

Mr. GREGG. I am not talking about that.
Mr. THOMAS of Ohio. What is all this talk about, then?
Mr. GREGG. This is a matter to itself, and is not a part or parcel of any other improvement. It stands alone by itself. If t were connected with other matters so that it would necessitate the building up of other projects, there might be some force in the gentleman's suggestion.

Mr. SOUTHARD. Let me ask the gentleman this question. Did not Mr. Nelson say that this was the most urgently needed

of all the things mentioned in his report?

Mr. GREGG. That is the way I understand it, and the Navy Department and the commandant of the navy-yard has abandoned all the other requests, and he comes before the committee and asks simply to be given this. Now, the gentleman from New

Mr. COOPER of Pennsylvania. If this work is so urgent, why is it only proposed to give them \$100,000 when \$300,000 is

required to construct the necessary addition?

Mr. GREGG. Simply because we do not believe we can get ore at this time. We would take the whole \$300,000 if we more at this time. could get it Mr. COOPER of Pennsylvania. Does not that show that this

is an entering wedge?

Mr. GREGG. It is an entering wedge for the amount of

\$300,000, and nothing more. Mr. COOPER of Pennsylvania. I understood the gentleman from New York to propose it on the theory that the Government

ought to make all of its own cannon and forgings. Mr. GREGG. Mr. Chairman, I do not want the gentleman

from Pennsylvania to interject a speech into mine.

Mr. COOPER of Pennsylvania. I want to know whether it is a question or policy or an improvement for better facilities to meet a present emergency.

Mr. GREGG. It is a question of economical administration of this yard; that is my understanding of it.

Mr. COOPER of Pennsylvania. Nothing further?

Mr. SOUTHARD. Isn't this the question, whether or not it Mr. SOUTHARD. Isn't this the question, whether of hot it is good policy to allow the work of 100 men or 50 men to obstruct the work of 4,000 men?

Mr. GREGG. Yes; that's it, in part. But that is not the line of my argument. The gentleman from New York argues

that it costs more to do the work in the Government yard than to do it on the outside.

The CHAIRMAN. The time of the gentleman from Texas

Mr. GREGG. Mr. Chairman, I ask for five minutes more. The CHAIRMAN. The gentleman from Texas asks an extension of five minutes. Is there objection?

There was no objection.

Mr. GREGG. Now, here is the situation we are put in. The gentleman complains that the work costs too much. Yet when the Department comes here and asks for an appropriation that will enable them to do it cheaper, he opposes that appropriation.

Mr. MADDEN. Will the gentleman yield for a question?
Mr. GREGG. Certainly.
Mr. MADDEN. Is there any evidence in the possession of the committee or any member of the committee to show the difference between the cost of the manufacture of the same thing by

the Government and by private individuals?
Mr. SOUTHARD. Yes; and the Government manufactured it the cheapest.

Mr. MADDEN. Let us have the evidence. Mr. GREGG. There was a provision in this bill providing for the appointment of a commission to visit the navy-yards and report and suggest methods for putting them upon a more economical and businesslike basis. My friend from New York is a member of the committee that reported this bill. He is therefore—presumably, at least—in favor of that provision; yet when we offer an amendment here that will accomplish in the

Washington Navy-Yard the very thing contemplated in that

provision he opposes it

Mr. MADDEN. Will the gentleman be kind enough to answer my question, whether there was any evidence in the possession of the committee to show the difference between the cost of the material or thing manufactured by private enterprise and that manufactured under Government management?

Mr. GREGG. I can not answer that question exactly, but I will read from the evidence to show the great saving that will be made at this gun factory if this provision is passed. The gentleman from Ohio has read extensively from the hearings of Admiral Mason. I want to read you a little from the hearings of Captain Leutze, the commandant of this yard. Speaking of this particular building—that is, the iron and brass foundry-he says:

It is overcrowded and suffers for the want of air and on account of the fumes in there is detrimental to good work in the other shops, which are carried in whatever direction the wind is blowing, and also the fact that it can not be cleaned and its insanitary condition. We have no yard attached to it, so that our flasks, appliances, and foundry material are stored, the coal and iron particularly, quite a distance from the foundry, and we have to handle such material two or three times before we get it there. I think from this we could save 20 per cent in labor. The labor bill is \$14,000 a month, amounting to about \$200,000, I believe, a year.

Now, that is the saving there. I say the proposition is to put it upon a more economical and businesslike basis, and the members of the Committee on Naval Affairs are committed to that theory, every one of them. Is there a business man on that side or anywhere who would say that it was good business to have your material stored away so far that you had to handle it two or three times before you could get it to where

Mr. MADDEN. Would it not be a good idea to furnish the House with the information which would enable the House to conclude what the comparative cost under Government management and private management would be for making a particular thing required in connection with this work? There is no evidence here to show, so far as I have been able to discover, that the Government can make as cheaply as private individuals can make.

The CHAIRMAN. The time of the gentleman has again ex-

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREGG. I have here, for the benefit of the gentleman from Illinois [Mr. Madden], a table showing a statement as to some work done there and some obtained by contract. Here is one: The contract price is \$2,329.72; the cost of the same article manufactured at this factory is \$1,874.75.

Mr. BUTLER of Pennsylvania. I will ask my colleague what

does that estimate include?

Mr. SOUTHARD. It includes an exorbitant price for forgings. Mr. GREGG. There is evidence that we pay an exorbitant price for our rough forging. Here is another item: \$2,500 to buy, \$2,333 to make; another, \$1,337 to buy, \$1,063 to make; another, \$1,783 to buy, \$1,754 to make; another one, \$4,333 to buy, \$4,129 to make.

Mr. MADDEN. That is just the pure cost of making, I presume, and does not include the capital invested.

Mr. GREGG. As I understand it it includes the cost to the

Mr. SOUTHARD. And 40 per cent added for maintenance of plant and interest on investment.

Yes Mr. GREGG.

Mr. LOUDENSLAGER. Oh, I don't think the gentleman from Texas wants that last remark to go in about the 40 per

Mr. GREGG. I think it is 40 per cent allowed in this estimate.

Mr. LOUDENSLAGER. The testimony before the committee is very clear on that matter.

Mr. GREGG. I don't want any incorrect statement to go in. Mr. LOUDENSLAGER. The testimony of Captain Leutze is that no account is taken there for repairs or interest on in-

Mr. PAYNE. Or depreciation or interest on investment? Mr. SOUTHARD. That report states that 40 per cent is allowed in each case for maintenance, which is the same thing as depreciation, and for interest on investment.

Mr. GREGG. This report states that the manufactured prices include 40 per cent for depreciation and interest on investment. This is the report of Secretary Morton's expert, and I take it Captain Leutze in his statement refers to the same items.

Mr. PAYNE. I understand the gentleman from New Jersey [Mr. Loudenslager] negatives that, and says that no account is taken down there for repairs or depreciation or interest on investment.

Mr. ROBERTS. That is what Captain Leutze says.

Mr. SOUTHARD. The man who made the report says 40 per cent is allowed. How he arrives at those figures I do not

Mr. LOUDENSLAGER. For the benefit of the gentleman from Texas [Mr. Gregg] I will state that on page 1142 of the hearings of 1905-6 Captain Leutze, before the committee, makes the statement that no account is taken for the maintenance of the yards or the cost of the plant.

Mr. SOUTHARD. But Captain Leutze did not make this report from which the gentleman from Texas is reading.

Mr. GREGG. Referring to my original line of thought, when speaking about putting this yard upon an up-to-date economic businesslike basis, to which every member of this committee is committed—that is, the Committee on Naval Affairs—and every other man ought to be. As I said before, I have shown that we manufacture cheaper. I have shown also by building this new foundry and affording the facilities for handling the material, so as not to handle it so often, there will be an annual saving of about \$20,000. In addition to that, I want to call attention to another thing, and that is this. I read:

Manganese and other bronzes are used largely, as we have not the facilities to make enough steel castings.

The hearings show that steel castings answer the purpose just as well as the bronze castings, and if they had the foundry, as provided for by this amendment, they would make the steel castings and discontinue the use of the bronze.

Captain Leutze says the following about the bronze and steel

castings:

The difference in price is about 20 cents a pound. Last year we made about 143,000 pounds of bronze castings, which cost us about \$28,000 more than steel castings would have cost.

Thus it is shown that by erecting this foundry the Government will save in item of labor annually \$20,000, and in the difference between bronze and steel castings \$28,000 more. We have this gun factory and have had it for years. It is doing certain work; and the question for us to settle now by our vote on this amendment is whether we shall so equip it that it can do that work economically, so that we can save annually about \$50,000 upon an ultimate investment of \$300,000.

I do not favor the Government doing all its work, but I do favor it doing enough to have a criterion and test as to quality and cost of production, so as to protect itself against combinations and trusts. To do this so as to get a correct test either as to quality or cost of production it must have the most improved and up-to-date means and agencies. This is what is sought to be accomplished by this amendment. Nothing more. I can't see how anyone having the public interest at heart can oppose it.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Sterling having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On February 14:

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSS. Mr. Chairman, I move that we close debate upon this proposition in fifteen minutes.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to have five minutes of that,

The CHAIRMAN. The gentleman from Illinois moves that

Mr. WALDO. Mr. Chairman, before that motion is put I would like to have five minutes.

Mr. FOSS. I will make it half past 4. I move to close de-te in twenty-two minutes. That will make it just half past bate in twenty-two minutes. That will make it just half past 4. I make that motion on the paragraph and all amendments thereto.

The CHAIRMAN. The gentleman from Illinois moves that debate on this paragraph and all amendments be closed at 4.30.

Mr. SOUTHARD rose.
The CHAIRMAN. For what purpose does the gentleman rise?
Mr. SOUTHARD. Mr. Chairman, I move to amend by making it a quarter to 5.

The CHAIRMAN. The gentleman from Ohio moves to amend that motion by making it a quarter to 5.

The question was taken; and the amendment was rejected. The CHAIRMAN. The question now is upon the motion of the gentleman from Illinois.

The question was taken; and the motion was agreed to.

Mr. ROBERTS. Mr. Chairman—
The CHAIRMAN. The Chair will ask if the gentleman is for or against the amendment?

Mr. ROBERTS. I am in favor of the amendment of the

gentleman from Ohio.

The CHAIRMAN. The question now before the committee is the amendment offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from Ohio. No one caring to be heard in favor of the amendment, the Chair will recognize the gentleman from Massachusetts.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to

hear that amendment again reported.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Pennsylvania will be again reported.

The amendment was again reported.

Mr. ROBERTS. Mr. Chairman, the gentleman from New York, my colleague on the committee, in the course of his remarks made reference to the great and increased cost of the battle ship Connecticut, built in the Government yard, over the cost of her sister ship Louisiana, built in a private yard. I know the gentleman wants all the facts stated exactly as they are, and I am sure he will thank me for setting him right as to a few inaccuracies in his statements. He told the committee the Government had put millions of dollars into the Brooklyn Navy-Yard for the purpose of building a battle ship there. want to call his attention to the fact we have only put \$175,000 into that yard for the purpose of building the Connecticut. The plant existed there when we authorized the ship and all that was necessary to utilize that plant was the construction of ways upon which the keel could be laid, and in the naval bill of July 1, 1902, which authorized the Connecticut and the Louisiana, you will find the provision for the \$170,000 for the ways. That is all of the added expense the Government has been put to in the Brooklyn yard for the building of the Con-necticut. He stated further that the cost was so much more in the navy-yard over that of private concerns that we had to extend the limit of cost of the Connecticut a half a million dollars. I want to call his attention and the attention of the committee to the fact that in the naval appropriation bill of last year we increased the limit of cost of the Louisiana not half a million dollars, but \$400,000. I want also to call his attention, and that of the committee, to this further fact. When it was proposed to build the Connecticut in a Government yard the argument was made before the Naval Committee, and it was made upon the floor of this House, that to do so would make that ship cost from 33 to 50 per cent more than the sister ship which was to be built in a private yard. The limit of cost as originally placed upon those two ships was \$4,200,000. We have increased the limit of cost of the Connecticut \$400,000, or less than 10 per cent. Now, in the matter of time of the construction of those two ships, we were told it would take far longer to complete the ships in a Government yard than in a private yard, yet, as a matter of fact, the Louisiana, built in a private yard, was built in record time.

Every effort was made by the Newport News Company to get that ship out quickly, and every exertion was made, with the result that the Louisiana went into commission on the 2d of June last year. The Connecticut went into commission on the 29th of September last year, only a few months behind her sister ship, and I want to call attention further to the fact that to-day the *Louisiana*, built in the private shipyards, is in the Brooklyn Navy-Yard undergoing three months' repairs. The ship only went into commission last June, and she is having three months' repairs put upon her. It would be interesting to know if her construction in the Newport News yard did not result in the incomplete work which the Government now has to complete in its own yards. The Connecticut has not gone into the navy-yard for repairs yet, and my prediction is that it will be a longer time before she needs repairs than any ship built in private yards in the last twenty years. [Applause.]
Mr. WILLIAM W. KITCHIN. Mr. Chairman, I am against

the amendment of the gentleman from Pennsylvania [Mr. Bur-LER] and am in favor of the amendment of the gentleman from Ohio [Mr. SOUTHARD]. The argument of the gentleman from New York, who opposed this main amendment, it seems to me, would mean to dismantle the gun factory at Washington and turn our entire manufacturing of guns over to private concerns, although we now make the best guns, probably, in the world. But if we are going to continue to make guns there and use that

plant for a gun factory, we ought to properly equip it. The question has been asked as to what testimony we have that we can make these castings cheaper than we can buy them. In the testimony of Captain Pendleton, some three or four years ago, it was stated that we could make gun forgings there at a price, as I now recollect, of 30 per cent cheaper than we had to pay for those forgings. In the testimony of Captain Leutze last year

Mr. LOUDENSLAGER. Will the gentleman permit an inquiry?

Mr. WILLIAM W. KITCHIN. Yes, sir.
Mr. LOUDENSLAGER. Does the gentleman know where those cannon were made that exploded on the battle ships?

Mr. WILLIAM W. KITCHIN. I do not. Mr. LOUDENSLAGER. Is it not a fact that they were made

down in these yards?

Mr. WILLIAM W. KITCHIN. I know that accidents will happen in use of the products of the best private concerns in this country. However, further on that question, Captain Leutze last year said:

We make our most intricate steel castings at 7 cents a pound, and the last contract that we let for some similar castings, the only kind we make, were 12.3 cents a pound. The lowest bidder in this case was the American Steel Foundries, at \$0.1238 per pound.

And then later:

The CHAIRMAN Now, with regard to the question of cost. You stated that you buy these castings at how much? Captain Leutze. Twelve and three-tenth cents a pound, and we can make them for 7.

And I challenge any gentleman in this House to find one solitary particle of testimony in the last six years on this subject that does not state that we can make our castings there cheaper than we can buy them. There is no testimony to the contrary. We have a gun factory. Why not equip it? They need this foundry. Why hamper the factory with insufficient equipment? The annual report of this bureau chief says:

The Superintendent of the Naval Gun Factory, in his annual report, recommends as regards improvements as follows, and in these recommendations the Bureau fully concurs as being absolutely essential to make the gun factory, especially in time of war, as nearly as possible self-contained.

Now, he mentions as improvements something like \$1,400,000 worth, but among them is this foundry at \$300,170, as follows:

Why can not the Government do better work than it does? It is because Congress, in my judgment, not in the best interest of the public service, hampers this gun factory. Congress has for years withheld a proper foundry there, and it has withheld proper equipment, and even with all these hamperings it makes its castings a great deal cheaper than it can buy them. And the object of this recommendation is to better equip the factory we already have. There is one thing sure, we either ought to equip that factory properly or ought to dismantle it and turn over the entire manufacture of our guns to private enterprise altogether. I favor equipment. [Applause.1

Mr. LOUDENSLAGER, Mr. Chairman, as was well remarked by the gentleman from New York [Mr. VREELAND], this is a matter that has been brought to the attention of the Naval Commit-

tee and to this House for several years past.

The gentleman from North Carolina just now urgently argued that we equip this gun plant. What I desire to say to the House I believe will be on the line of what is desired by the Chief of the Bureau of Ordnance concerning what he deems is urgently required for the extension of this gun factory. In October, 1905, he made a recommendation to Congress, which was before the Committee on Naval Affairs, in which was presented the argument of the Chief of the Bureau of Ordnance of what was desired to be immediately considered as urgently desired for the proper extension of this gun factory, and the estimated cost, not including all the machinery required, was

three millions and some hundred thousand dollars.

In February, 1906, encouraged by the report before the committee, they also presented an additional plan for further ex-

tending and improving the gun factory in the Washington Navy-Yard, wherein over \$3,000,000 more of expenditures were suggested, or, under the two plans, over \$6,000,000, without taking into consideration large expenditures for machinery and equipment of buildings that were not considered or estimated for, and an estimate which I believe would be a conservative one would amount to a million and a half of dollars to complete the equipment of these buildings with machinery in the form of what is considered as urgently needed. These estimates would make an expenditure of \$7,500,000 before that extension of the gun factory would come up to what is urgently requested by the Department itself.

Mr. SOUTHARD. Will the gentleman yield?
Mr. LOUDENSLAGER. Certainly.
Mr. SOUTHARD. Does the gentleman object to doing what

is urgently needed because we can do it?

Mr. LOUDENSLAGER. They contend that all of this is urgently needed. The same gentleman that the gentleman has quoted has said that all is urgently needed for the properly The same gentleman that the gentleman has equipping of this gun factory. If the gentleman has been a member of any committee where any of these chiefs of departments come down and recommend anything, he will know that it is always urgent. I have never known of an exception.

Mr. GREGG. Is it not a fact that Captain Leutze, the com-

except for this particular brass and iron foundry?

Mr. LOUDENSLAGER. I will come to that and believe I will fully answer it if I have the time. Now, the estimate made by the officers amounts, as I have stated, to about \$2,500, and I will say that, so far as my observation goes, they generally underestimate; and, in my judgment, to build that gun factory or extend it in the way and manner which they say is urgently needed would cause an expenditure of from ten to twelve million dollars.

Mr. DAWSON. I would like to ask my colleague if he is in favor of the amendment of the gentleman from Pennsylvania for the expenditure of \$30,000?

Mr. LOUDENSLAGER. I will explain that fully to my colleague if he will just have a little patience.

Now, they fell below their first request, and now the gentleman from Ohio, representing some of his constituents perhaps or some other person or persons, comes and asks for \$100,000. He pleads and begs for it like Members who are earnestly in favor of national expositions, who come and beg the House to let the Government put in their exhibit, and the moment that Congress approves of that they then immediately come and say that Congress has approved of it and they want an appropria-tion to fully assure the carrying out of their plans; and if we provide any of this appropriation, now urgently asked for, it will be urged by the gentleman from Ohio and others that it is a confirmation of this great plan of expenditure of from ten to

twelve million dollars.

Mr. SOUTHARD. I want to say to the gentleman that I have no constituents especially interested in this appropriation,

and no man who has asked me for it.

Mr. LOUDENSLAGER. I did not know.
Mr. WILLIAM W. KITCHIN. Is the gentleman opposed to
it because he has no constituents interested?

Mr. LOUDENSLAGER. I have several constituents there. Mr. MADDEN. If the \$100,000 appropriation was made, would it not be used at this foundry?

Mr. LOUDENSLAGER. I am informed that the Chief of the Bureau says he does not want it; it is not what he requested and urgently needed. I do not know of this matter personally, but a Member has so informed me.

The CHAIRMAN. The time of the gentleman has expired. Mr. LOUDENSLAGER. I ask unanimous consent that I may

proceed for a minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LOUDENSLAGER. So far as the cost of these things are concerned, there is no man upon the floor of this House who will go and look at any place run by the Government, but he will come to the conclusion that they can manufacture nothing as cheaply as a well-conducted private establishment. They have eight hours labor a day. Then there are sixty days' leave of absence, or practically only ten months for twelve months' pay, with eight hours a day labor, so that they can not have a producing capacity equal to that of a private establish-Now, if you go to figuring on all of the cost of this, if you pin them down closely by cross-examination, they will tell that no cost of plant, no cost of repairs, no cost of any official, who is a naval officer or whose pay is provided for by some law or authorization other than that which is for the

plant direct, is charged by them to the cost of the goods which

are produced.

Mr. UNDERWOOD. Mr. Chairman, I do not understand the proposition now before the committee to be one in which we are determining whether we shall go into the manufacture of great guns or not. That question has already been decided by the Congress. For many years we have been engaged in the manufacture of great guns, and the only question that can possibly be before the House at this time is the question of making the best gun in the most economical way. The argument as to whether we make guns better by private manufacture or whether we make them better in Government manufacture is not involved in this case. The great work, the costly work, on these guns is now being done by the Government. The manufacture of the steel ingots out of which the guns are ultimately finished is a comparatively small part of making the gun. It is not a difficult proposition; it is not a matter nearly as difficult in point of manufacture as the finishing of the guns,

Now, as to the economy of manufacturing the steel ingot, the gentleman seemed to overlook the important question of the cost of assembling the raw material at the point of manufacture. In the making of the steel ingot the raw material is the pig iron to be converted into the steel ingot. It is a matter of comparatively small cost to transship the pig iron across the country and bring it to the steel foundry, where it is converted into the steel ingot; but to transport the steel ingot from Pennsylvania to Washington is an expensive process and a large proportion of the cost of the ingot. It is easy to ship the bars of pig iron, piled in an ordinary box car, but when you attempt to transport the ingot out of which the great gun is made, a piece of steel of great length, and carried a hundred miles, the cost of transportation must be very large. It amounts to \$10 or \$15 a ton.

I am not informed as to the exact cost, but I know the cost of transportation must be somewhere in that neighborhood, and that that cost will figure so largely in the cost of the production of the ingot that the mere loss by reason of Government methods of manufacture, in a Government yard, will nothing like equal the difference between the cost of carrying the ingot from Pennsylvania to Washington and the manufacture of it here by simply bringing the pig iron to the Washington Therefore I think for the economical handling of this business, the economical conduct of the manufacture of these great guns here, it is much cheaper to manufacture the ingot here in Washington than to pay the transportation charges of bringing it by rail or by water to this point.

The CHAIRMAN. The time for debate on this paragraph

and amendment has expired,
Mr. SOUTHARD. I ask that the amendment and the amendment to the amendment be again reported to the House.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Ohio [Mr. SOUTHARD] and the amendment offered by the gentleman from Pennsylvania [Mr. Butler | to that amendment will be again reported.

The two amendments were again read.

Mr. BUTLER of Pennsylvania. I ask unanimous consent to withdraw the amendment which I offered.

The CHAIRMAN. If there be no objection, the amendment

offered by the gentleman from Pennsylvania will be considered as withdrawn.

There was no objection.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. We vote now on the proposition of

the gentleman from Ohio, do we?

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Ohio.

The question being taken, on a division (demanded by Mr. Sulzer) there were—ayes 94, noes 87.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask for

Tellers were ordered; and the Chairman appointed Mr. Southard and Mr. Butler of Pennsylvania.

The committee again divided; and the tellers reported—ayes 111, noes 84.

So the amendment was agreed to.

The Clerk read as follows:

MARINE CORPS.

Pay. Marine Corps: For pay and allowances prescribed by law of officers on the active list, \$598,140, and for the following additional officers here authorized: One major-general commandant with the pay and allowances of officers of like grade in the Army, and the rank of brigadier-general, in the Marine Corps is herewith discontinued; one major, assistant adjutant and inspector; one major, assistant quartermaster; two captains, assistant quartermaster; one major, assistant

paymaster; two captains, assistant paymasters; three majors, ten captains, fifteen first lieutenants, \$67,260, a total of \$685,400.

Mr. MANN. Mr. Chairman, I make a point of order against that paragraph commencing at the word "and," after the word "dollars," in line 20, down to the end of the paragraph.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. MANN. The point of order is that it is a change of existing law.

Mr. FOSS. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Now, Mr. Chairman, I would like to be informed as to what lines go out, as I wish to offer an amendment.

Mr. MANN. Commencing with the word "and," in line 20.

It leaves in the appropriation.

Mr. FOSS. Then I have no desire to offer any amendment.

The Clerk read as follows:

The Clerk read as follows:

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, and including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, messmen, signalmen, or holding good-conduct medals, pins, or bars, and for prizes for excellence in gunnery exercise and target practice, both afloat and ashore, \$1.883,555.20: Provided, That hereafter privates regularly detailed and serving as cooks, shall receive, in addition to the pay otherwise allowed by law, the following: First-class cooks, \$10 per month; second-class cooks, \$8; third-class cooks, \$7; and fourth-class cooks, \$5.

Mr. MANN. Mr. Chairman, I. reserve the point of order on

Mr. MANN. Mr. Chairman, I reserve the point of order on the provision in that paragraph. I want to ask the chairman what is the necessity for the provision; what pay do the cooks now receive?

OSS. They get the pay of an enlisted man in the Army We have reduced this increase two-thirds of what they Mr. FOSS. asked for in the estimate. They asked that first-class cooks receive \$32 per month.

Mr. MANN. What have they done heretofore in reference to it?

Mr. FOSS. Nothing. Mr. MANN. They serve as cooks, then, without any additional pay?

Mr. FOSS.

Mr. FOSS. I think that is true. Mr. BUTLER of Pennsylvania. I understand that voluntary contributions have been made by the enlisted men in order to pay the cooks a little something extra.

Mr. MANN. Then, in a way, this would be a slight increase in the pay of enlisted men?

Mr. BUTLER of Pennsylvania. Now, my friend must not take this as a statement of fact, but I understand that at some of the posts the enlisted men make voluntary contributions, small amounts, no set amount, so that they may pay the cook a little more money

Mr. MANN. Can the gentleman from Iowa, chairman of the Committee on Military Affairs, tell us what is the practice in Mr. MANN. the Army? Here is a proposition to pay enlisted men from \$5 to \$10 extra when they act as cooks. What do they do in the Army in reference to it, because this means extra pay for cooks?

Mr. HULL. I do not recollect of any extra pay for cooks in

Mr. FOSS. What do they get? Mr. HULL. From \$16 to \$18; \$18 on reenlistment.

Mr. MANN. I suppose the operation of this is to abolish the practice that exists of a man serving as cook this week and another man the next week, and to provide for the enlistment of

Mr. BUTLER of Pennsylvania. Yes.

Mr. MANN. Will they be required to use pure food? [Laughter.]

Mr. BUTLER of Pennsylvania. Yes. Mr. MANN. Then I withdraw the point of order.

The Clerk read as follows:

For the pay as prescribed by law for the following additional menhere authorized: One sergeant-major, 12 quartermaster-sergeants, 19 gunnery-sergeants, 47 sergeants, 85 corporals, 12 drummers, 12 trumpeters, and 800 privates, \$170,334.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. FOSS. I hope the gentleman will insist on it if he intends to, for I do not care to discuss it.

The CHAIRMAN. The Chair has no doubt that the point of order is well taken.

Mr. MANN. I was going to ask the gentleman, the chairman of the committee, whether this went with the other provision for officers that went out on the point of order?

Mr. FOSS. The other provision was for an increase of offi-cers and this provides for an increase of privates.

Mr. MANN. Is the one dependent upon the other?

Mr. FOSS. I think so.

Without the additional officers there is no oc-Mr. MANN. casion for the additional men?

Mr. FOSS. No; I wouldn't say that altogether; we could use the men even if we did not have the officers.

Mr. FITZGERALD. Mr. Chairman, there has been a recom-

mendation to discontinue sending marines to sea on the ships. Is that recommendation to be put into force?

No; it has not been put into force.

Mr. FITZGERALD. Is it the intention to put it into force?

Mr. FOSS. No; not that I know of. Mr. BUTLER of Pennsylvania. We have no information about it, I will state to the gentleman from New York [Mr. FITZGERALD

Mr. FITZGERALD. There has been some discussion regarding it, and if it is the intention of the Department to take the marines who act as police off the ships, then there is no necessity for this increase in the force.

Mr. BUTLER of Pennsylvania. The gentleman's conclusion would be correct, but we know enough about a discussion in the Department concerning it, and there is quite an opposition to the removal of the marines from the ships. That opposition is very strong and we are informed they are not likely to be removed.

Mr. FITZGERALD. They might be removed, if the gentleman's committee was convinced that they should be removed.

Mr. BUTLER of Pennsylvania. I may say to the gentleman

from New York that the Committee on Naval Affairs has nothing to do with the subject. They may be removed, I understand of course I am not sure about that-by an order of the Depart-

Mr. MANN. Would it not be well to wait to find out whether that is to be the case, if it is a matter under discussion, before

we provide the men necessary to man the ships?

Mr. BUTLER of Pennsylvania. Mr. Chairman, in answer to the gentleman's query, these men are urgently recommended at this time to the Committee on Naval Affairs, that they may be drilled and put in order to go, at the direction of the Department, upon the ships about to go into commission.

Mr. MANN. How can they use these men without the addi-

tional officers?

Mr. BUTLER of Pennsylvania. They will use them the best

they can

Mr. MANN. Will not the plea be made at once, if this bill goes through with the men in it, to the Committee on Naval Affairs in the Senate that they must have officers to officer the

Mr. BUTLER of Pennsylvania. In the last session of Congress the enlisted men were increased 800 or 900, but no officers. Mr. MANN. Last year they made an increase of 900 without officers?

Mr. BUTLER of Pennsylvania. Yes.
Mr. FOSS. That was the year before.
Mr. MANN. I think that is increase enough. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For interest on soldiers' deposits, \$4,000, and so much as may be necessary to refund such deposits; and the money herein specifically appropriated for the pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

Mr. MANN. Mr. Chairman, I would like to call the attention of the gentleman from Illinois [Mr. Foss] to the fact that the same item is repeated here. In lines 12 to 15, on page 75, there is reference to money appropriated for the Marine Corps, to be disbursed, etc., and identically the same language in reference to the same thing occurs in lines 18 to 21. I think lines 18 to 21 ought to go out of the bill.

Mr. FOSS. I think that is a repetition.

Mr. MANN. Mr. Chairman, I move to strike out lines 18 to

21, page 75.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, to strike out lines 18 to 21, page 75. inclusive.

The question was taken; and the amendment was agreed to. Mr. FOSS. Mr. Chairman, I ask unanimous consent to substitute a period for a semicolon after the word "deposit."

The CHAIRMAN. Without objection the period will be in-

serted.

There was no objection.

The Clerk read as follows:

In all, Naval Academy, \$428,188.36.

Mr. VREELAND. Mr. Chairman, last winter I was a member of an investigation committee which took up the subject of hazing at the Naval Academy at Annapolis.

The discovery that hazing existed in the academy became known by reason of a fight which took place between two boys named Branch and Meriwether, as the result of which Branch died. Commandant Colvocoresses, commandant of midshipmen, gave, in his testimony before the committee, what purported to be the first information as to the cause of the unfortunate personal encounter between these two boys, which led to the death of Branch. The commandant gave what purported to be a statement made to him by Meriwether as to the cause of the fight. The statement of the commandant was as follows:

fight. The statement of the commandant was as follows:

Captain Colvocoresses. No, sir. If you desire, I will tell you what Meriwether told me was the true cause of the fight, and which never came out.

The Chairman. I would like to hear it. Mr. Grego. Yes; state that, please.

Captain Colvocoresses. I do not think I am breaking any confidence. He came to my room once and said, "Captain, I have never told what the real cause was." He said, "I have got a grandmother in Louisiana who is a very old lady. She does not write well. Her sight is bad. She also has a pretty dark complexion. I had a photograph from her, and with it a letter written in a very crabbed, old-fashioned handwriting. It was lying on my table, and Mr. Branch came into the room and commenced to make fun, and to criticise the writing. He said a person who had correspondents of that kind could not be much," and so forth and so on, and he also commenced to make remarks about the looks of the grandmother in the photograph. That is what he told me was the real origin of that fight. So you see it had nothing to do with any class business whatever.

During the debate on the subject, in commenting upon it, I

During the debate on the subject, in commenting upon it, I made the declaration that if the testimony was correct young Meriwether was fully justified in resenting so gross an insult, and that boy who would not fight upon such provocation was not fit to hold command in the service of his country. The parents of young Branch have been to see me and have presented to me affidavits made by classmates of the boys tending to show that Meriwether's statement was incorrect. I do not desire to take the time to read these, but will insert them as a part of my remarks. I would not knowingly add a feather's weight to the sorrow of this father and mother over the loss of their only son in this unfortunate affair. They feel that the uncontradicted statement of Meriwether is a stain upon the memory of their boy. I have been reluctant to again refer to this unhappy episode, but in deference to their feelings will insert in the RECORD the evidence which they think clears the memory of their boy of the insolent and unworthy conduct attributed to him:

STATE OF NEW YORK, County of New York, 88:

of their boy of the insolent and unworthy conduct attributed to him:

State of New York, County of New York, 8s:

George S. Dougherty. I reside in the Borough of Brooklyn. city of New York, and State of New York. On Monday, April 9, at the Naval Academy, Annapolis, Md., I called upon Midshipman Earl W. Pritchard, the former roommate of Midshipman James R. Branch. for the purpose of investigating certain remarks alleged to have been made by Midshipman Branch concerning the general appearance, spelling, etc., of a letter alleged to have been written to ex-Midshipman Heriwether by his grandmother, and also criticisms alleged to have been made by Midshipman Branch of a photograph of ex-Midshipman Meriwether's grandmother.

"Midshipman Branch arel W. Pritchard informed me that from investigations made by him at the academy that he was satisfied, beyond a questions made by him at the academy that he was taisfied, beyond a question of a doubt, that the remarks alleged to have been made in the summary of a doubt, that the remarks alleged to have been made by Midshipman Branch's class and brigade of midshipmen; that Midshipman Branch of a summary of the past two years, during much of which time he was a roommate of ex-Midshipman Minor Meriwether; while in such room time of the latter part of October Midshipman Minor Meriwether; while in such room there was a cetter, folded and lying on a table, which Midshipman Paranch, to find a place to sit, picked up and removed to another part of the table, but did have a rather indistinct photograph of his grandmother, according to his (Labhardt's) best knowledge, but did have a rath

absolutely false. That Midshipman Branch had never criticised a letter written by his grandmother or ever insinuated about any photograph he had in his room. That ex-Midshipman Meriwether requested him (McKittrick) to write Midshipman Branch's mother so informing her. That Midshipman McKittrick told ex-Midshipman Meriwether it was his duty to write. All of which was said within the hearing of Midshipmen Walsh and Pugh, both of whom corroborated Midshipman McKittrick it was his duty Midshipmen Wa man McKittrick

GEORGE S. DOUGHERTY.

Sworn to and subscribed this 14th day of April, 1906.
[SEAL.]
CHAS. A. LEWIS,
Notary Public, Kings County.
Certificate filed in New York County.

[Statement of Midshipman H. V. McKittrick, second class, United States Naval Academy.]

Statement of Midshipman H. V. McKittrick, second class, United States Naval Academy.]

The day after the speech of Mr. Vreland was published in the papers I was accosted by Mr. Meriwether, who said he wished to see me. I told him I would be in my room at 9.30 that evening, and he said he would come up. This was just before a formation, and we had but a moment to talk. Between 9.30 and 10 p. m. he came up, and in the room at that time were my roommate, Midshipman Walsh, and Midshipman Pugh.

Meriwether said to me, "I suppose you saw the papers to-day, about what Congressman Vreeland said." I said, "No." Meriwether said, "Don't believe a word of it; it is all damn lies." He started in to tell me what a shame it was to have that subject come before the public again. Conversation ended here.

In the meantime I had heard all about Mr. Vreeland's speech. Between 9.30 and 10 p. m. he wanted me to write to Mrs. Branch and make for him a sweeping denial of all that had been said by the Congressman. About this time Walsh and Pugh left the room, and be said to me, "You know it reflects discredit on me to have such an insult to my people without instantly resenting it." I did not promise to write to Mrs. Branch, knowing she would discredit the current reports, and I thought, anyway, it was not my place, but Meriwether's, the person whose simple public denial would remedy all misstatements. We talked for a few minutes on the subject in general, and the whole impression left on my mind is that Mr. Vreeland's speech was entirely false, and what seemed to impress Meriwether most was that it reflected as much discredit on himself as on Branch, if such remarks had been passed about his grandmother, and he had not resented it immediately.

For my personal comment on Mr. Vreeland's speech, his data is entirely myong. My testimony before the court-martial will explain

immediately.

For my personal comment on Mr. Vreeland's speech, his data is entirely wrong. My testimony before the court-martial will explain the true, immediate cause of the fight. As I there stated, Meriwether said he was going to make Branch fight, and everybody here knows that evening he went to Branch's room, while Branch was in bed, and said the things there which caused the challenge.

H. V. McKittrick.

Test: NANNIE S. STOCKETT.

STATE OF MARYLAND, Anne Arundel County, to wit: I hereby certify that on this 9th day of December, 1906, before the subscriber, a notary public of the State of Maryland, of and for Anne Arundel County, personally appeared H. V. McKittrick and C. E. Pugh, midshipmen, United States Navy, and made oath in due form of law that the aforegoing instrument of writing is true, to the best of their knowledge and belief.

Witness my hand and notarial seal.

[SEAL.]

NANNIE S. STOCKETT,

NANNIE S. STOCKETT, Notary Public.

Annapolis, Md., December 9, 1906.

Having read the statement of Midshipman H. V. McKittrick regarding his conversation with ex-Midshipman Meriwether, and having been present when same took place, I assert that the same is true.

C. E. Pugh.

Midshipman, U. S. Navy.

Sworn to and subscribed before me this 9th day of December, 1906.
[SEAL.]

NANNIE S. STOCKETT,

Notary Public.

[Statement of Midshipman W. H. Walsh, second class, United States Naval Academy.]

Mr. Meriwether came into the room while I was there, but I left without listening to much of his conversation. I did, however, hear him say to Midshipman McKitrick that what had appeared in the paper of the day or so before was false, and that he was not responsible for it. He asked Midshipman McKitrick to write to Mrs. Branch and tell her those statements.

W. H. WALSH.

[Statement of class of 1907.]

[Statement of class of 1907.]

The papers of a few weeks ago, in referring to the sad death of Midshipman James R. Branch, at the Naval Academy, published that Branch was guilty of reading a letter from Mr. Meriwether's grand-mother and of criticising the spelling in it, which was the cause of vengeance on the part of Meriwether toward Branch.

Investigation in the academy falls to find any evidence supporting this, nor can any facts be found sustaining any other approaching it. Not only was every circumstantial evidence against this report, but Meriwether himself denied the publications before a number of midshipmen.

shipmen.

The midshipmen in the academy, knowing the exceptional character of Branch, considered it a false statement at the outset. No such treatment of an underclassman would have been tolerated under any conditions. But particularly is it noticeable how at no time has Mr. Branch's own class wavered in their loyality to him as a young man among them of honor and courage, for whom they hold the highest respect and regard.

The Clark beggen the reading of the hill.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk have leave to correct that total.

Mr. FOSS. I think the Clerk has leave, which was given on yesterday, to correct all totals.

The CHAIRMAN. The Chair is informed the Clerk has leave to correct all totals.

The Clerk read as follows:

In all, pay Marine Corps, \$3,101,892.46.

Mr. MUDD. Mr. Chairman, I have offered the formal amendment for the purpose of asking leave to print in the RECORD a statement I referred to in my remarks made before the committee on yesterday, in reference to the depths of water of the various dry docks of the country.

I made the statement that a disabled battle ship of what we are now beginning to call the "Dreadnought class" would require a depth of water of about 35 feet.

I stated, in this connection, that none of the dry docks in this country, either those already constructed or these provided for, had any such depth of water; therefore that none of them could take in any such battle ship in such a condition.

Bearing upon this, I desire to append to my remarks two letters bearing date of May 14 and 15, 1906, written to me by the Acting Chief of the Bureau of Yards and Docks.

These letters contain, also, other valuable information in reference to floating steel dry docks. They are signed by the Acting Chief because Admiral Endicott, who was then Chief of that Bureau, was at that time absent from the Department. withdraw the pro forma amendment.

DEPARTMENT OF THE NAVY, BUREAU OF YARDS AND DOCKS, Washington, D. C., May 14, 1996.

Bureau of Yards and Docks, Washington, D. C., May 14, 1996.

Sir: In response to your verbal inquiries of to-day the Bureau has the honor to submit the following statements:

2. A floating dock can lift a disabled battle ship or cruiser drawing more water than will permit them to pass through the standard 30-foot channels or to enter the ordinary masonry docks having 30 feet of water over the entrance sill. The disabled ship having been lifted, temporary patches can be put on and the ship again floated at normal draft and taken to a masonry dock for extensive repairs. Moreover, the disabled ship having been lifted on the floating dock will only draw from 12 to 18 feet of water, according to the weight of the ship on it, the injured ship and dock can be taken up a shallow river where it is unassaliable by ships of a like class.

For instance, a floating dock is stationed at the Capes of the Chesapeake during a war; a torpedoed ship, just able to float, comes in drawing more water than will allow it to enter a masonry dock; the floating dock picks up the ship and puts temporary patches on it; the ship is again floated and started for the Norfolk Navy-Yard. The dock is then ready for the next ship, which can be patched and sent to the League Island Navy-Yard. Both these yards being full, the disabled ship can be repaired sufficiently to reach the New York yard. Tenders from the Norfolk and League Island yards can keep the dock supplied with materials and mechanics. Such a base can be established at the mouth of the Delaware or at any place of naval activity. By wireless telegraph the dock can be informed ahead what ship is coming and the nature of the injuries, so that everything will be ready for the particular case. Besides its independent value you will thus see that a floating dock is a most important auxiliary to the masonry docks. A ship might enter the Capes of the Chesapeake during a war and with not sufficient life left to reach a navy-yard; a floating dock at that place would be its salvation.

3. A floa

the Capes of the Chesapeake during a war and with not sufficient life left to reach a navy-yard; a floating dock at that place would be its salvation.

3. A floating dock should and can contain a large amount of tools for all sorts of repairs, and on its extensive working deck much complicated and intricate work can be performed. In fact, a modern floating dock can and should be a complete and independent repair station in itself, ready to move to any point in emergency.

4. The greatest depth of water over the entrance sills of our existing masonry docks at high water is as follows:

Portsmouth Navy-Yard, 30 feet.

Boston (1), 25 feet 10 inches: (2) 30 feet 7 inches.

New York (1), 25 feet; (2) 25 feet 11 inches; (3) 29 feet 4 inches.

League Island, 25 feet 5 inches.

Norfolk (1), 27 feet 6 inches.

Puget Sound, 30 feet.

The greatest depth of water over the entrance sills of the masonry docks now building is as follows:

New York yard, 31 feet.

League Island, 30 feet.

Norfolk, 34 feet.

Charleston, S. C., 34 feet.

Mare Island, 30 feet.

At Norfolk and Charleston some dredging will have to be done to make the 34-foot entrance to the dock available for their full depth.

5. In the case of our large floating docks, that at New Orleans has a standard draft over the blocks of 28 feet, which can be increased in emergency to 39 feet. Both of these docks are located in positions where the greatest submergence can be obtained. In the case of a graving dock the standard depth over the entrance sill can not be increased in emergency to 39 feet. Both of these docks are located in positions where the greatest submergence can be obtained. In the case of a graving dock the standard depth over the entrance sill can not be increased in emergency to 39 feet. Both of these docks are located in positions where the greatest submergence can be obtained. In the case of a graving dock the standard depth over the entrance sill can not be increased in emergency to 39 feet. Both of these docks are located in positions where the gre

Hon. Sydney E. Mudd, M. C., House of Representatives, Washington, D. C.

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., May 15, 1906.

BUREAU OF YARDS AND DOCKS,
Washington, D. C., May 15, 1906.

Sir: In further response to your inquiries, and supplementing the Bureau's letter of yesterday, the following additional information will be of interest to you.

2. The shipbuilding firm of Bhlom & Voss, of Hamburg, Germany, have built a floating dock of 17,500 tons capacity, 570 feet long. This dock is intended to be taken down the river some 60 miles to Coxhaven, when the occasion shall arise, to lift disabled trans-Atlantic steamers and bring them up to the shipyard, which they could not otherwise reach. In the meantime this dock has been kept so busy on regular work that the shipbuilding company have found it necessary to build two more to meet their necessities.

3. Some years ago another floating dock in Germany picked up a ship on one side of the river, transported it to the shipyard on the other side, where the ship was cut in two at the center, pulled apart some 30 feet on the dock, and a new section built in.

4. The last foreign military floating dock to be built has recently been finished by the German Government at their new naval station, Tsing Tau, in China.

5. Referring to the Devey dock in its trip across the Atlantic the official reports show that in the very heavy weather encountered the greatest roll was 4°, which means that the dock was only out of level 4 feet in a width of 134 feet. In still worse weather in the Mediterranean the dock was only out of level 6 feet. There is less danger of losing these docks in bad weather than there is of losing the ships that tow them.

Very respectfully,

WM. M. SMITH,

Acting Chief of Bureau.

WM. M. SMITH, Acting Chief of Bureau.

Hon. Sydney E. Mudd, M. C., House of Representatives, Washington, D. C.

The Clerk read as follows:

The Clerk read as follows:

For repairs of barracks, Marine Corps: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Narragansett Station, R. I.; New York, N. Y.; League Island, Pa.; Annapolis, Md.; headquarters and navy-yard. District of Columbia; Norfolk, Va.; Port Royal and Charleston, S. C.; Pensacola, Fla.; Dry Tortugas, Fla.; New Orleans, La.; Mare Island and San Francisco, Cal.; Bremerton, Wash., and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Territory of Hawaii, the Philippine Islands, at Guam, the District of Columbia, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and the other public buildings, \$70,000.

Mr. Chairman, I. move to strike out the

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, for the purpose of asking the chairman of the committee-it is now about 5 o'clock, and very few Members are here-whether he intends to take up the

matter of increase of the Navy this afternoon or not?

Mr. FOSS. I will state to the gentleman from Alabama I desire to read up to the item of "Increase of the Navy" and

allow that to go over until to-morrow.

Mr. UNDERWOOD. The gentleman proposes to rise when he reaches that point.

Mr. FOSS. Yes; I propose to move that the committee rise

when we reach that point.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. There was no objection. The Clerk read as follows:

Total Marine Corps, \$5,244,815.46.

Mr. FOSS. Mr. Chairman, I ask unanimous consent now to return to the first paragraph of the bill, and in line 11, on page 2, after the word "troops," I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to recur to the first paragraph of the bill for the purpose indicated. Is there objection? [After a pause.] The

Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I would like to hear the amendment reported.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert, after the word "troops," page 2, line 11, the words:
"And the proper accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of accounts of disbursing officers all payments made since November 13, 1905, and prior to July 1, 1907, for commutation of quarters for officers on shore serving with troops and not provided with public quarters."

The question was taken; and the amendment was agreed to. Mr. FOSS. Mr. Chairman, this takes the bill up to the increase of the Navy, which will be the first thing in the morning. Now, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having re sumed the chair, Mr. Olmsted, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24925, the naval appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham;

H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots; and

H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7486. An act granting an increase of pension to Byron A. Williams:

S. 7740. An act granting an increase of pension to Dwight Simpson;

S. 7744. An act granting a pension to Josephine Brackett;

S. 7919. An act granting an increase of pension to John D. Abel:

S. 7998. An act granting an increase of pension to George N.

Julian;
S. 7294. An act granting an increase of pension to William P. Pattison;

S. 7265. An act granting an increase of pension to John R.

 $\frac{\mbox{McCoy}\,;}{\mbox{S.}\,7246.}$ An act granting an increase of pension to William H.

S. 7243. An act granting an increase of pension to Justus B. Coomer:

S. 7293. An act granting an increase of pension to John White:

S. 7193. An act granting an increase of pension to David C. Benjamin:

S. 7192. An act granting an increase of pension to Noah

S. 7175. An act granting an increase of pension to Adline Mabry;

S. 7174. An act granting an increase of pension to Rebecca

S. 7119. An act granting an increase of pension to Charles

S. 7724. An act granting an increase of pension to Paul J.

Christian; S. 7162. An act granting an increase of pension to William H. Sheckler:

S. 7161. An act granting an increase of pension to George A. Tyler;

S. 7157. An act granting an increase of pension to Austin S.

S. 7105. An act granting an increase of pension to Samuel

Baker; S. 7220. An act granting an increase of pension to Nancy S. 7069. An act granting an increase of pension to Marshall

Johnson: S. 7101. An act granting an increase of pension to Catherine

Matimore ; S. 7067. An act granting an increase of pension to Edmund

Fillio; S. 7094. An act granting an increase of pension to George B.

S. 7066. An act granting an increase of pension to Timothy

S. 7075. An act granting an increase of pension to John S. Lewis:

S. 7062. An act granting an increase of pension to John Monroe

S. 7074. An act granting an increase of pension to William Jenkins

S. 7025. An act granting an increase of pension to James C. West:

S. 7060. An act granting an increase of pension to John Hager; S. 6964. An act granting an increase of pension to Silas N.

S. 7056. An act granting an increase of pension to Fredrick Carel;

S. 6963. An act granting an increase of pension to William B. Sayles

S. 7053. An act granting an increase of pension to Solomon

S. 6966. An act granting an increase of pension to Thomas Ashton;

S. 6958. An act granting an increase of pension to Keziah Walker:

S. 7377. An act granting an increase of pension to Martha J. Collins;

S. 6957. An act granting an increase of pension to Hiram Siegfried;

S. 7361. An act granting an increase of pension to George Downing

S. 6948. An act granting an increase of pension to Albert H. Nash:

S. 7358. An act granting an increase of pension to David Turner

S. 6943. An act granting an increase of pension to Lewis A.

S. 6947. An act granting an increase of pension to Charles M. Brough:

S. 7356. An act granting an increase of pension to Henry Schlosser;

S. 7384. An act granting an increase of pension to Orson B. Johnson:

S. 7353. An act granting an increase of pension to Augusta T. Eichholtz;

S. 7378. An act granting a pension to Giles M. Caton;

S. 7350. An act granting an increase of pension to Richard Dodge;

S. 7349. An act granting an increase of pension to Luke M. Lewis;

S. 7339. An act granting a pension to Julia C. R. Baird; S. 7337. An act granting a pension to Henry W. Blair;

S. 7335. An act granting an increase of pension to Charles C. Burt:

S. 7295. An act granting an increase of pension to Cabriel Campbell;

S. 7489. An act granting an increase of pension to Albert C. Wagher:

S. 7488. An act granting an increase of pension to William W. Putnam;

8, 7475. An act granting an increase of pension to William D. Hudson:

S. 7673. An act granting an increase of pension to William W. Jordan: S. 7672. An act granting an increase of pension to Elvina

Adams; S. 7623. An act granting an increase of pension to Sarah A.

Kumler: S. 7445. An act granting an increase of pension to Charles J.

Freese S. 7617. An act granting an increase of pension to Victor H.

Coffman; S. 7428. An act granting an increase of pension to Helen C.

Lettenmayer; 8.7402. An act granting an increase of pension to Francis H. De Castro

S. 7566. An act granting an increase of pension to John Anslow;

S. 7398. An act granting an increase of pension to Page G. Potter:

S. 7558. An act granting an increase of pension to Mary Morgan; S. 7556. An act granting an increase of pension to Thomas

Spanton: S. 7554. An act granting an increase of pension to Amelia R.

Randolph; S. 7543. An act granting an increase of pension to Robert B. McCumber

S. 7513. An act granting an increase of pension to Alexander M. Cowgill

8, 7505. An act granting an increase of pension to Michael Bogue;

S. 7484. An act granting an increase of pension to Samuel E. Coover; S. 7640. An act granting an increase of pension to Stephen

H. S. Cook; S. 5699. An act granting an increase of pension to Adelaide

D. Merritt S. 5836. An act granting an increase of pension to Daniel

Loosley: S. 5854. An act granting an increase of pension to John W.

McWilliams ; S. 5886. An act granting an increase of pension to Anna E.

S. 5912. An act granting an increase of pension to Nathaniel

Green; S. 5991. An act granting an increase of pension to George F.

S. 6050. An act granting an increase of pension to Edward W. Galligan:

S. 6137. An act granting an increase of pension to Fannie L. Pike:

S. 6233. An act granting an increase of pension to George E. Vanderwalker:

S. 6278. An act granting an increase of pension to Henry

S. 6325. An act granting an increase of pension to David A. Edwards;

S. 6350. An act granting an increase of pension to Silas G. Clark :

S. 6351. An act granting an increase of pension to Andrew J. West:

S. 6372. An act granting an increase of pension to Marvin Osgood:

S. 6408. An act granting a pension to Mary Louise McLean;

S. 6431. An act granting an increase of pension to R. Smith

S. 6436. An act granting an increase of pension to George W. Kelsey

S. 6589. An act granting an increase of pension to Washington D. Gray

S. 6590. An act granting an increase of pension to Theron Hamner:

S. 6623. An act granting an increase of pension to Mollie J. Mitchell:

S. 6624. An act granting an increase of pension to Alvin N. D. Kite;

S. 6670. An act granting an increase of pension to Dana H. McDuffee;

S. 6671. An act granting an increase of pension to Horace P. Marshall:

S. 6687. An act granting an increase of pension to Henry W. Mahaney

S. 6703. An act granting an increase of pension to John H. Niblock :

S. 6706. An act granting an increase of pension to James T.

S. 6708. An act granting an increase of pension to Columbus B. Mason

S. 6710. An act granting an increase of pension to Thomas P.

Way; 8,6722. An act granting an increase of pension to William

S. 6732. An act granting an increase of pension to John Trefry:

S. 6733. An act granting an increase of pension to Anna D.

S. 6736. An act granting an increase of pension to Charles H.

Tracy; S. 6769. An act granting an increase of pension to James T. McReynolds:

S. 6793. An act granting an increase of penson to Simon Peter Wallerson;

S. 6800. An act granting an increase of pension to Esther Eldridge:

S. 6811. An act granting an increase of pension to James Carpenter, jr.;

S. 6820. An act granting an increase of pension to Henry M. Bullard:

S. 6823. An act granting an increase of pension to John H. Holsey

S. 6827. An act granting an increase of pension to Theodore J. Sweeting

S. 6828. An act granting an increase of pension to Walter D. Greene:

S. 6830. An act granting an increase of pension to Daniel L. Seavey

S. 6835. An act granting an increase of pension to George Maybury;

S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;"

S. 6875. An act granting an increase of pension to Lemuel T. Williams:

S. 6876. An act granting an increase of pension to Jesse L. Pritchard:

S. 6914. An act granting an increase of pension to Albert T.

S. 6915. An act granting an increase of pension to Samuel G. Healy

S. 6916. An act granting an increase of pension to Nathan E. Stover;

S. 6933. An act granting an increase of pension to Fredrick Middaugh:

S. 6935. An act granting an increase of pension to William R. Neil:

S. 6936. An act granting an increase of pension to Robert

Jenkins; S. 6937. An act granting an increase of pension to Michael Rosbrugh;

S. 6459. An act granting an increase of pension to Ellen Car-

S. 6532. An act granting an increase of pension to Joseph Daniels

S. 6571. An act granting an increase of pension to William I. Ross:

S. 6573. An act granting an increase of pension to John A. Williams

S. 6582. An act granting an increase of pension to Moses Rowell:

S. 6584. An act granting an increase of pension to John Heath:

S. 6587. An act granting an increase of pension to Marcus M. Currie;

S. 6588. An act granting an increase of pension to Arthur Hathorn

S. 6625. An act granting an increase of pension to Anderson Henry;

S. 6633. An act granting an increase of pension to Benjamin F. Wright;

S. 6637. An act granting an increase of pension to James J. Eubank

S. 6656. An act granting an increase of pension to Eli M. Skinner; 8,6223. An act granting an increase of pension to William E.

Cummin: S. 6273. An act granting an increase of pension to William J.

Wells: S. 6139. An act granting an increase of pension to Eliza

S. 6143. An act granting an increase of pension to Thomas J. Northrop;

S. 6145. An act granting an increase of pension to Enoch Bolles: and

S. 6205. An act granting a pension to Hansford G. Gilkeson, ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases

H. R. 19930. An act referring the claim of S. W. Peel for legal ervices rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;

·H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia;

H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota;

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State;

H. R. 20168. For the relief of F. Kraut, of Leon Springs, Tex.; H. R. 20169. For the relief of Margaret Neutze, of Leon Springs, Tex.

H. R. 8365. For the relief of C. A. Berry;

H. R. 20060. Granting an increase of pension to Anna E.

H. R. 18007. To authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy

H. R. 22291. To authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy; and

H. R. 15242. To confirm titles to certain lands in the State of Louisiana.

POSTAL SAVINGS BANKS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith, in response to a resolution adopted by the House of Representatives on June 29, 1906, a report by the Secretary of State inclosing copies of correspondence, with accompanying documents, from

American diplomatic officers in regard to the operation, etc., of postal savings banks in the countries to which they are accredited.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 14, 1967.

The SPEAKER. The message is referred to the Committee on the Post-Office and Post-Roads, and so much of the documents as accompany the manuscript message and now on the Clerk's table will be printed, if there be no objection. Other documents will not be printed, if there be no objection.

There was no objection.

EDWARD H. LUNN.

The SPEAKER laid before the House the bill (H. R. 22282) entitled "An act granting an increase of pension to Edward H. Lunn," with Senate amendment,

The Senate amendment was read.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. Livingston, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Travis Glasscoe (H. R. 9536, Fiftyseventh Congress), no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. SHERMAN, by unanimous consent, was granted leave of absence for two days on account of a death in the family.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred

A letter from the Secretary of the Treasury, transmitting a report of the Commissioner of Internal Revenue as to appointments and regulations under the so-called "denatured-alcohol law"—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Official Gazette, Patent Office—to the Committee on Appropriations, and ordered

to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for United States court-house and jail at Nome, Alaska-to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for purchase of additional land for the Duluth, (Minn.) range-light station-to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a recommendation for legislation to permit José March Duplat, a citizen of Venezuela, to enter the United States Military Academy at West Point-to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Chief of Ordnance, with report of tests of iron and steel at the Watertown Arsenal—to the Committee on Manufactures, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25039) to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant, reported the same without amendment, accompanied by a report (No. 7608); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON of Montana, from the Committee on the Public

Lands, to which was referred the bill of the House (H. R. 25124) amending section 2477 of the Revised Statutes of the United States, reported the same without amendment, accompanied by report (No. 7609); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8365) authorizing the Secretary of the Interior to cancel certain Indian allotments and substitute therefor smaller allotments of irrigable land, and providing for compensatory payments to the irrigation fund on lands so allotted within the Truckee-Carson irrigation project, reported the same with amendment, accompanied by a report (No. 7611); which said bill and report were referred to the Committee of the Whole House on the state of

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 24054) for the relief of the Mille Lac band of Chippewa Indians, of the State of Minnesota, reported the same without amendment, accompanied by a report (No. 7612); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 7613); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HINSHAW, from the Committee on Indian Affairs, to

which was referred the bill of the House (H. R. 25614) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 7614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 25570) amending an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reserva-tions," etc., approved February 8, 1887, reported the same with amendment, accompanied by a report (No. 7615); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the resolution of the House (H. Res. 838) (in lieu of H. Res. 828) requesting information from the Secretary of the Interior relative to reported shortage in accounts of Indian agency at Muskogee, Ind. T., reported the same with amendment, accompanied by a report (No. 7616); which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. JENKINS: A bill (H. R. 25646) granting appeals from the United States court of appeals for the Indian Territory, and providing for the procedure, and for other purposes-

to the Committee on the Judiciary.

By Mr. LAMAR: A bill (H. R. 25647) authorizing the Secretary of the Navy to contract for the construction of a stone graving dry dock at the navy-yard, Pensacola, Fla.—to the Committee on Naval Affairs.

By Mr. MORRELL: A bill (H. R. 25648) to extend the limits of the city of Washington so as to include all territory within the District of Columbia, and to establish a republican form of government therein, and for other purposes—to the Com-

mittee on the District of Columbia.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25649) to limit mileage hereafter to be paid Members of Congress to actual necessary expenses incurred in traveling once each session of Congress to and from the national capital—to the Committee on Appropriations.

By Mr. PEARRE (by request): A bill (H. R. 25650) to authorize the Baltimore and Ohio Railroad Company to lay, construct, and operate four tracks, no more than two of which shall be within 200 feet of each other, into, across, and over squares Nos. 712 and 673, in the city of Washington, D. C., and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 25651) to fix the salary of the United

States deputy clerk for the district of Maryland at Cumberto the Committee on the Judiciary.

By Mr. CHANEY: A bill (H. R. 25652) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people on the Western Hemi-

sphere—to the Committee on the Library.

By Mr. LOUD: A joint resolution (H. J. Res. 238) authorizing the Secretary of the Navy to investigate cost of manufacture in the navy-yard as compared with cost of purchase elsewhere—to the Committee on Naval Affairs.

Also, a joint resolution (H. J. Res. 239) to authorize the ap-

pointment of a board to investigate the administration of the navy-yards-to the Committee on Naval Affairs.

By Mr. MOON of Pennsylvania: A joint resolution (H. J. Res. 240) to create a joint committee to consider the revision Mr. MOON of Pennsylvania: A joint resolution (H. J. and codification of the laws of the United States-to the Committee on Rules.

By Mr. WHARTON: A joint resolution (H. J. Res. 241) authorizing the President to exclude from the mails certain publications-to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: A joint resolution (H. J. Res. 242) appropriating \$50,000 for the Interstate Commerce Commission—to the Committee on Appropriations.

By Mr. MADDEN: A resolution (H. Res. 837) requesting the Department of Commerce and Labor to collate information and report concerning the public utilities in the District of Columbia-to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas, from the Committee on Indian Affairs: A resolution (H. Res. 838) directing the Secretary of the Interior to furnish the House certain information concerning the cashier of the Indian agency at Muskogee, Ind. T. to the House Calendar.

By Mr. CLARK of Florida: A resolution (H. Res. 839) providing for printing Senate Document No. 266-to the Committee on Printing

By Mr. COUDREY: A concurrent resolution (H. C. Res. 54) appointing a commission to view and make recommendations relative to acquirement by the United States of the Grant farm and the historic log cabin built by General Grant in St. Louis County, Mo .- to the Committee on the Library.

By the SPEAKER: Memorial by the legislature of South Dakota, praying for the enactment of the bill (S. 5133) to promote the safety of travelers and employees on railroads by limiting the hours of service on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Memorial of the legislature of Kansas, proposing an amendment to the Constitution of the United States favoring the election of United States Senators by a direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. REEDER: A memorial of the legislature of Kansas, proposing an amendment to the Constitution favoring the election of United States Senators by a direct vote of the people to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 25653) granting an

increase of pension to Francis A. Shipman-to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 25654) granting an increase of pension to Charles E. Row—to the Committee on Invalid Pensions,

Also, a bill (H. R. 25655) granting an increase of pension to Francis H. Britton—to the Committee on Invalid Pensions

Also, a bill (H. R. 25656) for the relief of Blanche F. Foxto the Committee on Naval Affairs.

By Mr. BINGHAM: A bill (H. R. 25657) for the relief of

Henry S, Hannis & Co. and others—to the Committee on Claims. By Mr. DOVENER: A bill (H. R. 25658) granting relief to the heirs of the late John M. Doddridge, of Wheeling, W. Va.-

to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 25659) granting an increase of pension to John J. Nolan—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25660) granting an increase of pension to Alford Baker-to the Committee on Invalid Pensions. Also, a bill (H. R. 25661) granting an increase of pension to William H. Tullock—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 25662) to remove the charge of desertion from the military record of James Wilson-to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 25663) granting a pension to John Littleford—to the Committee on Invalid Pensions

By Mr. PARKER: A bill (H. R. 25664) to correct the military record of William J. Harrison-to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 25665) granting an increase of pension to Watson Goodrich-to the Committee on Invalid

Also, a bill (H. R. 25666) granting an increase of pension to W. C. Wright-to the Committee on Invalid Pensions

Also, a bill (H. R. 25667) granting a pension to Edward Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25668) to correct the military record of William H. Filey—to the Committee on Military Affairs.

Also, a bill (H. R. 25669) for the relief of Edward Gallagher—

to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 25670) granting an

increase of pension to Joseph G. Lanham—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of the Ohio River Improvement

Association, for an appropriation to improve the Ohio River-to the Committee on Rivers and Harbors.

Also, petition of citizens of Pennsylvania, for increase of salaries of post-office clerks-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Socialist Party of America, Lawrence County (Pa.) committee, against the legal persecution of Moyer, Haywood, and Pettiborne-to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of citizens of Portland, Ind.; Pleasanton, Kans.; Fresno, Cal.; Columbia, Pa., and Wake County, N. C., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of David A. Teager (previously referred to the Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. BOUTELL: Petition of the New Immigrant Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BROUSSARD: Paper to accompany bill for relief of heirs of Joseph H. Pugh-to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of Lieutenant Josiah White Post, No. 45, of Phoenixville, Pa., against abolition of pension agencies—to the Committee on Appropriations.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Henry M. Neely-to the Committee on War Claims. By Mr. CROMER: Paper to accompany bill for relief of Isaac H. Thornburg—to the Committee on Invalid Pensions.

Also, petition of Nelson Trusler Post, Grand Army of the Republic, of Winchester, Ind., against discontinuance of United States pension agencies—to the Committee on Appropritions. By Mr. DOVENER: Paper to accompany bill for relief of John

E. Bowers—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Second Congregational Church of Eau Clare, Wis., for the Littlefield bill-to the Committee on the Judiciary

Also, petition of citizens of Wisconsin, for the Hansbrough amendment to the free-alcohol bill-to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Emerson Manufacturing Company, of Rockford, Ill., for an appropriation to better care for Patent Office models—to the Committee on Appropriations.

Also, petition of L. E. West, of Rock Island, Ill., for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of President John W. Cook, of the Northern Illinois State Normal School, for bill S. 1642-to the Committee

on the Public Lands.

Also, petition of C. E. Wilcox, of Highland Park, Ill., for an appropriation for a floating dry dock-to the Committee on Naval Affairs.

By Mr. GAINES of West Virginia: Petition of the Daughters of Liberty of Charleston, W. Va., for bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of the West Virginia State Grange, against the subsidy bill-to the Committee on the Merchant Marine and Fisheries

By Mr. GRONNA: Petition of John Zurcher et al., of Russell,

N. Dak., for an amendment to the free-alcohol law-to the Com-

mittee on Ways and Means.

By Mr. HALE: Paper to accompany bill for relief of Alfred Baker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary A. Bradfordto the Committee on War Claims.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of William Carpenter (previously referred to the Com-

mittee on Invalid Pensions)—to the Committee on Pensions. By Mr. HOWELL of Utah: Petition of the National Convention for the Extension of Foreign Commerce in the United States, for a dual tariff-to the Committee on Ways and Means.

By Mr. HUFF: Petition of General Alexander Hayes Post, No. 3, Grand Army of the Republic, Department of Pennsylvania, against the abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the Association of Army Nurses of the Civil War, for bill H. R. 21379, to pension volunteer Army nurses to the Committee on Invalid Pensions.

Also, petition of A. G. Reid Post, No. 105, Grand Army of the Republic, of Butler, Pa., favoring amending the act of Congress approved March 2, 1903-Public, No. 134-to the Committee on Invalid Pensions.

Also, petitions of the Pennsylvania State Camp and the National Camp, Patriotic Order of Sons of America, for bill S. 4403—to the Committee on Immigration and Naturalization.

Also, petition of the National Editorial Association of the United States, for bill H. R. 22476-to the Committee on Interstate and Foreign Commerce.

Also, petition of the Fruit Growers' Association of Bedford County, Pa., for an amendment to bill H. R. 19750-to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of David F. Kirby—to the Committee on Pensions.

Also, paper to accompany bill for relief of H. P. Kohn—to the Committee on Pensions

By Mr. LINDSAY: Petition of A. E. Yoell, of the Japanese and Korean Exclusion League, against Japanese subjects of the labor class entering the United States—to the Committee on Foreign Affairs.

Also, petition of the Guild of St. Philip's Episcopal Church, of Brooklyn, N. Y., for the Beveridge-Parsons child-labor bill-to the Committee on Labor.

By Mr. McKINLEY of Illinois: Petition of S. Z. Burrow et al., of Cowden, Ill., for the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. MILLER: Petition of the State board of agriculture of Kansas, for such reciprocal treaties with foreign nations as shall enlarge the market for products of American farms—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Housell Halfield (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of the National Board of Trade, for repeal of the tariff on works of art—to the Committee on Ways and Means.

By Mr. PAGE: Petition of citizens of Monroe, N. C., for the enactment of interstate reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. PRINCE: Petition of business men of Cuba, Fulton County, Ill., against reduction of pay of railway mail clerks—to the Committee on the Post-Office and Post-Roads

By Mr. STERLING: Paper to accompany bill for relief of

By Mr. STERLING: Faper to accompany bill for rener of James Stone—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of citizens of New York, against any statutes to contract the volume of the "medium of exchange"—to the Committee on Coinage, Weights, and Measures.

Also, petition of Edgar T. Gaddis, against the no-fee provision of the service pension bill—to the Committee on Invalid Pen-

sions.

Also, petition of Congregational ministers of Greater New York, for an investigation of affairs in the Kongo Free Stateto the Committee on Foreign Affairs.

By Mr. TIRRELL: Petition of the Hudson News, against tariff on linotype machines-to the Committee on Ways and

Also, petition of the Jewett Piano Company, for an amendment to the free-alcohol bill—to the Committee on Ways and Means

By Mr. WEBB: Petition of citizens of the District of Columbia, for enactment of bill H. R. 6016—to the Committee on the District of Columbia.

By Mr. WHARTON: Petition of the National Convention for the Extension of Foreign Commerce of the United States, for a dual tariff-to the Committee on Ways and Means.

SENATE.

FRIDAY, February 15, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Hansbrough, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

TITLE TO COAL LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, with the accompanying schedules, showing the area of coal lands in each township or fraction thereof in certain States, title to which has passed from the United States, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

ACCEPTANCE OF GOLD CUP.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that permission be granted Mr. Leslie Combs, formerly minister of the United States to Guatemala and Honduras and now minister to Peru, to accept a gold cup presented to him by the President of Guatemala as a souvenir of the peace conference on board the U.S.S. Marblehead; which was referred to the Committee on Foreign Relations, and ordered to be printed.

DISPOSITION OF USELESS DOCUMENTS.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Postmaster-General, transmitting schedules of papers and documents which are not needed in the transaction the public business and which have no permanent value or historical interest.

The VICE-PRESIDENT. The communication will be referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints as such committee on the part of the Senate the Senator from Alabama [Mr. Pettus] and the Senator from New Hampshire [Mr. Gal-Linger]. The Secretary will notify the House of the appointment.

SPECIAL EMPLOYEES OF INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 8th instant, a list of the number and compensation of all special employees in the Commission during the fiscal year 1906 and at the present time; which, with the accompanying papers, was ordered to lie on the table, and be printed.

CREDENTIALS.

Mr. DRYDEN presented the credentials of Frank O. Briggs, chosen by the legislature of the State of New Jersey a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (8, 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 4678. An act granting an increase of pension to John F. Casper

H. R. 17334. An act granting an increase of pension to Henry Power:

H. R. 20605. An act granting a pension to Mary E. P. Barr;

H. R. 21175. An act granting a pension to Martin J. Flagstad; H. R. 21529. An act granting an increase of pension to Char-

H. R. 21808. An act granting an increase of pension to Levi Mitchell;

H. R. 22101. An act granting a pension to Mack Rittenberry; H. R. 22264. An act granting an increase of pension to Sibby Barnhill:

H. R. 22282. An act granting an increase of pension to Edward H. Lunn:

H. R. 22443. An act granting an increase of pension to Lyman Strickland;

H. R. 24323. An act granting an increase of pension to Talcott M. Brown; and

H. R. 23870. An act granting an increase of pension to America J. Austin.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the

H. R. 23720. An act to aid the Council City and Solomon River Railroad Company; and

H. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River in the State of Mississippi.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908.

The message further returned to the Senate in compliance with its request the bill (S. 3002) granting an increase of pension to David C. Johnston.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 5854) granting an increase of pension to John W. McWilliams, the beneficiary being dead.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 5699. An act granting an increase of pension to Adelaide D. Merritt:

S. 5836. An act granting an increase of pension to Daniel Loosley:

S. 5854. An act granting an increase of pension to John W. McWilliams;

S. 5886. An act granting an increase of pension to Anna E.

S. 5912. An act granting an increase of pension to Nathaniel

S. 5991. An act granting an increase of pension to George F. Ford:

S. 6050. An act granting an increase of pension to Edward W.

Galligan: S. 6137. An act granting an increase of pension to Fannie L.

S. 6139. An act granting an increase of pension to Eliza

S. 6143. An act granting an increase of pension to Thomas J. Northrop;

S. 6145. An act granting an increase of pension to Enoch Bolles:

S. 6205. An act granting a pension to Hansford G. Gilkeson; S. 6223. An act granting an increase of pension to William E.

Cummin:

S. 6233. An act granting an increase of pension to George E. Vanderwalker:

S. 6273. An act granting an increase of pension to William J. S. 6278. An act granting an increase of pension to Henry

Humble; S. 6325. An act granting an increase of pension to David A.

Edwards: S. 6350. An act granting an increase of pension to Silas G.

Clark: S. 6351. An act granting an increase of pension to Andrew J.

West:

S. 6372. An act granting an increase of pension to Marvin

S. 6408. An act granting a pension to Mary Louise McLean; S. 6431. An act granting an increase of pension to R. Smith Coats

S. 6436. An act granting an increase of pension to George W.

S. 6459. An act granting an increase of pension to Ellen Carpenter:

S. 6532. An act granting an increase of pension to Joseph

S. 6571. An act granting an increase of pension to William I.

S. 6573. An act granting an increase of pension to John A. Williams:

S. 6582. An act granting an increase of pension to Moses Rowell:

S. 6584. An act granting an increase of pension to John Heath:

S. 6587. An act granting an increase of pension to Marcus M.

S. 6588. An act granting an increase of pension to Arthur Hathorn;

S. 6589. An act granting an increase of pension to Washington D. Grav

S. 6590. An act granting an increase of pension to Theron Hamner;

S. 6623. An act granting an increase of pension to Mollie J. Mitchell

S. 6624. An act granting an increase of pension to Alvin N. D. Kite:

S. 6625. An act granting an increase of pension to Anderson Henry

S. 6633. An act granting an increase of pension to Benjamin F. Wright

S. 6637. An act granting an increase of pension to James J. Eubank

S. 6656. An act granting an increase of pension to Eli M.

S. 6670. An act granting an increase of pension to Dana H. McDuffee;

S. 6671. An act granting an increase of pension to Horace P. Marshall:

S. 6687. An act granting an increase of pension to Henry W. Mahaney

S. 6703. An act granting an increase of pension to John H. Niblock:

S. 6706. An act granting an increase of pension to James T. Stewart;

S. 6708. An act granting an increase of pension to Columbus B. Mason:

S. 6710. An act granting an increase of pension to Thomas P. Way;

S. 6722. An act granting an increase of pension to William Arnold: S. 6732. An act granting an increase of pension to John

Trefry S. 6733. An act granting an increase of pension to Anna D.

Barnes S. 6736. An act granting an increase of pension to Charles H. Tracy

S. 6769. An act granting an increase of pension to James T. McReynolds

S. 6793. An act granting an increase of pension to Simon Peter Wallerson

S. 6800. An act granting an increase of pension to Esther Eldridge:

S. 6811. An act granting an increase of pension to James Carpenter, jr.

S. 6820. An act granting an increase of pension to Henry M. Bullard;

S. 6823. An act granting an increase of pension to John H. Holsey

S. 6827. An act granting an increase of pension to Theodore J. Sweeting;

S. 6828. An act granting an increase of pension to Walter D.

S. 6830. An act granting an increase of pension to Daniel L.

Seavey; S. 6835. An act granting an increase of pension to George

Maybury; S. 6872. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.

S. 6875. An act granting an increase of pension to Lemuel T. Williams;

S. 6876. An act granting an increase of pension to Jesse L. Pritchard:

S. 6914. An act granting an increase of pension to Albert T. S. 6915. An act granting an increase of pension to Samuel G.

Healy S. 6916. An act granting an increase of pension to Nathan E.

Stover; S. 6933. An act granting an increase of pension to Fredrick

Middaugh:

S. 6935. An act granting an increase of pension to William R. Neil: S. 6936. An act granting an increase of pension to Robert

Jenkins: S. 6937. An act granting an increase of pension to Michael

Rosbrugh: S. 6943. An act granting an increase of pension to Lewis A.

S. 6947. An act granting an increase of pension to Charles M. Brough;

S. 6948. An act granting an increase of pension to Albert H.

S. 0957. An act granting an increase of pension to Hiram Siegfried;

S. 6958. An act granting an increase of pension to Keziah Walker;

S. 6960. An act granting an increase of pension to Thomas Ashton;

S. 6963. An act granting an increase of pension to William B.

8,6964. An act granting an increase of pension to Silas N. Palmer;

8.7025. An act granting an increase of pension to James C. West; 8.7053. An act granting an increase of pension to Solomon

Draper; S. 6933. An act granting an increase of pension to Fredrick

Carel;
S. 7060. An act granting an increase of pension to John

Hager;
S. 7062. An act granting an increase of pension to John Mon-

S. 7066. An act granting an increase of pension to Timothy Drew;

Drew;
S. 7067. An act granting an increase of pension to Edmund Fillio:

S. 7069. An act granting an increase of pension to Marshall Johnson:

S. 7074. An act granting an increase of pension to William Jenkins:

Jenkins; S. 7075. An act granting an increase of pension to John S.

Lewis;
S. 7094. An act granting an increase of pension to George B.

S. 7101. An act granting an increase of pension to Catherine Matimore:

S. 7105. An act granting an increase of pension to Samuel Baker;

S. 7119. An act granting an increase of pension to Charles Boxmeyer:

S. 7157. An act granting an increase of pension to Austin S. Dunning;

S, 7161. An act granting an increase of pension to George A.

S. 7162. An act granting an increase of pension to William H. Sheckler:

S. 7174. An act granting an increase of pension to Rebecca Faggart:

S. 7175. An act granting an increase of pension to Adline Mabry:

S. 7192. An act granting an increase of pension to Noah Jarvis;
S. 7193. An act granting an increase of pension to David C.

S. 7193. An act granting an increase of pension to David C. Benjamin;

S. 7220. An act granting an increase of pension to Nancy Bethel;

S. 7243. An act granting an increase of pension to Justus B. Coomer; S. 7246. An act granting an increase of pension to William H.

Berry; S. 7265. An act granting an increase of pension to John R.

McCoy; 8,7293. An act granting an increase of pension to John

White; S. 7294. An act granting an increase of pension to William P.

Pattison; S. 7295. An act granting an increase of pension to Gabriel

Campbell; S. 7335. An act granting an increase of pension to Charles C. Burt:

S. 7337. An act granting a pension to Henry W. Blair;

S. 7339. An act granting a pension to Julia C. R. Baird; S. 7349. An act granting an increase of pension to Luke M. Lewis:

S. 7350. An act granting an increase of pension to Richard Dodge:

Dodge; S. 7353. An act granting an increase of pension to Augusta T. Fighboltz

Eichholtz; S. 7356. An act granting an increase of pension to Henry Schlosser:

S. 7358. An act granting an increase of pension to David Turner;

S. 7301. An act granting an increase of pension to George Downing;

S. 7377. An act granting an increase of pension to Martha J. Collins;

S. 7378. An act granting a pension to Giles M. Caton;

S. 7384. An act granting an increase of pension to Orson B. Johnson;

8.7398. An act granting an increase of pension to Page G. Potter;

S. 7402. An act granting an increase of pension to Francis H. De Castro;

S. 7428. An act granting an increase of pension to Helen C. Lettenmayer;

S. 7445. An act granting an increase of pension to Charles J. Freese:

S. 7475. An act granting an increase of pension to William D. Hudson:

S. 7484. An act granting an increase of pension to Samuel E. Coover;

8.7486. An act granting an increase of pension to Byron A. Williams;

S. 7488. An act granting an increase of pension to William W. Putnam;

S. 7489. An act granting an increase of pension to Albert C. Wagher:

S. 7505. An act granting an increase of pension to Michael Bogue;

8.7513. An act granting an increase of pension to Alexander M. Cowgill;

S. 7543. An act granting an increase of pension to Robert B. McCumber;

S. 7554. An act granting an increase of pension to Amelia R. Randolph:

Randolph; S. 7556. An act granting an increase of pension to Thomas Spanton;

8. 7558. An act granting an increase of pension to Mary Morgan;

S. 7566. An act granting an increase of pension to John Anslow;

8, 7617. An act granting an increase of pension to Victor II. Coffman;

S. 7623. An act granting an increase of pension to Sarah A. Kumler;

S. 7640. An act granting an increase of pension to Stephen H. S. Cook;

S. 7672. An act granting an increase of pension to Elvina Adams;

S. 7673. An act granting an increase of pension to William W. Jordan:

S. 7724. An act granting an increase of pension to Paul J. Christian;

S. 7740. An act granting an increase of pension to Dwight Simpson;

S. 7744. An act granting a pension to Josephine Brackett; S. 7919. An act granting an increase of pension to John D.

Abel; S. 7998. An act granting an increase of pension to George N. Julian:

H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes:

H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots; and

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of the State of Kansas, in favor of the enactment of legislation to provide pensions for survivors of what is known as the "Battle of Beechers Island" and their widows; which was referred to the Committee on Pensions.

He also presented sundry memorials of citizens of Missouri, Illinois, Michigan, Connecticut, Massachusetts, Ohio, New York, Virginia, Indiana, Tennessee, Vermont, Maryland, New Jersey, Delaware, Pennsylvania, Wisconsin, Kansas, Georgia, Kentucky, West Virginia, and of Washington, D. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Unions of Charlestown, Fredericksburg, Kendallville,

and of the congregation of the First Methodist Episcopal Church of Washington, all in the State of Indiana, praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented a petition of the Merchant Tailors' National Protective Association of America, of New York City, N. Y., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-

Mr. FRYE presented petitions of sundry citizens of Skowhegan and Winthrop, in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. LODGE. I present a petition signed by the governor of the State and members of the legislature of Massachusetts in favor of a revision of the tariff laws. I ask that the petition be read, printed in the RECORD, together with the names, and referred to the Committee on Finance.

There being no objection, the petition was read, and referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Boston, Mass., January 30, 1907.

To the President and the Congress of the United States:

To the President and the Congress of the United States:

Believing heartily in the mission of Secretary Root to establish closer relations between the peoples of America, and being also of the opinion that tariff laws should be changed as conditions change, we indorse the attitude in behalf of tariff revision taken by the late National Foreign Trade Convention at Washington.

We indorse the principle there approved of the creation of maximum and minimum tariff schedules to be applied without the intervention of treaties, but otherwise following the general precedent of the reciprocity clause in the McKinley tariff in favor of such countries as will make concessions to us.

clause in the McKinley tariff in favor of such countries as will make concessions to us.

We further favor the establishment, as argued by the convention, of a tariff commission that shall impartially investigate and report from time to time to Congress when schedules appear to be in need of modification, whether in cases where duties once needed for the protection of American industries have become or may become obsolete or unnecessary, or, on the other hand, where new industries may require new protection or new expenses further revenue.

In all cases of tariff revision, however, the test should be, not "Is such a duty demanded?"

We respectfully urge upon the President and the Congress immediate action along these lines, and should the limitation of time make this impossible in the present session of Congress, we respectfully petition the President to use the powers placed in his hands for the consideration of this subject without further delay.

Curtis Guild, Jr.,

CURTIS GUILD, Jr.,
Governor.
WILLIAM D. CHAPPLE,
President of the Senate.
JOHN N. COLE,
Speaker of the House of Representatives.

SENATORS.

Thomas F. Cassidy, Democrat, Adams, Berkshire; William II. Felker, Republican, Northampton, Berkshire, Hampshire, and Hampden; Thomas W. Williams, Republican, Attleborough, First Bristol; Frank M. Chace, Republican, Fall River. Second Bristol; William J. Bullock, Republican, New Bedford, Third Bristol; Eben S. S. Keith, Republican, Bourne, Cape; William B. Salter, Republican, Lynn, First Essex; William D. Chapple, Republican, Salem, Second Essex; James F. Shaw, Republican, Manchester, Third Essex; Harry P. Morse, Republican, Haverhill, Fourth Essex; Joseph Donovan, Republican, Lawrence, Fifth Essex; George J. Gallond, Republican, Amherst, Franklin and Hampshire; William P. Hayes, Democrat, Springfeld, First Hampden; Daniel D. Mahoney, Democrat, Chleopee, Second Hampden; James H. Vahey, Republican, Independent, Democrat, Vatertown, First Middlesex; Frederick J. Macleod, Democrat, Cambridge, Second Middlesex: Elmer A. Stevens, Republican, Somerville, Third Middlesex; John J. Mitchell, Democrat, Marlborough, Fifth Middlesex; Herbert S. Riley, Republican, Woburn, Sixth Middlesex; John H. McManmon, Denocrat, Lowell, Eighth Middlesex; Charles F. Jenney, Republican, Hyde Park, First Norfolk; William O. Faxon, Republican, Stoughton, Second Norfolk; Frank G. Wheatley, Republican, Abington, First Plymouth; George H. Garfield, Republican, Brockton, Second Plymouth; Alfred S. Hall, Republican, Revere, First Suffolk; James J. Mellen, Democrat, Boston, Second Suffolk; Edward W. Dixon, Democrat, Boston, Third Suffolk; Thomas F. Curley, Democrat, Boston, Fourth Suffolk; Frank J. Linehan, Democrat, Boston, Sixth Suffolk; William W. Clarke, Democrat, Boston, Seventh Suffolk; Edward J. Bromberg, Republican, Boston, Ninth Suffolk; Arthur M. Taft, Republican, Worcester, First Worcester; John Lovell Johnson, Republican, Flexburg, Third Worcester; Charles N. Prouty, Republican, Spencer, Worcester and Hampden.

REPRESENTATIVES.

Barnstable.—Thomas Pattison, Republican, Barnstable; Clenric H. Cahoon, Republican, Harwich; Lorenzo D. Baker, jr., Republican, Welffleet.

Welffeet.

Berkshire.—Hugh P. Drysdale, Republican, North Adams; S. John Lamoureaux, Republican, North Adams; Arthur H. Streeter, Republican, Adams; John F. Prindle, Democrat, Williamstown; William Turtle, Republican, Pittsfield; Charles H. Shaylor, Republican, Lee; George H. Blodgett, Republican, Sheffield.

Bristol.—William L. Robinson. Republican, Mansfield; Michael J. Kenney, Republican, Taunton; William M. Dean, Republican, Taunton; Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Taunton; Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Taunton; Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Taunton; Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Republican, Berkley; Henry F. Taber, Republican, Charles H. Macomber, Rep

^a Senator Riley, in signing the petition, changed the phraseology of the last paragraph so as to make it read as follows: "We respectfully urge upon the President and Congress immediate action along these lines as may seem to them advisable."

ican, Acushact. Jessoph A. Ganthier, Ropublican, New Bedford; Samual Rose, Rumblican, New Bedford; Nather P. Deele, Republican, New Bedford; Nathaniel P. Sowie, Republican, Fall River; David P. Keefe, Republican, Fall River; Joseph A. Parks, Democrat, Lawrence; George S. J. Hyde, Republican, Lawrence; Milliam J. Garban, Democrat, Lawrence; John N. Cole, Republican, Methods, Parks, Milliam E. Dorman, Republican, Laynn; John H. McKenney, Republican, Lynn; Charles C. Johnson, Republican, Mahant; Matthew McCann, Republican, Lynn; Charles C. Johnson, Republican, Methods, Lawrence; Methods, Methods, Republican, Lynn; Charles C. Johnson, Republican, Salem; Robert E. Pollock, Republican, Salem; G. Arthur Bodwell, Republican, Salem; Robert E. Pollock, Republican, Salem; G. Arthur Bodwell, Republican, Salem; Robert E. Pollock, Republican, Salem; Robert E. Pollock, Republican, West Springfield; George D. Green, Republican, Perman, Perman, Perman, Republican, Springfield; John C. Bennett, Democrat, Springfield; George D. Green, Republican, Perman, Perman, Perman, Republican, Republican, Methods, Republican, Vest Springfield; George D. Green, Republican, Candiday, Republican, Re

Mr. McCUMBER. I present a memorial of sundry citizens White Earth, N. Dak., remonstrating against the recent

Executive order relative to acquiring title to Government land. The memorial is short, and I ask that it be printed in the Record, and referred to the Committee on Public Lands.

There being no objection, the memorial was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

RESOLUTIONS

Adopted by unanimous vote of the citizens of White Earth, N. Dak., in unblic gathering on February 1, 1907, at which there were assembled, notwithstanding one of the most severe storms of the winter, fifty-five people, and every citizen voting for the resolution.

Be it enacted by the citizens of White Earth, Ward County, N. Dak., That whereas the homestead law, as recently interpreted by the Department in not allowing an absence from the land for any reason without such absence being considered a breaking of the residence and thus necessitating fourteen months of residence thereafter, has resulted in great hardship to settlers of this vicinity, and especially during the severe winter which North Dakota is now experiencing, we hereby extend our hearty thanks and appreciation to Senator Hansbrough and our Representatives in Congress for their efforts in securing the passage of the resolution granting to settlers a leave of absence for three months, beginning with January 18, 1907; and be it Further resolved. That we as citizens in a homestead country who know the facts and conditions in our vicinity, do vigorously protest against and repudiate the aspersions and insinuations contained in the order of the President, dated January 25, 1907, that the people of this country are engaging in wholesale perjury and frand in acquiring title to Government land, we believe that the order is unnecessary and is one that, where it may prevent one case of fraud, will injure a thousand honest settlers, and we demand that the order, providing for an investigation before any evidence of title be given when final proof is made, be revoked; or that the Department show by immediate results that it is in a position to investigate proofs immediately and thus avoid the injustice of delay to thousands of settlers support and to earn a living on their land.

Resolved further, That copies of this resolution be mailed to each of our Congressmen, and to our State assemblymen from this district.

Mr. McCUMBER presented petitions of sundry ci

Mr. McCUMBER presented petitions of sundry citizens of Drayton and Grand Forks, in the State of North Dakota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. GALLINGER presented a petition of sundry citizens of Unity, N. H., and a petition of the Woman's Christian Temperance Union of Webster, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the

He also presented the petition of Henry F. Hollis, of Concord, N. H., praying for the enactment of legislation to repeal the duty on cheap cotton goods known as "splits;" which was re-

ferred to the Committee on Finance.

He also presented the petition of J. E. Klock, principal of the State Normal School, of Plymouth, N. H., praying for the enactment of legislation to apply a portion of the proceeds from the sale of public lands to the State normal schools of the United States for the advancement of instruction in agriculture and manual training; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Citizens' Business League, of Milwaukee, Wis., praying that an appropriation be made for a scientific investigation into the industrial condition of woman and child workers of the United States; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Washington, D. C., praying that an appropriation be made to complete the grading and macadamizing of Pennsylvania avenue extended SE., in that city; which was referred to the Committee on the District of Columbia.

Mr. PLATT presented a memorial of sundry Methodist Episcopal ministers of Rochester, N. Y., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Guild of St. Philip's Episcopal Church, Brooklyn, N. Y., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hermon, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented memorials of Fuller Post, No. 246, Grand Army of the Republic, of Little Valley, N. Y.; of Cameron Post, No. 79, and of the executive committee, Grand Army of the Republic, Department of New York, remonstrating against the enactment of legislation abolishing the pension agencies through-

out the country; which were ordered to lie on the table.

He also presented a petition of sundry citizens of the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. DEPEW presented petitions of sundry citizens of Onon-daga County, Minoa, Nelson, Dunkirk, and Olean, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. NELSON presented petitions of the Monitor Drill Company and of the North St. Paul (Minn.) Casket Company, in the State of Minnesota, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Minneapolis and Duluth, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. SCOTT presented a petition of sundry citizens of Cameron, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH. I present a concurrent resolution passed by the legislature of the State of North Dakota with respect to grain inspection and grain grading. As this matter is likely to give rise to some discussion, there being an item in the agricultural appropriation bill on the subject, I ask that the concurrent resolution may be printed in the Record for the information of the Scatter. formation of the Senate.

The memorial was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

[Senate bill No. 82, introduced by Mr. Cashel.]

CONCURRENT RESOLUTION.

Re it resolved by the senate of North Dakota (the house concurring):
Whereas the Wisconsin grain grading and inspection law at Superior,
Wis., is the legally established market for the grains of this State, the
State being represented by a commissioner on the board that regulates
the same to whom it contributes a portion of his salary; and
Whereas the operations of the law are now tied up in the courts and
inoperative, being bitterly opposed by the railroads, elevators, and
boards of trade operating under the Minnesota grain grading and inspection law, thereby destroying competition, to the great injury of the
farmers of this State; and
Whereas the Minnesota law is not satisfactory in its dockage and in
allowing terminal elevators to doctor wheat by scouring and mixing inferior grades, thereby advancing the grade and shipping out a greater
amount of higher grades of wheat than were taken in, thus making unnatural gains for the elevators and a corresponding loss to the grain
growers, besides degrading the quality of our wheat in the markets of
the world; and
Whereas there are frequently losses to shippers through defective
cars, being so either when loaded or by rough handling when in transit
or in the terminal yards, causing numerous losses not accounted for:
Therefore, be it

Resolved, That this legislative assembly, composed of the representatives of the farmers and business interests of the State, believing that
there should be free, open, competitive markets for our products, and
that we should receive just value therefor, do respectfully request and
erge—
First, That all opposition be withdrawn from the establishment of an

there should be free, open, competitive markets for our products, and that we should receive just value therefor, do respectfully request and urge—

First. That all opposition be withdrawn from the establishment of an equitable grain grading and inspection law at Superior, Wis., giving to us a competitive market.

Second. That the legislative assembly of the State of Minnesota be requested to amend its grain grading and inspection laws, establishing grain hospitals for customers only, and prohibiting terminal elevators from shipping out more grain of a given grade than was received in.

Third. That the legislative assembly of the State of Wisconsia be also requested to amend its grain grading and inspection laws to harmonize with the requests set forth in the second article of this resolution, and to prohibit a few persons from controlling the storage capacity of an elevator to the detriment of the many.

Fourth. That the suction draft be prohibited before grain is weighed and dockage taken, and the value of the dockage be accounted for and paid to the owner of the grain from which it was taken.

Fifth. That a car inspection be established in each of these States to ascertain the exact condition of cars arriving loaded with grain and that all defective cars be specifically noted and reported to the head of the grain inspection department where they entered and a duplicate notice thereof sent to the company to which the car belonged; and be it further

Resolved, That should we fall through these recommendations and requests to procure a redress of these grievances, we respectfully urge the grain growers of this State to cooperate for the purpose of building local and terminal elevators; and be it further

Resolved, That we favor a national grain grading and inspection law that will be uniform in all the States, thus abolishing the special system in each State; and be it further

Resolved, That we favor a national grain grading and inspection law that will be uniform in all the scate, and to the president of the

I, James W. Foley, secretary of the senate, do hereby certify that the foregoing concurrent resolution originated in and was adopted by

the senate of the tenth legislative assembly of the State of North Dakota and was concurred in by the house of representatives.

JAMES W. FOLEY,

Scientary of the Scnate.

Mr. CULBERSON presented a petition of sundry citizens of Cisco, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. KEAN presented the petition of R. W. Cornelison, of Bloomfield, N. J., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred

to the Committee on Finance.

He also presented petitions of sundry citizens of Glassboro, Atlantic City, Manasquan, Bridgeton, Fairton, and Bloomfield, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. DU PONT. I present a joint resolution of the legislature of Delaware, in favor of the adoption of an amendment to the Constitution to prohibit polygamy and polygamous cohabitation within the United States. I ask that the joint resolution be read and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was read, and referred to the Committee on the Judiciary, as follows:

Joint resolution proposing an amendment to the Constitution of the United States, prohibiting polygamy and polygamous cohabitation within the United States.

United States, prohibiting polygamy and polygamous cohabitation within the United States.

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States, and there is a demand for more effectual prohibition thereof, by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now, therefore, be it

Resolved by the senate and house of representatives of the State of Delaware in general assembly met, That application be, and is hereby, made to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States now in session, or when next convened, be, and they are hereby, respectfully requested to join in this application by the adoption of this or equivalent resolution.

Resolved further, That the secretary of state be, and hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

RICHARD HODGSON,

Speaker of the House.

ISAAC T. PARKER,

President of the Senate.

Approved this the 11th day of February, A. D. 1907.

Approved this the 11th day of February, A. D. 1907.

PRESTON LEA, Governor.

Mr. DOLLIVER presented petitions of sundry citizens of Atlantic, Britt, Salem, Jefferson, Colfax, Woodbine, Russell, and Rising Sun, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hopkinton, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Com-

mittee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Chicago and De Kalb, in the State of Illinois, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance

He also presented petitions of sundry citizens of Milledge-ville, Waltonville, and Colfax, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG. I present a concurrent resolution of the legisla-

ture of the State of Kansas, which I ask may be printed in the Record, and referred to the Committee on Pensions.

The memorial was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 7.

Be it resolved by the house of representatives (the senate concurring therein), That the following memorial be adopted and copies sent to the Senate and House of Representatives at Washington, D. C. the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Kansas, respect-

fully represent, that—
Whereas a bill is now pending in Congress having for its purpose the granting of pensions to the survivors of what is known as the "Battle of Beecher Island," and their widows:

Now, therefore, your memorialists urgently recommend the enactment of said legislation. Said legislation is necessary for the reason that the participants in said battle were civilian scouts enlisted and recruited by Col. George Alexander Forsyth, and were known as "Forsyth's Scouts;" that there were in number about fifty of said scouts, including their officers, and that at a point known as "Beecher Island," in the State of Colorado, a battle was fought with the Indians September 17, 1863; that said scouts and their officers were surrounded by more than 1,000 Indians for nine days and nights; that five of them were killed and twenty-one wounded, and the survivors suffered untold agony; that only a small number of said scouts survive to this day, and that practically all of them and their widows are in straitened circumstances financially; that had they been regularly enlisted in the United States Army they would long since have been receiving pensions, but on account of the irregularity of their enlistment in the service which they rendered to their country they are not entitled to pensions under the general law. For this reason a special bill has been introduced in Congress for their relief.

Your memorialists therefore earnestly recommend that said bill be passed in order that these men may receive that recognition to which they have always been entitled, but which they have never received.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and our Representatives in Congress.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 29, 1907.

J. S. Simmons.

Speaker of the House.

J. S. SIMMONS.

Speaker of the House.
D. Y. Wilson,
Chief Clerk of the House.

Passed the senate February 8, 1907.

W. J. FITZGERALD,
President of the Senate.
W. E. PITTS.
Assistant Secretary of the Senate.

Approved February 11, 1907.

E. W. Hoch, Governor. STATE OF KANSAS, OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 12th day of February, 1907.

C. E. DENTON, Secretary of State,
By J. T. BOTKIN,
Assistant Secretary of State.

Mr. LONG presented a petition of sundry citizens of Barber County, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lyon County, Kans., praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented petitions of the congregations of the United

Presbyterian Church and the Reformed Presbyterian Church, of Sterling, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the Lincoln Branch of the Railway Mail Service Association, of Lincoln, Nebr., and a petition of the Omaha Branch of the Railway Mail Service Association, of Omaha, Nebr., praying for the enactment of legislation to increase the salaries of railway postal clerks; which were referred to the Committee on Post-Offices and Post-

Mr. NIXON presented the memorial of John Sparks, governor of the State of Nevada, of Reno, Nev., remonstrating against any reduction being made in the appropriation for the railway mail service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TALIAFERRO presented memorials of sundry citizens of Port Orange and Hawks Park, in the State of Florida, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a petition of the Salisbury Brothers Furniture Company, of Randolph, Vt., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. MONEY presented a paper to accompany the bill (S. 5792) for the relief of the estate of John M. Rook, deceased; which was referred to the Committee on Claims.

Mr. SPOONER presented a petition of the Clark Engraving and Printing Company, of Milwaukee, Wis., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance

He also presented a petition of the Madison Central and Fifth Ward Woman's Christian Temperance Union, of Madison, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Grand Army As-

sociation of Philadelphia, Grand Army of the Republic, of Philadelphia, Pa., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Fourth Methodist Protestant Church of Pittsburg, Pa., praying for an investigation of the charges made and filed against Hon. Reed Smoot, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Chester, Pa., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Philadelphia Unterstuetzung Verein; Ascher Harmonia; Deutsches Landwehr-Unterstuetzung Verein; German Veteranen Bund; Beneficial Society of D. L. S. Verein; Gifard Avenue Arbeiter Unterstuetzung Verein, No. 1; Wartburg Turnier, No. 2; and Samoset Stamm, No. 115, Independent Order of Red Men; of Franklinville Ge-sang Verein; Darmstaedter Volksfest Verein; Bergdoll Social Club; Hohenzollern Beneficial Society; Alsatian Workingmen Beneficial Society; Germania Castle, No. 174, K. G. E.; Germania Maennerchor, Columbia Burchenschaft, 452 members; Lodge No. 7, Sons of Veterans; Germania Unterstuetzung Verein; Court Bluecher, No. 203; Mozart Harmonie; Washington Bund, No. 18; Freier Orden der Hermannssoehne; Karpathen Quartet Club; Conclave No. 21, Order of Seven Wise Men, and Tioga Liedertafel; of Humboldt Lodge, No. 1; Badischer Unterstuetz-ung Verein; Unterstuetzungs Bund Distrikt, No. 165; Wuerting Verein; Unterstuetzungs Bund Distrikt, No. 165; Wuerttemberger Ulanen Escadron, No. 1; Southwark Mannes Zirkel;
Guttenberg Lodge, No. 6; General Von Moltke Unterstuetzung
Verein; Independent Sick Beneficial Association; Elnjahriger
Männer Unterstuetzungs Verein; Junger Maennerchor; Vereinigten Deutschen Militar Verein; Philadelphia Lodge, No. 30, and
Bergner & Engel Employee Beneficial Association, all of Philadelphia; of Schiller Männerchor; Cohocksink Stamm, No. 35, U. O. R. M.; Germantown Männerchor; Stamm No. 14, O. R. M.; Southwark Turn and Sunday School Association; Cannstatter Volksfest Verein and Arion Singing Society, all of Philadelphia, Pa.; Reading Liederkranz, Reading, Pa.; Humboldt Lodge, No. 39, Allegheny City, Pa.; Robert Blum Lodge, No. 414, Allegheny City, Pa.; Granite Lodge, No. 652, Allegheny City, Pa.; German-American Beneficial Union, of Pittsburg, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Woman's Christian Temperance Union of Northbridge, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on

He also presented petitions of the Massachusetts Institute of Technology, of Boston; of the Franklin Engraving Company, of Boston; of the Boston Belting Company, of Boston, and of the Superior Polish Company, all in the State of Massachusetts, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. PILES presented a petition of the Woman's Christian Temperance Union of Vancouver, Wash., and a petition of the congregation of the Methodist Episcopal Church of Ballard, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports

A bill (H. R. 25482) to amend section 878 of the Code of Law for the District of Columbia;

A bill (S. 4506) to provide for the better registration of births in the District of Columbia, and for other purposes

A bill (H. R. 24875) authorizing the extension of Forty-fifth street NW.; and

A bill (H. R. 24284) for the opening of Warren and Forty-

sixth streets NW., in the District of Columbia.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely

A bill (S. 7824) authorizing the extension of Forty-fifth street

A bill (S. 7426) for the opening of Warren and Forty-sixth streets NW., District of Columbia. Mr. PERKINS, from the Committee on Commerce, to whom

was referred the bill (H. R. 13367) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California, reported it without amendment.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 8208) authorizing the extension of Park place NW., reported it without amend-ment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6993) to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the District of Columbia, reported it with amendments, and submitted a report thereon.

INDIAN TRIBAL FUNDS.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, to report it favorably with amendments, and I submit a report thereon. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration.

The first amendment was, in line 3, after the word "the," to strike out "President" and insert "Secretary of the Interior;" in line 4, after the word "authorized," to strike out "in his discretion" and insert "and directed;" in line 6, after the word cretion" and insert "and directed;" in line 6, after the word "deem," to strike out "to be sufficiently advanced in civilization;" in line 8, after the word "her," to strike out "own;" in line 12, before the word "amount," to strike out "said" and insert "the;" in the same line, after the word "amount," to insert "so apportioned and allotted;" on page 2, line 2, after the word "shall," to strike out "be paid to" and insert "thereupon be subject to the order of;" in line 3, after the word "Indian" to strike out "at such times and in such manner as the dian," to strike out "at such times and in such manner as the President may direct;" and in line 6, after the word "therefor," to strike out:

And before any portion thereof is paid, such Indian shall file a re-lease of any further interest in the tribal or trust funds of such tribe or tribes of which he may be a member, such release to cover any funds that may hereafter be deposited to the credit of such tribe or tribes.

So as to make the section read:

So as to make the section read:

That the Secretary of the Interior is hereby authorized and directed, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian. Provided, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 2, to strike out section 2, in the following words:

SEC 2. That the President shall, by Executive order, prescribe rules and regulations to carry out the purposes of this act. Such regulations may also provide the method and proceedings for the distribution of the share of any allottee who may die before payment and after such allotment on the books of the Treasury Department.

And in lieu thereof to insert:

That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident, his or her share of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe: Provided. That this authority shall not apply to any fund against which the United States has advanced money to be reimbursed from such fund, until such reimbursement has been made.

Mr. SPOONER obtained the floor.

Mr. CURTIS. Mr. President

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. SPOONER. I do.

Mr. CURTIS. I should like to have the bill read as amended.

Mr. KEAN. As it will read when it is amended.

The VICE-PRESIDENT. The Secretary will read the bill as it would stand if all the amendments of the committee should be agreed to.

The Secretary read the bill as proposed to be amended.

Mr. SPOONER. I observe that the language of the bill is mainly permissive, but that in a first portion of it there is the mandatory phrase "authorized and directed."

Mr. CLAPP. There is no objection to striking out the words "and directed."

Mr. SPOONER. I move to strike out the words "and directed.'

Mr. CLAPP. I accept that amendment.

The VICE-PRESIDENT. The amendment will be stated.
The Secretary. On page 1, line 4, after the word "authorized," strike out the words "and directed."
Mr. CLARK of Wyoming. I wish to ask what is the parlia-

mentary status of the bill?

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the last amendment reported by the committee, which has been

Mr. CLARK of Wyoming. I wish to say that the bill will probably create considerable discussion. I think the bill ought

to go over.

The VICE-PRESIDENT. Under objection, the bill will go to the Calendar.

ST. LOUIS, IRON MOUNTAIN AND SOUTHERN RAILWAY.

Mr. STONE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8189) granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a singletrack railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, upper White River, Arkansas, to report it favorably with amendments, and I submit a report thereon. I call the attention of the junior Senator from Arkansas [Mr. Clarke] to the bill.

Mr. CLARKE of Arkansas. I ask unanimous consent for the

present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The first amendment was, in section 1, line 5, after the word "Arkansas," to insert "subject to such conditions as may be prescribed by the Secretary of War, who may require the said company to pay to the United States such sum of money as he may decide to be the value of the lands so occupied;" in line 7, after the word "of," to strike out "one" and insert "eight;" in the same line, after the word "hundred," to strike out "and fifty;" in line 9, after the word "One," to insert "nor any area within the boundaries of the aforesaid lands;" in line 10, after the words "by the "to strike out." United States engineer after the words "by the," to strike out "United States engineer officer in charge of the improvement of upper White River, Arkansas," and insert "Secretary of War," so as to make the section read :

That the St. Louis, Iron Mountain and Southern Railway Company, a corporation, created and existing under and by virtue of the laws of the State of Arkansas, its successors and assigns be, and they are hereby, authorized to construct, maintain, and operate a single-track railway over and across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, subject to such conditions as may be prescribed by the Secretary of War, who may require the said company to pay to the United States such sum of money as he may decide to be the value of the land so occupied, reserved for use in connection with the construction of Lock No. 1, upper White River, Arkansas. Said St. Louis, Iron Mountain and Southern Railway Company shall not use the river banks within a distance of 800 feet above and below the limits of the lock walls of said Lock No. 1, nor any area within the boundaries of the aforesaid lands, as a place for depositing spoil and waste, except under such conditions as may be approved by the Secretary of War.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 2, page 2, to strike out, after the words "Sec. 2," the following.

That all work done by said St. Louis, Iron Mountain and Southern Railway Company under this act shall be subject at all times during and after its completion to the approval of the Secretary of War, and shall be done under the supervision of the engineer officer of the United States Army in charge of the improvement of upper White River, Arapeae

And in lieu thereof to insert:

And in lieu thereof to insert:

That the said St. Louis, Iron Mountain and Southern Railway shall not avail themselves of the privileges of this act until the Secretary of War shall have approved the location and plans of the single-track railway referred to in section 1 of this act: Provided, That the center line of said track shall be at least 75 feet from and on the northerly side of the lock tender's cottage now built on the aforesaid lands: And provided further, That if, in the construction of the said railway, it is necessary to remove any buildings, barns, water towers, or other structures now on the aforesaid lands, the St. Louis, Iron Mountain and Southern Railway Company shall replace them at points to be designated by the Secretary of War: And provided further, That in the construction, maintenance, and operation of said single-track railway the St. Louis, Iron Mountain and Southern Railway Company shall not appropriate any land other than that needed for the roadway, and said construction, maintenance, and operation through said lands shall at all times be under the supervision of the Secretary of War.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was to insert the following as a new

Sec. 3. That all railroad companies desiring the use of the single-track railway authorized by this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owners of the said single-track railway and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform, all matters at issue between them shall be decided by the Secretary of War.

The amendment was agreed to.

The next amendment was to insert a new section, as follows:

Sec. 4. That this act shall be null and void if actual construction of said single-track railway herein authorized shall not be commenced in one year and completed within two years from the date of the approval hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8377) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, to report it favorably without amendment, and I submit a report thereon. I ask for the consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. VEILE.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3267) granting a pension to George C. Veile, to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Veile, late of Company B, Fifteenth Regiment Wisconsin Volunteer Infantry, and Elighth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George C. Veile.'

SAMUEL SHEPHERD.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6838) granting an increase of pension to Samuel Shepherd, to report it favorably with an amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The amendment was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shepherd, late of Company I, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD DUNSCOMB.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8279) granting a pension to Edward Dunscomb, to report it favorably with an

amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Dunscomb, late captain Company K, Second Regiment New York Volunteer Cavalry, and acting assistant surgeon, United States Army, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB B. GETTER.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8101) granting an increase of pension to Jacob B. Getter, to report it favorably with an amendment, and I submit a report thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob B. Getter, late first lieutenant Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMMIGRATION STATION AT GALVESTON, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 8327) to provide for the establishment of an immigration station at Galveston, in the State of Texas, and the erection in said city, on a site to be selected for said station, of a public building.

said station, of a public building.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to establish an immigration station at the city of Galveston, in the State of Texas, and to cause to be erected, on a site to be selected, a public building to temporarily accommodate and care for immigrants arriving at said city: Provided, That the land and dock room necessary for the station and building be transferred to the Government of the United States free of any cost to the United States. Seventy thousand dollars is appropriated for the erection of the building, which sum shall be paid from the permanent appropriation for expenses of regulating immigration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ANN HUDSON.

Mr. CARMACK. I am directed by the Committee on Pensions, to whom was referred the bill (S. 8485) granting an increase of pension to Ann Hudson, to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Hudson, widow of Christopher C. Hudson, late ensign Captain Tatum's company, Tennessee Volunteers, Creek Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND SELECTIONS IN NORTH DAKOTA.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7994) authorizing the State of North Dakota to select other lands in lieu of lands erroneously entered in sections 16 and 36, within the

limits of the abandoned Fort Rice and Fort Abraham Lincoln military reservations, in said State, to report it favorably with amendments, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The amendments were, on page 1, line 4, before the word "homestead," to strike out the word "existing;" in line 9, after the word "unappropriated," to insert "surveyed;" on page 2, line 7, before the word "embraced," to strike out "now;" and at the end of the bill to strike out the words "of record;" so as to make the bill read:

Be it enacted, etc., That the State of North Dakota be, and is hereby, authorized to select, in lieu of lands embraced in homestead entries made and erroneously allowed prior to the passage of this act for lands in sections 16 and 36, within the limits of the abandoned Fort Rice and Fort Abraham Lincoln military reservations, in said State, other unappropriated surveyed nonmineral public lands of equal area situated within the limits of said State, in the manner provided in the act approved February 28, 1891 (26 Stat. L., p. 796), entitled "An act to amend sections 2275 and 2276 of the Revised Statuets of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes:" Provided, That such selection of lands by said State shall be a waiver of its right to the lands embraced in said homestead entries.

The amendments were agreed to.

Mr. HEYBURN. I ask that the bill be read as amended. Mr. HANSBROUGH. The bill pertains exclusively to North

Dakota. Mr. HEYBURN. I withdraw my request.

The VICE-PRESIDENT. The request is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. DAVIS.

Mr. WARNER. I am directed by the Committee on Military Affairs to report back favorably with an amendment the bill (H. R. 9841) to correct the military record of James H. Davis, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consider-

The amendment of the committee was to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That James H. Davis, of Company B. East Tennessee National Guard, war of the rebellion, be held and considered to have been enlisted in said organization September 14, 1863: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr MILLARD introduced a bill (S. 8488) to amend an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

Mr. PETTUS introduced a bill (S. 8489) to authorize the Baltimore and Ohio Railroad Company to construct side tracks across squares Nos. 712 and 673 in the city of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee

A bill (S. 8490) for the relief of the estate of John New-

burn A bill (S. 8491) for the relief of the heirs of James P. Miller,

deceased (with an accompanying paper);
A bill (S. 8492) for the relief of Aaron Turner; and
A bill (S. 8493) for the relief of the estate of Joseph Blair. Mr. MONEY introduced a bill (S. 8494) for the relief of the Independent Order of Odd Fellows, No. 37, of Okolona, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced the following bills; which were

severally read twice by their titles, and referred to the Com-

A bill (S. 8495) granting a pension to Mary A. Whitcomb;

A bill (S. 8496) granting a pension to Mary E. Alford; and Λ bill (S. 8497) granting a pension to Thomas M. Davis.

AMENDMENTS TO APPROPRIATION BILLS.

 Mr. PLATT submitted an amendment proposing to appropriate \$36,000 for improvements at the navy-yard, New York, intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs

Mr. CULBERSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill;

which was referred to the Committee on Commerce.

Mr. MALLORY submitted an amendment proposing to appropriate \$400,000 toward the construction of graving dock of concrete and granite, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment relative to the rank and pay of certain retired officers of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ANKENY submitted an amendment relative to the movement of live stock from one State or Territory or the District of Columbia into or upon any forest reserve, national forest, Indian reservation, etc., intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table and be printed.

Mr. TILLMAN submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. MONEY submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

THE SENATE MANUAL.

Mr. SPOONER. Yesterday morning I asked and obtained unanimous consent for the adoption of an order for the preparation of a new edition of the Senate Manual. It is in the same form which has always been adopted, and under it it has been the custom for a great many years to print 150 morocco-bound copies for the use of Senators, tagged as to the contents. Those copies are of very great convenience. I understand that there is some question made by the Public Printer as to whether that shall be done as to the new edition. I ask unanimous consent that the words which I have underlined be added to the order.

VICE-PRESIDENT. Without objection, the vote by which the order was adopted yesterday will be reconsidered. The Senator from Wisconsin offers an amendment to the order,

which will be stated.

The Secretary. It is proposed to add at the end of the order "of which 150 copies shall be bound in full morocco and tagged as to contents;" so as to make the order read;

ordered, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual, and that there be printed 2,500 copies of the same for the use of the committee, of which 150 copies shall be bound in full morocco and tagged as to contents.

The amendment was agreed to.

Mr. CLAPP. Is the resolution open to amendment?

The VICE-PRESIDENT. It is open to amendment.

Mr. CLAPP. I move to amend by making the number thirtyfive hundred. I do not know whether other Senators get so many requests as I receive for copies of the Senate Manual, but when we are printing an edition the additional cost of a thousand more copies is very slight. It is a work which may well be of value in schools and elsewhere.

VICE-PRESIDENT. The Secretary will

amendment proposed by the Senator from Minnesota.

The Secretary. Before the word "copies" s
"2,500" and insert "3,500." strike out

The amendment was agreed to.

The order as amended was agreed to.

CAR SHORTAGE.

Mr. HANSBROUGH submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate, at the earliest practicable time, a transcript of the testimony taken by the Commission recently at Minneapolis and Chicago respecting the shortage of cars for the movement of freight, particularly the grain crop.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER (before the conclusion of routine business). Mr. McCUMBER (before the conclusion of routine business).

The title was amended so as to read: "A bill granting an increase of pension to Elias W. Garrett."

can pass in a few minutes, and I ask unanimous consent for their consideration.

I will ask the Senator from North Dakota if he does not think before we take up bills to put on their passage the morning business ought to be disposed of? Many of us have bills that we desire to introduce.

Mr. McCUMBER. Let me call the Senator's special attention to this matter. Monday will be the last meeting day of the Committee on Pensions in the House.

Mr. CLAY. I give notice that I shall object to unanimous consent being given to the consideration of further bills until the

morning business has been disposed of.

Mr. McCUMBER. This will take only a few minutes.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from North Dakota? The Chair hears none, and the Secretary will report the first pension bill on the Calendar.

WILLIAM WALLACE.

The bill (S. 7895) granting an increase of pension to William

Wallace was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wallace, late of Company I, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SNYDER.

The bill (S. 6996) granting an increase of pension to John Snyder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Snyder, late of Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL DUBOIS.

The bill (S. 7983) granting an increase of pension to Samuel Dubois was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Dubois, late of Company I, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIAS W. GARRETT.

The bill (S. 7632) granting an increase of pension to Elias Garrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias W. Garrett, late of Sixteenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON W. JAMESON.

The bill (S. 8404) granting an increase of pension to Nelson W. Jameson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and Signal Corps, United States Volunteers;" and in line 9, before the word "dollars," to strike out "thirty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson W. Jameson, late of Company I. Fourteenth Regiment Maine Volunteer Infantry, and Signal Corps, United States Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEREMIAH BOWMAN.

The bill (S. 8214) granting a pension to James Bowman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Bowman, late of Troop D, Ninth Regiment United States Cavalry, and Company B, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jeremiah Bowman."

ANNIE C. STEPHENS.

The bill (S. 8317) granting an increase of pension to Annie

Cox Stephens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie C. Stephens, widow of Edward W. Stephens, late major First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Annie C. Stephens."

GEORGE W. WALTER.

The bill (S. 8342) granting an increase of pension to George W. Walter was considered as in Committee of the Whole. proposes to place on the pension roll the name of George W. Walter, late of Troop A, Eighth Regiment United States Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time, and passed.

GREENBERRY B. PATTERSON.

The bill (S. 5383) granting an increase of pension to Greenberry B. Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Greenberry B. Patterson, late of Company F, Twenty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILKISON B. ROSS.

The bill (S. 7907) granting an increase of pension to Wilkison B. Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilkison B. Ross, late of Company G. Eighty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

SAMUEL S. WATSON.

The bill (S. 3527) granting an increase of pension to Samuel S. Watson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel S. Watson, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

CHARLES A. WOODWARD,

The bill (S. 7561) granting an increase of pension to Charles A. Woodward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Woodward, late of Company K, Third Regiment California Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time,

and passed.

JOHN H. LA VAQUE.

The bill (S. 5981) granting an increase of pension to John H. La Vaque was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. La Vaque, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

MARIA L. PHILBRICK.

The bill (S. 8340) granting an increase of pension to Maria L. Philbrick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria L. Philbrick, widow of Chase Philbrick, late lieutenant-colonel Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY A. E. HOFFMAN.

The bill (8, 5125) granting an increase of pension to Nancy A. E. Hoffman was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. E. Hoffman, widow of Nimrod N. Hoffman, late of Company B, Thirteenth Regiment United States Infantry, war with Mexico, and first lieutenant Company A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALONZO W. FULLER.

The bill (S. 6970) granting an increase of pension to Alonzo W. Fuller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo W. Fuller, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. MORGAN.

The bill (S. 7604) granting an increase of pension to John B. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Morgan," to strike out the initial "B." and insert "M.;" in the same line, after the word "Company," to strike out the letter "B" and insert "D;" and in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Morgan, late of Company D, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John M. Morgan."

GEORGE H. KEATING.

The bill (H. R. 3507) to correct the military record of George H. Keating was considered as in Committee of the Whole. It proposes that George H. Keating be held and considered to have been mustered into the United States military service as a pri-vate in Company G, Ninth New York Infantry Volunteers, as of date of May 18, 1861, and honorably discharged from the service as of date of May 20, 1863, and that an honorable discharge be issued to him, but that no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR W. WHITE.

The bill (H. R. 15197) to correct the military record of Arthur W. White was considered as in Committee of the Whole. It proposes to correct the military record of Arthur W. White, late a first lieutenant in Union Light Guard, Ohio Volunteer Cavalry, also known as the Seventh Independent Company, Ohio Volunteer Cavalry, so that he shall be held and considered to have been honorably discharged from the service of the United States upon the 18th of November, 1864; but no pay, bounty, or other emolument shall become due or payable by virtue of this

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY LYONS.

The bill (H. R. 3356) to correct the military record of Timothy Lyons was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Cavalry," strike out "and that he be restored to all rights lost or suspended by reason of said charge of desertion" and insert "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Timothy Lyons, late of Company G. First Regiment Wisconsin Volunteer Cavalry: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed,

ASA A. GARDNER.

The bill (H. R. 23367) granting an increase of pension to Asa A. Gardner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "seventy-two;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa A. Gardner, late first lieutenant Company D, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 8283) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes. I will state that as it is necessary that the bill shall go to the House of Representatives, it is important that it shall be acted on immediately.

The VICE-PRESIDENT. The bill will be read for the in-

formation of the Senate.

The Secretary read the bill, as follows:

The Secretary read the bill, as follows:

Be it enacted, etc., That the time for the compliance of the Vaidez. Marshall Pass and Northern Railroad Company with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska, is hereby extended—

First, Said company shall have three years from the passage of this act within which to complete the first 20 miles of its railroad, by way of Keystone Canyon, Marshall Pass to Copper River, and from thence to Tanana River, and six years from the date of the passage of this act within which to complete said railroad to the Tanana River, all to be within such rights as it possesses and not in any way affecting or contravening any vested rights of any other company or person or the rights of the Government, provided said company carry out the requirements of law.

Second. Said company shall be exempt from license tax during the period of construction and for four years thereafter: Provided, That the total period of exemption shall not exceed ten years from the time of the passage of this act: And provided further, That this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed.

Third. Congress reserves the right to alter, amend, or repeal this act. By unantininous consent, the Senate, as in Committee of the

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTRICTION OF IMMIGRATION.

The VICE-PRESIDENT. Morning business is closed, and the Calendar, under Rule VIII, is in order.
Mr. LODGE. Mr. President, I understood that the Senator

from Vermont [Mr. DILLINGHAM] had called up the conference report on the immigration bill.

The VICE-PRESIDENT. It has not yet been called up.

Mr. LODGE. Mr. President, then I will ask that the con-

ference report may be taken up.

The VICE-PRESIDENT. The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903.

Mr. BACON. Mr. President, at the time when I yielded the floor on yesterday I was calling the attention of the Senate to the ruling of the Secretary of Commerce and Labor on the importation of some immigrants by an agent or officer of the State of South Carolina. I will not at this time, at least, oc-cupy the attention of the Senate in rereading it. I simply desire, in order that I may resume intelligently, to briefly restate the facts of the case. That order grew out of the importation of immigrants by an agent or officer of the State of South Carolina, that officer or agent not having been furnished with the money necessary to carry on the work by the State, but the money having been supplied by certain associations of the State interested in the procurement of additional labor, not for any particular enterprise, but generally, which was greatly needed in the industries of the State. The point was raised that this agent of the State had violated the law against soliciting or bringing in of immigrants, in that he had not simply represented the State, but that he had represented individuals, not in the way of making any contract for labor, but in the way of solicitation-because there had been no contract made for labor-in the way of solicitation, and in the payment of the money necessary for the passage of those immigrants. The Secretary of Commerce and Labor ruled that that was not a violation of the law.

This brings us to the crucial point, I desire to say to the Senate, in the objection which I make to this bill proposed by the conference committee. It is not a factious objection, but it is one of the most material character, as I will endeavor to show to the Senate.

The Secretary of Commerce and Labor, after reciting the

facts and quoting the law on the subject of the solicitation of immigrants to come to this country and of furnishing them with the means to do so, said this:

It will not be questioned, after reading the foregoing provisions, that the actions of Commissioner Watson—

that was the name of the officer of the State-

as recited above, if performed by a private person, would fall squarely within the condemnation of the statutes.

In other words, if as a private person he had gone to Europe and used the funds which had been furnished to him for the purpose of soliciting immigrants to come to this country and had paid their passage, he would have fallen under the demnation of the law and been liable to the penalty which is prescribed in the law. But the Secretary goes on to say:

Commissioner Watson was not acting in his private capacity, how-ever, but as the representative of the State of South Carolina.

Then in the argument that follows he discusses the question whether or not that is a violation of the law, or whether the agent was within his rights, or rather the rights of the State as the representative of that State. The Secretary comes to the conclusion, and so rules, that it is in order for a State to appoint an officer to go to Europe for the purpose of setting out the advantages to immigrants in coming to that State, and that, in the expenditures which he incurred in so doing and in the furnishing to the immigrants of the moneys necessary to bring them to this country, he is not limited to the money which may be given to him by the State, but that it is legitimate for him to re-

ceive that money from private associations.

Mr. President, that was a most important ruling and one which opened the door to the people of the South to procure immigration, which it is otherwise impossible for them to secure.

The people of the North need no such assistance. There is a great tide of immigration coming to them without any such assistance. There were over a million immigrants in the past year who came; while there were not enough of them who came to the South to be counted. So that it is a question whether or not the South shall stand by and see its industries languish, and many of them perish, for the lack of labor, when the North and Northwest have a tide of immigration which they are utilizing, and which is bringing to them great wealth; or whether the South shall use the small opportunity, which the present existing law gives them, to supply themselves, even in some moderate degree, with this essential element in the prosecution of their

We are not asking, Mr. President, that the law be changed; we are not asking that we may be given additional opportunities; we are simply asking that the law shall stand as it is

to-day.

Mr. TILLMAN. On that particular point.

Mr. BACON. On that particular point.
But as to this issue, as to this particular report of the conference committee, we are not asking for a single additional provision of law. We are simply asking that the law may remain as In many of its features it is extremely prejudicial to us; in many of its features it operates onerously against the South; while it does not operate against the North, because the North can get along without it. And as Senators from that section are unfriendly in their feelings toward the coming in of these immigrants, if we have this opportunity under the present law it may divert from them some of the immigration to which they now so seriously object. But the effect of this provision, as I shall endeavor to show, is to shut that door, so that there will be no diversion in future from the North to the South of this tide of immigration, some of which we want so far as it embraces a desirable element, and a great deal of which the North wishes to get rid of.

Mr. President, when this ruling was made-when the South realized this opportunity, movements were inaugurated in all of the Southern States where this great dearth of labor prevails, where this great injury is threatening to the industries of the South by reason of the insufficiency of labor, movements were inaugurated for the purpose of pursuing the same plan which had been pursued by the State of South Carolina, not for the purpose of importing contract labor-because there is no contract labor in the method pursued-but for the purpose of having presented to the best class of people in Europe desiring to emigrate from those countries the advantages of the Southern States, the opportunities that are there presented for labor to be employed, and the rewards which can be expected if they do come there and undertake to labor.

The newspaper press of the country took it up; communities took it up; conventions were called and conventions met; associations were formed, and, as I stated on yesterday, in my own State there is to meet next week in the town in which I live a large convention of the representatives of the business interests of the State, men engaged in various enterprises cotton milling, the lumber industry, mining, agriculture, and all branches and kinds of industry to be represented—with a view to organizing a movement which will enable them to pursue the exact plan which the State of South Carolina has pursued, and under which she has already received some benefit, and under which, if not interfered with, she will receive a great deal more.

Now, there is the situation. I say that this bill, if enacted by the adoption of the conference report, absolutely destroys the opportunity to successfully carry on any movement of that kind.

Mr. President, in order that it may be seen that I am not here exploiting my own individual views, I am going to read to the Senate, in the utmost good faith, some editorials which have appeared in the newspapers of Georgia on this particular subject. I read, first, from the Atlanta Journal, certainly one of the most influential newspapers in the State, and one of the most representative newspapers in the State. I read from an editorial in that paper of December 23, 1906, soon after this order had been announced from the Department of Commerce and Labor.

[Atlanta Journal, December 23, 1906.]

IMPORTANCE OF EMMIGRATION TO SOUTHERN INTERESTS

The Southern States have reached a point in their industrial progress where the work necessary, even for present conditions, without reference to any general advance, can not be done by the present force of workers.

workers.

The rise in wages on account of the indolence of the negro population.

The rise in wages on account of the indolence of the negro population added to the scarcity of labor. A negro hand can now make workers.

The rise in wages on account of the indolence of the negro population has really added to the scarcity of labor. A negro hand can now make enough in two days to support himself during the whole week. It is true that some will work the whole week and lay up a little money for a rainy day, but a majority of them will work the two days and loaf the other five. Thus it takes more hands to do a certain amount of labor on the streets or the raliroads and a greater number is drained from the farms. The comparatively high price of cotton has rendered it more important than ever before to have a full force of field hands. So the tenants who once left the farms for the cotton mills find extra inducements now offered them to return to the farm. But this shifting about of the labor supply from one point to another does not really relieve the situation. In the meantime every employer of labor, from the housekeeper to the cotton-mill president, is hampered by the fact that there are not enough laborers to go round and that there is more profitable work to be done than can be accomplished with the present force of workers.

Edward Atkinson prophesied twenty years ago that the growth of the southern cotton-mill industry would reach its limit because of the exhaustion of the labor supply. The supply seems already exhausted.

Then, omitting some part of the article where figures are

Then, omitting some part of the article where figures are given, which it is not necessary to read, although it is open to anyone who desires to look at it, the article proceeds:

But the South needs more folks—folks for the farm, folks for the factory. Wealth is produced by labor, and a shortage in the labor supply means a restriction of a country's wealth.

I hope Senators will listen to this language:

I hope Senators will listen to this language:

And the only alternative left us for the South is for the States, through their legally appointed agents, working in harmony with each other, to send to the Old World states for immigrants. The Bureau of Labor and Commerce, by its recent rulings, has just shown the way in which this may be done without any violation of the alien contract law. The Southern Industrial Association, of which Governor Heyward, of South Carolina, is the president, is an organization formed after a series of conferences on immigration, and is worthy of the active support of the employers of the South, to say nothing of patriotic Southerners everywhere. The South can offer to the European workmen far better conditions of employment than he can obtain at home, and there is no reason why the best immigrants should not be turned southward, where there is an instant demand for their labor, instead of merely adding to the congestion of a port like New York.

Of course the South wants desirable immigrants. She would prefer not to have the Latin elements, which in Cuba, Central and South America have gotten upon such free and easy terms with the negro population as to effect a perfect social equality. But from Great Britain, from the Scandinavian Peninsula, from Denmark, Holland, and Belgium, from Germany and Switzerland the South could receive a large increase of population of peoples near akin to her own by blood, and capable of full assimilation into her own life. There is no question of the immediate future more important to southern interests than the question how to obtain this worthy class of immigrants, able and willing to work, will help in the solution of the negro problem.

That is an important matter; but I will not interrupt the mediate for expreent

That is an important matter; but I will not interrupt the reading for comment.

reading for comment.

The man who is willing to work only two days in a week will find his job taken by another. The negro congestion in the cities may thus be removed and the negro forced back to the soil. There he is happiest and most useful. The stress of competition will rapidly eliminate from the South those who are unwilling to work, while the whole race will be brought face to face with the question of doing regular and faithful service or of starving to death.

As has been intimated also, the importation of adult immigrants will help to solve the child-labor problem, more acute in the South than in any other part of the nation, because there will be adult laborers to take the place of the children, and all enlightened employers agree that child labor itself is an economic error where there is a sufficiency of adult labor for the work to be done.

By all means let us have every encouragement from our State officials, our business men, and from the press for this immigration movement from Europe directly to the Southern States.

Mr. President. I will now read another editorial from the

Mr. President, I will now read another editorial from the same newspaper, written a few days after the article which I

have just read. This is from the Atlanta Journal of December 26, 1906:

SOUTH CAROLINA'S IMMIGRATION DEPARTMENT.

SOUTH CAROLINA'S IMMIGRATION DEPARTMENT.

In the double system of citizenship by which Americans owe duty both to the State and to the nation it is sometimes difficult to determine when State laws may run counter to national laws dealing with the same subject. It is an advantage to the citizens of any State to know just where the limits of the national law may lie. South Carolina has recently had, as we have noted, a test case of no small importance, affecting the course of immigration into the Southern States. That matter is of such universal interest to the agricultural and business life of Georgia that we publish elsewhere the South Carolina law on this subject.

inha has recently had, as we have noted, a test case of no shall importance, affecting the course of immigration into the Southern States. That matter is of such universal interest to the agricultural and business life of Georgia that we publish elsewhere the South Carolina law on this subject.

And we call special attention to section 8 of the act, which reads: "That the commissioner be empowered to make such arrangements with oceanic and river steamship companies and immigration agencies in this country and abroad as may best serve the interests of successful immigration, the necessary expenditures being made within the annual appropriation for the general expenses of this department: Provided, however, Nothing herein shall forbid the commissioner, acting without fee, as the agent of such citizens of the State who through the department wish to meet excess expenses of bringing desirable immigrants to their farm or other lands. That in the discharge of these duties the commissioner, or such persons as he may select, is empowered to visit such immigration centers whenever necessary to produce the best results."

As we understand it, this was the provision of the South Carolina law which was considered questionable by the Department at Washington. But Secretary Straus decided that it was no breach of the alien contract law for private individuals to contribute to the State department of their means for extra expenses in inducing immigration. The department has been provided by the sovereign State, its salaried officials are paid by the State, and it is pronounced lawful for the interested citizens of that State to contribute of their means to the general expenses of their State department.

This should move all objections to the adequate support of such a department in Georgia. We note that the Mississippi Immigration. League is moving now for the creation of such a department by the Mississippi legislature. In the experience of the South Carolina officials the word "department" conveys an idea of authority to t

Mr. President, there is still another editorial from the same paper, of December 30, which I will insert in full, but which I will not take the time of the Senate to read, except the conclud-

The needs of Georgia-

Advocating the adoption of the South Carolina plan-

The needs of Georgia in this particular line are too obvious and too generally appreciated to require further discussion. The State authorities and immigration association are proceeding in a very practical manner; one which promises results, and should have general support.

[Atlanta Journal, December 30, 1906.]

IMMIGRATION FOR GEORGIA.

[Atlanta Journal, December 30, 1906.]

IMMIGRATION FOR GEORGIA.

The Georgia Immigration Association, at its recent meeting in the chamber of commerce, tendered its service to the governor and the commissioner of immigration, offering to help the State authorities in any manner possible in the work of securing desirable immigrants for Georgia. The decision of Secretary Straus, of the Department of Commerce and Labor, with regard to the South Carolina case, demonstrates conclusively that Georgia can proceed with the work without violating the law, and there is no possible barrier to an active and persistent campaign. Experience has demonstrated that if the Southern States are to get the sort of immigrants they want they can not depend upon the employment bureaus of the eastern cities for them, but must send their agents direct to Europe and pick them out.

There are desirable immigrants and undesirable ones. Georgia emphatically does not want some of the types that have entered the North during the last few decades; she wants people who are capable of taking on American citizenship, and entering into the spirit of our institutions in the shortest possible time. Commissioner Hudson stated at the recent meeting that his efforts would be directed especially to England, Ireland, Scotland, Germany, Sweden, and Norway; and the choice was a wise one. As the Journal has frequently remarked during the past three or four years, the experience of the West and Northwest, with their citizens of Teutonic, Scandinavian, and Celtic origin, has always been of the best. The Swedes, Irish, Germans, English, etc., become Americans very quickly; they are racially akin to us. It was Teutonic, Celtic or Gaelic, and Scandinavian blood, mixed together, that made the English people; and this same mixture is going on again in various parts of the West, Middle West, and Northwest. Not to condemn any European people by wholesale—which would be a very ridiculous procedure—it is nevertheless true that the experience of the North has been, wit

ties and immigration association are proceeding in a very practical manner; one which promises results, and should have general support.

I also read the following editorials from the Atlanta Constitution and the Atlanta Georgian, each of them also leading, influential, and representative journals.

From Atlanta Constitution, December 29, 1906:

A DANGEROUS ANTI-IMMIGRATION MEASURE.

A DANGEROUS ANTI-IMMIGRATION MEASURE.

The whole South, if not the entire country, should enter an emphatic and a determined protest against the Lodge-Gardner immigration restriction bill, now pending before the conference committee of both Houses of Congress, which seeks to put still more stringent regulations upon the foreign immigration into the United States.

Here is a measure on the threshold of passage by Congress the effect of which will be almost to throttle the efforts which are now being made to build up the South, agriculturally and industrially, by securing a desirable class of immigrants from the countries of the Old World.

This measure proposes, among other things, to increase the head tax from \$2 to \$5; to require that an immigrant shall be able to read as a prerequisite to admission; to lengthen to three years the period within which an immigrant may be deported, and to demand that the head of a family of immigrants shall have in his possession at least \$25.

Instead of increasing the restrictions in the manner here set forth, thereby putting further difficulties in the way of securing a desirable class of immigrants, it should be the duty of the Government to modify some of those stringent features of the law which are even now seriously interfering with the work of the States in seeking to build up their capital in brawn and muscle.

There are several features of the present law which need trimming badly, among them the contract-labor section in so far as it interferes with the rights of States to secure immigration in the manner which seems to them conducive to their best interests. In binding the States, this contract-labor section seems to us an unwarranted interference with their rights.

What we want and must have to assist in the development of the South and its emancipation from a deplorable labor stringency is a

with their rights.

What we want and must have to assist in the development of the South and its emancipation from a deplorable labor stringency is a still more liberal immigration law, with liberal interpretation, not restrictions which will still further hamper us in working toward the goal of our legitimate desires.

It behooves the Georgia Immigration Association and like organizations in other States to get back of their Representatives in Congress and urge that every possible effort be made to bring about the defeat of the Lodge-Gardner restriction bill.

From Atlanta Georgian, December 12, 1906:

NEW LABORERS FOR THE SOUTH.

From Atlanta Georgian, December 12, 1906:

NEW LABORERS FOR THE SOUTH.

Like the race problem in these Southern States, the question of foreign immigration is ever with us and demanding the attention of thoughtful persons everywhere. Every line written upon the subject, every theory advanced for public discussion, is eagerly seized upon for what it is worth in throwing light upon this perplexing theme of "where must laborers be secured to meet the demands of a rapidly growing South?"

There is a close connection between foreign immigration and the negro question, inasmuch as the negro does not hold the place in the heart of the South be once did. His growing indifference and indolence wherein labor is concerned, either in our cities or upon our farms, has formed a breach between the races which seems to widen with every succeeding year, and forces him more and more into the background to make room for the more industrious and worthier class of laborers as are bound in the ever-increasing stream of immigrants from different parts of Europe. These new nephews of Uncle Sam, who were admitted during the past twelve months, number more than a million. The presence of this vast army of people in the United States is scarcely felt in the South where they are so badly needed, because these immigrants, being for the most part day laborers, do not take kindly to agriculture, as did a great many of them several years ago who, being ambitious to become farm owners, settled upon some of our cheap lands and rapidly became Americanized. They now seem disposed to crowd into the cities and mining districts instead of into the cotton fields of the South to fill the vacancies left by the negroes who have swarmed into our large cities.

The State of New York gets more immigrants than any other; Pennsylvala comes aext on the list, because of its large number of coal mines. The large number of immigrants coming to this country every year is made up of such a motley collection of people that a distinction must necessarily be made in

locating in the most advantageous manner, both to themselves and to their employers.

It has been suggested by the commission of immigration that ports for the landing of these immigrants be established at New Orleans and Galveston. The idea is an extremely sensible and timely one, and is worthy of serious consideration by those who would turn the tide of immigration toward these Southern States to aid in their industrial growth and development.

Much has already been written and sald upon the subject of importing foreigners into this country, especially the southern section, for filling the places of labor made vacant by the withdrawal of the negro from the field, but any wise suggestion offered with a view to shedding some more light upon this labor problem, and perhaps bringing about its happy solution, will doubtless be halled with delight by those having the South's best interests and its industrial growth and development most at heart.

Mr. President, I have also editorials on the same line, although I have them not on my desk, editorials from the Savannah and Macon and Columbus and Augusta newspapers, all of them on the same line, urging that the State of Georgia take advantage of the opportunity furnished by the ruling of the Secretary of Commerce and Labor to inaugurate a movement similar to that which was inaugurated in South Carolina, not for the purpose of procuring contract labor, but for the purpose of showing to the countries from which desirable immigrants can be obtained the advantages of immigration, and furnishing them the means to immigrate to that State, with full liberty when they get there to take such employment as they see fit.

Mr. LODGE. I do not want to-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I yield with pleasure.

I do not desire to break in on the Senator. thought he was reading articles from newspapers. If he would allow me, I should like to say a few words in regard to the clause to which, I understand, he objects.

Mr. BACON. Yes; I yield to the Senator from Massachu-

setts with pleasure.

Mr. LODGE. Mr. President, I was greatly astonished when opposition was developed to the particular part of the conference report as to which it was manifested yesterday. I think I may say that no one of the conferees would have imagined for a moment that that portion of the report could be assailed. Not one word was said in conference, according to my recollection, as to the South Carolina case or the ruling of the Secretary of Commerce of Labor thereon. If any allusion was made, it escaped me. I remember no allusion to it. There was not the slightest intention on the part of the conferees of modifying in any way the clause which gives power to a State to take steps to induce immigration. There was no intention on the part of the conferees of limiting the power of the State. If those clauses which relate to contract labor have been strengthened, it was without any reference whatever to the State or to the case which has arisen in South Carolina. was owing to the unanimous opinion of the conferees that those laws should be maintained in a state of efficiency

The particular clause to which I understand the Senator from Georgia objects-I confess I do not very well see the force of his objection—was a House provision, and the Senate conferees, seeing no objection to it, but much to commend it, receded and allowed its insertion. It is a clause, however, to which we understood the House conferees attached great importance, and I think it would be extremely difficult to induce them to recede, particularly after the construction which has been placed upon it; and that, Mr. President, is the matter to which I wish

to address myself now.

As I have said, it was a complete surprise to me that any opposition should have been raised which involved the integrity of the contract-labor laws. The contract-labor laws antedate the immigration laws. They proceed on a wholly different basis. The purpose of the contract-labor laws from the beginning has been to defend the workingmen of the United States from a competition that no workingmen could possibly stand. If it were possible for great corporations, either in manufactures or in railroads, to go across the water to any country in the world, save China, and there make contracts to bring in labor at the prices assented to in a foreign country, and further than that, to bring in labor which was made responsible in its wages for the price of its passage to this country, would be utterly out of the question to think that the standard of American wages or the standard of living of American workingmen could be maintained, for as fast as the laborers induced in this method to come to this country became accustomed to American standards and desired to achieve American wages and American forms of living, they would be confronted by fresh bodies of contract laborers brought in under rates of wages far lower than ours by contracts made in countries where the wages and standards are alike lower than

Mr. BACON. Mr. President-Mr. LODGE. I am speaking I am speaking now of the general laws, if the

Senator will be kind enough to let me have the floor.

Mr. BACON. I desire to say that I did not understand, when the Senator from Massachusetts asked me to yield to him, that he was going to make a speech on the subject of this bill. I yielded for a statement,
Mr. LODGE. I told the Senator I did not want to ask a

question. I said if he could read those articles from the newspapers just as well at some other time-

Mr. BACON. No.

Mr. LODGE. I should be much obliged if he would let me have the floor.

Mr. BACON. As the Senator puts it on that ground, I must decline to yield. If he puts it on the ground that I can read the articles from the newspapers at some other time, I must decline to yield. I was reading them for legitimate pur-

Mr. LODGE. I did not question the Senator's purpose. Mr. BACON. And if he had listened he would have so

recognized. There is no disposition to be disobliging in any particular, but I did not know when the Senator asked me to yield to him that he designed to enter upon a general discussion of the question.

Mr. LODGE. I asked the Senator to allow me to make a statement in regard to the clause in the bill which he was discussing, and he said he would.

Mr. BACON. Yes

Mr. LODGE. If he chooses now to withdraw that permission

He is entirely welcome to do so. I can make Mr. LODGE. my remarks at some other time. I do not wonder that the speech disturbs the Senator from Georgia.

Mr. BACON. I do not think the Senator from Massachusetts has any cause for feeling in the matter. I spoke to him in terms of the utmost courtesy.

Mr. LODGE. When a courtesy is extended, it is not usual to withdraw it; that is all.

Mr. BACON. I do not propose to withdraw it if the Senator is going to confine himself to what he said—a statement. no objection to that, but I judged from the way in which the Senator was proceeding that he intended to go into a general

Pardon me a moment. If the Senator desires Mr. BACON. to confine himself to that which he has already again stated. I certainly shall not have the slightest disposition to interfere.

Mr. LODGE. The Senator either yielded me the floor very courteously to make my statement or he did not. He did not yield to me to make a statement in his way.

Mr. BACON. As the Senator puts it upon the ground of courtesy, I will yield the floor to him for just as long a time as he wishes to occupy it.

Mr. LODGE. I am very much indebted to the Senator from Georgia. I understood that was the ground upon which he first yielded the floor.

I did not understand when I yielded that the Mr. BACON. Senator desired the floor for any great length of time; but if he puts it upon the ground of courtesy I will yield fully to him.

Mr. LODGE. I will yield to the Senator from Georgia. I can get in at some other time. The Senator is certain to stop

sometime, and then I can get in.

Mr. BACON. Possibly; and I will say to the Senator that I will stop whenever I get through with a legitimate discussion of the question. There is going to be on my part no perfunctory speech for the consumption of time.

Mr. LODGE. Mr. BACON. A legitimate discussion must stop sometime. I can appeal to what I have already stated in substantiation of the statement that it shall be a legitimate discussion, and I think I was engaged in a legitimate discussion when I yielded to the Senator. I have great pleasure in yielding to him now.

Mr. LODGE. I do not question the legitimacy of the Senator's discussion, but I think even a legitimate discussion must

have an end.

Mr. President, my statement, if it had not been interrupted, would have been nearly concluded. I was speaking about the basis of our contract-labor laws and the vast importance which they are to the workingmen of this country. They are, to my mind, of the utmost importance, and I know how much importance the men engaged in the industries in my State attach

Now, what has happened is this: The State of South Carolina appointed an agent to promote immigration to that State, as it had an unquestioned right to do. But they gave him only \$2,000 a year and his expenses, and the manufacturers of the State contributed \$30,000 to enable him to bring laborers and operatives to that State. With that money he went abroad and established agencies. With that money he made arrangements to bring laborers. He has brought 500 and there are 500 more on the water. There is a contract made as to the payment of on the water. There is a contract made as to the payment of their passage, and the money is paid back from their wages,

If that system is to be extended, there is not a State in the

Union which could not under the guise of a State agent allow its corporations, railroad and manufacturing, to introduce any amount of contract labor they chose to bring. The trouble is not in having a State appropriate money to promote immigration to the State. The trouble is in having the money furnished by the capitalists behind, and if you draw over them the thin veil of a State agency, it does not alter the thing in the least. It is contract labor, and if one State appoints an agent of that kind there is nothing to prevent employers, through that agency, bringing any amount of contract labor into the whole country.

have not the least doubt that there are plenty of States in the Union where if they could get a State agent appointed, the manufacturers and the constructors of public works and the great contractors and the railroads would be willing to put up hundreds of thousands of dollars to supply themselves with the cheapest labor the world affords. That is the danger which is to be apprehended in the application of the South Carolina arrangement, that we are to have contract labor in the name of

Mr. President, this is the issue which has been raised. There is no attempt in this bill to interfere with the powers of the There is no attempt to upset the decision of the Secretary of Commerce and Labor. The decision was never even mentioned in conference. The Senator from Georgia has raised here the direct question of contract labor. It is nothing in the world but contract labor brought in by the State agent, paid for by manufacturers, paid for by the employers of labor. It makes an issue which I am very sorry to see raised, but I represent a great industrial State, where there are 500,000 people engaged in the manufacturing industries, and I know there is nothing that they have so much at heart as this question of contract labor. It is not a question of immigrants
Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. Certainly. Mr. HOPKINS. I am not as familiar as I ought to be, perhaps, with the facts connected with the South Carolina case, which has just been cited by the Senator from Massachusetts. I do not know whether the Government has taken any action in the premises. I should like to know from the Senator from Massachusetts if under that state of facts and under existing law those immigrants could not be kept from landing?

Mr. LODGE. The case was raised in the Department of abor. The case submitted to the Solicitor of the Department or the assistant attorney of the Department was whether Mr. Watson was violating the contract-labor law in what he did in Europe and bringing men over here on paid tickets and with arrangements for refunding their passage money out of their wages, and Mr. Earle held that he was not. I think the best I think the best that can be said for it is that it is a very close decision. I think the question could have been put in a way which would have made a very different decision inevitable.

Mr. HOPKINS. If the present law is not sufficient to bar

any such action, I think there ought to be an amendment to the

existing law.

Mr. President, as I was saying, the question Mr. LODGE. has been raised here and it has been put in such a shape that we are asked to reject this report on the plain ground that it is believed to strengthen the contract-labor laws. I do not know how it may be with other Senators representing great industrial States-and there are many of them here-but I can not myself assent, after the issue has been raised, to doing anything which will modify those great defensive laws. They do It is the not involve the question of immigration in the least. question of labor and whether labor can be brought in under a contract, direct or indirect, in the form of paid passages or in any other form. I dislike yery much to have such a question raised, raised as I think needlessly, about this bill. We did not interfere in any way with the rights, the legitimate rights, We were careful to preserve that clause intact.

Mr. President, the whole of this great legislation is endangered now because Senators think they find something in it which may interfere with manufacturers bringing imported laborers to this country under the guise of a State agency. Senator from Georgia says that that clause discriminates against the South. Mr. President, it applies to every State in the Union, North and South. It discriminates against those States which would not allow the employment of a State agent to bring out labor paid for by the manufacturers. Those are the States against which it discriminates. There is, as I said, a great population in my State, intelligent workingmen, enrightly, as I think, that more important to them than anything else is to put it beyond the power of capital to bring into this country labor contracted for in a foreign country, either for a direct term of years or by means of a ticket, the cost of which is to be taken from their wages.

I am very sorry, Mr. President, that that issue has been raised. I think it has been needlessly raised. The committee, I repeat in closing, had no intention of limiting the proper powers of a State to induce immigration to come within its borders. Such improvements as were made in the contractlabor laws we thought in conference very slight. But it appears that we are thought to have strengthened the contract-If we have, I am glad of it, and representing such labor laws. a State as I do, I for one can not consent to any weakening of those great statutes.

Mr. HOPKINS. Before the Senator from Massachusetts takes his seat I desire to suggest to him that under the statement made regarding the condition in South Carolina, it seems to me that the so-called "State agent" instead of acting as a State agent is the agent of private corporations, great manufacturing industries, because, as I understand the statement of the Senator from Massachusetts, the money that is raised to pay the passage of these immigrants is not raised by taxation from the great body of the people, but is furnished by certain great manufacturing interests or certain private interests.

It seems to me that under those conditions the State agent would be liable to indictment under the laws of Congress for violating the contract-labor law, and that he can not, under the guise of his official commission from the State of South Carolina, select immigrants from various countries in Europe and bring them to this country under an arrangement by which they are to repay their passage. The only way it seems to me that the State of South Carolina could bring immigrants there to increase her population would be by raising money by general taxation, if it can be done under the constitution and laws of that State, and a fund set aside for that purpose. It must be a donation to the people who are brought there, and it must be without any limitation or any conditions whatever. But when-ever the conditions are of the character described by the Senator from Massachusetts, it is clearly against the spirit if not the letter of the law, and the agent who indulges in that is, it seems to me, liable to indictment and certainly would be convicted under an indictment of that character.

Mr. BACON. Mr. President, as the Senator from Massachusetts has voluntarily yielded the floor, I presume I have fully discharged my debt of courtesy. If there is anything lacking

to complete it, I will be glad to add it.

At the time when the Senator from Massachusetts [Mr. Lodge] asked me to yield to him I was reading from the editorials of leading newspapers in Georgia, for the purpose of showing the importance which was attached by those representative news-papers to the ruling of the Secretary of Commerce and Labor sustaining the legitimacy of the action which has been taken thereunder by South Carolina, and the evident pleasure with which these representative newspapers recognized the opportunity to supply a great need in the State, a crying need in the State, for the best class of immigration from the countries of Europe with which the people of this country are most in sympathy and nearest in blood, and in the discussion of the matter showing the emphasis which had been given by these representative journals to the effect of the great need of this labor in the South, where, as was stated yesterday, there is such a dearth of labor that 20 per cent of the spindles of the South are idle because there are no hands to keep them in motion, and where a condition exists in which the scarcity of labor is not confined to cotton manufactory, but extends to all departments of labor, all departments of industry, on the farm, in the factory, in the lumbering districts, in the mining dis tricts, in the proper carrying on of the railroad industry, in the domestic necessities of the people. Through them all there is a most distressing condition of affairs which by reason of the peculiar conditions in the South can not be met in the ordinary course of the migration of peoples voluntarily.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. With great pleasure.

Mr. GALLINGER. As I recall the matter, on yesterday the Senator suggested that these laborers were brought from abroad by an organization, I think created, perhaps, by the legislature of the State of Georgia. Am I correct?

Mr. BACON. Will the Senator permit me to state the exact facts? The State of South Carolina is the one which inaugu-

gaged in the manufactures of Massachusetts. They read; they understand these questions; they vote; they know what is of importance to them and to their interests; and they believe, Department of Commerce and Labor. It consisted in the aprated the movement and which evoked this ruling from the pointment by the authority of a law of the State of an officer or agent—a commissioner, I think, his title is—who was given a salary. He was furnished with the money by private individuals or associations with which this immigration was secured. The Secretary of Commerce and Labor says in this ruling that if his action had been that of a private individual he would undoubtedly have been amenable to the law, but that as an officer of a State there was no violation of law. I think I have stated what the Senator desired to know.

Mr. GALLINGER. Yes. Mr. President, I wish to supplement that with another question. Has the commissioner the representative from these States that are suffering for the proper amount of labor directed their attention to the great northern cities where there is a congestion of immigrants, with

a view to encouraging them to go South?

Mr. BACON. I think they have; but it is very difficult to accomplish that for this reason—I am told that this is the reason: That the immigrants are largely brought over by the fact that they have friends and relatives who have preceded them, naturally go to the same place where they are found. In addition to this, they get among great colonies of their own people, speaking their own language, and it is very much more in harmony with their wishes and pleasure to remain with them than to go elsewhere. The effort has been made, and repeatedly made, but without any marked success. There are a few who here and there straggle into the Southern States, but the effort to procure then in any sufficient number to meet the demand is an utter failure.

Mr. GALLINGER. I make the suggestion for the reason that I have thought, without having studied the question very closely, that one of the great evils of immigration as it exists to-day is the fact that the immigrants mass themselves in great centers

of our industrial communities-

Mr. BACON. Exactly.
Mr. GALLINGER. And many of them, I should judge, do not find profitable employment. I confess that as I have heard this matter discussed I have great sympathy for the southern cities that are suffering for a proper supply of labor. I do not know that I can vote with the Senator on the question that is now before the Senate, but I shall be glad to cooperate in any way possible to relieve the South of what I think is a great hardship.

Mr. BACON. Now, Mr. President— Mr. TILLMAN. If the Senator from Georgia will permit me, I should like to say to the Senator from New Hampshire that the southern farmers are in a worse state than the southern manufacturers, and the demand is as much, indeed more, for agricultural laborers than it is for persons to go into factories.

Mr. GALLINGER. I had not special reference, I will say to the Senator from South Carolina, to the manufacturers of

the South. I have understood that there was a lack

Mr. TILLMAN. In both fields.

Mr. TILLMAN.
Mr. GALLINGER. All along the nne.
Mr. TILLMAN. All along and in both fields.
Mr. HOPKINS. I should like to ask the Senator from South
Alber on the farms is not a complaint that Carolina if lack of labor on the farms is not a complaint that is quite universal, not only on the farms in South Carolina, but in the West and wherever farming is carried on. It seems to me the complaint that is made in the South about lack of labor can be made in almost any section of our common country. Business has grown so great in all the various departments of commerce and trade that the employees are not sufficient in number to meet the demand. This is perhaps not the case to the degree that it is felt in South Carolina; but I know that in my own State farm labor is scarce. The wages are twice what they were twenty years ago. Labor is scarce in all the various other industries. In my own city there is a cotton mill where they employ five or six hundred hands, and the manager told me during the holiday recess when I was at home that there are more than 25 per cent of the spindles which are not being used because of lack of labor. He stated that that condition was quite general in the cotton trade.

Mr. BACON. Mr. President, I find it difficult to pursue a thread of argument by reason of not simply the fact of interruptions, but by reason of the fact that in the course of interruptions, the discourse of the fact that in the course of interruptions the discussion drifts far away from that in which I was immediately engaged upon the discussion of at the time.

Returning to—
Mr. DILLINGHAM. Before the Senator resumes his argument, will he allow a brief interruption?

Mr. BACON. Why, certainly.

Mr. DILLINGHAM. This question of sympathy for the South is one that has been affirmatively expressed by this body twice within the last ten days. The Committee on Immigra-

tion have reported favorably and the Senate has passed two distinct measures providing for the establishment of immigrant stations at New Orleans and at Galveston, and making appropriations out of the immigrant fund for the erection of buildings at those places. They have taken that action on the advice of the Bureau of Immigration, based upon this reason, that it will help to divert the stream of immigration coming to this country to those sections. In other words, it will help, as is suggested to me by the Senator from Maine [Mr. Hale], to divide the stream and send a portion of it where it seems to be so much needed.

Now, I beg to assure the Senator that the committee and the conferees are in full sympathy with all that he says about the needs of the South. They will be glad to cooperate in every possible way to divert a portion of the immigrants coming here to that section of the country, and I wish to repeat—

Mr. BACON. I hope the Senator will not accuse me of dis-

courtesy, as the Senator from Massachusetts did, but Mr. DILLINGHAM. No.

Really, I should like to go on with my remarks. Mr. DILLINGHAM. I will not occupy the Senator's time, but I wanted, before he took up his argument, he having been interrupted-

Mr. BACON. I am perfectly willing to be interrupted for a question, but for Senators to interrupt for the purpose of making distinct speeches upon the question is certainly unjust to me.

Mr. DILLINGHAM. No; I will not do that. I wanted to say in behalf of the conferees what has already been said by the Senator from Massachusetts, that this question was not considered by the conferees—that is to say, it did not suggest itself to them that the amendment of which the Senator from Georgia complains could operate as he thinks it may. Now, I

Mr. BACON. Does not the Senator think he ought to let me

discuss that question before he replies to my argument?

Mr. DILLINGHAM. Yes; I would be very glad to do so.

Mr. BACON. I have not had the opportunity.

Mr. DILLINGHAM. I thought the Senator had discussed it.

Mr. BACON. No; I have not. I have been trying all the morning to get to it, but each time Senators desire to anticipate me and answer in advance.

Mr. DILLINGHAM. If the Senator prefers to complete his

argument, I will not interrupt him further.

Mr. BACON. No; I wish the Senator would complete what

he was on.

Mr. DILLINGHAM. No; in view of what the Senator has said, I will not continue my remarks. I supposed he had completed his argument upon that point. If not, I do not wish to interrupt him.

Mr. BACON. No; I had not completed it.

Mr. LATIMER. I want to ask the Senator if he will yield to me just a moment?

Mr. BACON. Will the Senator please excuse me? I have yielded to an extent that it is absolutely impossible for me to present this case as I desired. The VICE-PRESIDENT. The Senator from Georgia declines

to yield.

Mr. BACON. I take a liberty with my friend on this side of the Chamber that I have not taken with gentlemen on the other side. I hope the Senator will appreciate the fact that I do so because of the belief that he will recognize the propriety of it.

Mr. GALLINGER. If the Senator will permit me, I rise to

apologize.

Mr. BACON. I do not think any apology is needed from the Senator. He asked me a question and I replied to it.

Mr. GALLINGER. I was absent from the Chamber and I

did not know that the Senator had been interrupted before I

Mr. BACON. I do not object to that class of interruptions at all, but it is the opportunity which Senators undertake to make independent, substantive speeches, which certainly is not in accord with the usual custom and does not contribute much to the ease with which one presents his case.

Mr. LATIMER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I yield to the Senator. Mr. LATIMER. I want to apologize to the Senator and to say that my purpose was simply to get a little information from the chairman of the committee on a subject that I thought he was going to discuss.

Mr. BACON. I think if the Senator will let me proceed I may probably cover the ground that he wishes, but I will yield to

everybody who wishes it.

The VICE-PRESIDENT. The Senator from Georgia yields to the Senator from South Carolina.

Mr. LATIMER. I wish to ask the chairman of the committee if, in his judgment and in the judgment of the conferees, the bill has been changed so as to prevent a State, when the State has contributed the money through its legislature, from bringing immigrants to a State? It is the contention here, as I understand it, that under this provision an appropriation made by the legislature of a State can not be used by the State's agent to bring immigrants into the State.

Mr. DILLINGHAM. In reply to that inquiry I will say that I do not think it affects it at all. I do not see how it can be so construed. The point I was about to make when the Senator from Georgia objected was simply to call attention to the language that is complained of. The law itself is not changed. Among the excluded classes in the second section there is the following:

Any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes.

Now comes the amendment:

And that said ticket or passage was not paid for by any corpora-tion, association, society, municipality, or foreign government, either directly or indirectly.

In other words, that is a part of the proof, that it shall be shown affirmatively that his ticket or passage has not been paid for by any of these classes. That is the only change I know of in the law that applies to this subject, and that is confined to the evidence when the person applies for admission.

Mr. BACON. Now, Mr. President, if there is any other Senator who desires to submit any remarks before I go on, I will wait until he does so. [A pause.] I judge from the fact that nobody responds to the invitation that I may now proceed.

Mr. President, I will return to what I was endeavoring to say as to the attitude of the South in reference to this matter. will simply say, in answer to the very gracious words of the Senator from Vermont as to the sympathy of the South, that "Fine words butter no parsnips." All these assurances are very gratifying, but we prefer to have something that is practical in its nature and not limited to words. As I shall show before I get through, if I am permitted to do so, there is a practical injustice of the grossest kind about to be perpetrated. I would need no higher evidence of it than what has been said by the Senator from Massachusetts. The Senator from Massachusetts evidently does not understand this proposed law as the Senator from Vermont does. The Senator from Massachusetts evidently understands that it is to break up the opportunity for immigration that is presented under the present law under the ruling of the Department of Commerce and Labor. What else can be construed as to the meaning of what he has said but that? There can be no doubt about it.

As I was saying, Mr. President, I have read these newspaper extracts for the double purpose of showing the great need that we should be allowed to proceed under the present law as the State of South Carolina has proceeded; that in the expression of that great need and in its recognition in its expression through these newspaper utterances there was also the advocacy of the continued movement in that line and the congratulation that the opportunity was presented, and that all over the South there was a feeling of hope that there was a future for us, that the door had been opened where we could legitimately secure the labor which is necessary to keep our industries from languishing, when that labor is needed in every department of industry in not simply one State, but in eight or ten States.

Now, the question is, does this proposed legislation shut that door of hope? Does this proposed legislation close that opportunity? I say it does, and I shall try to show it if I can. What Senator from New Hampshire [Mr. Gallinger] says illustrates what I remarked yesterday. The Senator from New Hampshire says that while he recognizes this great need and sympathizes with it, he does not know that he can vote with me to protect the South against this great injustice and this great wrong. Why? Because it has been brought in here in connection with another matter, which is to control his action, and something that he would not do if left to itself, he and other Senators will do, because however unjust it may be to the South, and however much injury it may inflict on the South, they are to reconcile themselves to the action on the ground that they are to accomplish something else which they conceive to be of more pressing and paramount importance. Am I not correct in that statement?

Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. The hour of 2 o'clock having ar-

rived, the Chair lays before the Senate the unfinished business,

which will be stated by the Secretary.

The Secretary. Table Calendar 26, Senate resolution 214, Mr. CARTER.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection it is so ordered. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON.

I do, with pleasure. ER. The Senator correctly states the question. Mr. GALLINGER. It is an embarrassing situation. If this was a matter separate and independent of itself, I should certainly feel differently about it from what I do at present.

Certainly; undoubtedly.

Mr. GALLINGER. It is a complicated and disagreeable situation that we are in, I think, so far as the contention of the Senator is concerned.

Mr. BACON. Certainly; we realize that the Senator speaks with the utmost candor in that particular. I believe it is true of other Senators. We all recognize the importance of the matter on the Pacific coast, a matter somewhat international in its importance, and a matter of great local importance to that people. I am in absolute sympathy with it myself. I am ready to do anything I can for the purpose of accomplishing that. But my complaint is that it is not necessary to do this wrong to us in order to accomplish that. There is no division of sentiment here as to what shall be done on the Pacific coast. is no reluctance on the part of any of us to do what is necessary to relieve the present situation of its tension.

As I said on yesterday, this thing could be separated. resolution could be taken up even at this late hour of the day and passed through this body which would accomplish every-thing in regard to the matter which is sought to be accomplished by this conference report. There is no difficulty about it in the world. It would have the unanimous vote of the Senate. Then, if this is an injustice, why should that be used as a cause for it, and as an opportunity for it, and as a means for it?

I do not believe, Mr. President, that this legislation could get through this body if left to itself. I believe there are other Senators who, like the Senator from New Hampshire, realize the injustice about to be done, and would not consent to it under any pressure whatever, or to please any particular man or any particular section.

Now, I want to come to the question whether or not it does it; because if I am mistaken about it, all right. I want to see whether I am right or not, and I ask the candid consideration of Senators to what I am about to submit to them.

Under the South Carolina plan, as we will call it, it has been ruled by the Department that it is competent for a State to appoint a commissioner on immigration, who shall set forth, by advertisement and circulars, or in any other way, or on personal solicitation, or through the agency of others, as was done in this case, in different cities, the advantages to immigrants who might be induced to go to the State of South Carolina—the climate, the soil, the character of the productions, the character of the people, the character of the industries, the wages to be paid, the demand for labor—that that is all legitimate for him to do, and that he may solicit them and try to persuade them to go in the light of such inducements to the State of South Carolina, not under contract labor, as I shall endeavor to show; and, further, that it is perfectly legitimate for that commissioner not simply to use State funds, as asked by the junior Senator from South Carolina [Mr. LATIMER], but to use funds which may be furnished to him by an association of individuals who may be impressed with the importance to the industries of a State to have immigrants come to it; and that when he does so, it being legitimate, there can be no interference with the coming in of those immigrants. That is the ruling, and that is the situation,

Now, you will mark that there are two questions which can be presented. One is whether a commissioner in so doing would be a violator of law and could be proceeded against. That was the question which was raised upon which this ruling of the Department was made, as to whether or not he had violated the law, and further as to whether the persons who came in could be deported.

Another question, however, could have been raised before that by a commissioner or representative of the Government as to the right of these people to land.

Mr. President, this bill is a most adroit attempt to absolutely nullify the law as it now exists, so far as it gives opportunity for any other importation of immigrants in the manner pursued by the State of South Carolina. It matters not if the commissioner has not violated the law, it matters not that he can not be proceeded against, if it be true that the immigrant can be met at the wharf and told, "You shall not land." Then the law is as perfectly null and void as if it were said that the commissioner had no right to go abroad and solicit immigrants to come in. Is there any possible issue which can be made upon the correctness of that proposition? I say that this proposed law seeks to nullify that provision of the existing law in exactly that way, by prohibiting the immigrant from landing, and I say it is most adroitly inserted in this bill. Now, let me read it. I will read the law as it stands and the provision that has been ingrafted upon it at page 18. law as it stands now, section 2 of the present law, excludes:

Any person whose ticket or passage is paid for with the money of nother, or who is assisted by others to come, unless it is affirmatively nd satisfactorily shown that such person does not belong to one of the foregoing excluded classes.

You will mark that that is the law, that if a person has been aided by his ticket or passage having been paid or having been assisted in any way to come he is not necessarily excluded by that fact, but he is excluded by that fact unless he can show that he does not belong to one of the foregoing excluded classes. The foregoing excluded classes are idiots, imbeciles, feebleminded persons, and persons brought in for immoral purposes, and otherwise.

I ask Senators to keep carefully in mind that as the law now stands, even though a party has a ticket or a passage paid for, or even though he has been assisted to come, he is entitled to come in if he can show that he does not belong to one of the excluded classes. Now the language sought to be added to that which has the effect which I say it has is the following:

That said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly.

That could have been put in as an independent sentence, and it has the same effect as if it had been in as an independent sentence. The courts would necessarily so construe it. It is a very awkward sentence as it is, taken as a whole, but there is no possible escape from the construction that if a person has had a ticket or passage paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly, it matters not whether he is within the excluded classes or not, he is excluded by the language in this proposed law.

Now, what is the effect of that? According to the South Carolina method the passage of the immigrant was paid for directly by an association, because the association furnished the commissioner with the money with which it was done. may look like a very small matter. It may be said, "Well, let the State furnish the money." In the first place, the States may look like a very small matter. It may be said, "Well, let the State furnish the money." In the first place, the States have not the money. All the State governments are supported in the South by direct taxation. The States are not wealthy; taxation is a great burden, and the people are jealous of every dollar that is imposed upon them. The States are not in a position to pay the money necessary to meet these expenses of the passage of the parties here.

Further than that-I do not know what other States it may be true of, but it is true of my State—under the constitution of the State no such money could be appropriated by the legislature, because the subjects for which the money can be appropriated by the legislature in my State are extremely limited and few in number. There is no prohibition against this particular kind of an appropriation except indirectly; in other words, the delegation of power is affirmative, not negative, in its terms, and they are limited to certain classes of subjects for which an appropriation such as this can be made.

As far as the State of Georgia is concerned, if I am correct in my construction of this language, it is to utterly nullify the present law so far as any practical work can be done under it.

Now, the best evidence I can give to the Senate that I am not mistaken as to that construction is twofold. In the first place, the Senate has heard this morning the Senator from Massachusetts, who is the great advocate of this provision, in which he argues as to the necessity of it that if the law can be construed as it has been construed by the Department of Justice, and other States can do what South Carolina has done, it would flood the country with an undesirable class of labor, evidently showing that the Senator from Massachusetts understands and intends that the construction of this law and the operation of this law shall be to utterly change the present law and nullify it so far as any proceeding can be had under it such as was had by South Carolina.

Mr. President, if that is done, the possibility of immigration is gone, and I want to say right here that the Senator from Massachusetts [Mr. Lodge] argues as to the evils of contract labor

The statement of the Secretary of Commerce and Labor is emphatic, and it is borne out by the statement which I have read from newspapers in the State of South Carolina, that there was no contract labor in the matter; that these immigrants were not engaged in a foreign country to take employment to come here and do certain work. That is what contract labor is, Contract labor is where one goes to a man and says to him: will pay you so much money to go, say, to South Carolina, for instance, and work for me in a cotton factory, or any other class of labor," and where the man agrees to it and comes over here under the obligation of the contract to perform certain There has been nothing of the kind done and nothing of the kind is desired to be done. Certainly nothing of the kind could be attempted under the present law. The sole purpose is to bring to the country a desirable class of immigrants, and then, when they land, to have them do just as they did in South Carolina—go where they please, take such employment as they desire, and be as entirely free as if they had not been brought across the ocean at all.

I will read here an extract which I have from the Washington Post of February 14, reciting a statement in regard to that matter, which they took from the Greenville News, of South Carolina, showing the character of that importation. The Post says, speaking of the newspaper, the Greenville News:

It asserts that the people of South Carolina did not have to bear the expense of bringing over the first or the second shipload of immigrants; that the cost of this movement, including the cost of the transportation of the first lot, did not fall upon the State, but that the money for this purpose was donated to South Carolina by certain corporations. The News further asserts that the greater portion of the first shipload went to the mills in the upcountry, but it avers they were not under contract and were at liberty to go wherever they pleased and engage in whatever kind of employment they desired, although they were selected with a view to their availability in cotton mills. Still, it appears that many of them went on farms and that some of them went out of the State.

State.

As to the second cargo, just arrived at Charleston, the News reports that they are from the farming classes and most of them will seek for employment on farms, while a small percentage of the number will invest in property and become landowners at once. The News thinks the State immigration department has accomplished a vast amount of good even in the face of great difficulties, and now that the hard part of the pioneer work has been accomplished the News says that the future work of the department should be much more extended and beneficial.

Mr. President, there is another matter that I forgot to refer to. I stated that the evidence of what was the proper construction of this proposed law was found, first, in what the Senator from Massachusetts had contended here to-day. There can not be any doubt about his language—none whatever. true that the Senator went further than the facts justified and endeavored to show that I had contended here for contract labor. The remarks I made yesterday will be in the RECORD, and the words "contract labor" do not appear in them except where the Senator from Massachusetts himself asked me a question and in replying to the suggestion contained in that question. I am not here contending for contract labor. I am simply contending for the opportunity of a State to attract to its borders the best class of people who will come there and be free people, to do what they please after they get there. A class of people who will be desirable in every particular, who will assimilate with our people, who will be, themselves and their children, valuable acquisitions, and will supply the great need of the present, to prevent our industries from languishing and absolutely becoming paralyzed.

Another evidence of it is this, Mr. President: I have submitted to Senators in charge of this conference report a simple proposition. I have stated to them that if they would add after the word "indirectly" the words I am about to read I should have no further objection to the report. The words which I want to induce them to introduce are these: "Unless so paid through the official or agent or representative of a That would put the thing beyond doubt. State."

Mr. SPOONER. On what page of the conference report does the Senator from Georgia propose the amendment?

Mr. BACON. I read, in response to the Senator's inquiry, the clause in the report as it would read if the words which I propose were added. It is found on page 18. The lines are not numbered, but they are near the middle of the page. After the word "classes" follows the matter in italics, which reads:

And that said ticket or passage was not paid for by any corpora-tion, association, society, municipality, or foreign government, either directly or indirectly.

To which I would add "unless so paid through the official or agent or representative of a State."

Mr. SPOONER. Do I understand the Senator to use the words "paid through?"
Mr. BACON. "Through or by." It would read, "unless

paid through or by the official or agent or representative of a and charges that this is giving opportunity for contract labor. State;" in other words, it would still be the law that no asso-